

**TORRES STRAIT TROPICAL ROCK LOBSTER  
WORKING GROUP (TRLWG) MEETING No.4**

**27<sup>th</sup> – 28<sup>th</sup> August, 2015**

**Thursday Island**

**IBIS Supermarket, Meeting Room, Douglas Street, Thursday Island**

**MEETING TIMES: Thursday 9:00am – 4:00pm; Friday 9:00am – 1:30pm**

## **AGENDA**

1. Preliminaries
  - 1.1. Preliminaries – Acknowledgement of Traditional Owners/Chairs Opening Remarks/Meeting attendance/Declaration of Interests/Apologies
  - 1.2. Review and Adoption of Agenda
  - 1.3. Ratification of Minutes from TRLWG Meeting No.3
  - 1.4. Action Items from TRLWG Meeting No.3
  - 1.5. Correspondence
2. Updates
  - 2.1. PZJA Forums
  - 2.2. Native Title update
3. The TRL Management Plan
  - 3.1. Purpose and scope (AFMA)
  - 3.2. Community consultations outcomes (AFMA)
4. Notional Total Allowable Catch for 2015/16 (CSIRO)
5. Revising the TRL Harvest Strategy (AFMA)
6. Australia and PNG bilateral meeting (cross endorsement) (AFMA)
7. Proposed 12 month Free Diving Open Season (AFMA)
8. Research and data
  - 8.1. Outcomes of the RAG (AFMA)
  - 8.2. TRL Research Priorities (AFMA)
  - 8.3. 2014/15 TRL Catch and Effort Update (AFMA)
9. Other business
10. Next Meeting

Individuals wishing to attend the meeting as an observer are required to contact the Chair, Andy Bodsworth: c/o TRLWG Executive Officer – Dean Pease ([dean.pease@afma.gov.au](mailto:dean.pease@afma.gov.au)).



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>27-28 August 2015</b>
<b>Opening Statements</b>	<b>Agenda Item No. 1.1</b> <b>FOR INFORMATION</b>

## **RECOMMENDATIONS**

That the Tropical Rock Lobster Working Group (TRLWG) **NOTES** the following:

1. Opening Prayer and Acknowledgement of Traditional Owners
2. Opening Remarks from TRLWG Chair Andy Bodsworth
3. Members Declaration of Interests
4. Apologies



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>27-28 August 2015</b>
<b>Review and Adoption of Agenda</b>	<b>Agenda Item No. 1.2</b> <b>FOR ADVICE</b>

## **RECOMMENDATIONS**

That the Tropical Rock Lobster Working Group (TRLWG) **NOTES** the TRLWG meeting agenda and provides **ADVICE** on any other items that should be included on the agenda.

## **KEY ISSUES**

To provide TRLWG Members with an opportunity to comment on the meeting agenda and include other items for discussion.



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting 27-28 August 2015</b>
<b>Preliminaries – Ratification of Minutes from TRLWG 3</b>	<b>Agenda Item No. 1.3 FOR ADVICE</b>

## **RECOMMENDATIONS**

That the Tropical Rock Lobster Working Group (TRLWG) ratifies the minutes of TRLWG Meeting 3.

## **KEY ISSUES**

Minutes from TRLWG were circulated to members on 19 August 2015 and are provided at **Attachment A**.







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**TORRES STRAIT TROPICAL ROCK LOBSTER  
WORKING GROUP (TRLWG)  
13-14 NOVEMBER, 2013**

PEARLS BUILDING, THURSDAY ISLAND, QLD

**MINUTES**

**CHAIR: MS ANNE CLARKE**

These are **DRAFT** minutes and should not be considered final until ratified at the next meeting of the TRLWG.

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



Queensland  
Government



TORRES STRAIT  
**PZJA**  
PROTECTED ZONE  
JOINT AUTHORITY





## FINAL AGENDA

### AGENDA

#### 1. Preliminaries

- 1.1. Preliminaries – Acknowledgement of Traditional Owners/Chairs Opening Remarks/Meeting attendance/Declaration of Interests/Apologies
- 1.2. Review and Adoption of Agenda
- 1.3. Correspondence (AFMA)
- 1.4. Ratification of Minutes from TRLWG Meeting No.2
- 1.5. Action Items from TRLWG Meeting No.2

#### 2. Updates

- 2.1. PZJA Forums:
  - TSSAC (AFMA)
- 2.2. Communication Strategy/Community Consultation (TSRA)

#### 3. The Management Plan

- 3.1. Updated Management Plan Development (AFMA)
- 3.2. Summation - Qld TRL Fishery Policy and Licencing (QDAFF)
- 3.3. Unresolved Issues from the Draft Management Plan (AFMA)

#### 4. Increasing Torres Strait Islander and Aboriginal Traditional Inhabitant Ownership (TSRA)

#### 5. Other business

- 5.1. Proposed Management Arrangements for 2014 (TSRA)
- 5.2. TIB Primary vessel tenders (AFMA)
- 5.3. TIB Primary ownership (AFMA)
- 5.4. 2013 TRL Catch and Effort Update (AFMA)
- 5.5. TRL Research Priorities (AFMA)

#### 6. Next Meeting





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

Name	Role
Anne Clarke	WG Chairperson
Brendan Rayner	AFMA Executive Officer
Shane Fava	AFMA Representative
Tom Roberts	QDAFF Representative
John Adams	TSRA Support Member
Darren Dennis	Scientific member
Raymond Moore	TVH Industry Member
Luke Dillon	TVH Industry Member
Mark Dean	TVH Industry Member
Yen Loban	Traditional Inhabitant member (TSRA Board Member) (Day one only)
Kenny Bedford	Traditional Inhabitant member (TSRA Fisheries Portfolio Member)
Ned Larry	Traditional Inhabitant member (Central Cluster Rep)
Les Pitt	Traditional Inhabitant member (Eastern Cluster Rep)
Richard Bowie	Traditional Inhabitant member (Western Cluster Rep)
Joseph Posu	PNG NFA Member (Day one only)
Joseph Elu	TSRA Chair (Day one 12.30-1.30pm)
Steve Bolton	Observer (AFMA)
Jeremy Smith	Observer (TSRA)
Katie Scutt	Observer (AFMA)
Daniel Takai	Observer
Brett Arlidge	Observer
Basil Sabatino	Observer
Richard Takai	Observer
Patterson Bani	Observer (Day one only)
Gabriel Bani	Observer (Day one only)
Jack Bani	Observer (Day one only)





## ACTION ITEMS

#	Action Item	Agenda	Champion	Due Date
1)	The TRLWG AGREED to examine PNG cross-endorsed license provisions surrounding prohibition on fishing home reefs at TRLWG #4.	1.5.1	Qld Fisheries	Feb 2014
2)	AFMA to send link from the Torres Strait Research Repository to TRLWG member's out-of-session.	2.1.1	AFMA	Feb 2014
3)	Standing Action item for the implementation and enforcement of Fish Receiver Licenses.	5.4.1	AFMA	TBC
4)	TSRA with support of relevant agencies to develop a PZJA Standing Committee paper recommending the development and outlining 'roadmap' options to provide long term security in the TRL fishery for both the TIB and TVH sector to progress the fishery to 100% quota allocation for Torres Strait Islander and Aboriginal Traditional Inhabitants guided by a transparent framework.	4.1	TSRA	Dec 2013
5)	TRLWG agreed to recommend the reintroduction of the moon-tide hookah closure to the PZJA Standing Committee for consideration.	5.1.1	AFMA	Dec 2013
6)	To encourage increased TIB capacity and participation in the TRL fishery, the TRLWG recommend to the PZJA Standing Committee that TIB Primary vessels be either capped at eight tenders (one more than allowable in the TVH sector) or alternatively, allow the number of tenders up to the survey requirements of the primary vessel, recognizing that eight tenders would be beyond the survey requirements of most TIB primary vessels.	5.2.1	AFMA	Dec 2013
7)	TSRA request that TRLWG #4 discuss the option for TIB Primary vessels be endorsed to carry any TIB registered tender at any point.	5.2.2	TSRA	Feb 2014
8)	Queensland Fisheries to raise the issue of non-traditional inhabitants giving TIB licence holders' primary vessels in order to gain entry into the fishery as a compliance risk with Queensland Boating and Fisheries Patrol.	5.3.1	Qld Fisheries	Feb 2014
9)	TRLWG members to provide comments on TSSAC Annual Operational Plan TRL Research Priorities.	5.5.1	AFMA	Feb 2014
10)	TSRA Fisheries Portfolio Member to investigate options for a register that has interested TIB MFL holders looking to work on TVH vessels.	3.3.1	TSRA	Feb 2014
11)	TSRA Fisheries Portfolio Member to investigate the 'my pathways' program through ITEC for training TIB fishers with TVH operators and provided update to TRLWG #4.	3.3.2	TSRA	Feb 2014
12)	PZJA to consult with communities about primary vessels limited to 9.9m presently being increased to 13.9m.	3.3.3	TSRA	Feb 2014
13)	PZJA to consult with communities about changing the current fishing season to align with international markets.	3.3.4	TSRA	Feb 2014





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14)	PZJA agencies to discuss options for communicating the TRL Management Plan more effectively in communities.	3.3.5	AFMA	Feb 2014
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## MINUTES

### **Scheduled Day 1**

**13<sup>th</sup> November 2013**

**Meeting start: 11.40am.**

Gabriel Bani opened the meeting with a prayer.

#### **1. Preliminaries**

##### **Agenda item 1.1 Chairs opening remarks/Apologies**

The Chair Anne Clarke welcomed attendees. and expressed the hope that this meeting could be successfully completed noting the Tropical Rock Lobster Working Group (TRLWG) meeting #2 had coincided with the Torres Strait Sea Claim High Court decision and the resultant Traditional Owners' concerns around representation had delayed the development of the Management Plan. The Chair reiterated the respect the Working Group held for the aspirations of Torres Strait Islander people within the Tropical Rock Lobster Fishery and explained the TRLWG process was an important way forward to achieving these aspirations. The Chair noted the primary outcome sought from the Meeting was the further development of the management plan.

The Chair acknowledged the good level of representation from both sectors while noting the absence of the Torres Strait Regional Authority (TSRA) Top Western cluster representative. The proxy for the Near Western cluster representative was acknowledged.

Apologies: None.

Kenny Bedford, the TSRA Fisheries Portfolio member provided an update on a meeting of the newly formed Prescribed Body Corporate (Kaiin Mabek Mabek - The New Dawn) and voiced their concerns that moving to quota could provide the non-traditional (TVH) sector "greater ownership" of the fishery.

##### **Agenda item 1.2 Adoption of Agenda**

TSRA requested that agenda item 5.1 – Proposed Management Arrangements for 2014 and agenda item 4 – Increasing Torres Strait Islander and Aboriginal Traditional Inhabitant Ownership be moved ahead of agenda item 3 – The Management Plan. AFMA requested that agenda item 5.4 – 2013 TRL Catch and Effort Update go before both agenda items to inform discussion during these agenda items. Both requests were agreed and the agenda was adopted.

##### **Agenda Item 1.4 Ratification of the Minutes from TRLWG #2**

Jeremy Smith commented that under Agenda Item 2.1 – Torres Strait Prawn Management Advisory Committee Update, on page 6 of TRLWG #2 minutes, Neville Nakata's remark relating to the Prawn season starting earlier could have implications for the fishery was in regards to sustainability and not economics.





Based on these changes, the TRLWG agreed to adopt the minutes of TRLWG No.2 as a true and accurate record of the meeting.

**1.4.1** The TRLWG **AGREED** to adopt the minutes of TRLWG No.2 as a true and accurate record of the meeting.

**Agenda item 1.5 Previous Action items**

The outstanding action items from TRLWG #2 were addressed and completed, however the action item relating to areas prohibited to commercial fishing TSRA have requested amending. TSRA would like the opportunity to review the PNG cross-endorsed licences with the provisions surrounding prohibition on fishing home reefs.

**1.5.1** The TRLWG **AGREED** to examine PNG cross-endorsed licences provisions surrounding prohibition on fishing home reefs at TRLWG #4.

**2. Updates**

**Agenda item 2.1 PZJA Update**

**TSSAC Update**

The Australian Fisheries Management Authority (AFMA) provided an update on the activity of the Torres Strait Scientific Advisory Committee (TSSAC), this included meeting summaries, projects completed in the 2012/13 financial year and research priorities. AFMA highlighted the ongoing commitment to the Tropical Rock Lobster (TRL) annual surveys and the 25<sup>th</sup> year of undertaking these surveys. It was noted that in order to justify this ongoing large commitment of funds progression of the PZJA management objectives in the fishery, namely moving to quota, needed to occur. This was backed by industry representatives.

**2.1.1** AFMA to send link from the Torres Strait Research Repository to TRLWG members out-of-session.

**Agenda item 2.2 Communication Strategy/Communication Consultation**

The TSRA provided an update on their recent consultation undertaken in communities. The focus of the consultation was around the proposed management arrangements for the 2014 fishing season (see agenda item 5.1). Traditional Inhabitant representatives voiced strong concerns that little consultation with the communities by the fisheries management agencies had occurred recently and that more communication with all communities, in particular the outlying communities, was required.

TSRA noted that the Native Title decision has had some influence on the capacity to consult with communities on fishery matters but acceptable consultation pathways were being facilitated through TSRA and other processes.. Kenny highlighted that the Protected Zone Joint Authority (PZJA) agencies need to consult together and strengthen the relationship with the communities. AFMA affirmed its commitment to consult throughout the development of the management plan and emphasised it would continue to put resources towards this.

**Agenda item 5.4 2013 TRL Catch and Effort Update**





AFMA provided an update on catch and effort for the 2013 fishing season noting that data was still to come from the Traditional Inhabitant sector (TIB). The 2013 fishing season saw the removal of the interim management arrangements (IMAs). Despite the removal of IMAs, the TVH sector caught 327 tonnes, slightly lower catch than 2012 (370 tonnes). Processor catch disposal records (CDRs) indicate the TIB sector having caught 70 tonnes, however this data was current only till May 2013. Non-confirmed CDRs suggest this figure will increase to above 200 tonnes, which would see an increase from 2012. Effort in the TIB was only slightly up on 2012.

Daniel Takai noted that there was a lot of leakage through unreported catch in the fishery and highlighted that Fish Receiver Licences (FRLs) would improve monitoring of TIB catch that is currently unreported. Shane Fava noted that FRLs are possible within the *Torres Strait Fisheries Act 1984* (the Act), however there was never an adequate policy behind it in order to enforce them. The TRLWG agreed that unreported catch is an ongoing issue in the fishery and felt that Fish Receiver Licences would be a good mechanism for monitoring TIB catch currently not being captured. The TRLWG therefore agreed to progress the implementation of FRLs.

#### 5.4.1 Standing Action item for the implementation and enforcement of Fish Receiver Licenses

##### **Agenda item 5.1 Proposed Management Arrangements for 2014**

TSRA, concerned with the lower Torres Strait Protected Zone (TSPZ) Total Allowable Catch (TAC) for 2014, feel that there is a potential sustainability issue in the fishery. Therefore the TSRA requested that the TRLWG consider management arrangements that were discussed at the recent community consultations. These were:

- capping the TVH to their catch allocation for 2014;
- returning the moon-tide hookah closure; and
- “move on” provisions for primary vessels.

AFMA highlighted the catch data over the past few years, noting that not even in 2011, where catch records were the highest seen in a long time, was the TSPZ TAC caught. Brett Arlidge questioned why it would be considered a sensible management decision to reduce effort in a fishery that is currently underutilised. This was reinforced by both AFMA and Qld Fisheries stating that they were not supportive of implementing interim management arrangements into the fishery.

Yen Loban wondered why the TVH operators could not work to the allocated quota on their licences. Steve Bolton reinforced that until a management plan was implemented there was no legal precedence and therefore unenforceable. At this point Kenny noted, based on the recent consultation, that the Traditional Inhabitants of the Torres Strait were no longer in support of a quota management system. Stating that it was felt that quota would provide the TVH operators legislative ownership and therefore would not be supported until a timeline for 100% TIB ownership was developed.

After extensive deliberation, the TVH sector, through good will, nominated that they could accept the return of the moon-tide hookah closure. However Mark Dean stated that this was not in the best interest of the fishery, as he has seen a reduction in







mortality since this arrangement was removed as operators are no longer rushing to offload before the closure. Shane noted that given that this meeting is two weeks before the start of the season, and the decision needs to go through the PZJA Standing Committee, it is unknown whether it will be implemented. In spite of this the TRLWG agreed to recommend the reintroduction of the moon-tide hookah closure to the PZJA Standing Committee for consideration.

**5.1.1 TRLWG agreed to recommend the reintroduction of the moon-tide hookah closure to the PZJA Standing Committee for consideration.**

**Agenda item 4 Increasing Torres Strait Islander and Aboriginal Traditional Inhabitant Ownership**

TSRA noted the aspiration of Torres Strait Islander and Aboriginal Traditional Inhabitants to gain 100% ownership of the fishery and agreed that following the poor response to the last structural adjustment a new approach to increasing the Traditional Owner share in the fishery may need to be considered. The Brett highlighted that the most practical option for meeting the 100% aspiration was for the fishery to move to a quota system where funds raised through leasing arrangements, along the lines of the New Zealand Maori system, could be used to buy back TVH licences. The TVH sector expressed a strong willingness to participate in a quota leasing system of this kind on the condition the management plan also contained provisions for the continued profitability of the TVH sector.

The TRLWG agreed that setting in place a TRL quota trading system and identifying a suitable funding source to buy TVH licenses, as they become available, was an integral part of meeting Torres Strait Islander and Aboriginal Traditional Inhabitants 100% ownership aspirations. The TRLWG will progress a paper to the PZJA Standing Committee seeking endorsement for the development a more detailed "roadmap" along which 100% ownership for the TIB sector may be progressed.

**4.1**

TSRA with support of relevant agencies to develop a PZJA Standing Committee paper recommending the development and outlining 'roadmap' options to provide long term security in the TRL fishery for both the TIB and TVH sector to progress the fishery to 100% quota allocation for Torres Strait Islander and Aboriginal Traditional Inhabitants guided by a transparent framework.

**Agenda item 5.2 TIB Primary Vessel Tenders**

AFMA noted that the issue of the current limit on TIB primary vessel tenders could easily be resolved and just required direction from the TRLWG. Ray Moore highlighted, where possible, that the TRLWG should be identifying opportunities to increase participation in the TIB sector and the TRLWG agreed that finding ways to support increased TIB capacity was important. Daniel voiced that there should be no limit on TIB tenders, however Steve noted this would be conveyed by the PZJA as unsustainable and therefore should be restricted to the survey regulations of the vessel. Shane highlighted the PZJA Standing Committee would be more inclined to agree to increasing the current limit of three if a maximum number was recommended





by the TRLWG. The TIB sector felt that eight tenders was acceptable, as it is one more than the most tenders linked to a TVH licence.

The TRLWG continued to debate the safety concerns from working outside of the survey specifications of a vessel, as currently no TIB vessel has the capacity to carry eight tenders. Therefore the TRLWG agreed that either a cap of eight tenders or aligning with the survey of the vessel should be recommended to the PZJA Standing Committee. Finally, Tom Roberts reiterated that all tenders towed by a primary vessel must be registered under the owner of the primary vessel.

#### **5.2.1**

To encourage increased TIB capacity and participation in the TRL fishery, the TRLWG recommend to the PZJA Standing Committee that TIB Primary vessels be either capped at eight tenders (one more than allowable in the TVH sector) or alternatively, allow the number of tenders up to the survey requirements of the primary vessel, recognizing that eight tenders would be beyond the survey requirements of most TIB primary vessels.

TSRA noted that given the limitations on TIB dinghy operators to access more remote fishing grounds and the need to increase TIB participation, that the TRLWG should investigate options for TIB operators to attach their dinghy to a TIB primary vessel in order to be towed to such fishing grounds. Tom noted that currently there are no provisions in licensing to allow this, however could be discussed in the future.

**5.2.2** TSRA request that TRLWG #4 discuss the option for TIB Primary vessels be endorsed to carry any TIB registered tender at any point.

#### **Agenda item 5.3 TIB Primary Vessel Ownership**

AFMA explained that non-traditional inhabitants giving TIB licence holders primary vessels in order to gain entry into the fishery has polarised views among the TIB sector. TSRA noted that unless there is a formal arrangement between the parties where the TIB operator must sell product to the non-traditional inhabitant, it was consistent with the Act. Queensland Fisheries confirmed that there are no third party checks into vessel registration, therefore if the vessel is in a TIB operators name then they are considered the owner. Queensland Fisheries agreed to raise this issue as a compliance risk with Queensland Boating and Fisheries Patrol.

**5.3.1** Queensland Fisheries to raise the issue of non-traditional inhabitants giving TIB licence holders' primary vessels in order to gain entry into the fishery as a compliance risk with Queensland Boating and Fisheries Patrol.

#### **Agenda item 5.5 TRL Research Priorities**

AFMA highlighted that the TRLRAG recently met and made amendments to the TSSAC Annual Operation Plan which outlines the TRL research priorities for 2013/14. The TRLWG noted the amendments made to the TRL research priorities table.

**5.5.1** TRLWG members to provide comments on TSSAC Annual Operational Plan TRL Research Priorities.

#### **Agenda item 3.2 Summation - Queensland TRL Fishery Policy and Licensing**





Queensland Fisheries provided a comprehensive summary of the East Coast TRL fishery and the conditions to which operators are required to adhere. The Queensland Fisheries presentation outlined many arrangements that could exist in the Torres Strait TRL fishery with the move to a management plan (such as prior reporting).

#### **Agenda item 3.1 Updated Management Plan Development**

Due to some confusion in the reported change of direction from TSRA surrounding quota the TRLWG Chair invited the TSRA Chair to attend the TRLWG meeting to provide scope for the management plan. The TSRA Chair reaffirmed TSRA's commitment to the development of a management plan that implements quota and has provisions for leasing to the TVH sector ensuring the profitability of the fishery.

Kenny then noted there was still confusion amongst the communities about the implications of implementing quota into the fishery in terms of the 100% ownership aspiration; that there was a feeling allocation of quota to the TVH would have the effect of "increasing the hold" of the TVH on their take in the fishery. The TRLWG Chair drew attention to AFMA's stated support for community consultation and assistance in establishing a greater understanding of the management plan, in particular the benefits to Traditional Ownership, in the communities.

AFMA, concerned about meeting the 2015 timeline set for implementing the management plan, provided the TRLWG with a revised draft management plan that removed the contentious management issues from the plan (see **Unresolved Issues** below) and provided provisions for quota only. Both sectors felt that it was best to continue with the original more fulsome draft plan as extensive work had already gone into drafting provisions designed to address the outstanding issues in the fishery. The TRLWG worked through the original draft management plan looking at the objectives and other outstanding issues.

#### **Agenda item 3.3 Unresolved Issues from the Draft Management Plan**

The TRLWG noted the unresolved issues in the fishery and unanimously concurred, based on the decision to continue to develop the original management plan, that these will need to be resolved prior to implementation of the plan. These unresolved issues include:

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

The TVH sector highlighted how restrictive MFLs are for TVH operators, particularly in locating additional TIB MFLs when regular crew are unavailable. Luke Dillon noted that under quota the MFLs should be removed to allow TVH operators to effectively work within the constraints of their allocated quota. Brendan Rayner illustrating their original purpose, to train up TIB fishers, noted that they are now seen as a restriction to TVH effort. Brendan highlighted that there could be alternate ways to achieve capacity building for TIB fishers, pointing out several TVH operators efforts through TSRA. Kenny stated that through the ITEC 'my pathways' program communities, who





nominated fishing as a priority, would receive training. Kenny noted he would investigate this further.

**3.3.1 TSRA Fisheries Portfolio Member to investigate options for a register that has interested TIB MFL holders looking to work on TVH vessels.**

**3.3.2 TSRA Fisheries Portfolio Member to investigate the 'my pathways' program through ITEC for training TIB fishers with TVH operators and provided update to TRLWG #4.**

Although the concept for increasing boat size in Torres Strait fisheries has received little support from communities throughout history, the TIB sector agreed that there are fundamental safety issues in using smaller boats. TSRA agreed that there may be merit in allowing boats under 9.9m to increase to 13.9m. Kenny highlighted that this would need to be consulted with communities.

**3.3.3 PZJA to consult with communities about primary vessels limited to 9.9m presently being increased to 13.9m.**

Brett pointed out that the fishery currently fishes to the wrong markets, therefore is not economically utilising the product caught. TSRA noted that the recent community visits revealed that TIB operators felt the current closure provided opportunity for free-diving on reef tops. Brett noted that he was not suggesting removing the four month hookah closure but shifting the fishing season forward a month in order for both sectors to take advantage of high market prices. TSRA acknowledged the reasoning behind the change in season though felt it would need to consult with communities further.

**3.3.4 PZJA to consult with communities about changing the current fishing season to align with international markets.**

The TRLWG Chair suggested that that these issues need be discussed in the appropriate forums and recommendations should be provided at future TRLWG meetings.

The Chair summarised the meeting, accepting the tight timeframe for the management plan though recognising the progression made. The Chair highlighted that there appears to be significant confusion among the communities about the management plan and quota systems. Further the Chair noted the recent lack of consultation undertaken collaboratively between the PZJA agencies and felt that the management plan should be communicated collectively.

**3.3.5 PZJA agencies to discuss options for communicating the TRL Management Plan more effectively in communities.**

#### **Agenda item 6      Next Meeting**

The next TRLWG meeting is set for early 2014 with a date to be advised.





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**The meeting was closed at 5.45pm on 14<sup>th</sup> November, 2013.**

DRAFT





<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>27-28 August 2015</b>
<b>Action Items from TRLWG 3</b>	<b>Agenda Item No. 1.4</b> <b>FOR INFORMATION</b>

## RECOMMENDATIONS

That the Tropical Rock Lobster Working Group (TRLWG) **NOTES** the progress of action items from TRLWG Meeting 3.

## KEY ISSUES

Action items from TRLWG Meeting 3 included:

#	Action Item	Champion	Due Date	Status
1)	The TRLWG AGREED to examine PNG cross-endorsed licence provisions surrounding prohibition on fishing home reefs at TRLWG #4.	Qld Fisheries	Feb 2014	Ongoing  This is a significant policy proposal that must be assessed against Australia's obligations under the Treaty, its enforceability and administrative efficiency.  To ensure proper resourcing is available to consider this matter, AFMA proposes consideration be deferred until after the implementation of the management plan
2)	AFMA to send link from the Torres Strait Research Repository to TRLWG member's out-of-session.	AFMA	Feb 2014	Complete  <a href="http://www.cmar.csiro.au/datacentre/torres/tsmr_other.htm">http://www.cmar.csiro.au/datacentre/torres/tsmr_other.htm</a>
3)	Standing Action item for the implementation and enforcement of Fish Receiver Licences.	AFMA	TBC	Ongoing  AFMA held a data workshop for TRL buyers and processors in Cairns on 21 January 2015. Participants from this meeting supported the introduction of Fish Receiver Permits as provided for by subsection 19(4B) of the <i>Torres Strait Fisheries Act 1984</i> (the Act).  Currently AFMA is assessing the legislative requirements to introduce a fish receiver system.

4)	TSRA with support of relevant agencies to develop a PZJA Standing Committee paper recommending the development and outlining 'roadmap' options to provide long term security in the TRL fishery for both the TIB and TVH sector to progress the fishery to 100% quota allocation for Torres Strait Islander and Aboriginal Traditional Inhabitants guided by a transparent framework.	TSRA	Dec 2013	<p>Ongoing</p> <p>The TSRA are progressing community consultations for the development of the roadmap to 100 per cent traditional ownership.</p> <p>The PZJA at Meeting 24 Agreed the final Roadmap for commercial fisheries ownership will be presented to members Out Of Session for endorsement.</p>
5)	TRLWG agreed to recommend the reintroduction of the moon-tide hookah closure to the PZJA Standing Committee for consideration.	AFMA	Dec 2013	<p>Complete</p> <p>A moon tide hookah closure was implemented in 2015.</p>
6)	To encourage increased TIB capacity and participation in the TRL fishery, the TRLWG recommend to the PZJA Standing Committee that TIB Primary vessels be either capped at eight tenders (one more than allowable in the TVH sector) or alternatively, allow the number of tenders up to the survey requirements of the primary vessel, recognising that eight tenders would be beyond the survey requirements of most TIB primary vessels.	AFMA	Dec 2013	<p>Complete</p> <p>At Meeting 23 the PZJA AGREED to an unlimited number of tenders able to be attached to a Traditional Inhabitant (TIB) licensed primary vessels.</p> <p>Noting that primary vessels are required to comply with marine survey requirements which restricts the number of crew permitted onboard and therefore restricts the number of tenders a TIB primary vessel may have allocated to it.</p>
7)	TSRA request that TRLWG #4 discuss the option for TIB Primary vessels be endorsed to carry any TIB registered tender at any point.	TSRA	Feb 2014	<p>Ongoing</p> <p>The transition of licencing functions from Queensland fisheries to AFMA has now occurred.</p> <p>AFMA under its broader review of licencing arrangements in Torres Strait fisheries will progress this action item in 2016.</p>



8)	Queensland Fisheries to raise the issue of non-traditional inhabitants giving TIB licence holders' primary vessels in order to gain entry into the fishery as a compliance risk with Queensland Boating and Fisheries Patrol.	Qld Fisheries	Feb 2014	Update to be provided at the meeting
9)	TRLWG members to provide comments on TSSAC Annual Operational Plan TRL Research Priorities.	AFMA	Feb 2014	Ongoing  The 2015 Torres Strait Science Advisory Committee (TSSAC) Annual Operation Plan (AOP) will be discussed at TRLWG4.
10)	TSRA Fisheries Portfolio Member to investigate options for a register that has interested TIB MFL holders looking to work on TVH vessels.	TSRA	Feb 2014	Update to be provided at the meeting
11)	TSRA Fisheries Portfolio Member to investigate the 'my pathways' program through ITEC for training TIB fishers with TVH operators and provided update to TRLWG #4.	TSRA	Feb 2014	Update to be provided at the meeting
12)	PZJA to consult with communities about primary vessels limited to 9.9m presently being increased to 13.9m.	TSRA	Feb 2014	Update to be provided at the meeting
13)	PZJA to consult with communities about changing the current fishing season to align with international markets.	TSRA	Feb 2014	Update to be provided at the meeting

14)	PZJA agencies to discuss options for communicating the TRL Management Plan more effectively in communities.	AFMA	Feb 2014	<p>Complete</p> <p>AFMA has completed majority of the community consultation visits on the TRL management Plan (two communities remaining: NPA, Kubin/St Pauls). Where possible, AMFA consultation has occurred with the TSRA consultation on the roadmap to 100 per cent ownership.</p> <p>AFMA developed information packs describing the key changes under the draft management plan. The information packs were distributed to communities to facilitate understanding of the draft plan.</p> <p>AFMA has engaged with Malu Lamar (RNTBC) to have a representative present at community meetings.</p>
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<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>27-28 August 2015</b>
<b>Correspondence</b>	<b>Agenda Item No. 1.5</b> <b>FOR DISCUSSION</b>

## RECOMMENDATIONS

That the Working Group **NOTE** recent correspondence relevant to the Tropical Rock Lobster Fishery..

## KEY ISSUES

1. Patrick Mills Chair of the Torres Strait Fishers Association Inc (TSFA) wrote (on 25 May 2015) to The Hon. Bill Byrne MP Minister for Agriculture and Fisheries and to Senator The Hon. Richard Colbeck Parliamentary Secretary to the Minister for Agriculture.
2. The letter outlined concerns the TSFA has about employment conditions (only allowing the employment of traditional inhabitants) imposed on Traditional Inhabitant Boat (TIB) licences.
3. The response from The Hon. Bill Byrne MP Minister for Agriculture and Fisheries is provided at **Attachment A**.
4. A response from Senator The Hon. Richard Colbeck Parliamentary Secretary to the Minister for Agriculture is pending.





Hon Bill Byrne MP  
Minister for Agriculture and Fisheries and  
Minister for Sport and Racing

Reference: CTS 11455/15

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23 JUN 2015

Mr Patrick Mills  
Chair  
Torres Strait Fishers Association Inc  
[kwemyss@bigpond.com](mailto:kwemyss@bigpond.com)

Dear Mr Mills

Thank you for your letter of 25 May 2015 outlining the concerns the Torres Strait Fishers Association has about conditions imposed on Traditional Inhabitant Boat Licences (TIB).

I am advised that conditions on both TIB and non-traditional inhabitants (TVH) licences are in place to deliver a primary objective of the Torres Strait Treaty; *"to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants"*.

I note your concerns that TIB licence conditions only allow for the employment of indigenous fishers however these conditions, in addition to those restricting the issuing of new TVH licences, are all designed to ensure traditional inhabitants face minimal barriers in gaining entry to commercial fisheries. These conditions facilitate economic development opportunities for traditional inhabitants.

The employment of non-indigenous people on TIB vessels creates the risk whereby non-traditional inhabitants limit these opportunities. I am also advised that in the absence of a management plan such changes could result in sustainability concerns for the region's fisheries including the Torres Strait Tropical Rock Lobster Fishery.

Notwithstanding these concerns, to change these conditions would require a decision by the Protected Zone Joint Authority (PZJA). To this end, I will forward your request to the PZJA Secretariat seeking further advice on your proposal prior to consideration by the PZJA.

If you require any further information regarding this matter, please contact Mr Tom Roberts  
Senior Policy Officer of the Department of Agriculture and Fisheries on telephone  
07 3087 8071 or email [tom.roberts@daf.qld.gov.au](mailto:tom.roberts@daf.qld.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Bill Byrne', with a long horizontal stroke extending to the right.

**The Honourable Bill Byrne MP**  
**Minister for Agriculture and Fisheries and**  
**Minister for Sport and Racing**  
**Member for Rockhampton**

Cc: Senator the Honourable Richard Colbeck  
Parliamentary Secretary to the Minister for Agriculture  
PZJA Secretariat  
Box 7051  
CANBERRA BC ACT 2610

<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting 27-28 August 2015</b>
<b>Update PZJA</b>	<b>Agenda Item No. 2.1 FOR INFORMATION</b>

## RECOMMENDATIONS

That the Working Group **NOTE** the outcomes of the 24<sup>th</sup> meeting of the Protected Zone Joint Authority (PZJA) held on 5 August 2015.

## KEY ISSUES

1. The 24th meeting of the PZJA was held on 5 August 2015 on Thursday Island to discuss the management of fisheries in the Torres Strait. A number of key decisions were made in relation to Tropical Rock Lobster Fishery (**Attachment A**).

### *Management plan*

- a. **Timeline:** The PZJA will aim to deliver the Tropical Rock Lobster Management Plan by March 2016, allowing the introduction of a quota system for the start of the 2016-17 fishing season.
- b. **TIB quota allocation:** The PZJA supported the development of a quota allocation approaches for the Traditional Inhabitant sector. In the first instance, PZJA members agreed the catch allocation would be at the sectoral level, rather than at the individual or company level.

The PZJA agreed to review the management plan two years after its implementation to allow for changes to the Traditional Inhabitant sector catch allocation. This review may include changes to the Traditional Inhabitant sector catch allocation to allow individuals or companies to hold quota.

- c. **Communication Strategy:** AFMA will develop a communication strategy to clearly explain the overall management framework of for the TRL fishery. The strategy will explain the purpose and scope of the management plan and how other management measures not included in the plan are implemented.

### *Legislative amendments: mandatory catch reporting*

The PZJA agreed to develop prioritise legislative amendment priorities to provide immediate improvements to the efficiency and effectiveness of fisheries administration in the Torres Strait, including to allow for mandatory catch reporting across all sectors.





## **Communiqué - Protected Zone Joint Authority**

### **Meeting 24, Thursday Island, 5 August 2015**

The Protected Zone Joint Authority (PZJA) held its 24<sup>th</sup> meeting today on Thursday Island to discuss the management of fisheries in the Torres Strait. Comprising the Parliamentary Secretary to the Minister for Agriculture, Senator Richard Colbeck; Queensland Minister for Agriculture and Fisheries, Bill Byrne; and Chair of the Torres Strait Regional Authority (TSRA), Joseph Elu AO, the PZJA is responsible for the management of commercial and traditional fishing in the Australian area of the Torres Strait.

At the PZJA meeting today, decisions were made on 100 per cent ownership of Torres Strait fisheries, the Tropical Rock Lobster Management Plan, gear and boat trials in the Prawn Fishery, opening of the Black Teatfish Fishery, and development permits for the Pearl Shell Fishery.

Ahead of today's meeting PZJA members hosted a public meeting yesterday with stakeholders, to ensure that their views on items being discussed at the PZJA meeting were represented.

#### **100 per cent ownership**

Members were encouraged to hear that community consultations are continuing on the draft *Road Map to 100 per cent ownership of the Torres Strait Commercial Fisheries by Torres Strait Communities*. Members are aware that consultations to-date have shown there is strong community support for developing the roadmap to achieve 100 per cent ownership of Torres Strait fisheries as soon as possible. Consultation will continue and the PZJA will consider the endorsement of the final draft roadmap when this process is complete.

#### **Tropical Rock Lobster Management Plan**

The PZJA emphasised their commitment to delivering the Tropical Rock Lobster Management Plan by March 2016 allowing for the introduction of quota limits for the start of the 2016-17 fishing season. This aims to ensure the sustainability of the fishery by capping the take from this fishery. This will also ensure that communities in the Torres Strait can begin to benefit from their full share of the resource.

The PZJA supported the development of quota allocation approaches for the Traditional Inhabitant sector. In the first instance however, members agreed the catch allocation to Traditional Inhabitants would be at a sectoral rather than at the individual or company level.

The PZJA agreed to review the plan two years after its implementation to allow for changes to improve performance including a possible allocation to individuals or companies within the Traditional Inhabitant sector.

#### **Gear and boat trials in the Torres Strait Prawn Fishery**

Members, with exception of the TSRA Chairperson, agreed to a 1 February season opening date in the Torres Strait Prawn Fishery starting in 2016, but the PZJA did not agree to a trial of larger sizes for boats and trawl gear. While members noted current

economic constraints in the fishery, they were aware of the lack of community support for the initiative.

### **Opening of the Black Teatfish Fishery**

It was agreed to open the Black Teatfish Fishery for a second year. Fishing will be permitted in the month of November and catches will be limited to 15 tonnes. This is a great economic opportunity for Traditional Inhabitant fishers. Improved reporting of catch is critical as the provision of these records will help the PZJA determine the long term sustainability of the fishery.

### **Development permits for the Pearl Shell Fishery**

It was agreed that development permits will be made available for existing fishery licence holders to collect smaller sized pearl shell of between 100-130mm in addition to the current size limits of 130-230mm. Only 2000 of the smaller sized shell will be available. This initiative will allow the commercial benefits of using smaller shell for the pearl aquaculture industry to be tested.

### **Other outcomes from the meeting included:**

- Agreement of amendments the conditions of scientific permits for a shark tagging project by the James Cook University, and a turtle and dugong tagging project by the TSRA.

Over the next six to twelve months, the PZJA agencies will focus on:

- Development and implementation of a management plan for the tropical rock lobster fishery
- Finalise the roadmap to 100 per cent ownership
- Improve the monitoring and reporting for the Beche de mer fishery
- In line with administration review:
  - continue to investigate the transfer of domestic compliance responsibilities from Fisheries Queensland to the Australian Fisheries Management Authority
  - develop legislative amendment priorities to provide immediate improvements to the efficiency and effectiveness of fisheries administration in the Torres Strait (for example allow for mandatory catch reporting across all sectors, delegation of powers to grant and varying scientific/development permits, implement Fisheries Infringement Notices)

For further information on the PZJA visit [pzja.gov.au](http://pzja.gov.au) or call 02 6225 5520

**ENDS**

### **Media contacts:**

*Senator Colbeck's office: Fiona Hill 0475 807 484*

*Minister Byrne's office: Michelle Connolly 0478 325 738*

*TSRA: Bruce Nelson 0423 403 449*

<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting 27-28 August 2015</b>
<b>Native Title Update</b>	<b>Agenda Item No. 2.2 FOR INFORMATION</b>

## RECOMMENDATIONS

That the Working Group **NOTE** the update on native title matters including notification, consultation and other priorities.

## KEY ISSUES

1. The purpose of this paper to provide an update on native title matters. Traditional Owners and the Chairperson of Malu Lamar will be provided an opportunity to provide a verbal update at the meeting.
2. Malu Lamar is the Representative Native Title Body Corporate charged with performing statutory functions bestowed on them from the Akiba native title decision. Malu Lamar represents the rights and interests of its native title holders. Under this role, Malu Lamar is the main conduit between external stakeholders and its native title holders. The role of Malu Lamar RNTBC under the Native Title Act includes:
  - Responding to Future Act Notifications
  - Indigenous Land use Agreement negotiations
  - Identifying the relevant Traditional Owner for the area which may be affected
  - Cultural Heritage functions
  - Facilitating Consultations – Future Act matters
  - Facilitating meetings on native title issues which affect their members
3. Two key updates on native title processes are:
  - a. Malu Lamar is developing a fee for service policy.  

The *Native Title Act 1993* (NTA) and *Regulations 1999* provides for the payment of fee for service to native title Prescribed Bodies Corporate (PBCs). AFMA, in consultation with TSRA, recently agreed to a single, one-off payment (\$1 062.60) to Malu Lamar for services related to consultation on the draft TRL management plan.
  - b. Native title notifications  

AFMA as the PZJA secretariat undertook Native Title notification under s24HA of the NTA to inform the following decisions made by the PZJA at its 5 August 2015 meeting (further details in **Attachment A**):

    - Allowing a limited amount fishing for the Black teatfish fishery;
    - Allowing the collection of smaller sized pearl shell
    - Variation of scientific permit for turtle and dugong tagging project
    - Variation of scientific permit for Spanish mackerel tagging project

**Beche de mer fishery**

The PZJA agreed to set a 15 tonne (wet weight gutted) competitive total allowable catch for the black teatfish (beche de mer) fishery for the month of November.

AFMA will work in collaboration with Malu Lamar, traditional fishers and processors to support catch monitoring and reporting. The collaborative catch monitoring strategy is in response to low levels of reporting in 2014.

**Pearl shell fishery**

The PZJA agreed to grant developmental permits for existing fishery licence holders to collect smaller sized pearl shell between 100-130 mm in addition to the current size limit of 130-230 mm. Only 2000 individuals of the smaller sized shell can be collected.

**Turtle and dugong tagging project**

The PZJA agreed to vary the scientific permit (granted 27 March 2015) to catch, tag and monitor dugongs and turtles. Project amendments included: extension to 31 October 2015, an additional five dugongs and eight turtles can be tagged (total of ten dugong and turtle) and the area boundaries were extended.

**Spanish mackerel project**

A scientific permit application has been received from James Cook University to allow researchers to catch, tag and acoustically monitor up to 60 Spanish mackerel. The PZJA noted the response period for native title notification for this permit closes on 15 August 2015.

<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>25-26 August 2015</b>
<b>Management Plan: purpose and scope</b>	<b>Agenda Item No. 3.1</b> <b>For Discussion</b>

## RECOMMENDATIONS

1. That the Working Group **NOTE** and **DISCUSS**:
  - a) the scope and purpose of a management plan for the Tropical Rock Lobster (TRL) Fishery is to be limited to establishing a quota management framework; and
  - b) all other management arrangements are to be implemented through other regulatory processes including for example, legislative instruments, licencing conditions and management policy.
2. That the Working Group **NOTE**:
  - a) the TRL Fishery management plan may assist in the transfer of licences from the TVH sector to the TIB sector through quota trading.

## KEY ISSUES

1. The TRL Fishery management plan has been in development since 2006. At the outset it was intended for the management plan to be an instrument that centralises all relevant management rules in the fishery, however this approach may result in inefficient fisheries management due to:
  - a. duplication with other instruments;
  - b. provisions becoming redundant overtime; and
  - c. less administrative flexibility to change particular rules contained within a management plan compared to rules imposed through other regulations. Other instruments, for example licencing conditions, can be administratively easier and quicker to amend than a management plan.
2. In the case of the TRL Fishery this approach has also made it difficult to gain agreement on the draft provisions of a management plan. As a result the key reform objective, quota management, has not been achieved.
3. The primary purpose of the TRL management plan is to establish a quota management system. Under the *Torres Strait Fisheries Act 1984*, units of fishing capacity (in this case quota units) are established through a management plan (s15A).
4. Quota management is likely to facilitate ongoing fishery performance improvements for the TRL Fishery over time.
  - a. Licence holders and/or sectors will not be permitted to fish beyond their allocated catch share. This will create lasting improvements to the value of existing licences;

- b. Subject to the final allocation decision for the TIB sector (refer to PZJA outcomes Agenda Item 2.1 Section B), individual operators and/or entities will be granted a more valuable access entitlement. Unlike current TIB licences, the number of quota units available to the fishery will be limited and tradable (potentially with some restrictions). As a result the quota units are likely to develop a market value which will build investment confidence and capacity;
  - c. Quota trading will provide an entirely new opportunity for the TIB sector to generate revenue;
  - d. Quota trading, together with the revenue generated, will enable the TIB sector to pursue the transfer of ownership of TVH licences (and quota) to the TIB sector; and
  - e. Tradable quota units allow market forces to create incentives for fishers to become more efficient and also encourage environmental stewardship.
5. In order for these benefits to be realised for the TRL fishery it is important the TRL Working Group focus on the primary purpose and scope of the management plan. This does not mean other rules in the fishery should not be reviewed. Instead these matters should be addressed separately to the management plan.
6. A diagram of management arrangements is provided at **Attachment A**.

<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>25-26 August 2015</b>
<b>Management Plan: consultation outcomes</b>	<b>Agenda Item No. 3.2</b> <b>FOR DISCUSSION and</b> <b>ADVICE</b>

## RECOMMENDATIONS

1. That the Working Group **DISCUSS** and provide **ADVICE** on:
  - a) consultation outcomes undertaken on arrangements proposed under a plan of management for the Tropical Rock Lobster (TRL) Fishery; and
  - b) Malu Lamar (Torres Strait Islander) Corporation RNTBC submission on the draft plan.
2. That the Working Group **NOTE** that consultation with the Northern Peninsula Communities and communities on Moa Island are still required.

## KEY ISSUES

1. Advice is being sought from the Working Group on recommended responses to consultation outcomes to inform the development of a final draft management plan. Further public consultation will be required once a draft plan has been agreed by the PZJA.
2. AFMA has conducted consultation with communities/industry on the key arrangements proposed under a plan of management for the TRL Fishery. That is to introduce quota management system inclusive of setting a Total Allowable Catch, allocating quota units and providing for quota unit trading (permanent and leasing).
3. In total AFMA has convened 12 community/industry meetings. Consultation outcomes are provided at **Attachments A to M**. AFMA also visited Badu on 8 October 2014 to convene a consultation meeting however no one attended.
  - a) Note that meeting records were sent to communities for comment on 20 August 2015 and the meeting records may be amended. AFMA will circulate final meeting records to the working group out of session.
4. A representative of Malu Lamar (Torres Strait Islander) Corporation RNTBC (Malu Lamar) has accompanied AFMA on five consultation visits (Dauan, Iama, Mer, Poruma, Ugar) and intends to accompany AFMA on the remaining consultation visits.
5. In addition to AFMA's consultation meetings, Malu Lamar provided written advice to the Senator The Hon. Richard Colbeck, Parliamentary Secretary to the Minister for Agriculture on the draft management plan. A copy of Malu Lamar's submission is provided at **Attachment N**. AFMA met formally with the Malu Lamar Chairperson on 8 July 2015 to discuss Malu Lamar's submission.
6. Consultation with the Northern Peninsula Area and Moa Island communities is still required. AFMA has requests pending to access these communities. Outcomes of these consultations will be provided to the Working Group out-of-session.
7. AFMA is currently assessing legislative drafting requirements to give effect to the PZJA's recent decision regarding quota allocation arrangements for the Traditional Inhabitant sector. Administratively these are complex provisions and must be carefully developed. AFMA may seek independent drafting services to complete the legislative drafting of the management plan.

8. AFMA is not seeking comment of provisions related to the allocation of quota units. As already agreed by the PZJA the following allocation is proposed:
  - a) TVH sector will be allocated quota units in accordance with the Independent Allocation Advisory Panel (AAP) revised final report March 2007. The PZJA agreed to accept the final revised report of the AAP at the 21<sup>ST</sup> Meeting of the PZJA on 28 August 2007; and
  - b) The TIB sector will initially be granted quota units at a sectoral level rather than at the individual or company level. The PZJA agrees to review the plan two years after its implementation to allow changes to improve performance including a possible allocation to individuals or companies with the Traditional Inhabitant sector (PZJA meeting 24, 5 August 2015).
9. A copy of the latest version of the draft management plan is at **Attachment O**. This version was posted on the PZJA website on 9 April 2014.
10. To assist the Working Group discussions a summary of the community/industry consultation outcomes is provided in **Table 1**. Working Group members however should review the outcomes provided in full (**Attachments A to M**).

## CONSULTATION OUTCOMES

1. With the exception of Ugar, communities are generally supportive of progressing arrangements proposed under the management plan noting that they will have an opportunity to comment further. The Ugar community advised that it does not support the development of a management plan until 100 per cent ownership of commercial fishing access rights by Traditional Owners is achieved.
2. The Poruma community advised they did not support management plan without substantial change and addresses points raised in Malu Lamar's submission (dated 30 January 2015). The Poruma community did not specify any changes to the draft management plan. AFMA has met with Malu Lamar regarding its submission and is seeking Working Group advice on issues raised by Malu Lamar.
3. Recommendations made by three or more communities included:
  - a. The TVH sector should be limited to trading quota units only with the TIB sector to facilitate the transfer of ownership of licences and quota units to the TIB sector (all Torres Strait Island community held meetings). Note:
    - i. TVH participants at the Thursday Island consultation meeting supported trading between TVH operators.
    - ii. Under the draft plan there is no explicit restriction on the number of fishing licences that could be granted (the number of licences would be restricted by quota units available). This means that while the number of licences would be restricted by the availability of quota units (you can't fish without holding uncaught quota units), new entrants may enter the fishery.
    - iii. **Table 1** sets-out trading provisions in the current draft management plan;
  - b. Alternate allocation approaches for TIB quota units should be developed instead of TIB quota units being held and administered by the Torres Strait Regional Authority. Communities had differing views on when and what approach should be adopted (Dauan, Iama, Mabuiag, Masig, Mer, Saibai, Ugar);
  - c. Quota allocations and/or licencing arrangements should separately recognise Traditional Owners and 'Amnesty' people (Dauan, Mer, Saibai, Poruma, Iama). 'Amnesty' people are Papuan New Guinea nationals that were granted amnesty to remain in Australia after the commencement of the Treaty; and
  - d. The need for more community-based management arrangements/processes (Boigu, Mabuiag, Masig, Warraber, Saibai).



4. A summary of other issues raised during community consultation and AFMA comment are provided in **Table 2**.
5. Recommendations made in Malu Lamar's submission on the plan and AFMA comment are provided in **Table 3**.

**Table 1.** Licence and quota unit trading provisions in the draft TRL management plan. Note that under the draft plan there is no restriction on the number of fishing licences that could be granted. Entry to the fishery will be limited by the availability of uncaught quota units.

Entitlement	Transfer permanently		Temporary transfer (lease)	
	TIB	TVH	TIB	TVH
<b>Licences</b>	Only to a Traditional Inhabitant	To anyone	To anyone holding a commercial licence	To anyone holding a commercial licence
<b>Quota</b>	Only to a Traditional Inhabitant	To anyone holding a commercial licence	To anyone holding a commercial licence	To anyone holding a commercial licence

**Table 2**

Summary of issues raised during community consultation visits on key management arrangements proposed under the TRL plan of management.

Location	Recommendation	AFMA comment
Iama	Future Fisheries Meeting: All future meetings must be attending by all key stakeholders including: AFMA, TSRA, Torres Shire Regional Council, the Prescribed Body Corporate, fishing corporations, Malu Lamar and GBK should be represented at future fisheries meetings	Not related to the provisions of the management plan however advice noted.
Iama	Development of a timeline: For future meetings there needs to be greater liaison with the community to select a time for the meeting that is suitable with fishers. It is important for TSRA to attend meetings and present the roadmap to 100 per cent ownership alongside the draft management plan. The next meeting should aim for the first week of October.	Not related to the provisions of the management plan however advice noted.
Iama	Reef closures: Identify and negotiate closure mechanisms for certain areas including spring tide closures, hookah free zones, and joint access zones.	<p>If necessary any future spatial closures would be dealt with through instruments outside of the management plan.</p> <p>Recommend that the Working Group add this issue to its 2016/17 work plan for consideration.</p>
Iama	Anchorage issues: The TVH sector are using certain sites for anchorage which is: disrupting traditional hunting; causing damage to seagrass beds; and displacing dugong and turtle. The community requested that AFMA address this issue as a high priority.	<p>If necessary measures relating to protecting habitats and protected species would be dealt with through instruments outside of the management plan.</p> <p>Recommend the Working Group add this issue to the 2016/17 work plan for consideration.</p>
Iama	Rangers and compliance: the community questioned if there was a development program or if one could be developed for TSRA rangers	Not related to the provisions of the management plan. TSRA is taking action to investigate the feasibility and build

	to enable them to provide a compliance role.	capacity for Rangers to undertake on fisheries compliance activities in the future.
lama	Free dive season: 12 month open season of the Torres Strait tropical rock lobster for lobsters collected by free diving.	Gear restrictions are to be dealt with through instruments outside of the management plan.  This issue is being tabled the Working Group ( <b>Agenda Item 7</b> ).
lama	Request to have Sunday as a no work day.	Temporal closures will not be dealt with by the management plan.  It should be noted that any fishery closures would need to be justified in the context of the <i>Torres Strait Fisheries Act 1984</i> objectives. Further information is required from the community on the purpose of the proposed closure.
lama	TSRA and AFMA to work together in partnership with Malu Lamar and GBK to develop an entity to hold and manage quota for the TIB sector.	The PZJA has committed to reviewing the allocation provisions for the TIB sector two years after the management plan has been implemented (PZJA meeting 5 August 2015). Involvement by PZJA agencies in developing an alternate TIB allocation is yet to be determined.
lama	AFMA facilitate an overnight meeting on lama between the TVH and TIB sectors to discuss priorities and issues for both sectors, including the potential to develop a code of practice between sectors.	AFMA will advise TVH operators of the lama meeting participants proposal.
Thursday Island, Mabuiag, Masig, Warraber	Application of the total allowable catch: for example, competitively across all sectors or just to the TVH sector	The PZJA has agreed for quota system to apply a TAC to the fishery with specific quota unit allocations to be made available to the TIB and TVH sectors.

Thursday Island	Interim arrangements should be applied: cap TVH, moon tide closures, licence numbers, boat number and boat length restrictions.	Proposed interim arrangements relate to measures outside of the management plan
Boigu	Some participants noted concern that if there was an increase in TIB participation it may result in the TIB quota being reached before the season end and that if TACs were set too low it would be difficult for fishers to run a business.	TAC setting will be guided by a harvest strategy for the fishery. Harvest strategies provide pre-agreed decision making framework for setting TACs which will provide greater certainty for business planning.
Boigu	Councillor Dimas Toby requested another meeting with AFMA, TSRA and the Boigu community to discuss the findings of all community consultations prior to progress of PZJA or Native Title procedures leading to formal consultation.	Outcomes of the Working Group meeting will be circulated to all communities.
Cairns	An industry code of conduct to be developed.	Not related to the provisions of the management plan.
Warraber	Funds raised through leasing arrangements of the TIB sector need to be managed carefully and communities must decide how the funds are spent.	Not related to the provisions of the management plan.
Warraber	The management plan should include a review date. Participants were concerned with making arrangement permanent.	The current draft provides for a review every five years. In accordance with the recent PZJA meeting (5 August 2015) the plan will also be reviewed 2 years following its implementation to improve performance including a possible allocation to individuals or companies within the Traditional Inhabitant sector.

**Table 3** Summary of issues raised in Malu Lamar submission on the draft management plan dated 30 January 2015.

Summary of issues raised in Malu Lamar's submission	AFMA comment
<b>Management plan objectives</b>	
Must include the ultimate vesting of 100% ownership of TRL resource and fishing entitlements in the native title holders	As stated by Sen. Colbeck when he met with the Torres Strait Regional Authority Board Executive, Malu Lamar representatives and industry on 1 June on Thursday Island, the management plan may be a tool through which the aspiration for 100 percent ownership of commercial access rights may be achieved. Specifically the management plan is designed to provide for the leasing of quota units. The leasing of quota units held by the Traditional Inhabitant Boat (TIB) sector to the Transferable Vessel Holder (TVH) sector may provide a source of revenue that could be used to purchase TVH licenses and quota units overtime. The PZJA agreed at its meeting on 5 August 2015 for the management plan to be reviewed two years following its implementation to allow for changes to improve performance including a possible allocation to individuals or companies within the Traditional Inhabitant sector.
Objective 5 as drafted is not specific enough.	Further clarification is required regarding specific changes recommended for objective 5.
Include a specific reference to the need for commercial fishing structure and infrastructure needed to realize TRL –related economic development.	It is beyond the scope of the management plan to direct infrastructure investment or commercial fishing structures. It is relevant however to ensure the management plan does not introduce regulations that unnecessarily impede industry developing necessary commercial structures and infrastructure.
Subject to wording being developed, an objective relating to TVH sector catch limits under the entitlements they currently hold.	The quota system proposed under the management plan will limit TVH licence holders to their quota allocations (or catch limits).
<b>Suggested measures to achieve the 100% ownership objective</b>	
Buy back of TVH licences overtime. For example by accessing the Indigenous Land Account.	It is beyond the scope of the management plan to direct a Government funded buyout of TVH licenses. As noted above, the management plan may facilitate the transfer of ownership through quota trading. The TSRA is developing a 'Roadmap to 100 percent Ownership of the Torres Strait Commercial Fisheries by Torres Strait Communities' which aims to assist in achieving the 100% ownership objective.
All new licences (including fishing licences) be only granted to Native Title holders	Under the proposed management plan the number of quota units available to the fishery will be fixed. It is currently proposed for all quota units available to the TIB sector to be granted at the sector level and for access to the TIB sector to remain open to all Traditional Inhabitants. A Traditional Inhabitant is defined by the <i>Torres Strait Fisheries</i>

Provide practical measures under which potential vendors of current TVH licenses can be matched with potential native title buyers.	<p><b>Act 1984.</b></p> <p>It is beyond the scope of the management plan to match vendors and buyers of fishing licences.</p>
Commercial arrangements involving such things as initial joint ventures between TVH license holders and native title holders with buy-out of the TVH interest over time, should be explored.	<p>It is beyond the scope of the management plan to direct private-sector commercial agreements.</p>
<b>Other measures</b>	
Provisions for monitoring catch records at regular intervals and strengthen measures around the submission of catch records.	<p>The PZJA has the power to monitor catch records. Monitoring of catch records is an important aspect of fisheries management and AFMA is regularly, often in consultation with industry, assessing options to improve the effectiveness of such programs. As a result approaches may change or evolve over time. AFMA encourages this process to continue.</p>
TVH catch in particular is not currently being accurately recorded. Measures are required for a central landing point required for all TVH catch (Horn Island or Thursday).	<p>AFMA supports developing a catch monitoring system to support the proposed quota management system. These systems, including those proposed by Malu Lamar, should be developed in consultation with the TRL Working Group. One option under consideration by the TRL Working Group is to introduce a Fish Receiver system. Catch monitoring systems can be developed and continually improved overtime independent of the management plan.</p>
Include measures to monitor catch shifting between Torres Strait and East Coast fishery.	<p>AFMA supports working with the Queensland Government to develop strategies to monitor potential catch shifting as necessary. If necessary, management measures can be introduced by instruments outside of the management plan.</p>
Where appropriate, catch records and buying records should be cross referenced and appropriately audited.	<p>Cross referencing catch records where possible with buying records is a standard practice for monitoring quota managed fisheries and where appropriate will be applied in the TRL Fishery. As stated above, the introduction of a Fish Receiver system which will further strengthen monitoring arrangements for the fishery is under consideration.</p>
Introduce exclusion zones for TVH operators around prescribed islands and reefs which are of particular significance to native title holders.	<p>These types of measures require further consultation across industry and if appropriate, may be introduced by instruments outside of the management plan</p>
Introduce measures to address issues around TVH operators accessing inhabited and uninhabited islands and certain reefs.	<p>Noted there is existing legislation that regulates the access of inhabited and uninhabited islands where native title has been determined.</p>
Rubbish disposal on both islands and in seas should be addressed.	<p>Noted there is existing legislation that regulates pollution at sea.</p>

<p>Maybe in the plan or elsewhere – measures to improve compliance.</p> <ul style="list-style-type: none"> <li>- Better arrangements for surveillance and enforcement action in respect to illegal fishing of TRL and other species;</li> <li>- More effective policing by AFMA; it must make much better use of native title holders;</li> <li>- Measures to ensure PNG traditional inhabitants properly comply with their entitlements.</li> </ul>	<p>Compliance programs will be developed outside of the management plan. Advice from industry on native title holders will remain important for informing compliance risk assessments.</p>
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**MASIG**

## **COMMUNITY MEETING**

8 May 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



**Australian Government**

# Contents

- Attendance..... 3
- Meeting Record ..... 3
- 1 Purpose .....**Error! Bookmark not defined.**
  - 1.1 Total Allowable Catch.....**Error! Bookmark not defined.**
  - 1.2 Quota units and allocation .....**Error! Bookmark not defined.**
  - 1.3 Quota trading .....**Error! Bookmark not defined.**
  - 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....**Error! Bookmark not defined.**
- 2 MASIG Recommendations and Advice ..... 5
  - 2.1 Management Plan ..... 5

## Attendance

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### Members

Shane Fava (AFMA)

Alicia Sabatino (AFMA)

Jeremy Smith (TSRA)

Kenny Bedford (TSRA portfolio member)

Ned Mosby

Fraser Nai

Hilda Mosby

*\*Some names of TIB sector participants not recorded*

## Meeting Record

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Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

---

To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

## 1.2 Quota units and allocation

Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

The notional TAC for TRL within Australian waters is divided between two sectors. The transferrable vessel holder (TVH) sector is notionally allocated 46 per cent and the traditional inhabitant boat (TIB) sector is notionally allocated 56 per cent. Each year a proportion of the global notional TAC for TRL (that is the TAC for both Australian and PNG waters relevant to the Torres Strait Protected Zone) is set aside for PNG (overall split being TIB 38%, PNG 33% and 29% TVH).

There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## 2 MASIG Recommendations and Advice

---

### 2.1 Management Plan

Participants were generally supportive of the management arrangements proposed under the draft plan of management with the following recommendations and advice:

1. Participants agreed that a TAC should be set for the TVH sector only.
2. There was agreement amongst participants that transfer (selling and leasing) of licences between the TVH sector should be prohibited. Participants recommended that the TVH sector should only be able to lease quota from the TIB sector.
  - a. Participants noted that funds generated through leasing arrangements would need to be carefully managed and benefits to the community must be real.
  - b. Participants noted they did not want to see the TVH sector not fish and only trade quota.
3. Participants recommended that quota should be managed at the community level and a fishery organisation would be developed to manage quota for that community.
4. Participants supported improved catch reporting, noting it would assist with quota allocation to the community or individual.
5. Participants had a preference for community based management for the Torres Strait Tropical Rock Lobster Fishery.
6. Generally supported management arrangements as a mechanism for reducing TVH effort and moving towards 100% ownership of TRL.



**ERUB**

## **COMMUNITY MEETING**

7 May 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



**Australian Government**

# Contents

- Attendance..... 3
- Meeting Record ..... 3
- 1 Purpose .....**Error! Bookmark not defined.**
  - 1.1 Total Allowable Catch.....**Error! Bookmark not defined.**
  - 1.2 Quota units and allocation .....**Error! Bookmark not defined.**
  - 1.3 Quota trading .....**Error! Bookmark not defined.**
  - 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....**Error! Bookmark not defined.**
- 2 MASIG Recommendations and Advice ..... 5
  - 2.1 Management Plan ..... 5



## Attendance

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### Members

Shane Fava (AFMA)

Andrew Cox (AFMA)

*\*Names of TIB sector participants not recorded*

## Meeting Record

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Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

---

To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

## 1.2 Quota units and allocation

Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

The notional TAC for TRL within Australian waters is divided between two sectors. The transferrable vessel holder (TVH) sector is notionally allocated 46 per cent and the traditional inhabitant boat (TIB) sector is notionally allocated 56 per cent. Each year a proportion of the global notional TAC for TRL (that is the TAC for both Australian and PNG waters relevant to the Torres Strait Protected Zone) is set aside for PNG (overall split being TIB 38%, PNG 33% and 29% TVH).

There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## 2 ERUB Recommendations and Advice

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### 2.1 Management Plan

Participants were generally supportive of the management arrangements proposed under the draft plan of management with the following recommendations and advice:

1. There was agreement amongst participants that transfer (selling and leasing) of licences between the TVH sector should be prohibited. Participants recommended that the TVH sector should only be able to lease quota from the TIB sector.
  - a. Participants noted that funds generated through leasing arrangements would need to be carefully managed and benefits to the community must be real.
  - b. Participants did not support internal leasing within the TVH sector as it would result in the TVH fishers spending longer in the TSPZ, community members were happy for the TVH licence holders to take their catch quickly then leave.
2. The group acknowledged that there are differing level of fishing activity and reliance on the TRL fishery between each community and that adopting a single equitable model that meets the need of all communities would be challenging.
3. Participants discussed the need for infrastructure development to take the next steps in developing their capacity as true commercial fishers, this related to boats, freezers, live holding etc.
4. Participants noted the importance of catch reporting by the TIB sector.
5. Participants had a preference for community based management for the Torres Strait Tropical Rock Lobster Fishery.



## **TRL stakeholder meeting summary**

**16 October 2014 (Cairns)**

### **Attendees**

Shane Fava (AFMA)

Katie Scutt (AFMA)

Jeremy Smith (TSRA)

Names of TVH sector representatives not recorded

Names of TIB sector representatives not recorded

### **Resolutions**

- An industry code of conduct will be developed between the Traditional Inhabitant (TIB) and non-traditional (TVH) sectors for the 2015 Tropical Rock Lobster (TRL) season. This will be in place before February 2015.
- In conjunction to a code of conduct, both TIB and TVH sectors will progress development of the TRL management plan for implementation in 2016.
- The industry code of conduct will provide for:
  - the TVH sector to fish within their nominal Total Allowable Catch (TAC) as recommended by TRL Resource Assessment Group (RAG), based on their initial allocation of the TAC. If a licence holder in the TVH sector, or if the whole sector has fished up to its nominal TAC, the code of conduct will provide for leasing to occur.
  - leasing between TVH and TIB sectors as per individual commercial arrangements.
- The code of conduct will be developed out of session and signed at a TRL Working Group (WG) proposed for mid-November. AFMA may support a meeting of TIB and TVH stakeholders to develop the code of conduct before the TRLWG if required.
- The TRLWG will provide the signed code of conduct (by appropriate representatives of the TVH and TIB sectors) to the PZJA and relevant ministers for noting. The letter will also indicate that the TVH and TIB sectors are supportive of working together to develop and implement a management plan for the 2016 season.
- It was noted that neither AFMA nor TSRA will be responsible for the development, administration or enforcement of the code of conduct but support its development recognising that this is a positive step forward in progressing the TRL management plan.
- Should the management plan not be in place for the 2016 season, the code of conduct may be rolled over until a management plan is implemented.

### **Key discussion points**

The purpose of the meeting was to discuss with stakeholders the development of a TRL management plan and possible pathways and timelines to implement the plan for the 2016 season.

The High Court of Australia Native Title Sea Claim decision was acknowledged, extending native title rights into the sea. It was noted that consultation with native claimants and representatives is required on decisions that may affect native title rights.

Attendees noted that the draft management plan will provide a framework for turning TVH licences into a tonnage based on the TRLRAG recommended TAC for the whole fishery. The management plan will also provide for the leasing and transfer of quota within and between the TVH and TIB sectors.

Concerns were raised by the TVH sector around the validity of the stock assessments on which the TAC is based on. AFMA informed stakeholders that the CSIRO predictions have good track record and also use inputs from logbooks/catch data from Australia and Papua New Guinea (PNG).

Concerns by both TVH and TIB sectors were raised around the Queensland East Coast fishery being opened in January because it is thought that this is when the TRL are spawning. There is some evidence to suggest that the TRL stock is shared across the Queensland, Torres Strait and Papua New Guinea waters, meaning that what happens in one affects the other. AFMA indicated that in the future there may be joint research between jurisdictions to understand this relationship.

Attendees noted the catch allocation percentages and Australia's responsibilities under the Treaty with PNG (29% TVH, 38% TIB, 33% PNG). AFMA extended an invitation to the Australia-PNG Fisheries Bilateral meeting in Cairns on 28 October should anyone wish to attend, noting if cross-endorsement is being sought from Australian fishers this is the appropriate time to nominate. Malu Lamar and the Torres Strait Fishers Association will be attending.

The TIB and Malu Lamar representative acknowledged that the TVH sector has licences and allocations and is part of the fishery. The sector's goal is to promote the economy, employment and protect the environment. Concerns over the TVH fishing over their allocation and lack of compliance presence were raised. There is support the previous agreement to implement a cap and have a preference for this to be done through interim arrangements for the 2015 season. Malu Lamar and TSFA have written to relevant Ministers outlining this request.

Concerns were also raised that the TVH sector is becoming more efficient and catching more which makes it more difficult for TIB fishers. The TIB sector proposes to have an interim cap in addition to the current input controls and then once the management plan is in place, the sector will look at relaxing the input controls. The TVH sector noted that they have known about the introduction for quota since 2005 and have been planning their businesses accordingly.

The meeting discussed the benefits of Olympic allocation vs an allocation based on licence holdings for an interim cap and agreed that any agreement should recognise the allocation percentage on individual licences. An Olympic allocation may result in a race to fish and does not tie into current business plans for the TVH sector.

Both the TIB and TVH sectors agreed that a code of conduct should be developed for the 2015 season, in conjunction with a management plan being developed for implementation in 2016. Final resolutions are outlined above.

## **Actions**

1. AFMA to send a graph comparing recommended TAC with actual catches

2. Attendees to notify AFMA if they would like to attend the Fisheries Bilateral meeting on 28 October 2014.





# THURSDAY ISLAND COMMUNITY MEETING

14 October 2014

TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN



Australian Government

# Contents

- Attendance..... 3
- Meeting Record ..... 3
- 1 Purpose .....**Error! Bookmark not defined.**
  - 1.1 Total Allowable Catch.....**Error! Bookmark not defined.**
  - 1.2 Quota units and allocation .....**Error! Bookmark not defined.**
  - 1.3 Quota trading .....**Error! Bookmark not defined.**
  - 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....**Error! Bookmark not defined.**
- 2 THURSDAY ISLAND Recommendations and Advice ..... 5
  - 2.1 Management Plan ..... 5

## Attendance

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### Members

Shane Fava (AFMA)

Andrew Cox (AFMA)

*\*Names of TIB and TVH sector participants not recorded*

## Meeting Record

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Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

---

To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

## 1.2 Quota units and allocation

Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

The notional TAC for TRL within Australian waters is divided between two sectors. The transferrable vessel holder (TVH) sector is notionally allocated 46 per cent and the traditional inhabitant boat (TIB) sector is notionally allocated 56 per cent. Each year a proportion of the global notional TAC for TRL (that is the TAC for both Australian and PNG waters relevant to the Torres Strait Protected Zone) is set aside for PNG (overall split being TIB 38%, PNG 33% and 29% TVH).

There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## 2 THURSDAY ISLAND Recommendations and Advice

---

### 2.1 Management Plan

Participants were generally supportive of the management arrangements proposed under the draft plan of management with the following recommendations and advice:

1. Participants (TIB) agreed that a TAC should be implemented for the TVH sector only and the TAC should be set to the current nominal allocation. Noting that once the TVH TAC is caught that these fishers would then be required to leave the TSPZ. There were also comments stating that this needs to be done now and that there could be no further delays.
2. There was agreement amongst TIB participants only that transfer (selling and leasing) of licences between the TVH sector should be prohibited. TIB participants recommended that the TVH sector should only be able to lease quota from the TIB sector.
  - a) Participants noted that funds generated through leasing arrangements would need to be carefully managed and benefits to the community must be real.
3. Participants (TVH sector) supported transfer of licences with the TVH sector.
4. Participants raised concerns about a delay with implementing the plan and recommended a number of interim management arrangements remain in place including a cap on TVH catch, moon-tide closures, licence numbers, boat numbers and boat length restrictions.
5. Participants recommended that Malu Lamar and the Torres Strait Fishers Association make logbooks compulsory for the TIB sector.
6. There was general support from the TIB sector that management arrangements should be established that work as mechanisms for reducing TVH effort and moving towards 100% ownership of TRL.
7. Communities should be directly involved in management and decisions making for the Torres Strait Tropical Rock Lobster Fishery.
8. Some participants raised concerns about delays for the implementation of the plan and a push to bring in interim arrangements including capping TVH sector and moon-tide closures.
9. Some TIB participants suggested that TVH fishers should fish a competitive TAC, this comment was made on the basis that this is how TIB operators were going to have to fish. There was a general concern from the TIB sector regarding the capacity of the TVH sector to hold quota under the proposed management plan, they believed this a right that they should not have.
10. Some participants suggested that TVH tender numbers should be reduced to a maximum of two and that cages should not be permitted to be towed. While some participants suggested that a cage should be considered a tender for licencing purposes.
11. Participants noted they wanted to develop a code of practice between TIB and TVH fishers as an interim arrangement to cap catch until the management plan is implemented.
12. One participant suggested restricting the fishery to free diving only, this was not supported by other attendees.

### 2.2 Other fishery issues

1. Treaty should be amended to stop PNG fishers accessing Australian waters.

2. Participants noted TVH fishers are having an impact on the shallow water (reef top stocks) was raised and that research should be done in this area.

**SAIBAI**

## **COMMUNITY MEETING**

18 March 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



**Australian Government**

# Contents

Attendance.....	3
Meeting Record .....	3
1 Purpose .....	4
1.1 Total Allowable Catch.....	4
1.2 Quota units and allocation .....	4
1.3 Quota trading .....	4
1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....	4
2 SAIBAI Recommendations and Advice .....	5
2.1 Management Plan .....	5
2.2 Other fishery issues.....	5



## Attendance

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### Members

Shane Fava (AFMA)

Andrew Cox (AFMA)

Peter Sainsbury (AFMA)

*\*Names of TIB sector participants not recorded*

## Meeting Record

---

Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

---

To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

## 1.2 Quota units and allocation

Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

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There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## 2 SAIBAI Recommendations and Advice

---

### 2.1 Management Plan

Participants were generally supportive of the management arrangements proposed under the draft plan of management with the following recommendations and advice:

1. Participants agreed that transfer (selling and leasing) of licences between the TVH sector should be prohibited. Participants recommended that the TVH sector should only be able to lease quota from the TIB sector.
2. Participants recommended that quota should be allocated at the community level.
  - a. Participants noted that Saibai has a long history of catching TRL and this needs to be recognised.
  - b. Participants discussed the possible role the PBC should play in managing the resource, particularly decisions regarding allocations.
3. Participants agreed any allocation of quota to 'amnesty people' needs to be separate to the allocation to the Traditional Owners.
4. Participants had a preference for community based management for the Torres Strait Tropical Rock Lobster Fishery.
5. Generally supported management arrangements as a mechanism for reducing TVH effort and moving towards 100% ownership of TRL
6. Generally recognised the importance of catch reporting for the TIB sector.

### 2.2 Other fishery issues

There was considerable discussion on compliance issues at the meeting, including the activities of PNG nationals fishing in Sabai waters.



**UGAR**

## **COMMUNITY MEETING**

22 July 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



**Australian Government**

# Contents

Attendance.....	3
Action Items .....	3
Meeting Record .....	3
1 Purpose .....	<b>Error! Bookmark not defined.</b>
1.1 Total Allowable Catch.....	<b>Error! Bookmark not defined.</b>
1.2 Quota units and allocation .....	<b>Error! Bookmark not defined.</b>
1.3 Quota trading .....	<b>Error! Bookmark not defined.</b>
1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....	<b>Error! Bookmark not defined.</b>
2 UGAR Recommendations and Advice .....	5
2.1 Management plan .....	5
2.2 Resource sharing .....	5
2.3 Spanish mackerel research .....	5
2.4 Other .....	6
3 Other fishery management updates provided by AFMA .....	6
3.1 Bech De Mer.....	6
3.2 Research Project – Community Consultation .....	6

## Attendance

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### Members

Selina Stoute (AFMA)

Dean Pease (AFMA)

Seri Stephen (Malu Lamar Representative)

Rocky Stephen

Floriana Blerd

Cloudy Stephen

Robert Modeo

Daniel Stephen

William Stephen

## Action Items

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**Action 1:** AFMA to provide catch, effort and fishery value information for finfish for the Torres Strait region.

**Action 2:** AFMA to provide information on the life history characteristics of beche de mer.

## Meeting Record

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The councillor invited the Malu Lamar Representative Seri Stephen to speak briefly regarding developments relating to Native Title. Mr Stephen gave a short explanation of the group and the registration of the Malu Lamar Corporation as a Registered Native Title Body Corporate.

Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

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To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

## 1.2 Quota units and allocation

Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

The notional TAC for TRL within Australian waters is divided between two sectors. The transferrable vessel holder (TVH) sector is notionally allocated 46 per cent and the traditional inhabitant boat (TIB) sector is notionally allocated 56 per cent. Each year a proportion of the global notional TAC for TRL (that is the TAC for both Australian and PNG waters relevant to the Torres Strait Protected Zone) is set aside for PNG (overall split being TIB 38%, PNG 33% and 29% TVH).

There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.



## 2 UGAR Recommendations and Advice

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### 2.1 Management plan

Participants did not support the development of a TRL management plan until there is 100 per cent ownership of the TRL fishery by Torres Strait Islanders. Participants did not support a pathway of 100 per cent ownership through the proposed draft TRL management plan and the management mechanisms of TAC, allocation and transfer. Participants recommended that the government fund a buyout of the remaining TVH licences and transfer these to Torres Strait Islanders.

There was agreement amongst participants that transfer (selling and leasing) of licences between the TVH sector should be prohibited. Participants recommended that the TVH sector should only be able to lease quota from the TIB sector.

### 2.2 Resource sharing

Participants recommended that a 10 nm exclusion zone should apply to island communities for all fishery resources (not only finfish). If an operator wishes to fish within this zone (TIB or TVH) they would need to seek permission. Any catch taken from the zone must be sold to the islands fishing corporation so money is fed back into that community.

### 2.3 Spanish mackerel research

Participants advised that they did not support the continuation of the current Spanish Mackerel tagging project (titled: *Defining the status of Torres Strait Spanish mackerel to inform future fisheries allocation and sustainable fishing*).

Participants advised that knowledge of Spanish mackerel movement through the Torres Strait is traditional knowledge which the community of Ugar does not want to be made public.

Participants noted advice from AFMA that studies such as the Spanish mackerel tagging project provide valuable information in which to assess the status of fish stocks. In the absence of such information the TAC for the stock may need to be set more conservatively to account uncertainty in the stock assessment. A more conservative (lower) TAC would result in less catch available for leasing and therefore less opportunity to generate leasing revenue for the community.

Participants also requested that the AFMA Chief Executive Officer write a letter of apology to the Ugar community regarding the publication of preliminary results from the project on the internet. Participants noted that prior to approving the scientific research AFMA completed all necessary native title notification and consulted with the Torres Strait Science Advisory Committee.

## 2.4 Other

Mr William Stephen tabled the following letter:

*The information in this is to the best of our knowledge, true and correct.*

*The information understands that only submission or false statement made in relation to the information acknowledges that it is an offence under the Commonwealth criminal code for a person to give false information to a commonwealth entity, knowing that the information is either false (or) misleading.*

*William Stephen 22/07/2015*

## 3 Other fishery management updates provided by AFMA

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### 3.1 Bech De Mer

AFMA advised that a proposal is due for submission to the PZJA meeting on 5 August 2015 for the opening of the black teatfish in November 2015.

Participants noted that notification of the total catch for black teatfish by AFMA was too slow and catches increased significantly (around 5 t) over night. Participants requested that AFMA provide better reporting of the total catch while the fishery is open.

AFMA noted it was difficult to report on the total catch during the fishery because fishers were not reporting catches. For the 2015 fishing season Malu Lamar representatives have agreed to liaise with communities and assist with the catch reporting to AFMA.

Participants noted that there should be a set allocation of black teatfish to each of the islands that participate in the fishery.

### 3.2 Research Project – Community Consultation

AFMA noted that Professor Martin Nakata received funding for a research project to outline appropriate consultation processors for researchers in the Torres Strait.

The group noted that the research project should hold face-to-face community meetings to discuss the appropriate consultation process.

AFMA noted that the budget for the project is limited and it cannot fund face-to-face meetings.

**IAMA**

## **COMMUNITY MEETING**

31 July 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



**Australian Government**

# Contents

- Attendance..... 3
- Meeting Record ..... 3
- 1 Purpose ..... 4
  - 1.1 Total Allowable Catch..... 4
  - 1.2 Quota units and allocation ..... 4
  - 1.3 Quota trading ..... 4
  - 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants ..... 4
  - 1.5 Discussion from Malu Lamar Representative ..... 5
- 2 IAMA Recommendations and Advice ..... 5
  - 2.1 Management Plan ..... 5

## Attendance

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Selina Stoute (AFMA)  
Dean Pease (AFMA)  
Peter Sainsbury (AFMA)  
Maluwap Nona (Malu Lamar)  
Ned David (PBC Chair)  
Paul Kusu  
Phillip Baraguo  
Ralph Larry  
Charlie David  
Bob Larry  
Jomen David  
Goiro Kaworo  
Roy Kepa  
Mark David  
Manuel Kopa  
Ned Larry  
Sattrick Baluz  
Ned David (1)

## Meeting Record

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Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

---

To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

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Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

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There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## 1.5 Discussion from Malu Lamar Representative

Maluwap Nona gave a short explanation of the group and the registration of the Malu Lamar Corporation as a Registered Native Title Body Corporate.

Mr Nona explained that there are current three groups of people included under the TIB sector; these are traditional owners, Torres Strait and Aboriginal people and 'amnesty' people. It was raised that 'amnesty' people are not currently recognised under Native Title Representative Bodies (RNTB) or Aboriginal and Torres Strait Islander Commission (ATSIC). Mr Nona noted that 'amnesty' people should not be included in the TIB sector and they should be given separate licences. It was noted that 'amnesty' people should have their own representative/s.

## 2 IAMA Recommendations and Advice

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### 2.1 Management Plan

Participants gave in-principle support for the management arrangements proposed under the draft plan of management with the inclusion of quota trading restrictions on TVH sector.

Generally supported management arrangements as a mechanism for reducing TVH effort and moving towards 100% ownership of TRL.

Participants recommended that the TVH be limited to trading only with the TIB sector to facilitate the transfer of ownership. Participants noted that further consultation would be undertaken once a draft plan is finalised.

Participants recommended the following:

1. Future Fisheries Meeting: All future meetings must be attending by all key stakeholders including: AFMA, TSRA, Torres Shire Regional Council, the Prescribed Body Corporate, fishing corporations, Malu Lamar and GBK should be represented at future fisheries meetings.
2. Development of a timeline: For future meetings there needs to be greater liaison with the community to select a time for the meeting that is suitable with fishers. It is important for TSRA to attend meetings and present the roadmap to 100 per cent ownership alongside the draft management plan. The next meeting should aim for the first week of October.
3. Reef closures: Identify and negotiate closure mechanisms for certain areas including spring tide closures, hookah free zones, and joint access zones.
4. Anchorage issues: The TVH sector are using certain sites for anchorage which is: disrupting traditional hunting; causing damage to seagrass beds; and displacing dugong and turtle. The community requested that AFMA address this issue as a high priority.

5. Rangers and compliance: the community questioned if there was a development program or if one could be developed for TSRA rangers to enable them to provide a compliance role.
6. Free dive season: 12 month open season of the Torres Strait tropical rock lobster for lobsters collected by free diving.
7. Request to have Sunday as a no work day.
8. TSRA and AFMA to work together in partnership with Malu Lamar and GBK to develop an entity to hold and manage quota for the TIB sector.

Participants also recommended that AFMA facilitate an overnight meeting on Iama between the TVH and TIB sectors to discuss priorities and issues for both sectors, including the potential to develop a code of practice between sectors.



**MABUIAG**

## **COMMUNITY MEETING**

30 March 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



Australian Government

# Contents

Attendance.....	3
Meeting Record .....	3
1 Purpose .....	4
1.1 Total Allowable Catch.....	4
1.2 Quota units and allocation .....	4
1.3 Quota trading .....	4
1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....	4
2 MABUIAG Recommendations and Advice .....	5
2.1 Management Plan .....	5

## Attendance

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### Members

Shane Fava (AFMA)

Selina Stoute (AFMA)

Jeremy Smith (TSRA)

Charles David (TSRA)

Evrardus Kaise

Thomas Holland

Crassfield Manuel

John Luffman

Alexander Toby

Wigness Sagigi

Alfred Amber

Bert Whap

Thomas Mene

William Misi

Patterson Bani

Ted Whap

Flora Warrior

Harry Kris

George Hankon

Willie Babia

## Meeting Record

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Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

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To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

## 1.2 Quota units and allocation

Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

The notional TAC for TRL within Australian waters is divided between two sectors. The transferrable vessel holder (TVH) sector is notionally allocated 46 per cent and the traditional inhabitant boat (TIB) sector is notionally allocated 56 per cent. Each year a proportion of the global notional TAC for TRL (that is the TAC for both Australian and PNG waters relevant to the Torres Strait Protected Zone) is set aside for PNG (overall split being TIB 38%, PNG 33% and 29% TVH).

There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## 2 MABUIAG Recommendations and Advice

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### 2.1 Management Plan

Participants were generally supportive of the management arrangements proposed under the draft plan of management with the following recommendations and advice:

- Some participants supported a TAC to be set for the whole fishery, broader support for a TAC for the TVH sector only.
  - Some participants suggested the TVH should fish a competitive TAC.
- Participants agreed that transfer (selling and leasing) of licences between the TVH sector should be prohibited.
- Some participants recommended that the TVH sector should only be able to lease quota from the TIB sector.
  - Some participants noted that leasing from TIB to TVH could lead to corruption if not managed correctly.
- Participants noted their preference for quota to be allocated at the community level and for the community to manage the fisheries.
- Some participants agreed for the TRL fishery to be quota managed.
- Generally supported management arrangements as a mechanism for reducing TVH effort and moving towards 100% ownership of TRL.
- Generally recognised the importance of catch reporting for the TIB sector
- Some participant suggested TVH operators should fish a competitive TAC..



# **WARRABER COMMUNITY MEETING**

17 April 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



**Australian Government**

# Contents

Attendance.....	3
Meeting Record .....	3
1 Purpose .....	4
1.1 Total Allowable Catch.....	4
1.2 Quota units and allocation .....	4
1.3 Quota trading .....	4
1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....	4
2 WARRABER Recommendations and Advice.....	5
2.1 Management plan .....	5
2.2 Other fisheries issues .....	5



## Attendance

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### Members

Selina Stoute (AFMA)

Andrew Cox (AFMA)

Claire Wallis (AFMA)

Isaac Harry

Aken Baragud

Johnny Bob

Nathan Pearson

Young Billy

Ian Larry

Yessie Pearson

James Billy

Harold Pearson

Lui Billy

Alfie Sailor

Bogo Billy

Willie Lui

Mark Pearson

Edward Daniels

Peitison Larry

Thomas Mene

John Larry

Allan Harry

Ewelli Mene

Edward Nosa

## Meeting Record

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Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

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To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

## 1.2 Quota units and allocation

Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

The notional TAC for TRL within Australian waters is divided between two sectors. The transferrable vessel holder (TVH) sector is notionally allocated 46 per cent and the traditional inhabitant boat (TIB) sector is notionally allocated 56 per cent. Each year a proportion of the global notional TAC for TRL (that is the TAC for both Australian and PNG waters relevant to the Torres Strait Protected Zone) is set aside for PNG (overall split being TIB 38%, PNG 33% and 29% TVH).

There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## **2 WARRABER Recommendations and Advice**

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### **2.1 Management plan**

Participants were generally supportive of the management arrangements proposed under the draft plan of management with the following recommendations and advice:

1. Community based management arrangements for catch sharing arrangements and fisheries management for the Torres Strait Tropical Rock Lobster Fishery is preferred, with an emphasis on keeping more TRL in the water.
2. Management arrangements proposed under the draft plan of management are supported in-principle. Noting the inclusion of quota trading restrictions on TVH sector. The TVH sector should only be permitted to trade with the TIB sector (leasing and selling).
3. Some participants suggested that TVH fishers should fish a competitive TAC.
4. Funds raised through leasing arrangements of the TIB sector need to be managed carefully and communities must decide how the funds are spent.
5. The management plan should include a review date. Participants were concern with making arrangement permanent.
6. Recognised the importance of improved catch reporting by the TIB sector, but raised concerns about data security if catch reporting was made compulsory.
7. Generally supported management arrangements as a mechanism for reducing TVH effort and moving towards 100% ownership of TRL.

### **2.2 Other fisheries issues**

1. Concerns raised around TSRAs use of finfish lease money because current board members can influence spending of money which may not be beneficial for some communities.
2. Representation of Malu Lamar on PZJA is important for future decision making.
3. Participants remain supportive of the PZJA Working Groups as a means to provide advice to the PZJA and progress immediate management priorities.
4. Torres Strait Islander input should be at the top of the PZJA structure, not just at community meetings. However, participants are happy to stay engaged with PZJA working group to provide advice.



**BOIGU**

## **COMMUNITY MEETING**

20 March 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



**Australian Government**

# Contents

- Attendance..... 3
- Meeting Record ..... 3
- 1 Purpose ..... 4
  - 1.1 Total Allowable Catch..... 4
  - 1.2 Quota units and allocation ..... 4
  - 1.3 Quota trading ..... 4
  - 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants ..... 4
- 2 BOIGU Recommendations and Advice ..... 5
  - 2.1 Management Plan ..... 5

## Attendance

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### Members

Andrew Cox (AFMA)  
Selina Stoute (AFMA)  
Claire Wallis (AFMA)  
Jeremy Smith (TSRA)  
Ishmael Gibuma  
Nelson Gibuma  
Kada Woureg  
Jeremy Tom  
Dimas Toby  
Aarom Tom  
Makie Marama  
Dick Gibuma  
Mareko Tom  
Wurunai Dali  
Levi Tom  
Nigel Gibuma  
Raymond Matthew  
Pabai Pabai  
Arthur Gibuma  
Billy Dali  
Bani Toby

## Meeting Record

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Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

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To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

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There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

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## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.



## 2 BOIGU Recommendations and Advice

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### 2.1 Management Plan

Participants were generally supportive of the management arrangements proposed under the draft plan of management with the following recommendations and advice:

1. Some participants supported management arrangements as a mechanism for reducing TVH effort and moving towards 100% ownership of TRL.
2. Some participants were concerned that the management plan will not facilitate transfer of licences to meet the aspiration of 100 per cent traditional ownership.
3. There was agreement amongst participants that transfer (selling and leasing) of licences between the TVH sector should be prohibited. Participants recommended that the TVH sector should only be able to lease quota from the TIB sector.
4. In principle support for a TAC for the whole fishery.
5. Some participants noted concern that if there was an increase in TIB participation it may result in the TIB quota being reached before the season end and that if TACs were set too low it would be difficult for fishers to run a business.
6. Councillor Dimas Toby requested another meeting with AFMA, TSRA and the Boigu community to discuss the findings of all community consultations prior to progress of PZJA or Native Title procedures leading to formal consultation.
7. Generally recognised the importance of catch reporting for the TIB sector.
8. Communities should be directly involved in management and decisions making for the Torres Strait Tropical Rock Lobster Fishery.



# **PORUMA COMMUNITY MEETING**

6 July 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



**Australian Government**

# Contents

Attendance .....	3
Meeting Record .....	3
1 Purpose .....	4
1.1 Total Allowable Catch.....	4
1.2 Quota units and allocation .....	4
1.3 Quota trading .....	4
1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....	4
2 PORUMA Recommendations and Advice .....	5

## Attendance

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### Members

Selina Stoute (AFMA)

John Jones (AFMA)

Maluwap Nona (Malu Lamar)

Jeremy Smith (TSRA)

Charles David (TSRA)

*\*Community members present not complete*

## Meeting Record

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The Malu Lamar representative Maluwap Nona spoke briefly regarding developments relating to Native Title. Mr Nona gave a short explanation of the group and the registration of the Malu Lamar Corporation as a Registered Native Title Body Corporate.

Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

---

To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

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There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## 1.5 Discussion from Malu Lamar Representative

Maluwap Nona gave a short explanation of the group and the registration of the Malu Lamar Corporation as a Registered Native Title Body Corporate.

Mr Nona explained that there are current three groups of people included under the TIB sector; these are traditional owners, Torres Strait and Aboriginal people and 'amnesty' people. It was raised that 'amnesty' people are not currently recognised under Native Title Representative Bodies (RNTB) or Aboriginal and Torres Strait Islander Commission (ATSIC). Mr Nona noted that 'amnesty' people should not be included in the TIB sector and they should be given separate licences. It was noted that 'amnesty' people should have their own representative/s.

## **2 PORUMA Recommendations and Advice**

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Participants passed the following resolutions:

- A management plan is not supported without substantial changes;
- The draft management plan should address points raised in Malu Lamar's submission (dated 30 January 2015); and
- The government should resource Malu Lamar to engage with technical fisheries experts to help with development of the management plan.

Participants recommended that the TVH sector be limited to quota trading only with the TIB sector to facilitate the transfer of ownership.





**DAUAN**

## **COMMUNITY MEETING**

23 July 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



Australian Government

Australian Fisheries Management Authority

# Contents

Attendance.....	3
Meeting Record .....	3
1 Purpose .....	4
1.1 Total Allowable Catch.....	4
1.2 Quota units and allocation .....	4
1.3 Quota trading .....	4
1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....	4
1.5 Discussion from Malu Lamar Representative .....	4
2 DAUAN Recommendations and Advice.....	5
2.1 Management Plan .....	5
3 Other fishery management updates provided by AFMA .....	5
3.1 Beche De Mer .....	5

## Attendance

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### Members

Selina Stoute (AFMA)

Dean Pease (AFMA)

Seriako Stephen (Malu Lamar representative)

Harry Tabipa

Mobea Mooka

Makila Mooka

Laurie Elisala

Sam Maka

Thomas Mooka

David Elisala

Torenzo Elisala

Maleta Elisala

Terry Elisala

## Meeting Record

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Malu Lamar representative Seriako Stephen spoke briefly regarding developments relating to Native Title. Mr Stephen gave a short explanation of the role of Malu Lamar as a Registered Native Title Body Corporate.

Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

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To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

## 1.2 Quota units and allocation

Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

The notional TAC for TRL within Australian waters is divided between two sectors. The transferrable vessel holder (TVH) sector is notionally allocated 46 per cent and the traditional inhabitant boat (TIB) sector is notionally allocated 56 per cent. Each year a proportion of the global notional TAC for TRL (that is the TAC for both Australian and PNG waters relevant to the Torres Strait Protected Zone) is set aside for PNG (overall split being TIB 38%, PNG 33% and 29% TVH).

There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## 1.5 Discussion from Malu Lamar Representative

Seriako Stephen gave a short explanation of the group and the registration of the Malu Lamar Corporation as a Registered Native Title Body Corporate.

Mr Stephen explained that there are current three groups of people included under the TIB sector; these are traditional owners, Torres Strait and Aboriginal people and 'amnesty' people. It was raised that 'amnesty' people are not currently recognised under Native Title Representative Bodies (RNTB) or Aboriginal and Torres Strait Islander Commission (ATSIC). Mr Stephen noted that 'amnesty' people should not be included in the TIB sector and they should be given separate licences. It was noted that 'amnesty' people should have their own representative/s.

## **2 DAUAN Recommendations and Advice**

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### **2.1 Management Plan**

Participants were generally supportive of the management arrangements proposed under the draft plan of management with the following recommendations and advice:

- There was agreement amongst participants that transfer (selling and leasing) of licences between the TVH sector should be prohibited. Participants recommended that the TVH sector should only be able to lease quota from the TIB sector.
- Quota allocation: any allocation of quota to 'amnesty people' needs to be separate to the allocation to the Traditional Owners.
- Quota holding:
  - Participants noted that TSRA should not be holding quota on behalf of the TIB sector and there was discussion around how the quota should be allocated within the TIB sector.

## **3 Other fishery management updates provided by AFMA**

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### **3.1 Beche De Mer**

AFMA advised that a proposal is due for submission to the PZJA meeting on 5 August 2015 for the opening of the black teatfish in November 2015.

AFMA noted it was difficult to report on the total catch during the fishery opening because individual fishers were generally not reporting catches. Subject to agreement by the PZJA, during the 2015 fishing season Malu Lamar representatives have agreed to liaise with communities and assist with the catch reporting to AFMA. AFMA will be encouraging other Industry Associations to also actively encourage, assist and promote the completed of catch logs.



**MER**

## **COMMUNITY MEETING**

20 July 2015

**TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN**



Australian Government

# Contents

Attendance.....	3
Meeting Record .....	3
1 Purpose .....	4
1.1 Total Allowable Catch.....	4
1.2 Quota units and allocation .....	4
1.3 Quota trading .....	4
1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants .....	4
1.5 Discussion from Malu Lamar Representative .....	4
2 MER Recommendations and Advice .....	5
2.1 Management Plan .....	5
2.2 Other fisheries issues .....	5
3 Other fishery management updates provided by AFMA .....	5
3.1 Beche De Mer .....	5



## Attendance

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### Members

Selina Stoute (AFMA)

Dean Pease (AFMA)

Kenny Bedford (TSRA Portfolio Member)

Maluwap Nona (Malu Lamar representative)

*\*Other community participants not recorded*

## Meeting Record

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The Malu Lamar representative Maluwap Nona spoke briefly regarding developments relating to Native Title. Mr Nona gave a short explanation of the group and the registration of the Malu Lamar Corporation as a Registered Native Title Body Corporate.

Key management arrangements proposed under a TRL plan – standard information provided by AFMA provided in Section 1.

# 1 Purpose

---

To consult on key management arrangements proposed for the TRL fishery under a plan of management. Further consultation will follow once a draft plan is finalised.

## 1.1 Total Allowable Catch

A Total Allowable Catch (TAC) would introduce a maximum catch allowed to be taken from the fishery. If the fishery reached the TAC in a season then fishing would need to stop until the next season. Currently the fishery is managed under a 'notional' TAC meaning it is not enforced.

## 1.2 Quota units and allocation

Quota units allow for the allocation of a TAC to particular licence holders and/or groups. The value of a quota unit in terms of allowable catch varies each year according to the TAC.

The notional TAC for TRL within Australian waters is divided between two sectors. The transferrable vessel holder (TVH) sector is notionally allocated 46 per cent and the traditional inhabitant boat (TIB) sector is notionally allocated 56 per cent. Each year a proportion of the global notional TAC for TRL (that is the TAC for both Australian and PNG waters relevant to the Torres Strait Protected Zone) is set aside for PNG (overall split being TIB 38%, PNG 33% and 29% TVH).

There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 licenses and under the proposed draft plan the TVH share (44%) would be allocated to licenses based on allocation formula already agreed by the PZJA (the formula takes into account catch history). This means each TVH operator will have a quota allocation attached to their licence. For example, this may equate to one person holding 5 tonne and another holding 15 tonne in a particular year.
- The TIB sector currently has 300+ licences and under the proposed draft plan the TIB share (56%) would be held by a single body (or 'Group'). A final decision has not been made on who the group should be, but the system in place for the Finfish Fishery could be adopted. That is for TSRA to hold and administer quota on behalf of the TIB sector.

## 1.3 Quota trading

Quota trading means either permanent (selling) or temporary (leasing) trading of quota units and licences.

## 1.4 Relevance to the aspiration for 100 per cent ownership of commercial licensing by Traditional inhabitants

Quota trading provides a mechanism to generate revenue. Depending on the TAC in any one year, the TVH sector will generally need to lease uncaught quota in order to maintain their historic catch levels. This will create a quota trading market.

Over time the revenue raised by the TIB sector from leasing quota could be used to purchase (permanent transfer) quota and licences held by TVH operators. This would lead to a gradual transfer of ownership and assist in achieving the goal of 100% ownership.

## 1.5 Discussion from Malu Lamar Representative

Maluwap Nona gave a short explanation of the group and the registration of the Malu Lamar Corporation as a Registered Native Title Body Corporate.

Mr Nona explained that there are current three groups of people included under the TIB sector; these are traditional owners, Torres Strait and Aboriginal people and 'amnesty' people. It was raised that 'amnesty' people are not currently recognised under Native Title Representative Bodies (RNTB) or Aboriginal and Torres Strait Islander Commission (ATSIC). Mr Nona noted that 'amnesty' people should not be included in the TIB sector and they should be given separate licences. It was noted that 'amnesty' people should have their own representative/s.

## **2 MER Recommendations and Advice**

---

### **2.1 Management Plan**

Participants were generally supportive of the management arrangements proposed under the draft plan of management with the following recommendations and advice:

- Generally supported management arrangements as a mechanism for reducing TVH effort and moving towards 100% ownership of TRL.
- There was agreement amongst participants that transfer (selling and leasing) of licences between the TVH sector should be prohibited. Participants recommended that the TVH sector should only be able to lease quota from the TIB sector.
- Quota allocation: any allocation of quota to 'amnesty people' needs to be separate to the allocation to the Traditional Owners.
- Quota holding:
  - Participants noted that TSRA should not be holding quota on behalf of the TIB sector and there was discussion around how the quota should be allocated within the TIB sector.
  - Some participants suggested that TSRA could work with Malu Lamar to develop a company which would manage and hold TIB sector quota on behalf of fishers in the TIB sector.
  - Some participants suggested that groups or individuals within the community should hold quota. Further discussion regarding allocation was required within the community before a decision is made.

### **2.2 Other fisheries issues**

- Representation of Malu Lamar on PZJA is important for future decision making.

## **3 Other fishery management updates provided by AFMA**

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### **3.1 Beche De Mer**

AFMA advised that a proposal is due for submission to the PZJA meeting on 5 August 2015 for the opening of the black teatfish in November 2015.

AFMA noted it was difficult to report on the total catch during the fishery because fishers were not reporting catches. For the 2015 fishing season Malu Lamar representatives have agreed to liaise with communities and assist with the catch reporting to AFMA.





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## **Torres Strait Tropical Rock Lobster Fishery Management**

**From:** Malu Lamar (Torres Strait Islander) Corporation RNTBC  
**To:** The Hon Sen. Richard Colbeck, Parliamentary Secretary to the Minister for Agriculture  
**Re:** Proposed Torres Strait Tropical Rock Lobster Fishery Management Plan  
**Date:** 30 January 2015

---

### **1. Background**

- 1.1 Malu Lamar is the registered native title body corporate ("RNTBC"), for a large area of Torres Strait seas. The native title determination recognises native title rights to take all the resources of the seas, including tropical rock lobsters ("TRL"), for any purposes including commercial and trading purposes.
- 1.2 The primary objective of Malu Lamar is to achieve fisheries reform which result in regulatory arrangements that reflect the native title right.
- 1.3 At its meeting on 9 April 2014, the PZJA supported the Malu Lamar objective by resolving to adopt the 100% ownership aspiration of fisheries resources by the region's Traditional Owners. During a telephone discussion on 9 October 2014 with Malu Lamar representatives, the Honourable Senator Nigel Scullion, Minister for Indigenous Affairs, confirmed that the PZJA intention is for the 100% ownership outcome to involve full legal (including statutory) ownership of all Torres Strait fisheries by Traditional Owners.
- 1.4 The objective of comprehensive fisheries reform was adopted by all Torres Strait Islander Traditional Owner groups at a Torres Strait Sea Summit in

Cairns on 22-24 January 2014. Senator Scullion attended that meeting and suggested that Malu Lamar develop a detailed proposal for fisheries reform. At a meeting on 7 April 2014 to discuss development of the proposal, Senator Scullion suggested that Malu Lamar make a funding submission to the Department of Prime Minister and Cabinet ("PM&C"). It was for the purpose of a grant to enable Malu Lamar to engage the necessary expertise and take other steps to develop the reform proposal.

- 1.5 On 10 July 2014, Malu Lamar lodged a funding submission with PM&C. On 7 October 2014 PM&C advised Malu Lamar that, due to changes in the Australian Government's funding of Indigenous Affairs, the submission should be reframed as an application under the government's new Indigenous Advancement Strategy ("IAS").
- 1.6 On 17 October 2014 Malu Lamar lodged an application for funding under the IAS with PM&C. There has been no response since then. It is understood that there are delays in processing applications and that an outcome may not now be known until March 2015.
- 1.7 There is frustration at the slow pace of progress in addressing the need for comprehensive fisheries reform, particularly as it relates to the 100% ownership aspiration. In the meantime, Malu Lamar is engaging with fisheries authorities to progress reform on an issue by issue basis.
- 1.8 Also, given the delays, individual Torres Strait Island fishers are seeking to themselves progress fishing opportunities on their own account and through their own enterprise those initiatives are being built on the native title right to take marine resources for commercial purposes and supported by existing TIB licences.
- 1.9 The two current issues which Malu Lamar is addressing is the Queensland Government's review of the *Fisheries Act 1994* (Qld) and the PZJA's review of TRL fishery management arrangements. This submission relates to the second of those matters.
- 1.10 However Malu Lamar once again stresses that the main focus should be on comprehensive Torres Strait fisheries reform. Malu Lamar is concerned that a piecemeal approach is developing. The Australian Government is urged to

expedite Malu Lamar's funding application under the IAS to enable work to begin on the development of a holistic fisheries reform proposal.

## 2. TRL Management

- 2.1 The TRL fishery involves a premium marine resource in relation to which native title holders already possess all of the necessary fishing skills and experience. The fishery presents an immediate economic development opportunity for native title holders. That opportunity is however currently impeded by the following:-
- (a) Although a proportion of the TRL fishing licenses are held by TIB (native title holder) fishers, a substantial proportion of licenses are held by TVH (non-native title holder) fishers.
  - (b) TVH fishers have vessels and equipment of superior size, speed and capacity to those available to TIB fishers. TIB fishers do not have access to the financial resources needed to improve their vessel capability.
  - (c) TVH fishers have long dominated the TRL fishery. This has enabled them to entrench competitive advantages in transportation, logistics and the TRL supply chain.
- 2.2 Malu Lamar's proposal for comprehensive fishery reform intends to address these issues for the TRL fishery and all other Torres Strait fisheries. However in the meantime TRL fishing seasons come and go with TIB fishers still left in an uncompetitive position.
- 2.3 Malu Lamar has hence pressed for an interim TVH catch limit to be instituted before the commencement of the 2015 TRL fishing season. The arrangement was to be interim in the sense that longer term TRL management arrangements would be contained in the *Torres Strait Tropical Rock Lobster Fishery Management Plan 2015*. Although a draft of the management plan has been released, it requires considerable changes to properly address native title holder/TIB fisher concerns.
- 2.4 Malu Lamar took the following initiatives in seeking interim arrangements:-

- (a) At a Torres Strait Sea Summit in Cairns on 5 - 8 August 2014 native title holders from across the Torres Strait identified a lack of TVH catch limits, in combination with the points referred to in paragraph 2.1 above, as a priority issue for Malu Lamar.
- (b) On 26 August 2014 Malu Lamar wrote to The Hon Barnaby Joyce, the Minister for Agriculture, with a proposal for an interim TBH catch limit.
- (c) On 3 October 2104 The Hon Senator Richard Colbeck, Parliamentary Secretary to the Minister for Agriculture, replied to Malu Lamar advising that the Australian Government did not support an interim catch limit.
- (d) On 9 October 2104, Malu Lamar responded to Senator Colbeck explaining the reasons given for opposing an interim catch limit were not correct and requesting reconsideration by the Australian Government.
- (e) Malu Lamar's representative, Mr Charles David, raised the issue at a TRL technical working group meeting in Cairns on 16 October 2014. AFMA agreed to consider an interim arrangement involving what would effectively be a voluntary TVH catch limit for the 2015 fishing season.
- (f) On 4 November 2014, at the invitation of Senator Colbeck, Malu Lamar's chair, Mr Maluwap Nona, attended a meeting in Cairns. At the meeting, Senator Colbeck indicated that the Australian Government would expedite completion of a TRL Management Plan addressing the concerns raised by both Malu Lamar and the Torres Strait Fishers Association Inc ("TSFA"). TSFA is the TIB fisher representative association. It which supports Malu Lamar's objective for fisheries reform.

2.5 This submission outlines some of the issues which Malu Lamar contends the TRL Management Plan must address. However the following overarching points are stressed:-

- (a) It is essential that the TRL Management Plan does not deflect or detract from the core need for comprehensive and holistic fisheries reform in the Torres Strait. The Australian Government should expedite the resourcing required for that purpose (as detailed in paragraph 1.4 to 1.6.



- (b) The TRL Management Plan must address the Malu Lamar and TSFA concerns and, as indicated by Senator Colbeck, must take effect before the end of 2015.
- (c) The current draft TRL Management Plan is not adequate and requires substantial changes to address the Malu Lamar and TSFA concerns.
- (d) Resourcing is required for Malu Lamar to engage the necessary fisheries expertise to further develop the changes required to the draft plan (more information is contained in paragraph 5).
- (e) This submission does not contain a conclusive list of the issues which an amended draft TRL Management Plan needs to address.
- (f) Development of the final draft TRL Management Plan must include comprehensive consultation with native title holders and TIB fishers.

### **3. TRL Management Plan Objectives**

- 3.1 Consistent with the current native title determination for Torres Strait seas and the decision made by the PZJA on 9 April 2014, a stated objective of the plan must be the ultimate vesting of 100% ownership of the TRL resource and associated statutory fishing entitlements in the native title holders of the Torres Strait region.
- 3.2 The current Objective 5 in the draft plan refers to “promoting economic development”, “providing opportunities for traditional inhabitants” and “ensuring that commercial opportunities available to all stakeholders are socially and culturally appropriate”. This is not sufficiently specific.
- 3.3 In addition to the objective of 100% ownership of the TRL resource and associated statutory fishing entitlements by native title holders, there also needs to be reference to the specific need for a commercial fishing structure and the infrastructure needed to realise TRL-related economic development.
- 3.4 Specific measures will need to be included in the plan for realising the 100% ownership objective. Malu Lamar and TSFA input, aided by independent fisheries expertise, is needed to develop a full list of measures. They may include the following:-

- (a) Buy back of TVH sector TRL fishing licences over the medium to long term. This could involve accessing the Indigenous Land Account. It is noted that amendments to the *Aboriginal and Torres Strait Islander Act 2005* (Cth), are currently proposed. It is understood that the amendments may include clarifying that the fund can be used to acquire interests in waters as well as land. The Australian Government should ensure that the fund is specifically available for use in fishing licence buy backs for the benefit of native title holders whose native title rights includes the right to take maritime resources for any purpose.
- (b) The plan should ensure that all new TRL statutory fishing entitlements (including fishing licences), can only be granted to native title holders.
- (c) The plan should provide for practical measures under which potential vendors of current TVH licences can be matched with potential native title holder buyers.
- (d) Commercial arrangements involving such things as initial joint ventures between TVH licence holders and native title holders with buy-out of the TVH interest over time, should be explored.

3.5 An additional further objective must relate to TVH sector catch limits under the entitlements which they currently hold. As indicated in Malu Lamar's communications with AFMA, Minister Joyce and Senator Colbeck to date, this is a critical issue and requires a specific objective in the plan. The precise wording of the objective requires further consideration.

3.6 Malu Lamar and the TSFA require input into the measures needed to achieve this objective. They must include measures of the kind referred to in Malu Lamar's letter to Minister Joyce of 25 August 2014 and in the TVH catch limit proposals previously put forward by Malu Lamar and the TSFA. Independent fisheries expertise is essential in assisting the parties to explore and refine appropriate measures.

#### **4. Other Measures**

4.1 Whether linked to any of the current objectives in the draft plan, or the subject of new objectives, there are a number of other measures that the draft plan should consider. They include the following:-

- (a) Provision should be included for the monitoring of catch records at regular intervals and a strengthening of measures around the submission of catch records.
- (b) The TVH catch in particular is not currently being accurately recorded. Measures are required for a central collection point on Thursday Island or Horn Island to ensure that the entire TVH catch can be accurately recorded and monitored.
- (c) There is insufficient monitoring of catch shifting arrangements between the Torres Strait and the East Coast under dual licencing arrangements. Measures to address this inadequacy are required.
- (d) Where possible, catch records and buying records should be cross-referenced and appropriately audited.
- (e) There needs to be exclusion zones for TVH vessels and tenders around prescribed Islands and reefs which are particularly significant to native title holders. There is already precedent for such arrangements in other Torres Strait fisheries.
- (f) As previously noted, much more work needs to be done on the development of an appropriate quota management system including relevant input control measures and output control measures. Independent fisheries expertise must be engaged to assist in the design of the system and implementation arrangements.
- (g) Problems exist in relation to TVH fishers accessing inhabited and uninhabited Islands and certain reefs. The plan requires management measures to address the following:-
  - i) Exclusive possession native title is held by registered native title bodies corporate, on behalf of common law native title holders, across all Islands above high water mark. Entry by non-native title holders without permission from RNTBCs must be controlled.
  - ii) Objects and areas, including reefs and other locations within the seas, of particular cultural or historical significance to Torres Strait Islanders, are being harmed by some TVH fishing

activities. Such objects and areas are protected by the *Torres Strait Islander Cultural Heritage Act 2003* (Qld). Measures to provide for that protection should be contained in the plan.

- iii) Rubbish disposal on both Islands and in seas should be addressed.
- iv) Whether in the plan or in associated practical arrangements, compliance issues also need to be addressed. Some issues include the following:-
  - A. Better arrangements for surveillance and enforcement action in respect of illegal fishing for TRL and other species.
  - B. More effective policing by AFMA; it must make much better use of native title holders whose local knowledge and presence is essential.
  - C. PNG traditional inhabitants have entitlements under the Torres Strait Treaty and the *Torres Strait Fisheries Act 1984*. Measures to ensure proper compliance with those arrangements is needed.

## **5. Development of the Plan**

- 5.1 Malu Lamar is anxious to progress development of the TRL Management Plan as soon as possible.
- 5.2 However its capacity and resourcing constraints have not been addressed by government since its appointment by the Federal Court. The report commissioned by the Australian Government into the future of native title representative bodies and RNTBCs identified inadequate direct resources of RNTBCs as a major problem. That is certainly the case in respect of Malu Lamar.
- 5.3 Malu Lamar's board is comprised by the Chairs of all of the Torres Strait Islander RNTBCs. They all perform their role on a voluntary basis. The executive committee, which is drawn from the directors, and members of other Malu Lamar committees, all perform their roles on a voluntary basis.

- 5.4 Malu Lamar has no management, administration or office facilities of its own. It receives support on legal issues from the Native Title Office of the TSRA but is otherwise devoid of resourcing.
- 5.5 On the other hand, Malu Lamar is vested with responsibilities under traditional laws and customs (native title) as well as responsibilities under numerous Commonwealth and Queensland statutes. Since its appointment as a RNTBC in June 2014, Malu Lamar has received over 85 statutory native title notifications and receives weekly requests from government authorities of all kinds for input into a huge array of issues.
- 5.6 It must be a priority of the Australian Government and the Queensland Government early in 2015 to address the resourcing constraint. Malu Lamar repeats its request for urgent dialogue about this issue.
- 5.7 In the meantime, please confirm that the Australian Government will resource Malu Lamar to participate in development of the TRL Management Plan. A draft budget proposal dated 4 November 2014 was provided to AFMA in relation to the initial proposal for an interim TRL code of conduct. Malu Lamar can provide a revised budget proposal for development of the plan.



## **TORRES STRAIT TROPICAL ROCK LOBSTER FISHERY MANAGEMENT PLAN 2015**

The Protected Zone Joint Authority, acting in accordance with the powers conferred on the Authority by section 15A and paragraph 35(1)(a) of the *Torres Strait Fisheries Act 1984*, makes the following Management Plan.

Dated the ..... day of ..... 2015.

Richard Colbeck

The Senator the Hon. Richard Colbeck,  
Commonwealth Parliamentary Secretary to the Minister for Agriculture  
on behalf of the PJZA

## Table of Contents

Part 1	Preliminary .....	4
1.1	Name of Plan.....	4
1.2	Commencement .....	4
1.3	Interpretation.....	4
1.4	Area of the fishery .....	6
1.5	Objectives of this Plan .....	7
1.6	Measures for achieving the objectives of this Plan, and their performance criteria ..	7
1.7	Persons to whom this Plan applies.....	11
1.8	Persons to whom this plan does not apply .....	11
Part 2	Fishing in the fishery.....	11
2.1	Who may fish in the fishery .....	11
2.2	What fish can be taken .....	12
2.3	Size restrictions .....	12
2.4	Fishing methods .....	12
2.5	Closure of the fishery .....	12
2.6	Prohibiting Fishing.....	13
2.7	Instruments under s.16 of the Act .....	13
Part 3	Fishing licences .....	13
3.1	Grant of licences and endorsements .....	13
3.2	TSTRL licences .....	13
3.3	Treaty endorsements.....	14
3.4	Nomination of a boat .....	14
3.5	Entries for the tropical rock lobster fishery .....	14
3.7	Transfer of fishing boat licences (TVH).....	14
3.8	Transfer of fishing licence used for community fishing (TIB) .....	15
3.9	Processor/Carrier boat licence .....	15
3.10	Master fisherman's licence .....	15
3.11	Fish receiver licences .....	15
3.12	Scientific and developmental permits.....	15
3.13	Other PZJA powers under the Act.....	16
Part 4	Units of fishing capacity.....	16
4.1	Determination of total allowable catch (TAC) .....	16
4.2	Changing the total allowable catch (TAC) .....	16
4.3	Units of fishing capacity.....	17
4.4	Allocation of units of fishing capacity .....	17
4.5	Value of a unit of fishing capacity.....	18
4.6	Certificate of allocation .....	18
4.7	Transfer of Australian units of fishing capacity .....	18
4.8	Temporary transfer of PNG units of fishing capacity .....	19
Part 5	Licence and Treaty endorsement conditions .....	19
5.1	Licence and endorsement conditions - general.....	19
5.2	Licence and endorsement conditions - Logbooks .....	20
5.3	Licence conditions – quota monitoring system .....	20
5.4	Licence conditions - other obligations of licence holders .....	21



## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

5.5	Licence and endorsement conditions - observers .....	21
5.6	Licence and endorsement conditions - vessel monitoring systems .....	22
5.7	Licence and endorsement conditions - obligations about interactions with certain species and communities.....	22
5.8	Additional conditions for TRL Treaty endorsements .....	23
Part 6	Miscellaneous .....	23
6.1	Register .....	23
6.2	Reconsideration of decisions .....	23
6.3	Transitional .....	24
Schedule 1	Area of the fishery using AGD66 coordinates .....	25
Schedule 2	Area of the fishery using WDA94 coordinates .....	26

## **Part 1 Preliminary**

### **1.1 Name of Plan**

This Plan is the *Torres Strait Tropical Rock Lobster Fishery Management Plan*.

### **1.2 Commencement**

This Plan commences on the day after it is registered on the Federal Register for Legislative Instruments.

### **1.3 Interpretation**

**Act** means the *Torres Strait Fisheries Act 1984*.

**acting for** a person means acting with the consent of, and on behalf of, the person.

**approved form** means a form approved by the PZJA for the section in which the term is used.

**by-catch** means marine life that is:

- (a) incidentally taken in the fishery and returned to the sea for any reason; or
- (b) incidentally affected by interacting with fishing equipment in the fishery but not taken.

**by-product** means non-target marine life that:

- (a) is incidentally taken in the fishery; and
- (b) may be taken under the Act or a relevant instrument under the Act; and
- (c) is retained for commercial purposes.

**commencement date** means the date on which this Plan commences.

**competitive TAC** means a TAC determined under section 3.2.

**competitive TAE** means a TAE determined under section 3.4.

**developmental permit** means a permit granted for developmental purposes in the fishery under section 12 of the Act.

**dinghy** means a boat, other than a primary boat or a tender:

- (a) to which no tenders are attached; and
- (b) that operates independently; and
- (c) the maximum length of which does not exceed the length determined by the PZJA.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999*.

**fisheries jurisdiction line** means the Torres Strait fisheries jurisdiction line as described in the Treaty.

**fishery** means the Torres Strait Tropical Rock Lobster Fishery.

**fishing apparatus** means hand held spear or scoop or noose.

**fish receiver licence** means a licence to receive fish granted under section 19(4B) of the Act.

**fishing season** has the meaning given by section 2.6.

**group** means a legal entity that represents traditional inhabitants.

**harvest strategy** means the management actions necessary to achieve specific biological and economic objectives in a fishery.

## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

**holder**, for a TSTRLF licence, a TSTRLF Treaty endorsement, or a unit, at a particular time, means the person who holds the licence, endorsement or unit at that time because of a grant of the licence or endorsement, transfer of the licence, or allocation or transfer of the unit.

**hookah gear** means equipment that is also known as “surface supplied breathing equipment” or “surface supplied breathing apparatus” and is equipment used for breathing underwater where the air is supplied from either a compressor or one or more compressed air cylinders on the surface of the water.

**lobster tails** means the abdomen of a lobster.

**local time** means the time of day in the State of Queensland.

**observer** means a person approved by the PZJA to carry out the functions of an observer.

**PNG** means Papua New Guinea.

**PNG boat** means a boat for which a PNG licence is in force and which is endorsed to fish commercially in Australia under section 20 of the Act.

**primary boat** is a boat that:

- (a) is nominated to a licence for the fishery as the primary commercial fishing boat for the licence, from which any tender boats authorised by the licence may operate; and
- (b) is identified in the register as the primary boat for the licence; and
- (c) meets the requirements for a primary boat as determined by the PZJA.

**PZJA** means the Protected Zone Joint Authority.

**PZJA website** means web pages that form the Internet website for the PZJA.

**quota species** means a species or species group of Tropical Rock Lobster for which there is a TAC.

**reference point** means an indicator of the level of some characteristic of the fishery used as a benchmark in assessing the performance of the objectives of this Plan.

**Register** means the register of licences kept under section 10 of the Act.

**Regulations** means the *Torres Strait Fisheries Regulations 1985*.

**scientific permit** means a permit granted for scientific purposes in the fishery under section 12 of the Act.

**tender boat** means a boat, other than a primary boat that:

- (a) operates in conjunction with a primary boat; and
- (b) has the same owner as that primary boat; and
- (c) is nominated to a licence for the fishery and identified in the register as a tender boat for the licence; and
- (d) the maximum length of which does not exceed the length determined by the PZJA.

**Torres Strait Tropical Rock Lobster Fishery** or **TSTRLF** means the area described in Schedule 1.

**total allowable catch (TAC)**, for Tropical Rock Lobster and a fishing season, means the total commercial catch of Tropical Rock Lobster that may be taken in the fishery in that fishing season, in accordance with a determination of the PZJA under section 3.1.

**total allowable catch, TAC** means the total catch that may be harvested in the fishery in a particular season.

## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

**total allowable effort (TAE)**, for a fishing season, means the total commercial fishing effort that may be expended in the fishery in that fishing season, determined by the PZJA under section 3.3.

**traditional fishing** means taking living natural resources of the sea, seabed, estuaries and coastal tidal areas by traditional inhabitants for their own or their dependants' consumption or for use in the course of other traditional activities.

**traditional inhabitants** means persons who:

- (a) are Torres Strait Islanders who live in the Protected Zone or the adjacent coastal area of Australia; and
- (b) are citizens of Australia; and
- (c) maintain traditional customary associations with areas or features in or in the vicinity of the Protected Zone in relation to their subsistence or livelihood or social, cultural or religious activities.

**Treaty** means the Torres Strait Treaty 1979.

**Treaty endorsement** means an endorsement granted under section 20(1)(a) of the Act that allows the boat identified in the Treaty endorsement to be used:

- (a) for commercial fishing for Tropical Rock Lobster in the fishery; or
- (b) for carrying, or processing and carrying, Tropical Rock Lobster taken in the fishery by another Treaty endorsement boat.

**TRL RAG** means the tropical rock lobster resource assessment group.

**tropical rock lobster, TRL**, means lobster of the species *Panulirus ornatus*.

**TSFMAC** means the Torres Strait Fisheries Management Advisory Committee or any other management advisory committee established for the fishery.

**TSRA** means Torres Strait Regional Authority.

**unit** means a unit of fishing capacity into which the fishing capacity is divided by the PZJA under Part 3.

**whole fish** means lobster that has the head and abdomen intact and have not been processed in any way.

**whole weight** means the weight of the whole lobster.

- NOTES:
1. The following terms used in this Plan are defined in the Act and have the same meaning as in the Act:
    - commercial fishing, community fishing, fishing, traditional inhabitant.
    - "Commercial fishing" also includes community fishing.
  2. The fishery is also regulated by the Fisheries Management Regulations and by Regulations under the *Torres Strait Fisheries Act 1984*.
  3. Sections 44 and 45 of the *Torres Strait Fisheries Act 1984* contain offences relating to the fishery.

### 1.4 Area of the fishery

The area of the fishery is as described in the *Torres Strait Fisheries Regulations 1985* but are included in this document in Schedule 1.

The geographical coordinates used to describe the area of the fishery here is determined by reference to the Australian Geodetic Datum 1966 (AGD66).

## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

For convenience, the area of the fishery has also been converted to WDA94 (equivalent to WGS84) which is the current datum used offshore in GPS instruments and marine charts. These coordinates have been included in Schedule 2 of this document. Both of these coordinates can be included in a schedule of the Plan.

### 1.5 Objectives of this Plan

In addition to the objectives in the *Torres Strait Fisheries Act 1984*, the PZJA is to have regard to the following objectives for the Torres Strait TRL Fishery:

<b>Objective 1</b>	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.
<b>Objective 2</b>	To maintain the spawning stock at levels that meet or exceed the level required to produce the maximum sustainable yield.
<b>Objective 3</b>	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.
<b>Objective 4</b>	To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment.
<b>Objective 5</b>	To promote economic development in the Torres Strait area with an emphasis on providing opportunities for traditional inhabitants and ensuring that commercial opportunities available to all stakeholders are socially and culturally appropriate.
<b>Objective 6</b>	Optimise the value of the fishery, ensure cooperative, efficient and cost effective management of the Fishery.

### 1.6 Measures for achieving the objectives of this Plan, and their performance criteria

The measures by which the objectives of this Plan are to be attained, and the performance criteria against which the measures taken are to be assessed are outlined below.

The PZJA and Torres Strait Fisheries Management Advisory Committee (TSFMAC) will, at least once every 5 years, assess the effectiveness of this Plan, including the measures taken to achieve these objectives, by reference to the performance criteria.

## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

Each year, TSFMAC will assess the extent to which the performance criteria have been met in that year. The PZJA will include in its annual report for a financial year a statement of the extent to which the performance criteria were met in the year. The PZJA will also develop a clear process and timeframe for determining the reason for a performance criteria breach and implement appropriate management measures within specified timeframes.

**Objective 1** 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

Measures by which objectives are to be attained	Performance indicator	Performance measure
Ensure traditional fishing opportunities for Torres Strait traditional inhabitants of Australia and Papua New Guinea are preserved	Traditional fishing opportunities meet cultural needs	Comparison between current and past traditional fishing success
Develop research strategies to gather information on the success of traditional fishing (quantity taken and rate that this quantity is harvestable) to explore ways to improve it	Reference points for traditional fishing are identified  Strategies to improve traditional fishing success are develop	
Implement measures that will help improve traditional fishing	Strategies to improve traditional fishing success are adequately implemented	Level of improvement of traditional fishing success

**Objective 2** To maintain the spawning stock at levels that meet or exceed the level required to produce the maximum sustainable yield

Measures by which objectives are to be attained	Performance indicator	Performance measure
Setting the total allowable catch each year in accordance to the harvest strategy for the fishery	Catch levels are consistent with the TAC	Annual lobster population survey (1+/2+)  CPUE  Fishing mortality  Stock biomass
Managing fishing practices to ensure the sustainability of the resources of the fishery	The amount of lobster taken in a fishing year does not exceed the TAC for the	Fishing mortality  Catch records

## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

	year	Compliance rates
	Results from research feeds into management	
Implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery	The accuracy and timeliness of the fishery research and monitoring	
Establishing an effective program for monitoring and surveillance of the fishery to ensure compliance with the Management Plan	Effectiveness of management arrangements in delivering compliance	Compliance risk assessment

**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

Measures by which objectives are to be attained	Performance indicator	Performance measure
Facilitating the development of sound, cost-effective and sustainable fisheries management for the fishery by holding joint meetings with Queensland and PNG where information and ideas are exchanged	Degree to which the fishery is cooperatively managed	Jurisdictions satisfied with catch sharing arrangements
Using the results of research from each jurisdiction to ensure fishing is conducted in an ecologically sustainable way while preserving fishing opportunities for Torres Strait traditional inhabitants of Australia and Papua New Guinea	Data and management information are readily available  Results from research in all jurisdictions feeds into management	

**Objective 4** To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment

Measures by which objectives are to be attained	Performance indicator	Performance measure
Apply restrictions on the gear or method that is allowed to be used in the fishery and fishing activities identified as an unacceptable risk to the environment	Monitor impacts of fishing on reef habitats before/after fishing	There is no discernable damage to reef habitat
Education and awareness program used	Responsible fishing	Effectiveness of

**Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015**

to promote best practice	practices are maintained	education and awareness
Implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery	The accuracy and timeliness of the fishery research and monitoring	
Managing fishing practices to ensure the sustainability of the resources of the fishery	Results from research feeds into management	Compliance rates

**Objective 5** To promote economic development in the Torres Strait area with an emphasis on providing opportunities for traditional inhabitants and ensuring that commercial opportunities available to all stakeholders are socially and culturally appropriate.

Measures by which objectives are to be attained	Performance indicator	Performance measure
Develop strategy for traditional inhabitants to acquire larger share of TAC including review and decision rules	Proportion of resource allocation moves to a higher community share	Proportion of TACC held by each sector
Enhance fishing opportunities for Australian Torres Strait traditional inhabitants	Increase in employment of Traditional Inhabitants in TRL sector  The Traditional Inhabitant share is fully utilised	Level of employment of traditional inhabitants in the fishery  Level of fishing success for traditional inhabitants
Explore other options for business development in the fishery (i.e. lobster grow-out, aquaculture)	New traditional inhabitants business developments in the fishery	Number of new traditional inhabitants business in the fishery
Avoid arrangements that may negatively impact on community tropical rock lobster enterprises	Management obstacles identified	Number of management obstacles met by enterprises

**Objective 6** Optimise the value of the fishery, ensure cooperative, efficient and cost effective management of the Fishery

Measures by which objectives are to be attained	Performance indicator	Performance measure
Developing a series of biological, economic and other data that can be used to assess the fishery in relation to its economic performance	Research undertaken at a scale necessary for the confidence to set TACC at higher levels	



## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

Reduce or eliminate illegal fishing		Level of illegal fishing
Maintain flexibility in management arrangements so market demand can be met	No impediments prevent all quota being taken  Revenue from fishery maximised	Monitor proportion of the TACC sold live

### 1.7 Persons to whom this Plan applies

This plan applies to a person who is engaged in, or intends to engage in, any of the following in the area of the fishery:

- (a) commercial fishing for tropical rock lobster; or
- (b) carrying, or processing and carrying, commercially caught tropical rock lobster ; or
- (c) fishing under a scientific or developmental permit.

### 1.8 Persons to whom this plan does not apply

This plan does not apply to a person who:

- (a) is engaged in recreational fishing (whether from a charter boat or otherwise); or
- (b) is engaged in traditional fishing.

NOTE: Traditional fishers are still subject to instruments made under section 16 of the Act.

## Part 2 Fishing in the fishery

### 2.1 Who may fish in the fishery

- (1) A person may fish commercially for TRL in the area of the fishery only if the person:
  - (a) holds, or is acting on behalf of a person who holds:
    - (i) a TSTRL boat licence, a TSTRL non-boat fishing licence, or a TSTRL TPC licence that has a TRL entry; or
    - (ii) a treaty endorsement; and
  - (b) is fishing as authorised by the licence.
- (2) A person may take fish in the fishery for developmental purposes only if the person:
  - (a) holds a developmental permit; and
  - (b) holds a TSTRL boat licence or TSTRL TPC licence and is fishing from a boat nominated to that licence; or
  - (c) holds a TSTRL non-boat licence.
- (3) A person may take fish in the fishery for scientific purposes only if the person holds a scientific permit.

## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

- (4) If the PZJA has determined a TAC or TAE for the fishery, a person who fishes commercially must also hold unused units for the fishery, unless the TAC or TAE is a competitive TAC or competitive TAE.
  - (5) If the PZJA has determined a competitive TAC or TAE for the fishery or part of the fishery, a person who fishes commercially must:
    - (a) hold unused units for the fishery; or
    - (b) be a member of a group to whom the competitive TAC or TAE has been allocated.
  - (6) If a competitive TAC has been determined, the quantity of fish taken must not exceed the TAC.
  - (7) If a competitive TAE has been determined, the amount of effort expended must not exceed the TAE.
  - (8) If a person uses part of a unit, the person is taken to have used a whole unit,
- or
- (9) be a member of a group that holds unused units of fishing capacity and fishes against a competitive quota.

### 2.2 What fish can be taken

Species that can be taken in the fishery (eg *Panulirus ornatus*) are listed in FMI No. 9.

### 2.3 Size restrictions

Size restrictions are listed in FMI No. 9 and these are anticipated to remain in place for the foreseeable future.

The PZJA has the ability to change the size restrictions but this would be done through an amendment to FMI No. 9 (as would all other arrangements outlined in FMI No. 9).

### 2.4 Fishing methods

Allowable fishing methods are listed in FMI No. 9 and these are anticipated to remain in place for the foreseeable future.

The PZJA may however, change the allowable methods of fishing in the fishery (through an amendment to FMI No. 9), or change the times at which a particular method can be used. For example, there is currently a hookah closure implemented to manage the take of lobster by this method.

### 2.5 Closure of the fishery

The PZJA may close an area of the fishery, or a period of the fishing season to fishing for TRL:

- (a) to protect fish stocks in the fishery; or

- (b) to provide for areas to be used for transit or anchorage; or
- (c) to give effect to the obligations imposed on Australia by the Treaty; or
- (d) to protect traditional fishing.

## **2.6 Prohibiting Fishing**

- (1) As set out in section 16 of the Act, the PZJA may, before the start of a fishing season, by determination prohibit fishing in the fishery.
- (2) The PZJA may by emergency determination prohibit fishing in the fishery after the start of a fishing season if it is satisfied that:
  - (a) there exists a significant threat to the fishery's resources or to a fish or fish habitat; and
  - (b) urgent action needs to be taken to deal with the threat.
- (3) The PZJA:
  - (a) will consult the TSFMAC before making a determination under subsection (1); and
  - (b) if practicable, consult the TSFMAC before making an emergency determination under subsection (2).
- (4) The PZJA will revoke the emergency determination as soon as practicable after it is satisfied that the emergency no longer exists.

## **2.7 Instruments under s.16 of the Act**

The PZJA may make instruments under section 16 of the Act to give effect to this Plan.

## **Part 3 Fishing licences**

### **3.1 Grant of licences and endorsements**

- (1) As set out in section 19 of the Act, licences may be granted for commercial fishing from a boat in the fishery and for taking, carrying, or for carrying and processing, product in the fishery.
- (2) As set out in section 20 of the Act, endorsements may be granted for PNG boats.

### **3.2 TSTRL licences**

- (1) A TSTRL boat licence granted under section 19(2) of the Act allows the boat nominated to the licence to be used for commercial fishing for TRL in the fishery in accordance with this Plan.
- (2) A TSTRL TPC licence issued under section 19(3) of the Act allows the boat nominated to the licence to be used for carrying, or processing and carrying, TRL that have been taken with another boat in accordance with this Plan.
- (3) A TSTRL licence remains in force for the period specified in the licence.
- (4) A TSTRL licence may only be granted to:
  - (a) a non-traditional inhabitant or
  - (b) a traditional inhabitant.

### **3.3 Treaty endorsements**

- (1) As set out in section 20 of the Act, a treaty endorsement may be granted for commercial fishing for TRL in the fishery in accordance with this Plan.
- (2) A treaty endorsement allows the boat nominated in the endorsement to be used:
  - (a) for commercial fishing for TRL in the fishery; or
  - (b) for carrying, or processing and carrying, TRL taken in the fishery by another treaty endorsed boat.
- (3) A treaty endorsement may only be granted to the holder of a PNG licence that allows the boat identified in the licence to be used for TRL fishing.

### **3.4 Nomination of a boat**

- (1) The holder of a TSTRL boat licence, a TSTRL TPC licence or a sunset licence may nominate a boat for the licence.
- (2) The boat may be a primary boat, a tender or a dinghy.
- (3) As set out in section 25A of the Act, the holder of a TSTRL boat licence or a TSTRL TPC licence may apply to the PZJA in the approved form for a different boat to be the nominated boat for the licence.
- (4) The PZJA must:
  - (a) for each nominated boat, enter in the Register the details required by the Regulations to be shown in the Register; and
  - (b) give the licence holder an extract from the Register that:
    - (i) shows the name and distinguishing number for the boat nominated for the licence; and
    - (ii) states the conditions to which the licence is subject; and
    - (iii) is signed by the PZJA.
- (5) The PZJA must not register a boat as a nominated boat for a TSTRL boat licence or a TSTRL TPC licence if the boat is a nominated boat for another TSTRL boat licence or a TSTRL TPC licence.

### **3.5 Entries for the tropical rock lobster fishery**

- (1) Under section 21 of the Act, the PZJA may make entries in licences and endorsements to extend the licence or endorsement to particular fish.
- (2) The PZJA may limit the number of TRL entries for allocation to TSTRL licences and treaty endorsements in the fishery.
- (3) The PZJA will consult with TSFMAC before making a decision limiting the number of non-traditional TRL entries.

### **3.7 Transfer of fishing boat licences (TVH)**

A holder of a Torres Strait commercial fishing licence (the transferor) that has not been issued for community fishing purposes, may transfer the licence to another person (the transferee) under the following conditions:

- (a) The transferee must meet the criteria to hold a Torres Strait fishing boat licence;

- (b) If the transferor holds multiple licences and the licence being transferred is their last licence, the transferor must first transfer all his or her units of fishing capacity.

### **3.8 Transfer of fishing licence used for community fishing (TIB)**

A holder of a Torres Strait community fishing licence (the transferor) may transfer their licence to another person who meets the criteria to hold a community fishing licence (i.e. a Traditional Inhabitant).

### **3.9 Processor/Carrier boat licence**

A processor/carrier boat licence (TPC) may be granted under subsection 19(3) of the Act to carry, or process and carry fish. There are currently three types of TPC licences issued by Fisheries Queensland on behalf of the PZJA:

- (a) TPC-A – this type of licence allows the boat identified on the licence to be used for carrying, or for processing and carrying fish caught by its own operation, in the area of the Australian jurisdiction.
- (b) TPC-B – this type of licence allows the boat identified on the licence to be used for carrying fish caught by another boat however the product must remain in the same form (e.g. whole live lobsters must remain in that form and cannot be processed into frozen tails).
- (c) TPC-C – this type of licence allows the boat identified on the licence to be used for carrying, or for processing and carrying fish caught by another boat.

### **3.10 Master fisherman's licence**

A master fisherman's licence (MFL) is required by a person in charge of a boat used to commercially fish in the Torres Strait.

### **3.11 Fish receiver licences**

It is a condition of a TSTRLF boat licence and a TSTRLF non-boat licence that the holder must not sell, or otherwise dispose of (other than solely for transportation or storage purposes preceding delivery to the holder of a fish receiver licence) Tropical Rock Lobster that the holder takes except to the holder of a fish receiver licence or a TSTRL TPC licence.

### **3.12 Scientific and developmental permits**

- (1) As set out in section 12 of the Act, permits for scientific or developmental purposes may be granted for the area of the fishery or part of the fishery.

- (2) A developmental permit will only be granted to the holder of a TSTRL boat licence, a TSTRLF non-boat licence or a TSTRL TPC licence.
- (3) The PZJA may determine guidelines for:
  - (a) the grant of and revocation of scientific and developmental permits; and
  - (b) the imposition, variation and revocation of conditions of those permits.

### **3.13 Other PZJA powers under the Act**

Nothing in this Part is to be taken as limiting the powers of the PZJA under the Act.

## **Part 4 Units of fishing capacity**

### **4.1 Determination of total allowable catch (TAC)**

On implementation of the TRL management plan, the PZJA will introduce a quota management system in the form of a Total Allowable Catch (TAC) expressed in whole kilograms of whole lobster. Due to the biology of the lobster, the TAC will change each year. The TAC will need to be amended during the season to allow for the most accurate information to be used to set a final TAC. It is proposed that a Preliminary TAC be determined prior to the start of the season, to be amended to a final TAC during the season as more accurate information becomes available.

- (1) A TAC will be set for the fishing season:
  - (a) Before determining the TAC, the PZJA will consult the TRL Resource Assessment Group (RAG) and consider their views and may consult and consider the views of interested persons;
  - (b) Prior to the start of the next fishing season, a preliminary TAC will be determined to allow for fishers to start the season with unused units of fishing capacity. In determining the preliminary TAC and individual allocations, the PZJA will take all necessary precautions to ensure that when the final TAC is determined, an individual fishers quota will not decrease;
  - (c) A final TAC will be determined as soon as practicable following completion of pre-season surveys;
  - (d) The PZJA may set aside a percentage of the total allowable catch for traditional fishing. If this happens the catch available for commercial fishing will be termed Total Allowable Commercial Catch (TACC).

### **4.2 Changing the total allowable catch (TAC)**

- (1) The PZJA may by determination increase the TAC or TAE if:
  - (a) there is evidence that there will be no substantial increase in the impact of fishing on the fishery; and
  - (b) the increase would be consistent with the objectives of the Act and this Plan.
- (2) The PZJA may by determination reduce the TAC or TAE before the fishing season begins if it is satisfied that:

## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

- (a) there exists a threat to the fishery's resources or to a fish or fish habitat;  
and
  - (b) urgent action needs to be taken to deal with the threat.
- (3) In changing the TAC or TAE, the PZJA may have regard to the amount of Tropical Rock Lobster taken in the fishery by non-commercial fishing.
- (4) Before changing the TAC or TAE, the PZJA:
  - (a) will consult the TSFMAC; and
  - (b) may consult other interested persons.
- (5) A determination increasing or reducing the TAC or TAE must:
  - (a) set out the new TAC or TAE, and the period for which it is to be in force;  
and
  - (b) set out the reasons for the change.

If during the season the PZJA determines that there is a significant threat to the fishery or to a fish or fish habitat, then they may vary the (Preliminary or Final) TAC for TRL during the season via an emergency determination.

### 4.3 Units of fishing capacity

At the commencement of the Plan, the PZJA will determine the number of units of fishing capacity.

The number of units will be equivalent to the kilograms of the TAC determined for the fishery at the commencement date.

The number of units will be determined by the PZJA and remain constant.

### 4.4 Allocation of units of fishing capacity

At the commencement of this plan the PZJA must allocate units of fishing capacity to licence holders or groups who represent traditional inhabitants.

25% of the units of fishing capacity will be held aside by the Australian Government to meet obligations to PNG under the Torres Strait Treaty. These will be known as PNG Units.

The remaining units will be known as Australian units.

Allocation of units of fishing capacity will be allocated to individual TVH fishers via a formula recommended by an independent Allocation Advisory Panel (AAP report March 2007).

Allocation of units of fishing capacity will be allocated to TIB fishers either by:

1. allocating pooled units of fishing capacity to an entity that represents Traditional Inhabitant fishers (eg the Torres Strait Regional Authority (TSRA)).

## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

2. allocating individual fishers units of fishing capacity via a formula agreed to by the PZJA.
3. a combination of 1 and 2 above.

In reaching an agreement on an allocation formula for units of fishing capacity the PZJA may request recommendations from an independent Allocation Advisory Panel, TSFMAC or other sources as required.

### 4.5 Value of a unit of fishing capacity

Implementing a quota management system will be facilitated by setting a value for each unit of fishing capacity expressed at whole kilograms of whole lobster.

The value of a TRL unit will be expressed in whole kilograms of whole lobster and determined using the following formula:

Unit of fishing capacity value (kg) = TAC(kg) ÷ total number of units of fishing capacity.

### 4.6 Certificate of allocation

- (1) After the PZJA allocates units to a person or group, the PZJA will give the holder a certificate setting out the person's name and the number of units the person holds.
- (2) If a certificate issued by the PZJA for an allocation is lost, stolen or destroyed or units have been transferred, the PZJA may issue a replacement certificate.

### 4.7 Transfer of Australian units of fishing capacity

Australian units are those that are allocated to Australian licence holders or groups representing Traditional Inhabitants (eg TSRA).

#### Units held by a non-Traditional Inhabitant

A non-Traditional Inhabitant holding a commercial fishing licence and units of fishing capacity (**the transferor**) may transfer some or all of his or her units (whole units only) to another person who holds a TRL commercial fishing licence (**the transferee**) being a non-Traditional or Traditional Inhabitant.

The PZJA must not register the transfer of a unit if:

1. a proceeding for an offence under the Act or Regulations has been brought against the transferor or the transferee and has not been decided; or
2. the levy due and payable by the transferor or the transferee has not been paid.



Units held by Traditional Inhabitants or groups representing Traditional Inhabitants.

The holder of a Traditional Inhabitant boat licence (TIB) or a group or entity representing community licence holders (e.g. TSRA), that hold units of fishing capacity may transfer these units to a person holding only a TIB licence for the fishery, or a group or entity representing community licence holders.

A Traditional Inhabitant or a group or entity representing community licence holders (e.g. TSRA) can not permanently transfer units to a non-Traditional Inhabitant (TVH) at any time.

A Traditional Inhabitant or a group or entity representing community licence holders (e.g. TSRA) may TEMPORARILY transfer units to a non-Traditional Inhabitant if they hold a commercial fishing licence. If that licence is a sunset licence, the units transferred to the holder of the sunset licence can only be transferred for the time in which they hold the temporary licence.

The transferor and transferee must apply to the PZJA using the approved form for the transfer to be registered, and pay the prescribed fee.

#### **4.8 Temporary transfer of PNG units of fishing capacity**

PNG units are those that are held by the Government to provide for Treaty Obligations to PNG.

In each fishing season, Australia will enter into catch sharing arrangements with PNG to agree on the catch to be allocated to PNG cross endorsed vessels.

The Australian government will temporarily transfer PNG units to TRL Treaty endorsement holders to meet the agreed catch sharing arrangements. PNG units will be temporarily transferred to a PNG licensed boat with a TRL Treaty endorsement for a single season but will return to the Australian government at the end of the season.

The holder of a PNG unit that has been temporarily transferred is not entitled to transfer or temporarily transfer the unit.

Any unallocated PNG units in a fishing season may be transferred to a Traditional Inhabitant holding a fishing licence with a TRL entry, or a group representing Traditional Inhabitants. The allocation method used in this case will be determined by the PZJA.

## **Part 5 Licence and Treaty endorsement conditions**

### **5.1 Licence and endorsement conditions - general**

- (1) It is a condition of a TSTRL licence and an endorsement that the holder must:
  - (a) comply with:

- (i) this Plan; and
    - (ii) the Regulations that apply to the fishery; and
    - (iii) all applicable provisions of the Act; and
    - (iv) all determinations under Part 3; and
    - (v) any conditions imposed on the licence or endorsement; and
    - (vi) all instruments made under section 16 of the Act that apply to the fishery;
  - (b) ensure that each person acting under the holder's directions complies with this Plan and the legislation and other matters mentioned in paragraph (a); and
  - (c) keep a log book, as set out in section 5.2; and
  - (d) if an observer program is implemented in the fishery, carry an observer, and the observer's safety and monitoring equipment, as set out in section 5.5, if the PZJA asks the holder to do so; and
  - (e) carry a vessel monitoring system, as required by section 5.6; and
  - (f) minimise the impact of fishing operations on the marine environment, as set out in section 5.7; and
  - (g) give the PZJA reasonable access to biological, economic or technical information, or biological samples that are available to the holder, if the PZJA asks the holder to do so; and
  - (h) carry on board the primary boat or dinghy the TSTRL licence or endorsement that refers to the boat; and
  - (i) allow a primary boat, a tender boat or a dinghy to be independently measured, as required by the PZJA.
- (2) It is a condition of a TSTRL boat licence and a TSTRL non-boat licence that the holder must not sell, or otherwise dispose of (other than solely for transportation or storage purposes preceding delivery to the holder of a fish receiver licence) Tropical Rock Lobster that the holder takes except to the holder of a fish receiver licence or a TSTRL TPC licence.

NOTE: It is an offence under section 44 of the *Torres Strait Fisheries Act 1984* to contravene an instrument under section 16 of the Act, and an offence under section 45 of the Act to contravene a condition of a licence.

## **5.2 Licence and endorsement conditions - Logbooks**

- (1) The PZJA may determine a form of Logbook for the fishery, as set out in section 14 of the Act.
- (2) If the PZJA determines a form of Logbook, it is a condition of a TSTRL boat licence, TSTRL non-boat licence or Treaty endorsement that the holder must ensure that the information required by the Logbook about fish taken and effort expended in the fishery is accurately and fully recorded in the Logbook, in accordance with the instructions for completing the Logbook.

## **5.3 Licence conditions – quota monitoring system**

- (1) In a fishing season, a holder of units of fishing capacity must ensure that:

## Draft Torres Strait Tropical Rock Lobster Fishery Management Plan 2015

- (a) they adhere to all conditions imposed by the PZJA, and instructions from the PZJA, about the quota monitoring system; and
- (b) they do not exceed the value of the units which the holder is entitled to; and
- (c) not retain for sale any species they are not endorsed to take under their licence.

### **5.4 Licence conditions - other obligations of licence holders**

- (1) It is a condition that the holder of a commercial fishing licence or a PNG endorsement may engage in commercial fishing for lobster in the fishery only:
  - (a) during the designated fishing season; and
  - (b) in accordance with any instruments under section 16 of the Act that apply to the fishery.
- (2) It is a condition that the holder of a commercial fishing licence or a PNG endorsement does not take, process or carry species that are:
  - (a) prohibited by instrument under section 16 of the Act; or
  - (b) fish other than lobster.

### **5.5 Licence and endorsement conditions - observers**

- (1) If an observer program is in place in the fishery, it is a condition of a licence and endorsement that the holder complies with the requirements of this section.
- (2) If the PZJA directs the holder of a TSTRL boat licence or endorsement to carry an observer on a boat, the holder must ensure that:
  - (a) an observer; and
  - (b) the observer's safety equipment; and
  - (c) the observer's monitoring equipment;are on board the boat when the boat commences the trip to which the direction applies.
- (3) The holder must ensure that the observer is provided with adequate food and accommodation while the observer is on board the boat during a trip.
- (4) The holder must ensure that the observer is carried safely on the boat.
- (5) The holder must ensure that observer:
  - (a) is given assistance by the holder, the master of the boat and crew members of the boat; and
  - (b) is given access to all parts of the boat; to the extent reasonably necessary to permit the performance of the functions of the observer.
- (6) The holder must not interfere with, or obstruct, the observer in the course of collecting data or samples.
- (7) The holder must ensure that:

- (a) the master of the boat; and
  - (b) crew members of the boat;
- do not interfere with, or obstruct, the observer in the course of collecting data or samples.

#### **5.6 Licence and endorsement conditions - vessel monitoring systems**

- (1) If a vessel monitoring system is in place in the fishery, it is a condition of a licence and endorsement that the holder complies with the requirements of this section.
- (2) The holder of a TSTRL boat licence or endorsement must ensure that the VMS on a boat is operational at all times.
- (3) If the VMS stops operating, the holder must ensure that the PZJA is informed as soon as practicable after the holder becomes aware that the VMS has stopped operating.

#### **5.7 Licence and endorsement conditions - obligations about interactions with certain species and communities**

- (1) The holder of a licence or treaty endorsement within the fishery must take all reasonable steps to ensure that the impact of fishing operations on the marine environment is kept to a minimum.
- (2) In particular, the holder must take all reasonable steps to:
  - (a) avoid interaction with the following:
    - (i) cetaceans;
    - (ii) marine species listed for section 248 of the EPBC Act;
    - (iii) migratory species listed for section 209 of the EPBC Act;
    - (iv) threatened species listed for section 178 of the EPBC Act; and
  - (b) ensure that anything that may harm the marine environment is not disposed of at sea.
- (3) If the fishing activities undertaken on the boat result in an interaction with a species or community mentioned in subsection (2), the licence or endorsement holder must:
  - (a) record details of the interaction in a logbook kept for that purpose if they are required to provide information under section 14 of the Act; and
  - (b) if there is an observer on the boat:
    - (i) immediately tell the observer about the interaction, and allow the observer to observe its consequences; and
    - (ii) give whatever assistance is necessary for the observer to collect the data, or make the observations, required by the PZJA; and
  - (c) if the interaction results in an injury to a member of the species or community, do everything that can practicably be done to give aid to it; and
  - (d) if the interaction results in the death of a member of the species or community:
    - (i) discharge its carcass from the boat in a way that does not attract birds or mammals to the boat; or

- (ii) if directed by the PZJA to retain carcasses for scientific purposes, retain the carcass and deal with it as the PZJA directs; and
- (e) if the interaction results in the death of, or an injury to, a member of the species or community, report the interaction in accordance with any requirement imposed by regulations made for the purposes of this section.

## **5.8 Additional conditions for TRL Treaty endorsements**

- (1) Does not fish for lobster, carry, or process and carry, lobster in the area described in Part 1(b) of Schedule 1 in this plan (known as the outside-but-near area of the fishery).
- (2) When the boat to which the endorsement relates is in an area of Australian jurisdiction, there is to be no contact with an Australian inhabitant or territory, except as authorised by this Plan.
- (3) For subsection (b), “contact with an Australian inhabitant or territory” includes:
  - (a) boarding a boat at sea; and
  - (b) tying up with an Australian boat; and
  - (c) landing on an Australian island; and
  - (d) transferring a person or material from or to an Australian boat or territory.
- (d) Does not fish traditionally while in an area of Australian jurisdiction; and
- (e) Does not dispose of waste, by-product, fishing apparatus or any other material in an area of Australian jurisdiction.

## **Part 6 Miscellaneous**

### **6.1 Register**

- (1) As well as the matters mentioned in section 10 of the Act, the Register must show particulars of:
  - (a) transfers or temporary transfers of TSTRL licences and or TSTRL TPC licences and units of fishing capacity; and
  - (b) boats nominated under section 4.5; and
  - (c) any other information that the PZJA determines.

### **6.2 Reconsideration of decisions**

- (1) In this section, *decision* means a decision of the PZJA:
  - (a) allocating units of fishing capacity under section 3.7; or
  - (b) refusing to register a transfer under section 4.7; or
  - (c) nominating a boat under section 4.5.
- (2) A person affected by a decision may in writing request the PZJA to reconsider the decision.
- (3) The person must make the request within 28 days of the date of the decision.
- (4) The PZJA must reconsider the decision within 60 days of receiving the request for review, and must:
  - (a) confirm the decision; or
  - (b) revoke the decision and make another decision in its place.

- (5) The PZJA must notify the person in writing of its decision under subsection (4).

**6.3 Transitional**

- (1) A TSTRL licence in force immediately before the commencement date remains in force until its expiry date.

DRAFT

## **Schedule 1 Area of the fishery using AGD66 coordinates**

The following boundary coordinates are listed in AGD66. The area of the fishery will also be expressed in WGS84. These coordinates will be provided at a later date.

The area of the tropical rock lobster fishery is the area consisting of:

(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and

(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude  $10^{\circ} 48' 00''$  south, longitude  $141^{\circ} 20' 00''$  east and running progressively:

- north along the meridian of longitude  $141^{\circ} 20' 00''$  east to its intersection with the parallel of latitude  $10^{\circ} 28' 00''$  south;
- east along that parallel to its intersection with the meridian of longitude  $144^{\circ} 00' 00''$  east;
- south along that meridian to its intersection with the parallel of latitude  $10^{\circ} 41' 17''$  south;
- west along that parallel to its intersection with the meridian of longitude  $142^{\circ} 31' 49''$  east;
- south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water;
- generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude  $10^{\circ} 48' 00''$  south;
- west along that parallel of the point where the line began; and

(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.

## **Schedule 2 Area of the fishery using WDA94 coordinates**

Area of the fishery expressed using coordinates based on WDA94.

The area of the tropical rock lobster fishery is the area consisting of:

- (a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and
- (b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 10° 48' 00" south, longitude 141° 20' 00" east (Point 1) and running progressively:
  - north along the meridian of longitude 141° 20' 00" east to its intersection with the parallel of latitude 10° 28' 00" south (Point B)<sup>1</sup>;
  - east along that parallel to its intersection with the meridian of longitude 144° 00' 00" east (Point 2);
  - south along that meridian to its intersection with the parallel of latitude 10° 41' 17" south (Point 3);
  - west along that parallel to its intersection with the meridian of longitude 142° 31' 49" east (Point 4);
  - south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water (Point 5);
  - generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of latitude 10° 48' 00" south (Point 6);
  - west along that parallel of the point where the line began; and
- (c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.

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<sup>1</sup> Annex 9 sub-paragraph (b) to the *Treaty between Australia and the Independent State of Papua New Guinea Concerning Sovereignty and Maritime Boundaries in the Area Known as Torres Strait, and Related Matters* – which entered into force 15 February 1985; see Australian Treaty Series 1985 No 4 AGPS.



**TRANSFORMATION OF COORDINATES DEFINING THE TROPICAL ROCK LOBSTER FISHERY IN TORRES STRAIT UNDER *TORRES STRAIT FISHERIES REGULATIONS* 1985**

Point	Latitude GDA94	Longitude GDA94	Comments
1	10° 47' 54.68" South	141° 20' 03.99" East	
B	10° 27' 54.69" South	141° 20' 03.99" East	This is point (b) of the Protected Zone under the Torres Strait Treaty
2	10° 27' 54.66" South	144° 00' 03.89" East	
3	10° 41' 11.65" South	144° 00' 03.89" East	
4	10° 41' 11.67" South	142° 31' 52.94" East	
5	10° 41' 14.67" South	142° 31' 52.94" East	See note 2.
6	10° 47' 54.67" South	142° 24' 13.95" East	See note 2.

**Note**

1. Coordinates expressed in terms of the Geodetic Datum of Australia 1994 (GDA94) have been transformed from the Australian Geodetic Datum 1966 (AGD66) using the National 3 dimensional similarity transformation<sup>2</sup>.

AGD66 to GDA94 parameters:

dx: -117.808 m  
dy: -51.536 m  
dz: 137.784 m  
k: -0.29 ppm  
rx: -0.303 Arc Seconds  
ry: -0.446 Arc Seconds  
rz: -0.234 Arc Seconds

2. For the purposes of plotting the points defining this Fishery in a geographic information system (GIS), an interpretation of where the specific parallel or meridian crosses the coastline is based on the visible coastline from an orthorectified satellite image.
3. For all practical purposes, coordinates expressed in terms of GDA94 are deemed equivalent to coordinates expressed in terms of WGS84.

<sup>2</sup> Geodetic Datum of Australia Technical Manual, Version 2.3(1), ISBN 0-9579951-0-5, published by the Intergovernmental Committee on Surveying & Mapping (ICSM)



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>27-28 August 2015</b>
<b>Notional Total Allowable Catch 2015/16</b>	<b>Agenda Item No. 4</b> <b>FOR NOTING and DISCUSSION</b>

## **RECOMMENDATIONS**

That the Working Group **DISCUSS** and provide **ADVICE** on the advice from the RAG on Notional Total Allowable Catch for 2015/16.

## **KEY ISSUES**

1. Advice from the TRL Resource Assessment Group on the recommended Total Allowable Catch will be provided to members at the meeting. The TRL RAG is meeting on 25-26 August 2015.



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting 27-28 August 2015</b>
<b>Revising the TRL Harvest Strategy</b>	<b>Agenda Item No. 5 FOR DISCUSSION</b>

## **RECOMMENDATIONS**

That the Working Group **NOTE** and **DISCUSS** the advice provided by the RAG on:

- a)revising the harvest strategy for the TRL Fishery; and
- b)as required, developing a work plan to finalise the harvest strategy

## **KEY ISSUES**

1. Advice from the TRL Resource Assessment Group on the revising the TRL Harvest strategy will be provided to members at the meeting. The TRL RAG is meeting on 25-26 August 2015.



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>27-28 August 2015</b>
<b>Torres Strait Treaty Bilateral Meetings</b>	<b>Agenda Item No. 6</b> <b>For DISCUSSION and ADVICE</b>

## RECOMMENDATIONS

That the **DISCUSS** and provide **ADVICE** on issues for discussion at the coming Torres Strait Treaty Bilateral meetings scheduled for 6 to 9 October 2015 in Papua New Guinea (PNG).

## KEY ISSUES

1. Torres Strait Treaty bilateral meetings are schedule for 6-9 October 2015 in PNG. AFMA is seeking advice from the Working Group on recommended issues for discussion.
2. Possible matters for discussion include arrangements to manage over catches and for cross endorsement of Australian licence holders.
3. PNG's National Fisheries Authority (NFA) has advised AFMA that PNG over-caught its 2014 TRL allocation of 200t by 61 tonnes (to be confirmed). It will be important for Australia and PNG to develop management strategies to minimise the risk of overfishing.
4. The PZJA Standing Committee (SC) agreed at its meeting in March 2015 that Australian fishers who wish to access PNG waters under the Torres Strait Treaty 1985 (the Treaty) will be informed via the PZJA website that the opportunity is available and that they need to apply to have their boat name placed on a list which will be provided to the PNG-NFA.
5. The opportunity for Australian fishers to apply for cross endorsement to fish for TRL in PNG waters in 2015 was advertised on PZJA website in May with applications closing on 29 May.
6. Fisheries Queensland (FQ) received valid applications from five licence holders comprising nine licences (three TIB and six TVH licences). An additional application was received but it was invalid because the licence holder does not hold a catching licence; only a licence to process and carry.
7. The SC subsequently decided at its meeting on 13 July 2015 to postpone seeking cross-endorsement until Australia and PNG-NFA develop pre-agreed management arrangements and AFMA liaise more broadly on the utilisation of Australia's catch share in PNG waters. This decision was made noting that further work is required to minimise the risk of any unintended consequences to the integrity of cross-jurisdictional management arrangements.





<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting 27-28 August 2015</b>
<b>Proposed 12 month Free Diving Open Season</b>	<b>Agenda Item No.7 For Discussion and Advice</b>

## RECOMMENDATIONS

That the Working Group **DISCUSS** and provide **ADVICE** on allowing free diving for Tropical Rock Lobster all season.

## KEY ISSUES

1. Participants at the lama community consultation visit of the draft TRL management plan recommended that commercial fishing by free diving for TRL be permitted by TIB operators all season. This would mean allowing free dive fishing in the current fishery closure (Oct-Nov). This recommendation was also recently raised at the PZJA stakeholder meeting on 4 August 2015.
2. AFMA is seeking Working Group advice on whether or not such a change is consistent with the legislative objectives of the *Torres Strait Fisheries Act 1984* (the Act) and therefore be recommended to the PZJA for consideration. The legislative objectives of the Act are:
  - a. to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing;
  - b. to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone;
  - c. to adopt conservation measures necessary for the conservation of a species in such a way as to minimise any restrictive effects of the measures on traditional fishing;
  - d. to administer the provisions of Part 5 of the Torres Strait Treaty (relating to commercial fisheries) so as not to prejudice the achievement of the purposes of Part 4 of the Torres Strait Treaty in regard to traditional fishing;
  - e. to manage commercial fisheries for optimum utilisation;
  - f. to share the allowable catch of relevant Protected Zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty;
  - g. to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants.
3. AFMA is also seeking advice from the TRL Resource Assessment Group (RAG) on the potential impacts to stock sustainability. Background information that will be tabled at the RAG meeting on 25-26 August 2015 is at **Attachment A**. Advice from the RAG will be presented at the meeting.



<b>TROPICAL ROCK LOBSTER RESOURCE ASSESSMENT GROUP (TRLRAG)</b>	<b>MEETING No. 14 25-26 August 2015</b>
Background Information: Proposed 12 month free diving open season.	<b>Agenda Item 6 FOR INFORMATION</b>

## RECOMMENDATION

That the RAG **NOTE** background information on the proposal to introduce a 12 month free diving open season; and

## KEY ISSUE

1. AFMA is seeking advice from the TRL RAG and Working Group on the proposal to remove the existing closed season for free diving (October-November) to allow fishers to take lobsters by free diving at all times; noting the remaining input controls, including minimum size 90 mm CL & 115 mm TL will continue.

## BACKGROUND

### *Scientific basis for supporting the proposal*

The current size limit (90 mm CL ~ 115 mm TL) introduced in 2003 effectively conserves the majority of the recruiting (1+) year-class through October-November (Figure 1). Hence, allowing free diving in these months will not significantly impact the recruiting lobster population. Further, the shallow reef-edge areas targeted by free divers generally house larger lobsters, as smaller lobsters are excluded from the coral reef habitats due to their requirement for tight fitting shelters (Dennis et al. 1997). In addition most of the legal size lobsters remaining in the fishery during October-November are non-migratory males, and taking these lobsters will not impact on breeding success.

The seasonal closure in October-November does not protect the breeding population throughout the vast majority of the fishery as no reproductive activity occurs west of Warrior Reef. However, spawning populations do occur in eastern Torres Strait (Darnley, Cumberland, Don Cay and Barrier logbook zones) but currently catches from these zones are relatively small (~1% of total) and hence opening the season to free diving will have little impact on breeding success.

The main economic reason to open the fishery to free diving in October-November is to allow the fishery to better access the Chinese New Year market. Lobsters taken live during October – November will fetch a higher beach price (Figure 2), increasing the economic returns for free divers.

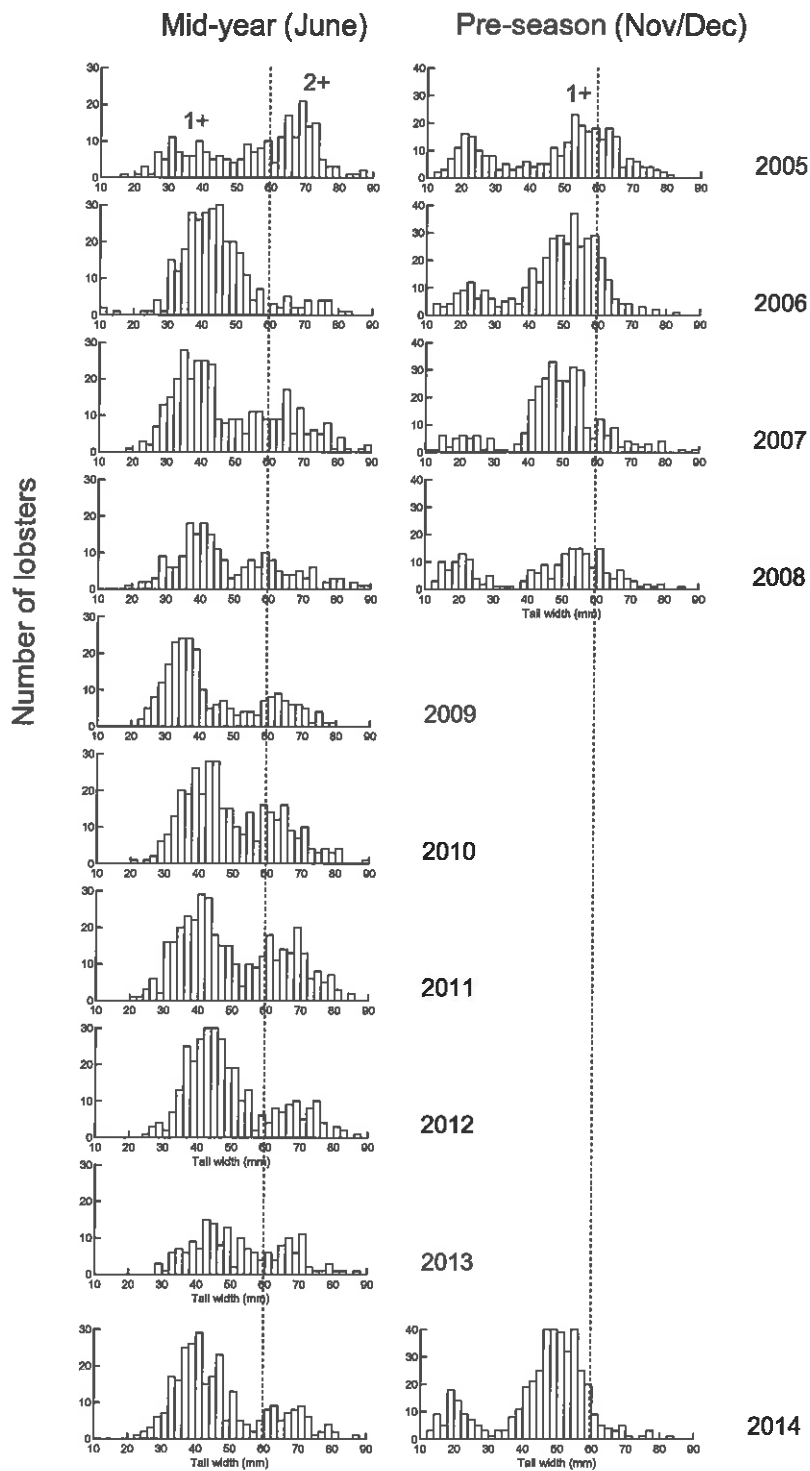


Figure 1. Size frequency distributions of *Panulirus ornatus* sampled during mid-year and pre-season fishery-independent surveys between 2005 and 2014. The current minimum size limit (90 mm CL~ 60 mm tail width) is denoted by the dotted lines.

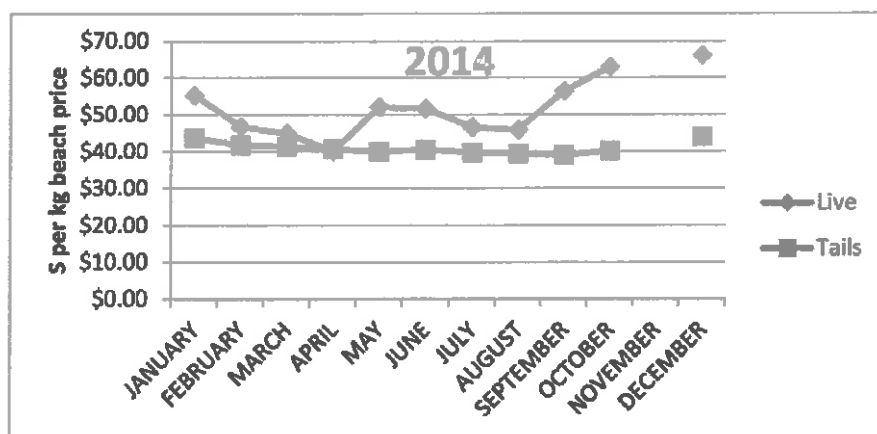


Figure 2. Monthly average beach price for *Panulirus ornatus* sold as frozen tail and live product in 2014. Source: MG Kailis.

#### *History and prior justification for seasonal closures in the TRL fishery*

Seasonal closures were introduced to the TRL fishery as early as 1973 (Chittleborough, 1974), in combination with other input controls, to serve a variety of objectives including: conserving the recruiting year-class, maximizing yield per recruit, reducing conflict between free and hookah divers and allowing time for vessel refits. The most recent introduction of seasonal closures in 2003 served specifically to allow the stock to recover after a period of over-fishing combined with a period of relatively high natural mortality, as summarised below. However, given that recent TRL catches have not exceeded the nominal TACs, and there is no evidence of anomalous high mortality, the removal of a ban on free diving during October-November will not reduce sustainability of the TRL fishery.

#### **1973**

Based on relatively scant commercial catch-rate data from 1969-1973 Chittleborough (1974) made several recommendations on interim management measures to ensure optimal utilisation of the developing TRL fishery. Management measure (f) stated "That the period from November 1 to February 28 be closed to rock lobster fishing (failing this, the closed period should be December 1 to February 28)." His justification for this recommendation was that the closure would prevent any disturbance of the very young rock lobsters present on the reefs in December, January and February, as well as aiding the recovery of the stock after each fishing season. He noted that fishers persisted fishing in these months only because their colleagues did so. It must be noted that the concurrent minimum weight at that time was only 4 oz (~113 g), equivalent to a ~45 mm carapace length lobster. Hence, the minimum size was not effective in preserving the recruiting (1+) year-class.

#### **1988-1993**

A minimum size of 100 mm tail length was implemented in 1988 to increase yield per recruit of the fishery, given the trend of increasing catch and fishing mortality seen in the fishery to that date. Catch sharing arrangements with PNG were subsequently introduced in 1990. The minimum size limit was later combined with a seasonal ban on the use of hookah gear during October/November, to provide further protection to

the recruiting (1+) year-class and also to reduce conflict between free and hookah divers (Pitcher et al. 1994). There was concern that hookah divers were over-fishing traditional reef fishing areas. CSIRO subsequently implemented the island-based monitoring program at Mabuiag and Badu Islands which ran from 1988 to 2001. The research showed that during that time although free diver catch rates were significantly lower than hookah diver catch rates, there was no widening of the difference between the catch rates of the sectors. This suggested that at least for the TiB sector free diver catch rates were not being impacted by the island based hookah divers.

## 2003

The current seasonal closures (October-November closed – December-January hookah ban) were implemented due to the declining stock levels in 1999-2001 (Figure 3), which suggested that the fishery was becoming unsustainable.

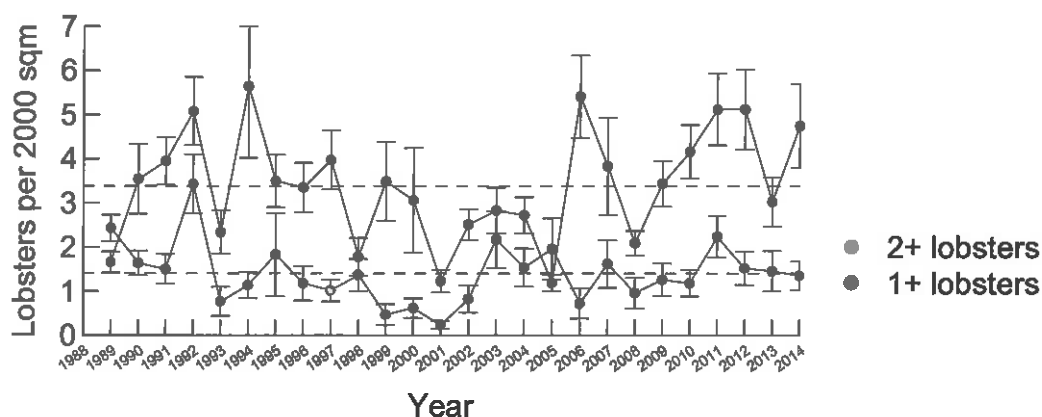


Figure 3. Relative abundance of *Panulirus ornatus* in Torres Strait during 1989-2014 from fishery-independent surveys.

The complete raft of new input controls implemented in 2003 was:

- Increase minimum size to 115 mm TL ~ 90 mm CL.
- Increase closed season from October/November to October - January.
- Cap fishing effort and particularly latent effort.
- Promote “conversion” of the fishery to a “live fishery” to value add and reduce fishing mortality

These management measures were recommended based on rigorous modelling of stock recovery scenarios, using a cohort depletion model developed for the fishery Pitcher et al. (2001); which has subsequently been superseded by the integrated age-structured model. The target reference point for the fishery was to allow 75% escapement of the breeding year class (2+) and the model outputs are shown in Figures 4 & 5 for a range of fishing mortalities. Using this model it was shown that fishing mortality had tended to increase to unsustainable levels during the decade to 1999 and natural mortality had also tended to increase likely due to seagrass diebacks and sand incursions (Figure 6).

Given that the stock has shown significant recovery since the record low recorded in 2001, and that the fishery has moved to a high percentage of live product there is a reduced need for these management measures; particularly as the fishery moves to a QMS. Hence, as stated above the move to allow free diving during October-November will have little impact on the sustainability of the fishery.

#### *Possible concerns regarding this proposal*

Holding live lobsters during warmer months can result in higher mortalities, particularly at high stocking densities. However, there have been several advances in sea cage design and handling protocols and high mortalities seen in the past would not be anticipated. Further, water temperature during October & November is generally not elevated unless anomalous calm conditions occur.

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Pitcher, C.R., Dennis, D.M., Skewes, T.D., Wassenberg, T., Haywood, M.D.E, Brewer, D., Jacobs, D.R., Ware, R. (2001). Research for management of the ornate tropical rock lobster, *Panulirus ornatus*, fishery in Torres Strait. Annual Report to TSFSAC #36; September 2001. CSIRO Division of Marine Research, 31 pp.

**APPENDICES Fishery model outputs from TSFSAC Report #36 September 2001.**

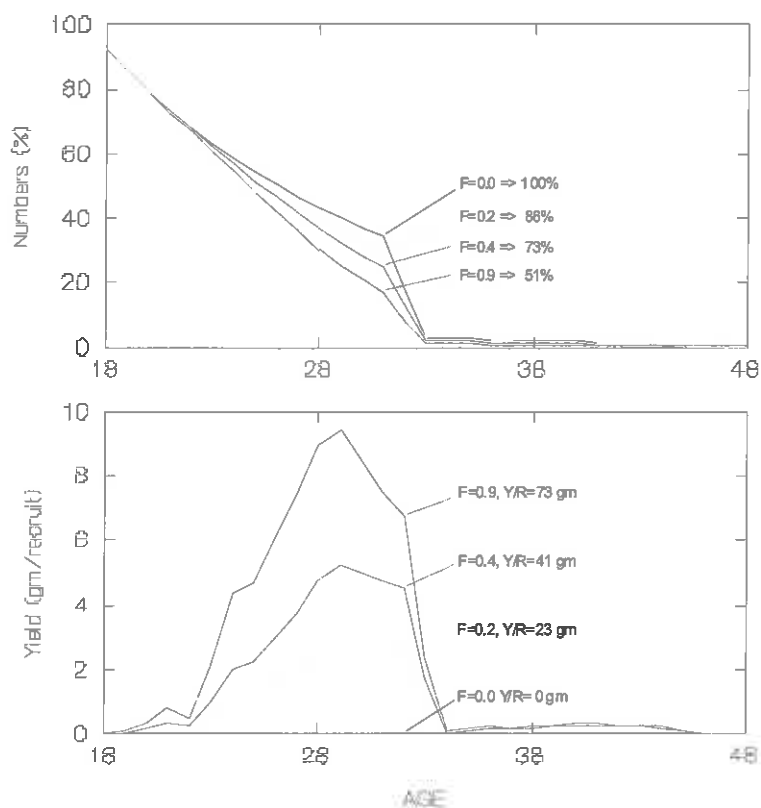


Figure 4. Modelled cohort depletion of the TRL population at four levels of fishing mortality and corresponding estimated yield per recruit.

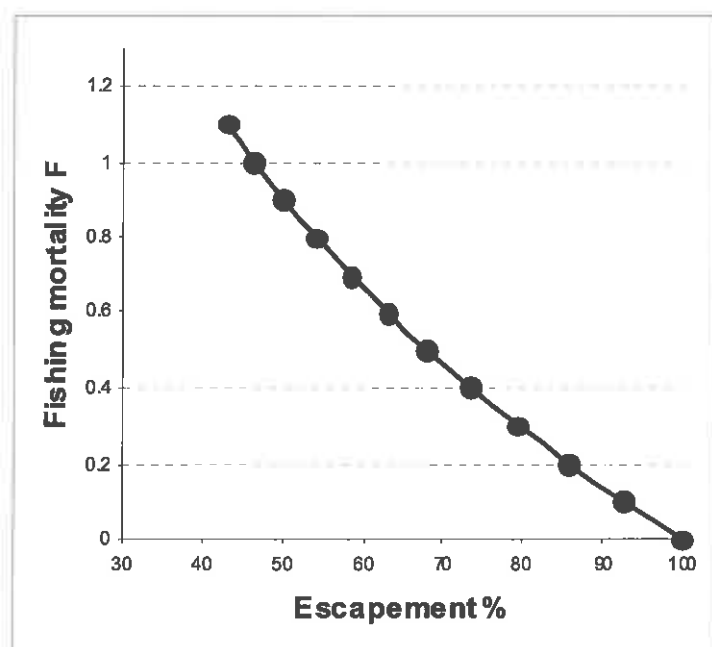


Figure 5. Modelled escapement levels for the TRL fishery at different levels of fishing mortality.



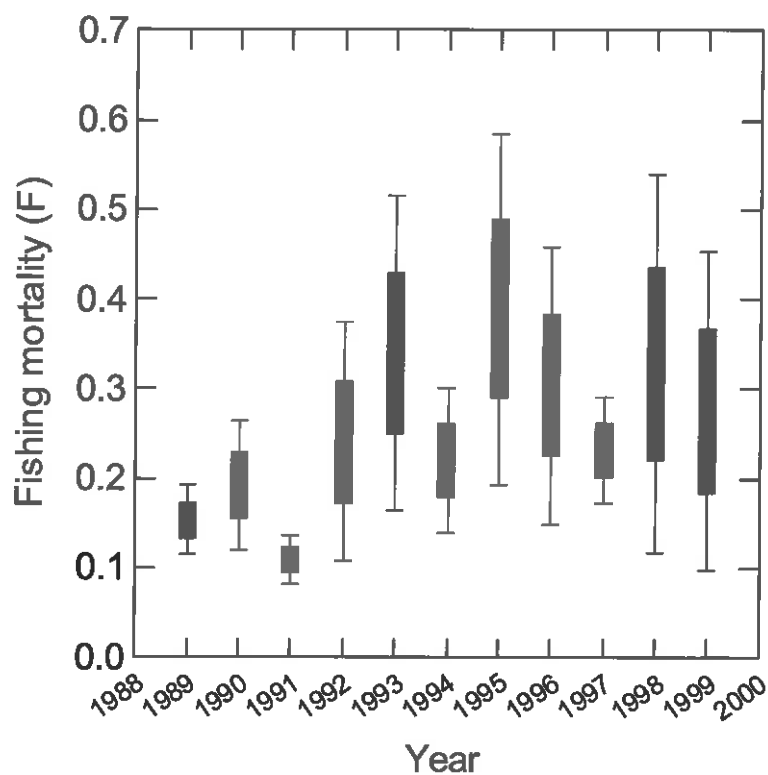
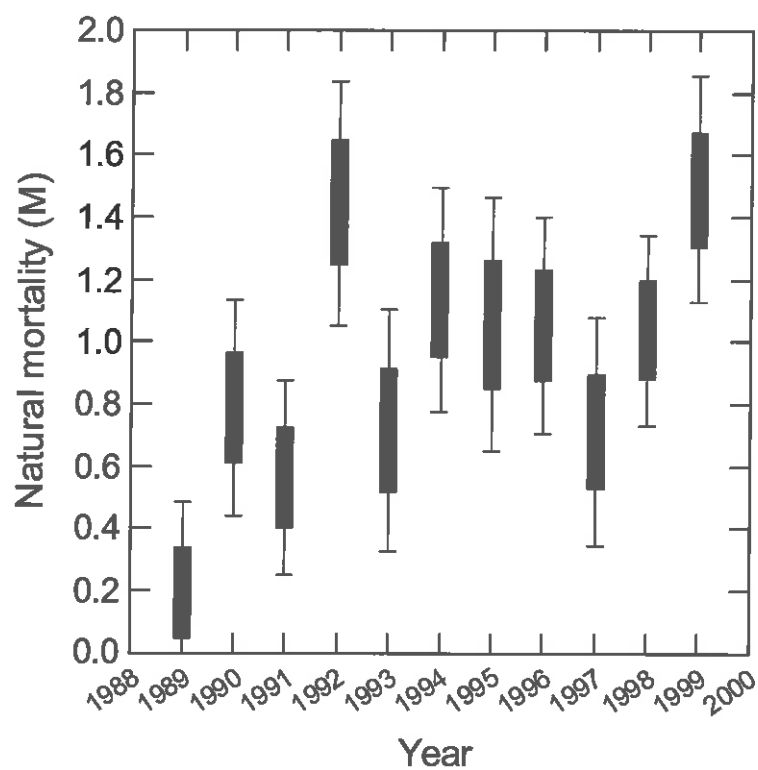


Figure 6. Modelled estimates of natural & fishing mortality for the TRL fishery during 1989 – 1999.



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>27-28 August 2015</b>
<b>Outcomes of the RAG</b>	<b>Agenda Item No. 8.1</b> <b>FOR INFORMATION and</b> <b>DISCUSSION</b>

## **RECOMMENDATIONS**

That the Working Group **NOTE** and **DISCUSS** the advice from the 14<sup>th</sup> Meeting of the Torres Strait Tropical Rock Lobster Research Assessment Group (TRLRAG).

## **KEY ISSUES**

1. Outcomes of the TRL Resource Assessment Group will be provided to members at the meeting. The TRL RAG is meeting on 25-26 August 2015.



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>27-28 August 2015</b>
<b>TRL Research Priorities</b>	<b>Agenda Item No. 8.2</b> <b>FOR ADVICE</b>

## RECOMMENDATIONS

That the Working Group:

1. Provides **ADVICE** on future TRL research priorities and proposed research for 2015/16.
2. **NOTES** the advice provided by the RAG.

## KEY ISSUES

The draft Torres Strait Science Advisory Committee (TSSAC) annual operational plan (AOP) 2015 identifies the current research priorities for Torres Strait Fisheries. Torres Strait Tropical Rock Lobster Fishery research priorities are outlined in Part 2 of the draft TSSAC AOP 2015 (**Attachment A**). The TSSAC AOP is revised annually with comments provided by the TRL RAG and Working Group. The 2015 final report is due to be published in September 2015.

Proposed research in the Torres Strait Tropical Rock Lobster Fishery:

- CSIRO recently submitted a full proposal to AFMA detailing four options for future tropical rock lobster surveys and stock assessments (**Attachment B**).
- AFMA, with support from other TSSAC members, agreed that Option C was ideal as it focused on an output controlled fishery.
- The contract for the proposed research (Option C) is awaiting approval between AFMA and CSIRO. If the proposal is approved the project will include a pre-season survey (November 2015) and TRL stock assessment.

Advice from the TRL Resource Assessment Group on research priorities will be provided to members at the meeting. The TRL RAG is meeting on 25-26 August 2015.



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting 27-28 August 2015</b>
<b>2014/15 TRL Catch and Effort Update</b>	<b>Agenda Item No. 8.3 FOR INFORMATION</b>

## RECOMMENDATIONS

That the Working Group **NOTE** the update on catch and effort data for the Torres Strait Tropical Rock Lobster Fishery.

## KEY ISSUES

1. Mandatory logbook reporting of catch and effort data is only required from the TVH sector. With the transition to a quota management system (QMS) for the TRL fishery accurate reporting of catch and effort data by all sectors will be important.
2. Commercial catches of TRL taken by the Australia and PNG between 1973 and 2014 are provided at **Attachment A**. Preliminary catch records for 2014 report the TIB sector caught 132.7t, TVH sector caught 272.8t and PNG caught 261.2t.
3. PNG's National Fisheries Authority (NFA) has advised that PNG over-caught PNG's 2014 TRL allocation by 61 tonnes (to be confirmed, see **Agenda Item 6**).
4. Reporting of catch and effort data is important for TRL stock assessments with proposed future research to be comprised of a pre-season survey (no mid-season survey) and stock assessment. Accurate records of catch and effort data improve the reliability of future stock assessment and RBC/TAC estimation.

The PZJA have agreed to prioritise legislative amendment to provide immediate improvements to the efficiency and effectiveness of fisheries administration in the Torres Strait, including to allow for mandatory catch reporting across all sectors (see **Agenda Item 2.1**).





# TORRES STRAIT TROPICAL ROCK LOBSTER RESOURCE ASSESSMENT GROUP (TRLRAG) MEETING #14

## Item 3.1

Commercial catches of ornate rock lobsters (*Panulirus ornatus* in tonnes live weight) taken by the Australian, and PNG between 1973 and 2014. TiB = Torres Strait islander dive sector, TVH = Transferable vessel holder dive sector.

YEAR	TiB	TVH	AUS_DIVERS	AUS_TRAWL	PNG_DIVERS	YULE_DIVERS	PNG_TRAWL	TS_TOTAL
1973			0	0	54	19	562.2	635.2
1974			0	0	75	83	107.1	265.1
1975			0	0	62	13	214.2	289.2
1976			0	0	48	0	262.3	310.3
1977			0	0	72	35	131.2	238.2
1978			296.1	0	43	3	187.4	529.5
1979			308.5	0	56	13	0	377.5
1980			328.4	21	94	3	588.9	1035.3
1981			495.1	131	96	3	262.3	987.4
1982			669.2	201	102	3	398.9	1374.1
1983			432.9	139	86	0	112.4	770.3
1984			330.9	8	86	0	29.4	454.3
1985			537.4	24	187	16	0	764.4
1986			890.6	21	198	62	0	1171.6
1987			622	0	128	54	0	804.0
1988			537.4	0	150	5	0	692.4
1989			651	0	211	24	0	886.0
1990			490.1	0	158	0	0	648.1
1991			444.1	0	168	0	0	612.1
1992			423.2	0	134	0	0	557.2
1993			505.7	0	166	0	0	671.7
1994		123.0	577.8	0	247	0	0	824.8
1995		101.0	556.9	0	257	0	0	813.9
1996		226.9	584.1	0	228	0	0	812.1
1997		275.1	653.1	0	241	0	0	894.1
1998		329.6	661.4	0	201	0	0	862.4
1999		95.1	409.6	0	163	0	0	572.6
2000		128.9	418.0	0	235	0	0	653.0
2001	52.0	69.1	121.1	0	173	0	5.4	299.5
2002	68.0	147.7	215.7	0	327	0	42.8	585.5
2003	123.0	361.4	484.4	0	211	0	5.4	700.8
2004	210.6	481.1	691.7	0	182	0	0	873.7
2005	344.6	545.0	889.5	0	228	0	0	1117.5
2006	143.2	135.4	278.6	0	142	0	0	420.6
2007	267.5	268.6	536.1	0	228	0	0	764.1
2008	207.3	100.4	307.7	0	221	0	0	528.7
2009	134.6	91.1	225.7	0	161.4	0	0	387.1
2010	182.3	279.4	461.7	0	292.8	0	0	754.5
2011	200.7	503.2	703.9	0	165	0	0	868.9
2012	151.3	370.5	521.8	0	173.7	0	0	695.5
2013	127.5	361.7	489.2	0	108.3	0	0	597.5
2014	132.7	272.8	405.5	0	261.2*	TBC	+	666.7

\*TBC - To Be Confirmed

