

**TORRES STRAIT TROPICAL ROCK LOBSTER**  
**WORKING GROUP (TRLWG) MEETING No.5**  
**9:00AM-5:00PM, 5-6 April 2016**  
**Thursday Island, Grand Hotel Conference Room**

**MEETING TIMES: 9:00am – 5:00pm, Tuesday & Wednesday, 5-6 April.**

## **AGENDA**

1. Preliminaries
  - 1.1. Preliminaries – Welcome / Apologies / Adoption of Agenda
  - 1.2. For Amendment: TRLWG Meeting No.4 Meeting Record
  - 1.3. Ratification of combined TRLRAG and TRLWG #16 Meeting Record
  - 1.4. Action Items (DP)
  - 1.5. AFMA requirements of WG members (SM)
  - 1.6. Declaration of interests (SM)
2. Updates
  - 2.1. AFMA (SS)
  - 2.2. Industry (various)
  - 2.3. CSIRO (DD)
  - 2.4. QLD Fisheries (TR)
  - 2.5. TSRA (member)
  - 2.6. Native title (MN)
3. TRL Management Plan
4. TRL Strategic Assessment Report
5. RAG recommendations to Finalise a TRL Harvest Strategy
6. Proposed Future Management Arrangements
  - 6.1. Vessel Monitoring System (VMS)
  - 6.2. Fish Receiver Licenses
7. 12 Month Free-dive and Lamp Fishing Season
8. Other Items
  - 8.1. Next meeting

# Tropical Rock Lobster Working Group

TRLWG 4 Meeting Record

27-28 August 2015

Thursday Island

Note all meeting papers and records are available on the AFMA and PZJA webpages:

[www.afma.gov.au](http://www.afma.gov.au)

[www.pzja.gov.au](http://www.pzja.gov.au)



Australian Government

Australian Fisheries Management Authority

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## Meeting Participants

Name	Role	Declared Interest	Dates Attended
Andy Bodsworth	A/g TRLWG Chair	Fisheries research	27 & 28 August 2015
Selina Stoute	AFMA Member	None	27 & 28 August 2015
Dean Pease	AFMA, Executive Officer	None	27 & 28 August 2015
Darren Dennis	CSIRO Scientific Member	Fishery research	27 & 28 August 2015
Tom Roberts	QDAF Member	None	27 & 28 August 2015
Les Pitt	Industry Member	TIB licence holder	27 & 28 August 2015
Terrence Whap	Industry Member	TIB licence holder	27 & 28 August 2015
Aaron Tom	Industry Member	TIB licence holder	27 & 28 August 2015
Mariana Nahas	TSRA Member	None	27 & 28 August 2015
Phillip Ketchell	Industry Member	TIB licence holder	27 & 28 August 2015
Ray Moore	Industry Member	TVH licence holder	27 & 28 August 2015
Mark Dean	Industry Member	TVH licence holder	27 & 28 August 2015
Mark David	Industry Member	TIB licence holder	27 & 28 August 2015
<b>Observers</b>			
Kenny Bedford	TSRA Fisheries Portfolio Member	TIB licence holder	27 & 28 August 2015
Ian Iiviko	PNG NFA Observer	None	27 & 28 August 2015
Brett Arlidge	Industry Observer	MG Kailis	27 August 2015
Kevin Sabatino	Industry Observer	TIB licence holder	27 & 28 August 2015
Graham Hirakawa	Industry Observer	TIB licence holder	27 & 28 August 2015

## Recommendations

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### 5. The TRLWG recommended

- moon-tide closures be reintroduced in 2016 and until a management plan was implemented for TRL;
- a work-plan be developed to prioritise issues raised during community consultation visits to ensure matters are addressed. A TRLWG work-plan was discussed at **Agenda Item 9, Other Business**;
- a preliminary recommended biological catch (RBC) (lower 75th percentile) of 568t for the 2016 season;
- CSIRO revises the preliminary TAC allocation of 568t with results from the pre-season survey to be conducted in November 2015;
- the TRLRAG and Working Group meet by teleconference to discuss the outcomes of the revised recommended biological catch (RBC) for the 2016 season by 20 December 2015;
- a 12 month open fishing season for free-dive and lamp fishing for TRL.
- if the seasonal ban for free-dive and lamp fishing is to be removed the TRLRAG and TRLWG should review the measure one year after its implementation;
- TRLRAG and TRLWG industry members and observers interested in participating in the workshop contact the AFMA Office 4069 1990 or Darren Dennis from CSIRO on [Darren.Dennis@csiro.au](mailto:Darren.Dennis@csiro.au).

## Action Items

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1. AFMA review the licencing provisions for PNG cross endorsed vessels (relating to a prohibition on fishing 'home reefs') post implementation of the TRL Management Plan.
2. AFMA review the implementation and enforcement of fish receiver licences as part of a 2016 licencing review.
3. TSRA continue progressing community consultations for the development of a roadmap to 100 per cent traditional ownership.
4. TRLWG members to provide comments on TSSAC Annual Operational Plan TRL Research Priorities.
5. In response to the Malu Lamar submission on the draft management plan, AFMA to investigate options to include performance measures relating to the objective of 100 per cent traditional ownership objective in final draft management plan.
6. CSIRO provide written advice on the likely costs and procedures required to contract industry divers to assist with TRL research surveys. This advice should include the likely cost to integrate industry collected data into the overall survey data.
7. QDAF to prepare a timeline detailing the history of TIB licencing arrangements for the TRL Fishery and provide it to the TRLWG out-of-session (OOS).
8. AFMA circulate advice to the TRLWG members and observers detailing the TRL Fishery boundary.

## Agenda Item 1 - Preliminaries

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### 1.1 Apologies

Apologies were received from Anne Clark (chair), Maluwap Nona (Malu Lamar RNTBC observer) and Luke Dillon (industry member).

### 1.2 Adoption of Agenda

The TRLWG **adopted** the agenda.

### 1.3 Ratification of Meeting Record from TRLWG 3

The TRLWG **ratified** the record of TRLWG 3 as a true and accurate record of the meeting, noting that not all members were present at the 3<sup>rd</sup> Meeting of the TRLWG. Members noted that future meeting records would be finalised within weeks of the meeting out-of-session

### 1.4 Action Items from TRLWG Meeting No. 3

The TRLWG was updated on action items from TRLWG 3 as detailed in the meeting paper. The following verbal updates were provided at the meeting:

#### ***Action Item 5 Moon tide closures***

The Working Group noted that moon tide closures were implemented in 2015 and that there was no decision to continue the measure in 2016. The Working Group noted that moon-tide closures:

- can negatively impact market prices by causing pulse fishing. Market prices can be driven down when product is landed in bulk at set times;
- do not always align with peak tidal flows which further restricts fishing effort; and
- are not required to protect stock sustainability. The stocks are not overfished or subject to overfished and the nominal TAC generally remains under caught.

The Working Group noted however that moon-tide closures provide an economic opportunity for TIB fishers by reducing competition with the TVH sector and **recommended** that:

- Moon-tide closures be reintroduced in 2016 and until a management plan was implemented for TRL.

The Working Group noted that under quota management, moon-tide closures would no longer be necessary.

#### ***Action item 8 non-Traditional Inhabitants supplying vessels to Traditional Inhabitants***

The QDAF Member confirmed vessel ownership is proven through vessel registration. Ownership may only be challenged on the basis that a person is acting under the direction of someone else. The QDAF Member noted the issue of ownership relates more to resource sharing within the TIB sector.

The Working Group noted that private sector partnerships are part of standard business practise and can be used to overcome business challenges, for example capital shortfalls. Some members remained concerned that these types of arrangements can undermine the ownership aspirations of the community.

#### ***Action Item 10 and 11 Register of Master Fisherman Licence holders and training***

The TSRA Portfolio Member provided the following update:

- due to privacy laws, the contact details of TIB Master Fishermen Licence (MFL) holders could not be published on a public register;
- Transferrable Vessel Holder (TVH) primary vessel licence holders should contact MyPathway and register their interest to employ TIB MFL holders; and
- MyPathway program is developing a school leavers program which is likely to include training relevant to the fishing industry.

The Working Group noted that an opt-in system for a skills register should be considered by MyPathway.

#### ***Action Item 12 Increase boat limit from 9.9m to 13.9m***

The TSRA Portfolio Member advised that there had been no consultation with communities regarding primary vessels limited to 9.9m being increased to 13.9m since TRLWG Meeting No. 3.

The TRLWG noted that this matter needed to be addressed as part of more holistic review of the Boat Replacement Policy and agreed to include it as part of its work plan (Agenda Item 9, Other Business, Table 3).

#### ***Action Item 13 Align the fishing season with international markets***

The TSRA Portfolio Member advised that there had been no consultation with communities about changing the current season dates since TRLWG Meeting No. 3.

The TRLWG agreed for this matter to be included as part of its work plan (Agenda Item 9, Other Business, Table 3).

## **1.5 Correspondence**

The TRLWG noted:

- the letter sent to Senator the Hon. Richard Colbeck Parliamentary Secretary to the Minister for Agriculture from Patrick Mills, Chair of the Torres Strait Fishers Association, requesting amendment to the current restriction on TIB licences for all crew to be Traditional Inhabitants;
- a response from Senator the Hon. Richard Colbeck was pending; and
- AFMA advice that, consistent with its legislative objectives the PZJA aims to minimise restrictions on business so that business can chose how best to operate.

The current crewing restriction however is designed to protect the traditional way of life and livelihood of Traditional Inhabitants and any changes to that regulation will require significant industry/community support.

Members advised that:

- consultation with industry, communities, Traditional Owners and Prescribed Body Corporates will be critical to support any changes; and
- both the TIB and TVH sector have similar difficulties employing crew.

## **Agenda Item 2 – Updates**

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### **2.1 PZJA Forums**

The TRLWG noted the outcomes from the 24<sup>th</sup> meeting of the Protected Zone Joint Authority (PZJA) as detailed in the paper provided.

### **2.2 Native Title**

The TRLWG noted the update on Native Title as detailed in the paper provided.

## **Agenda Item 3 – TRL Management Plan**

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### **3.1 Purpose and Scope**

The TRLWG noted the information in the paper provided.

AFMA advised the purpose of the proposed management plan is to introduce a quota management system (QMS) for the TRL fishery and that all other rules in the fishery would be implemented as legislative instruments, licencing conditions or management policy.

The Working Group agreed to develop a work plan to systematically address other management issues in the fishery (refer to Agenda Item 9, Other Business).

### **3.2 Community Consultation Outcomes**

The TRLWG noted:

- the community consultation outcomes on developing a plan of management as detailed in the paper provided and written submission by in Malu Lamar;
- that the meeting records of each consultation meeting had only recently been sent to each of the communities PBC Chair and the Councillor for distribution to meeting participants; and
- TIB industry members request for additional time to consult with their communities before they provide final advice on any outstanding issues with the management plan.

The TRLWG agreed that if any significant changes are made to the community consultation meeting records in response to feedback from participants, it would convene a teleconference for members to consider the changes.



The TRLWG supported the AFMA responses to community consultation outcomes (Attachments B and C) and the agreed to the following **action**:

9. In response to the Malu Lamar submission on the draft management plan, AFMA to investigate options to include performance measures relating to the objective of 100 per cent traditional ownership objective in final draft management plan.

### ***Quota trading arrangements under a plan of management***

The TRLWG noted consultation outcomes on possible quota trading arrangements to be determined under a management plan. The TRLWG agreed that trading arrangements should be developed taking into account the following considerations:

- the PZJA's decision to acknowledge and support the aspiration of 100 per cent ownership of Torres Strait Fisheries by Traditional Owners;
- the powers and functions of the *Torres Strait Fisheries Act 1984*;
- rights of existing non-traditional fishers (TVH sector) in the fishery; and
- quota leasing can be used by the TIB sector to pursue 100 percent ownership.

The TRLWG identified potential benefits and disadvantages to various trading options. These are outlined in **Table 1**.

### ***Allocation***

The TRLWG noted:

- the PZJA decision to review the quota unit allocation within the TIB sector two years after the implementation of the management plan to allow for changes, including the possible allocation to individuals and/or industry based entities;
- licencing arrangements for 'amnesty people' could be considered as part of the two year review. Some industry members advised that 'amnesty' people should be granted quota from the TVH allocation; and
- some industry observers advised that licensing arrangements should reflect the difference between fulltime and part-time TIB operators and latent effort be removed.

### ***Roadmap to 100 percent ownership***

The TRLWG noted:

- advice from some industry members that it was important for the TSRA Roadmap to 100 per cent ownership to commit to a clear timeline for achieving 100 per cent ownership; and
- advice from the AFMA member that the management plan is a tool in which the TIB sector can pursue its 100 per cent ownership aspiration. Quota trading will provide

a tool to generate revenue that could be used to facilitate the transfer of ownership. The management plan would not however, direct private sector transactions and therefore could not stipulate a timeline for the transition of ownership to the TIB sector.

### ***Responding to issues outside of the scope of management plan***

The TRLWG **recommended** the Working Group develop a work-plan to prioritise issues raised during community consultation visits to ensure matters are addressed. A TRLWG work-plan was discussed at **Agenda Item 9, Other Business**.

**Table 1** Potential benefits and disadvantages to various trading options under a plan of management for the Torres Strait Tropical Rock Lobster Fishery.

Trading options	Potential benefits	Potential disadvantages
TIB sector leasing to the TVH sector and new entrants (similar to the sunset licensing system in place for the Torres Strait Finfish Fishery).	<p>Upward pressure on lease prices due to increased competition. A higher lease price will lead to increased revenue returns for the TIB sector.</p> <p>Maintenance of existing markets with a continued supply of TRL. Market access benefits all sectors in the fishery.</p> <p>Transferability is likely to support and strengthen the overall value of all licences in the fishery.</p> <p>Provides a mechanism to achieve 100 per cent ownership (generates revenue through leasing of quota to TVH sector or new entrants).</p>	<p>Increased competition from new entrants may discourage TIB participation in the fishery.</p> <p>Allowing new entrants may be viewed by some in the community as counter to aspiration of 100% ownership.</p> <p>New entrants may be less capable of working harmoniously with the TIB sector.</p>
TVH sector selling and leasing to/from the TIB sector only.	Provides a mechanism to achieve 100 per cent ownership (through selling of licences to TIB sector).	<p>Inconsistent with existing licencing conditions</p> <p>Trading restrictions are likely to undermine the licence and quota value. This in turn may impact overall market value of quota by reducing market competition.</p>

Trading options	Potential benefits	Potential disadvantages
		Trading restrictions would undermine business flexibility and therefore efficiency and value. For example, if one holder has multiple licences restricting quota trading between licences will restrict that business from managing quota across its fleet to maximise returns.
TVH sector leasing to new entrants (for example to 'sunset' licences).	<p>Maximise quota value by encouraging market competition. Market competition would benefit all sectors.</p> <p>Transferability is likely to support and strengthen the overall value of all licences in the fishery.</p>	<p>Allowing new entrants may be viewed by some in the community as counter to aspiration of 100% ownership.</p> <p>Would not raise revenue for the TIB sector.</p>

\*these are not all options available

## Agenda Item 4 – Notional Total Allowable Catch for 2015/16

Recommendations arising from the TRLRAG Meeting No. 14 relating to the recommended biological catch (RBC) for the 2015/16 fishing season were tabled at the meeting (**Attachment A**). Noting the TRLRAG advice the Working Group **recommended**:

- a preliminary recommended biological catch (RBC) of 704 tonnes for the 2016 season;
- CSIRO revise the preliminary TAC allocation (lower 75<sup>th</sup> percentile of the RBC) of 568t with results from the pre-season survey to be conducted in November 2015; and
- The TRLRAG and Working Group meet by teleconference to discuss the outcomes of the revised recommended biological catch (RBC) for the 2016 season.
- CSIRO to develop costed proposals for the Torres Strait Tropical Rock Lobster Fishery stock assessment options (**Attachment A**); and
- stock assessment options are circulated to the TRLRAG out-of-session (OOS) by mid December 2015.

## Agenda Item 5 – Revising the TRL Harvest Strategy

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The TRLWG noted the discussion from the TRLRAG Meeting No. 14 on the cost-catch trade-off between research/data collection investment and potential total allowable catches.

The TRLWG noted advice from the TRLRAG Meeting No. 14:

- five data/assessment options were identified for the fishery (**Attachment A**). These options could form the basis of a tiered harvest strategy;
- industry may choose to invest directly in research; and
- it was necessary to cost each data/assessment option as soon as possible as some industry members would like to explore options for directly investing in research, including a possible mid-year survey in 2016.

## Agenda Item 6 – Australia and PNG Bilateral Meeting

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The TRLWG noted the information in the paper provided.

PNG noted that cross endorsed licences allowing PNG vessels to fish in the Protected Zone are only issued to licence holders from the Western Province, also known as 'Treaty Village Communities'.

AFMA noted issues surrounding the cross endorsement of fishing vessels would be discussed further at the bilateral meeting.

## Agenda Item 7 – 12 Month Free Diving Season

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The TRLWG noted the information in the paper provided and the recommendation from the TRLRAG Meeting No. 14 that a 12 month open season for free diving and lamp fishing would pose no significant risk to the sustainability of the TRL Fishery on the basis that:

- the current size limit protects that take of 0+ and 1+ lobsters;
- the primary fishing grounds do not overlap with the likely spawning areas in the east of the Protected Zone;
- the handling of live lobsters has significantly improved overtime and the risk of post-capture mortalities due to higher water temperatures is considered a low risk; and
- the 12 month open season will enable fishers to target peak Chinese markets.

The TRLWG noted advice from the TRLRAG that:

- a one page flyer be sent to communities providing information on the minimum size limit of lobsters and the importance of only retaining legal size lobsters prior to lifting the temporal ban of free dive and lamp fishing.

The TRLWG recommended:

- a 12 month open fishing season for free-dive and lamp fishing for TRL; and
- if the temporal ban is to be removed the TRLRAG and TRLWG review the measure one year after its implementation.

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## Agenda Item 8 – Research and Data

### 8.1 Outcomes of the RAG

The TRLWG noted the outcomes of the TRLRAG Meeting No. 14. Outcomes relating to the 2015/16 recommended biological catch (RBC) and research priorities were tabled in writing (**Attachment A**) and a verbal update was provided by the Scientific and AFMA members for all other outcomes. Refer to respective agenda Items for details (Agenda Items 4, 5, 8.1, 8.2, 8.3).

### 8.2 TRL Research Priorities

The TRLWG noted and supported advice from the TRLRAG Meeting No 14 and recommended the following research priorities:

- to conduct a review of empirical harvest control rules for the TRL Fishery; and
- development of a harvest strategy for the TRL Fishery which prescribes the data needs, data analysis and stock assessment procedures.

The TRLWG noted that under current budget constraints a mid-year survey was not funded for 2016 and that the research budget would likely come under further constraint. Members further noted that:

- it is open to Industry to contribute to the cost of research. The scientific member provided advice on likely investment returns, in terms of total allowable catch from a cost-catch evaluation detailed in the paper: *Dennis D et al (2015) Cost benefit of fishery-independent surveys: are they worth the money (Marine Policy 58 (2015) 108-115)*;
- options for including industry divers on CSIRO surveys had been extensively explored however workplace insurance requirements make this option unviable at this time; and
- advice from the scientific member that one potential cost saving is for industry to conduct parts of the TRL surveys. For example industry could be trained and contracted to complete survey transects. Members noted that this option should be costed to take into account any training requirements and the likely auditing regime required to use data collected by industry divers.

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

6. CSIRO provide written advice on the likely costs and procedures required to contract industry divers to assist with TRL research surveys. This advice should include the likely cost to integrate industry collected data into the overall survey data.

The TRLWG noted advice from the scientific member on CSIRO's proposed industry workshop to be held in Brisbane, Queensland on 3-6 November 2015. Members agreed this was an important opportunity for industry to gain a better understanding of the stock assessment process for the fishery and **recommended** that:

- TRLRAG and TRLWG industry members and observers interested in participating in the workshop contact the AFMA Office 4069 1990 or Darren Dennis from CSIRO on [Darren.Dennis@csiro.au](mailto:Darren.Dennis@csiro.au).

### 8.3 2014/15 Catch and Effort Update

The TRLWG noted the information in the paper provided.

The TRLWG noted that PNG NFA will be providing AFMA with catch and effort data by method and the NFA:

- is willing to undertake future tropical rock lobster dive surveys in PNG waters to complement the research surveys undertaken in Australian waters; and
- is planning to undertake scientific surveys to gather more information on the migratory pathways of TRL in PNG waters

Members welcomed this advice noting such information is critical for underpinning effective fisheries management and that additional sampling may reduce stock assessment uncertainties.

## Agenda Item 9 - Other Business

### *TRLWG Work plan*

The TRLWG **recommended** the work-plan provided in Table 2.

**Table 2.** TRLWG recommended work-plan.

#	Priority	Issue
1.	High	Revision of the TRL harvest strategy. Required to support the TRL Fishery Management Plan.
2.	High	Revision of compliance arrangements to support the introduction of quota.
3.	Low	Review the licencing dates and period for TIB and TVH sector licences as part of AFMA's 2016 administrative review of licencing processes.
4.	High (post management plan)	Boat Replacement Policy review, including the option for primary vessels limited to 9.9 m presently being increased to 13.9 m.
5.	Med (post management plan)	Review arrangements for Master Fisherman Licences
6.	Med	Review the option for TIB primary vessels to be

#	Priority	Issue
		endorsed to carry any TIB registered tender at any time as part of AFMA's 2016 administrative review of licencing processes.
7.	High	TIB and TVH members to organise an industry meeting (to be held alongside a working group meeting) to develop an industry code of practice. The code of practice would cover issues include access to home reefs, hookah free zones, lamp fishing for TIB sector only, on the water behaviour (anchorage sites and rubbish disposal). This meeting will enable industry-based solutions to be developed and agreed by industry.
8.	High (post management plan)	Review fishing season dates to align with international markets.
9.	High (post management plan)	Review how/if the use of tow cages undermines boat Primary boat length restrictions.

### ***TSRA Rangers and compliance***

The TRLWG noted strong support for the ranger program and for rangers to take on fisheries compliance functions to further prevent and deter illegal fishing.

### ***Licence history***

A TIB industry observer sought clarification on the why TIB licences had no monetary value. The observer noted that historically TIBs had the same licence as the TVH sector, allowing fishing in both QLD and Torres Strait waters. It was noted that licencing arrangements have changed overtime moving to community licences and then the current TIB licences. Licences were sold and bought according to those changes. To provide further clarification, the TRLWG agreed for the following **action**:

7. QDAF to prepare a timeline detailing the history of TIB licencing arrangements for the TRL Fishery and provide it to the TRLWG out-of-session (OOS).

### ***Area of waters***

Some industry observers sought clarification on the southern boundary for the TRL Fishery. Members noted the area south of Prince of Wales Island is classified as the Queensland East Coast Tropical Rock Lobster Fishery.

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

8. AFMA circulate advice to the TRLWG members and observers detailing the TRL Fishery boundary.

### ***Other***

One TIB sector industry member advised that communities do not want a quota management system (QMS) to be implemented for the TRL Fishery. The member noted that based on scientific information tabled at the recent TRLRAG meeting the stocks are in good condition and do not require further management measures. The member further advised that allocating 44 per cent of the fishery to TVH sector contravenes the recognition of the communities' aspiration towards 100 per cent ownership of the fishery.

The AFMA member advised that AFMA took seriously the advice of industry however; it was not AFMA's view that communities opposed moving to a QMS. AFMA had completed initial consultation with all but two communities in the Torres Strait and only one community had advised that it opposed the management plan. The AFMA member reiterated that a QMS provided an opportunity to cap catches and establish an entirely new trading market that the TIB sector could participate in and actively pursue its aspiration for 100 per cent ownership. Transferability of quota is likely to support and strengthen the overall value of licences in the fishery.



## Attachment A

### TRLRAG Recommendations – Tabled at TRLWG Meeting

Based on the results of the pre-RAG integrated stock assessment, the TRLRAG **RECOMMENDED** a preliminary TAC allocation of 568t for the 2016 season. This number represents the lower 75<sup>th</sup> percentile of the model estimated recommended biological catch (RBC) of 704t

The TRLRAG **RECOMMENDED** that CSIRO revise the assessment to incorporate the results from the pre-season survey to be conducted in November 2015 to obtain the final estimates for the RBC and TAC.

The TRLRAG **AGREED** to meet by teleconference to discuss the outcomes of the revised assessment and RBC for the 2016 season by 20 December 2015.

The TRLRAG **NOTED** a 2016 mid-year survey is not currently funded for the 2016 fishing season.

The TRLRAG **RECOMMENDED** for CSIRO and AFMA to develop costed proposals for the Torres Strait Tropical Rock Lobster Fishery stock assessment options (Table 1) and to circulate these to the TRLRAG out-of-session by 20 December 2015.

The TRLRAG **RECOMMENDED** the following research priorities:

- a) To conduct a review of empirical harvest control rules for the Torres Strait Tropical Rock Lobster Fishery.
- b) Development of a harvest strategy for the Torres Strait Tropical Rock Lobster Fishery which prescribes the data needs, data analysis and stock assessment procedures.

## Attachment A

Torres Strait Tropical Rock Lobster Fishery stock assessment options identified by the Torres Strait Tropical Rock Lobster Resource Assessment Group.

<b>Data/Assessment</b>	<b>Need</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>	<b>Option 5</b>
Catch and effort data from the TIB and TVH sectors	Mandatory	Annual ✓	Annual ✓	Annual ✓	Annual ✓	Annual ✓
Length frequency data from processors	Mandatory	Annual ✓	Annual ✓	Annual ✓	Annual ✓	Annual ✓
Pre-season survey	High priority for setting a total allowable catch		Annual ✓	Annual ✓	Annual ✓	
Mid-season survey	Understanding of the relative biomass		Annual ✓		Annual ✓	Annual ✓
Data summary (review of the catch per unit effort data)	Indicator for how the fishery is tracking	Annual ✓		Annual ✓	Annual ✓	
Full assessment	Setting a total allowable catch and estimate of biomass.	Every 3 years ✓	Annual ✓	Every 3 years ✓	Every 3 years ✓	Annual ✓
Harvest Control Rule	Pre-agreed decision rule for setting a total allowable catch	Annual ✓		Annual ✓	Annual ✓	

## Attachment B

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.	If necessary any future spatial closures would be dealt with through instruments outside of the management plan.  Recommend that the Working Group add this issue to its 2016/17 work plan for consideration.
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.	If necessary measures relating to protecting habitats and protected species would be dealt with through instruments outside of the management plan.  Recommend the Working Group add this issue to the 2016/17 work plan for consideration.
Iama	Rangers and compliance: the community questioned if there was a development program or if one could be developed for	Not related to the provisions of the management plan.  TSRA is taking action to investigate

	TSRA rangers to enable them to provide a compliance role.	the feasibility and build 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.  Refer to Table 3.
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	Proposed interim arrangements relate to measures outside of the

	restrictions.	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 concern 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.

## Attachment C

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 Act 1984</i> .
Provide practical measures under which potential vendors of current TVH licenses can be matched with potential native title buyers.	It is beyond the scope of the management plan to match vendors and buyers of fishing licences.
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.	It is beyond the scope of the management plan to direct private-sector commercial agreements.
<b>Other measures</b>	
Provisions for monitoring catch records at regular intervals and strengthen measures around the submission of catch records.	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.
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).	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.
Include measures to monitor catch shifting between Torres Strait and East Coast fishery.	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.
Where appropriate, catch records and buying records should be cross referenced and appropriately audited.	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.
Introduce exclusion zones for TVH operators around prescribed islands and reefs which are of particular significance to native title holders.	These types of measures require further consultation across industry and if appropriate, may be introduced by instruments outside of the management plan
Introduce measures to address issues around TVH operators accessing inhabited and uninhabited islands and certain reefs.	Noted there is existing legislation that regulates the access of inhabited and uninhabited Islands where native title has been determined.
Rubbish disposal on both islands and in seas should be addressed.	Noted there is existing legislation that regulates pollution at sea.
<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>	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.



# **Torres Strait Tropical Rock Lobster Resource Assessment Group and Working Group**

Meeting Record

11 March 2016

Teleconference

Note all meeting papers and record available on  
the AFMA and PZJA webpages:

[www.pzja.gov.au](http://www.pzja.gov.au)



**Australian Government**

**Australian Fisheries Management Authority**

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## Meeting Participants

Name	Role
<b>MEMBERS</b>	
Selina Stoute	AFMA Member
Dean Pease	AFMA, Executive Officer
Eva Plaganyi	CSIRO Scientific Member (TRLRAG)
Tom Roberts	QDAF Member
Nokome Bentley	Independent Scientific Member
Mark David	Industry Member
Terrence Whap	Industry Member
Luke Dillon	Industry Member
<b>OBSERVERS</b>	
Ray Moore	Industry Observer
Suzannah Salam	Industry Observer

## Action Items

Number	Action
1.	CSIRO to amend the research proposal for fishery surveys, stock assessment and harvest strategy to account for TRLRAG and TRLWG recommendations.
2.	AFMA to follow up with the Torres Strait Regional Authority (TSRA) Land and Seas Management Unit (LSMU) regarding opportunities to combine seagrass monitoring programs to reduce overall research costs.
3.	The QDAF Member to circulate to the TRLRAG and TRLWG members the contact details Queensland Department of Agriculture and Fisheries officer responsible for aquaculture.

## Preliminaries

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### Apologies / declaration of interest / Adoption of Agenda

Apologies were received from John Pollock (Current TRLRAG Chair) Ian Knuckey (newly appointed TRLRAG Chair), Darren Dennis (CSIRO Scientific Member), Brett Arlidge (Industry Member), Mark Dean (Industry Member), Les Pitt (Industry Member), Aaron Tom (Industry Member), Phillip Ketchell (Industry Member), John Ramsay (TSRA Member), Kenny Bedford (TSRA fisheries portfolio observer).

The TRLRAG and Working Group noted the potential conflict of interest for the CSIRO Scientific Member when providing information and advice on CSIRO research funding proposals, but members agreed for the member to remain present for the discussion noting the important contribution of their scientific expertise. The CSIRO member did not participate in the making of recommendations.

### Agenda Item 1 – Torres Strait TRL fishery surveys, stock assessment, harvest control rules and recommended biological catch

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The TRLRAG and TRLWG noted an update on the stock assessment research pre-proposal as presented by CSIRO and detailed in the papers (**Attachments A and B**).

Members noted the following updates provided by the CSIRO Scientific Member:

- A number of assessment options were identified by the TRLRAG at its meeting on 26-27 August 2015.
- Option 1 does not include fishery-independent surveys to be conducted by CSIRO, however under this option surveys could be completed by a third-party. This option provides for a stock assessment to be run every 3 years and the development of an empirical harvest control rule to inform the TAC in between stock assessment years.
- Option 2 includes annual pre-season and mid-season surveys to be completed by CSIRO. The option provides for a stock assessment to be run annually to inform the RBC and TAC, it does not include the development of empirical harvest control rules.
- Option 3 includes an annual pre-season survey to provide an estimate on the number of recruits in the fishery; the spawning stock biomass will be informed by catch-per-unit-effort (CPUE) information. This option provides for a stock assessment to be run every 3 years and the development of an empirical harvest control rule to inform the TAC in between stock assessment years.

- Option 4 includes annual pre-season and mid-season surveys to be completed by CSIRO. This option provides for a stock assessment to be run every 3 years and the development of an empirical harvest control rule to inform the TAC in between stock assessment years.
- Option 5 includes an annual mid-season survey to provide an estimate on the spawning stock biomass of the fishery, the number of recruits in the fishery will not be estimated. The option provides for a stock assessment to be run annually to inform the RBC and TAC, it does not include the development of empirical harvest control rules.

The TRLRAG/WG could not agree on a single preferred assessment option due to uncertainty around the risk-catch-cost trade-off with reducing survey frequencies. Members however noted the need to acquire effective scientific information at least cost. AFMA's research budget is limited and is used to meet research priorities across all Torres Strait Fisheries.

One industry member noted they were not supportive of a three-year assessment cycle due to the potential for changes in the fishery and potential impacts to the stock assessment if a 12 month open season for free-dive and lamp fishing is approved.

The TRLRAG/WG recommended the following:

- stock assessment options inclusive of a pre-season be given highest priority;
- further information be provided to explain why there is no significant saving when comparing some options with an annual stock assessment and some with a three year cycle. Members noted initial advice that an annual stock assessment cycle provides for a relatively simple update of the stock assessment model. The three year assessment cycle allows for a more in-depth review of the stock assessment, and it is likely that a similar amount of time would be spent refining the assessment over an intensive period;
- a review be completed to identify any correlations or relationships between years when both pre-season and mid-season survey were completed. Results from this analysis could assist future decisions to phase out mid-season surveys as the fishery transitions to quota management;
- the proposal be amended to include the harvest strategy component in the objectives, methods and outcomes noting that the development of a final harvest strategy for the TRL Fishery was recognised as a high research priority; and
- a breakdown of travel costs be provided.

The TRLRAG and TRLWG also agreed to the following **action**:

- AFMA to follow up with the Torres Strait Regional Authority (TSRA) Land and Seas Management Unit (LSMU) regarding opportunities to combine seagrass monitoring programs to reduce overall research costs.

## **Agenda Item 2 – Development and opportunities for the Torres Strait TIB sector**

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The TRLRAG and TRLWG noted an update on the TIB development opportunities research pre-proposal as presented by CSIRO and detailed in the papers (**Attachments C and D**).

Members noted that the pre-proposal was supported by the TSSAC in 2015 on the basis it received co-funding from industry and/or the TSRA. CSIRO revised the proposal in 2016 to focus the project scope on capability development, grow-out opportunities and business case development.

Members provided the following observations and advice:

- the scope of the research proposal is broad and that for example work on grow-out opportunities may be better suited to a single project;
- further discussions with industry and consideration of the findings from past studies could assist in identifying high priority initiatives;
- based on experience some industry members recommended that a TIB development project focus on increasing the number of live TRL from TIB fishers on outer islands while others noted they had trialled TRL grow-out and in their experience it was not economically viable; and
- R&D initiatives focused on industry practices such as developing grow-out opportunities in the TRL Fishery should ideally be partnered with industry.

The TRLRAG and TRLWG agreed to the following **action**:

- The QDAF Member to circulate to the TRLRAG and TRLWG members the contact details Queensland Department of Agriculture and Fisheries officer responsible for aquaculture.

## Attachments

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- A. CSIRO Letter - Torres Strait rock lobster (TRL) fishery surveys, stock assessment, harvest control rules and Recommended Biological Catch.
- B. Preliminary Research Proposal - Torres Strait rock lobster (TRL) fishery surveys, stock assessment, harvest control rules and Recommended Biological Catch.
- C. CSIRO Letter - Development and opportunities for the Torres Strait lobster TIB sector.
- D. Preliminary Research Proposal - Development and opportunities for the Torres Strait lobster TIB sector.

DRAFT

## Action Items

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NUMBER	ACTION	AGENCY	STATUS
1.	AFMA review the licencing provisions for PNG cross endorsed vessels (relating to a prohibition on fishing 'home reefs') post implementation of the TRL Management Plan.	AFMA	Ongoing
2.	AFMA review the implementation and enforcement of fish receiver licences as part of a 2016 licencing review.	AFMA	Ongoing
3.	TSRA continue progressing community consultations for the development of a roadmap to 100 per cent traditional ownership.	TSRA	Complete
4.	TRLWG members to provide comments on TSSAC Annual Operational Plan TRL Research Priorities.	AFMA	Complete AFMA submitted a targeted call for research
5.	In response to the Malu Lamar submission on the draft management plan, AFMA to investigate options to include performance measures relating to the objective of 100 per cent traditional ownership objective in final draft management plan.	AFMA	Complete, Agenda Item 3.  Measures and Performance Criteria are used to assess the performance of the plan in meeting the plans objectives
6.	CSIRO provide written advice on the likely costs and procedures required to contract industry divers to assist with TRL research surveys. This advice should include the likely cost to integrate industry collected data into the overall survey data.	CSIRO	Ongoing
7.	QDAF to prepare a timeline detailing the history of TIB licencing arrangements for the TRL Fishery and provide it to the TRLWG out-of-session (OOS).	QDAF	Ongoing



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>5-6 April 2016</b>
<b>Draft management plan for public consultation</b>	<b>Agenda Item No. 2</b> <b>For discussion and advice</b>

## RECOMMENDATIONS

That the Working Group:

1. **DISCUSS** and **PROVIDE ADVICE** on draft plan of Management at **Attachment 1**;
2. **RECOMMEND** that the PZJA release the draft for public comment subject to three technical drafting matters detailed in paragraph 6;
3. **NOTE** the scope and purpose of the draft plan is limited to establishing a quota management system. All other management arrangements may be administered using other legislative instruments;
4. **NOTE** the draft plan gives effect to the PZJA decision (24<sup>th</sup> Meeting, 5 August 2015) to first allocate quota units at the sectoral level for Traditional Inhabitants and review the plan two years after its implementation to allow for possible allocations to individuals or companies;
5. **NOTE** the draft plan reflects the Torres Strait Regional Authority (TSRA) Board agreement at its meeting on 10 September 2015 to hold TRL quota on behalf of the Traditional Inhabitant sector until an alternate allocation approach is determined; and
6. **NOTE** that AFMA has submitted legislative drafting instructions to clarify:
  - a) that a share of the quota units available section 15(2) is equivalent to a person's catch history divided by the sum of all catch histories;
  - b) that a final boat history will be determined following consideration of any objections; and
  - c) the calculations detailed in section 11 which relate to how much quota a person may take during a season.

## KEY ISSUES

1. The proposed draft plan gives effect to the PZJA decision to implement quota management system in the TRL Fishery and the agreed quota unit allocation provisions both between and within sectors.
2. Since the draft released in 2014 by the PZJA to support preliminary public consultation the draft plan has been refined to:
  - a) focus on provisions required to establish a quota management system. This includes: i) amending the measures and performance criteria for achieving the objectives of the plan (**Attachment 2**); ii) the objectives have been aligned with those of the Torres Strait Fisheries Act 1984 (**Attachment 3**); and iii) removing provisions unrelated to the quota management system. It is intended for all other

management measures (for example size limits, boat length restrictions) to be given effect through other instruments and be reviewed periodically over time;

- b) give effect to the PZJA decision (24th Meeting, 5 August 2015) to first allocate quota at the sectoral level for Traditional Inhabitant and review the plan two years after its implementation to allow for possible allocations to individuals or companies with the Traditional Inhabitant sector;
  - c) provide for the TSRA to hold TRL quota on behalf of the Traditional Inhabitant sector until an alternate allocation approach is determined;
  - d) provide a provisional notice of catch histories under the allocation provisions for the non-traditional inhabitant sector (TVH) to which licence holders may object. Persons may then appeal the final allocation decision to the Administrative Appeals Tribunal; and
  - e) reflect current legislative drafting standards.
3. AFMA is satisfied with the draft subject to three changes. AFMA has submitted legislative drafting instructions to clarify: i) that a share of the quota units available section 15(2) is equivalent to a person's catch history divided by the sum of the catch histories of all eligible persons; ii) that a final boat history will be determined following consideration of any objections; and iii) calculations detailed in section 11 which relate to how much quota a person may take during the a season.
4. The Protected Zone Joint Authority is scheduled to meet 4-5 May 2016. The TRL Working Group is asked to provide advice to the PZJA on releasing the draft plan of management at **Attachment 1** for formal public consultation.
5. Following public consultation AFMA will table the outcomes with the Working Group for advice before seeking a final decision from the PZJA to determine the plan. The timeline for meeting the PZJA's commitment to have quota introduced by 1 December is very challenging and may be put at risk by any minor delays in the implementation process. The PZJA will consider the plan implementation timeline at its May meeting.
6. To assist discussions a copy of the previous draft plan of management is provided at **Attachment 4**.

## DISCUSSION

7. At its last meeting (27-28 August 2015) the Working Group considered outcomes of preliminary consultations meetings held across the Torres Strait **Attachment 5**. There were no substantive changes requested to any of the consultation meeting records considered by the Working Group at its August 2015 meeting.
8. Since that meeting AFMA completed several outstanding meetings: St Pauls, Kubin and Northern Peninsula Area communities (combined in **Attachment 6**). At these meetings participants considered there may be potential benefits of more open trading markets, for example the TIB sector leasing quota to new entrants. Meeting records were circulated to Malu Lamar, TSIRC and PBC chairs for comment, no comments were received.

9. At its August 2015 meeting the Working Group recommended that AFMA investigate options to include performance measures relating to the objective of 100 per cent traditional ownership.
10. AFMA is of the view that such measures would be beyond the operating provisions of the draft plan. The draft plan has been constructed to deliver a quota management system. Whilst the management plan is a tool that may be used by Traditional Inhabitants to pursue 100 percent ownership through quota trading, there are no provisions in the plan to direct the nature or timing of trading between sectors. It is difficult to develop meaningful performance measures relating to 100 per cent ownership without imposing significant quota transferability restrictions. Such restrictions would undermine the value of licences in the fishery.
11. The draft plan places no restrictions on quota trading, permanent or leasing. Quota units are fully transferable. Consistent with the previous drafting, the draft plan places no limit on the number of fishing licences that may be granted for the fishery. Instead access to the fishery will be limited by the availability of unused quota units.
12. Transferability relates to the ability for owners to lease or sell the right at will. Generally, restrictions on transferability will work to devalue a fishing entitlement by distorting the quota trading market.
13. Under the proposed plan it will be open to the Traditional Inhabitant (and TVH) sector to engage with a potentially larger market which in turn may increase the value of quota fishing entitlements.
14. Based on preliminary community consultation, communities were eager to impose trading restrictions on the TVH sector to expedite the transition to 100 per cent ownership. As stated above trading restrictions will devalue those licences and may actually create a disincentive to permanently transfer (including to the Traditional Inhabitant sector). TVH licences are currently fully transferable.
15. AFMA recommends that long-term trading arrangements for the Traditional Inhabitant sector be addressed as part of the PZJA commitment to review allocation options for the TIB sector two years after the commencement of the plan. Detailed analysis and industry advice is required to assess the impacts of any proposed trading restrictions on the TIB sector.
16. A description of the management plan provisions are provided below.

## **DESCRIPTION OF THE MANAGEMENT PLAN**

### **Objectives and performance criteria of the Plan (section 6 and 7)**

1. For consistency and noting the draft plan has been refined to focus only on establishing a quota management system, the objectives have been aligned with those of the *Torres Strait Fisheries Act 1984* and the measures and performance criteria have been narrowed (**Attachments 1, 2 and 3**).
2. Measures and Performance Criteria are used to assess the performance of the plan in meeting the plans objectives.

### **Determining a Fishing season (section 5)**

3. Fishing season dates will be established by way of a determination made under the plan.
4. AFMA must provide notice at least two weeks before the start of the proposed fishing season, in writing, to all licence holders (start, end and any closure dates) for a particular year.
5. Following the same administrative process, a fishing season may also be extended for a particular year.
6. Note the TRLWG at its meeting on 27-28 August 2015 recommended a work-plan. Item 8 placed a high priority on reviewing fishing season dates to align with international markets once the plan is implemented.

### **Who can fish in the fishery? (section 10)**

7. A person may fish in the fishery if they hold a fishing licence and either:
  - a) hold uncaught quota (note this could be a Traditional Inhabitant or non-Traditional Inhabitant); or
  - b) if they are a Traditional Inhabitant fishing under quota units held by TSRA.

### **Allocation of quota units (Part 3, Division 1)**

8. The purposes of the allocation provisions (Part 3, Division 1) are to determine who should be eligible to hold quota units at the commencement of the quota management system and how many they should be granted. Once quota units have been granted the provisions have no further purpose. Quota units will be traded overtime between different persons and potentially non-government legal entities that represent traditional inhabitants.
9. For the purposes of allocating quota units the plan provides for 1 000 000 quota units (Section 13(1)). The total number of quota units is largely an arbitrary decision however there should be enough units available to ensure adequate trading liquidity. That is enough units to allow the trade in various amounts of quota (or kilograms of TRL). In the previous draft plan the number of units was to be determined following the commencement of the plan. The current approach enables the allocation formulae to be detailed in the plan, providing greater certainty for industry.

10. The quota unit allocation provisions comprise two parts. Firstly the division of quota units between the TIB and TVH sectors (section 13(2)) and secondly the allocation within sectors (Traditional Inhabitant sector: section 13(2a) & section 14; Non-Traditional Inhabitant sector: section 15). Background on the allocation between and within sectors is provided in **Box 1**.

#### *Sectoral shares*

11. The sectoral share of quota units between the TIB and TVH sectors is: 56.2% or 562 000 quota units (TIB) and 43.8% or 438 000 quota units (TVH) respectively (Section 13(2)).

#### *Traditional Inhabitant sector*

12. Initially the Management Plan will allocate quota units on behalf of the TIB sector to the TSRA (Section 13(2)). The Plan stipulates that as soon as possible after the plan commences the TIB sectors allocation is to be reviewed (Section 14). The PZJA has committed to review the TIB allocation two years after the management plan's its commencement.

#### *Non-Traditional Inhabitant sector (TVH)*

13. In accordance with the allocation model recommended by the Independent Allocation Advisory Panel and agreed by the PZJA, the draft plan allocates 20 percent of available units (20% of 438 000 unit is 87 600 units) to the sector based on the number of tender boat licences held (section 15(4)) and the remaining 80 percent based on catch history (80% of 438 000 unit is 350 400 units) (section 15(2)).
14. A person will be eligible for the grant of quota units if the person holds a TVH primary licence or a TVH primary licence and tender licence at the commencement of the first fishing season.
15. AFMA has submitted legislative drafting instructions to clarify that a share of the quota units available section 15(2) is equivalent to a person's catch history divided by the sum of the catch histories of all eligible persons.
16. A person's catch history is based on the three years of the highest average annual catch for a primary boat licence over the five year period 1997-2001. This is currently defined under section 4 in the term 'provisional boat catch history'. AFMA has submitted legislative drafting instructions to clarify that a final boat history will be determined following consideration of any objections (see below).

#### **Objecting to, and appealing the TVH quota unit allocations (Sections 4, 8, 9, 15, 16)**

17. In 2007 TVH licence holders were given provisional allocation advice detailing the quota share that would be allocated to them in accordance with the PZJA agreed allocation model. As part of this advice licence holders were advised that no allocations would be made until the management plan had been determined and there had been a process to authenticate (validate) data that have been provided to AFMA in logbooks or receipts.
18. The draft plan provides for both an internal (by AFMA) reassessment of a person's catch history (termed an 'objection') and appeal to the Administrative Appeals Tribunal.

- a) Under the draft plan AFMA must provide notice to persons who hold a TVH primary boat licence detailing their provisional catch history (section 8).
  - b) A person may then object to the catch history in the notice. In doing so a person must provide evidence to support any claims of why the provisional catch history should be altered (Section 9).
  - c) A person may then apply to the Administrative Appeals Tribunal for review of AFMA's final allocation decision (Section 16).
19. Under the draft plan AFMA must complete the provisional allocation within 28 days of the commencement of the plan (as evidence by a noticed issue to all eligible persons) (section 8(1)). A person then has 14 days in which to object to the provisional catch history ('objection period' section 4). AFMA must make a final allocation decision within 3 months of the catch history notices being given to the relevant persons (section 15(3)).
20. The draft plan released by the PZJA in 2014 contained internal appeal provisions but no provision to appeal to the Administrative Appeals Tribunal. It is reasonable for a person who may be aggrieved by AFMA's final allocation decision to have appeal rights. All Commonwealth managed fisheries have this opportunity.

#### **Quota unit defeasibility (section 17)**

21. Quota units allocated under the plan are indefeasible rights. Quota units may be cancelled, revoked, terminated or varied by or under later legislation. In the case that a quota unit is cancelled, revoked, terminated or varied, no compensation is payable (section 17).
22. It is a Commonwealth Government standard to provide information on defeasibility.

#### **Value of a quota unit (ie kilogram value) (section 18)**

23. The value or kilogram amount of a quota unit varies according to the Total Allowable Catch (TAC) for a season. The value is calculated by dividing the TAC by the total number of quota units in the fishery (i.e. 1 000 000) (section 18). The value will increase and decrease according to the TAC.

#### **Weight conversion ratio (Section 12)**

24. Section 12 provides for AFMA to determine the weight conversion factor for converting tail weight to whole weight. Currently the weight conversion ratio is only specified in policy. For the purposes of determining if a person has uncaught quota the weight conversion ratio needs to be specified in law.
25. Note the current conversion factor for tailed tropical rock lobster is 2.677 to 1.

#### **Working out how much TRL may be taken at any time during season (Section 11)**

26. The amount of tropical rock lobster that may be taken at a particular time during a fishing season is worked out as the total number kilograms a person is entitled to (determined by the value of a quota unit for that season multiplied by the person's total number of quota units) less the kilograms caught. Where relevant the conversion factor is applied to any 'tailed' product landed to work out the total amount (kilogram) taken.

27. Section 11 aims to give effect to the intent above but requires clarification. AFMA has submitted drafting instructions to clarify the specified formula.

### **Determining the total allowable catch for a fishing season**

28. The draft plan requires AFMA to determine a TAC for the fishing season before the start of a fishing season (section 19(1)). The draft plan also allows AFMA to increase the TAC it has determined for a season (section 20). The plan does not make provision for AFMA to decrease a TAC. Note that if necessary the PZJA could use powers under the *Torres Strait Fisheries Management Act 1984* to manage any exceptional risks to the TRL stock.

29. In determining a TAC (section 19(2, 3)) or increasing a TAC (section 20(2)) AFMA must determine the total allowable catch for the fishing season. Before making its decision AFMA must:

- a) consult with any group it has established to give advice relating to the TRL fishery recommendations (e.g. the Tropical Rock Lobster Resource Assessment Group (TRLRAG) and Tropical Rock Lobster Working Group (TRLWG)); and
- b) take into account the harvest strategy for the TRL Fishery; and
- c) have regard to Australia's obligations under the Torres Strait Treaty.

30. AFMA may also:

- a) consider the views of any person with an interest in the TRL Fishery; or
- b) the ecologically sustainable use of the TRL Fishery; and
- c) take into account the amount of TRL taken as a result of other fishing such as traditional and recreational fishing.

### **Trading (permanent and leasing) of quota units**

31. The draft plan provides for quota units to be transferred and leased (Division 3). The only restrictions on trading are that a person may not:

- a) lease caught quota units. Provision is only provided for leasing 'available' quota units (section 22(1));
- b) transfer or lease quota units if the fishing licence to which the quota units relate is suspended (sections 21(2) & 22(2));
- c) transfer or lease quota units to a trust (sections 21(1) & 22(1));.

### **Effect of Licence suspension on leased quota units (section 23)**

32. If a person leases quota units and the TRL licence to which the quota units relate is suspended the person is taken not to have access to available quota units.

### **Cancellation of quota units (section 24)**

33. If a fishing licence is cancelled, the quota units attached to the licence are also cancelled. Fishing licences may be cancelled or suspended in accordance with section 26 of the *Torres Strait Fisheries Management Act 1984*.

### **Administrative provisions (Part 4)**

#### *Providing notices (Part 4, Division 1)*

34. AFMA will issue certificates to each relevant person detailing the number of quota units held by that person (section 25). These notices are reissued if quota units are transferred (section 25), cancelled (section 27) or leased (section 29).
35. AFMA will similarly provide notices to advise on the value of quota units following the determination of a TAC for a fishing season (Section 28).

#### *Register of quota units (Part 4, Division 2)*

36. In accordance with section 15(A)(5)(h) of the *Torres Strait Fisheries Management Act 1984*, AFMA will maintain a public register of quota unit ownership (section 30, 31, 32, 33).

#### *Priority between a quota unit interest and a security interest*

37. Section 34 sets out the priority between quota units and a security within the meaning of the *Personal Property Security Act 2009*.
38. It is a Commonwealth Government standard to provide information on the *Personal Property Security Act 2009*.



### **Box 1 Background TRL quota unit**

The allocation model Tropical Rock Lobster Fishery is based on:

- a) a PZJA decision on the initial catch shares between the Traditional Inhabitant and non-Traditional Inhabitant sectors;
- b) advice from an Independent Allocation Advisory Panel (IAAP);
- c) a Tender Reduction Process (or Government funded buyout) of TVH licences which adjusted the sectoral catch shares; and
- d) A PZJA decision to initially allocate TIB quota at the sectoral level and review allocation options two years after the implementation of the plan.

Based on the report titled 'Report to Stakeholders on the Data Used to Establish the Historical Catch Ratios of the Community and Non-Community Sectors' the PZJA agreed in 2007 that the starting point for the resource allocation process for the TRL Fishery was 35% TIB and 65% TVH.

The PZJA accepted advice from an IAAP for quota to be split between eligible TVH licence holders according to the following formulae:

- a) An allocation of 20% of TAC (or quota units under the plan) allocated equally to all tenders in the fishery that are attached to a fully transferable primary TVH licence; and
- b) A catch history allocation of 80% of TAC (or quota units under the plan) allocated to transferable and non-transferrable primary TVH licences based on the best three years of verified catch history over the five year period 1997-2001.

In 2007 and 2012 voluntary buyouts of TVH licences were undertaken resulting in 14 primary licences with 30 associated tenders being removed from the fishery. The PZJA agreed the process would be used to secure the 25 per cent share of the fishery within the Australian area of jurisdiction to meet obligations provided under Article 22 of the Treaty and to move towards greater TIB allocation. Based on the provisional allocations assigned to those licences in accordance the agreed allocation formulae above, the Australian government holds 25 per cent of the Australian portion of the TRL Fishery within the TSPZ to meet obligations to PNG. The Australian sectoral shares were adjusted to 56.2% TIB and 43.8% TVH.

The PZJA agreed at its meeting on 5 August 2015 to first allocate quota units at the sectoral level for Traditional Inhabitants and review the plan two years after its implementation to allow for possible allocations to individuals or companies. The TSRA Board agreed at its meeting on 10 September 2015 to hold TRL quota units on behalf of the sector until an alternate allocation approach is determined.

**Where to from here**

**Complete**

AAP advises the PZJA on a recommended quota allocation formula

**Complete**

PZJA decides on an appropriate quota allocation formula

**Complete**

DAFF conducts voluntary tender process to remove existing non-community commercial fishing licences from the TRL Fishery

PZJA makes decision to register the Management Plan, the Plan commences the day after the instrument is registered.

AFMA gives notice of provisional boat catch history and provisional total catch history within 28 days of the day the Plan commences.

A person may object to the notice in writing within 14 days of the date of the notice.

AFMA must finalise boat catch history and total catch history allocations within three months of the day the Plan commences.

AFMA must issue a certificate to each person who has quota units detailing their entitlements.

Plan enters into force

## **Attachments**

1. Final Draft - Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016
2. Tropical Rock Lobster Management Plan – Performance Criteria and Measures
3. Tropical Rock Lobster Management Plan – Objectives
4. Initial Draft - Torres Strait Tropical Rock Lobster Fishery Management Plan 2015 - PZJA Website Version
5. Tropical Rock Lobster Management Plan – Outcomes of preliminary consultations
6. Tropical Rock Lobster Management Plan – Community Consultations
  - a. Kubin
  - b. St Pauls
  - c. Bamaga
  - d. New Mapoon
  - e. Seisia

# EXPOSURE DRAFT



EXPOSURE DRAFT (23 March 2016)

## Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016

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I, Anne Ruston, Assistant Minister for Agriculture and Water Resources and Parliamentary Secretary to the Minister for Agriculture and Water Resources, make the following management plan.

Dated 2016

Anne Ruston [**DRAFT ONLY—NOT FOR SIGNATURE**]

Assistant Minister for Agriculture and Water Resources

Parliamentary Secretary to the Minister for Agriculture and Water Resources

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EXPOSURE DRAFT



# EXPOSURE DRAFT

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# EXPOSURE DRAFT

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EXPOSURE DRAFT

Part 1—Introduction

Division 1—Preliminary

1 Name

This is the *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

- Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.
- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 15A of the *Torres Strait Fisheries Act 1984*.



# EXPOSURE DRAFT

## Part 1 Introduction

## Division 2 Definitions

### Section 4

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## Division 2—Definitions

### 4 Definitions

Note: A number of expressions used in this Plan are defined in the Act, including the following:

- (a) commercial fishing licence;
- (b) Torres Strait Treaty;
- (c) traditional inhabitant.

(1) In this Plan:

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

**area of the tropical rock lobster fishery** means the area of the Australian jurisdiction described by item 9 of Schedule 2 to the *Torres Strait Fisheries Regulations 1985*.

**Authority** means the Protected Zone Joint Authority established by section 30 of the Act.

**available quota units**, in relation to a fishing season, means the unused quota units for the fishing season.

**catch history notice** means a notice by AFMA given to a person who holds a primary boat licence, as required by section 8.

**fishing season**, for a particular year, means the period determined, and if extended, so extended, by AFMA in accordance with section 5.

**harvest strategy**, in relation to tropical rock lobster, means the strategy determined by the Authority and existing on the day this Plan commences, that has been developed in accordance with the Commonwealth Fisheries Harvest Strategy Policy and Guidelines.

Note: The harvest strategy could in 2016 be viewed on the Authority's website (<http://www.pzja.gov.au>).

**objection period** means the period:

- (a) beginning on the date of the notice; and
- (b) ending on the day that occurs 14 days after the date of the notice.

**PPSA security interest** (short for Personal Property Securities Act security interest) means a security interest within the meaning of the *Personal Property Securities Act 2009* and to which that Act applies.

Note: The *Personal Property Securities Act 2009* applies to certain security interests in personal property. See the following provisions of that Act:

- (a) section 8 (interests to which the Act does not apply);
- (b) section 12 (meaning of security interest).

**primary boat licence** means a commercial fishing licence issued to a person who is not a traditional inhabitant that:

- (a) is described as a Torres Fishing Licence; and

(b) authorises the fishing of tropical rock lobster.

**provisional boat catch history**, in relation to a primary boat licence, means the highest average of the annual total weight of tropical rock lobster taken in relation to the primary boat licence in any 3 fishing seasons during the 5-year period from 1997 to 2001;

**provisional total catch history** means the sum of each provisional boat catch history for all primary boat licences in relation to which there is a provisional boat catch history.

**quota unit**: see section 13.

**Register** means the Register of Quota Units for the Torres Strait Tropical Rock Lobster Fishery, required to be maintained by section 30.

**tender boat licence** means a commercial fishing licence that:

- (a) is described as a Torres Fishing Licence; and
- (b) is granted in respect of a boat, generally known as a tender; and
- (c) specifies a primary boat with which the tender may operate.

**total allowable catch**: see section 19.

**TRL fishing licence** (short for tropical rock lobster fishing licence) means a commercial fishing licence with an entry authorising the fishing of tropical rock lobster.

**tropical rock lobster** means all species in the family *Palinuridae*.

**TSRA** has the same meaning as in the *Aboriginal and Torres Strait Islander Act 2005*.

- (2) For the purposes of subsection 15A(6) of the Act, a quota unit is a unit of fishing capacity.

## 5 Fishing season

### *Determination of fishing season*

- (1) AFMA must determine, in writing, the fishing season for a particular year.
- (2) A determination under subsection (1) must be made at least 2 weeks before the start of the proposed fishing season.

### *Extension of fishing season*

- (3) AFMA may extend the fishing season determined for a particular year.
- (4) A determination under subsection (3) must be made at least 2 weeks before the end of the particular fishing season.

# EXPOSURE DRAFT

**Part 1** Introduction

**Division 2** Definitions

## Section 5

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### *Public notice*

- (5) AFMA must publish a copy of a determination made under this section on its website.
- (6) A determination made under this section is a legislative instrument.

## Division 3—Objectives of this Plan

### 6 Objectives of this Plan

The objectives of this Plan are the same as those set out in paragraphs 8(a) to (g) of the Act.

### 7 Assessing objectives of this Plan

The following table sets out:

- (a) the objectives of this Plan;
- (b) the measures by which each objective is to be attained;
- (c) the performance criteria against which measures taken under the Plan are to be assessed;
- (d) the time frames within which measures taken under the Plan are to be assessed against the performance criteria.

Assessing objectives of this Plan				
Item	Objectives	Measure	Performance criteria	Time frame
1	to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants; to manage the area of the tropical rock lobster fishery for optimum utilisation to protect and preserve the marine environment to adopt conservation measures in a way that minimises restrictive effects on traditional fishing to administer Part 5 of the Torres Strait Treaty so as not to prejudice achievement of Part 4 of the Treaty in regard to traditional fishing	determining the total allowable catch ( <i>TAC</i> ) for a fishing season	the TAC for a fishing season is determined in accordance with section 13.	each fishing season

# EXPOSURE DRAFT

## Part 1 Introduction

### Objectives of this Plan

## Section 7

Assessing objectives of this Plan				
Item	Objectives	Measure	Performance criteria	Time frame
	to share the total allowable catch with Papua New Guinea			
2	to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants; to manage the area of the tropical rock lobster fishery for optimum utilisation to protect and preserve the marine environment to adopt conservation measures in a way that minimises restrictive effects on traditional fishing to administer Part 5 of the Torres Strait Treaty so as not to prejudice achievement of Part 4 of the Treaty in regard to traditional fishing	implementing the quota unit system	the catch of tropical rock lobster for a fishing season is at or below the total allowable catch for the fishing season	each fishing season
3	to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants; to manage the area of the tropical rock lobster fishery for optimum utilisation to have regard, in developing and implementing licensing policy, to the desirability of promoting economic	allocating quota units to the traditional inhabitant sector	the Authority carries out its review	as soon as practicable after this Plan commences

# EXPOSURE DRAFT

Introduction **Part 1**  
Objectives of this Plan

## Section 7

Assessing objectives of this Plan				
Item	Objectives	Measure	Performance criteria	Time frame
	development in the Torres Strait area and employment opportunities for traditional inhabitants			

# EXPOSURE DRAFT

## Part 1A Verification of current catch histories

### Section 8

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## Part 1A—Verification of current catch histories

### 8 AFMA to notify primary boat licence holders of catch histories

- (1) Within 28 days of the day this Plan commences, AFMA must give notice to a person who holds a primary boat licence on the day this Plan commences of the following:
  - (a) the provisional boat catch history relating to the primary boat licence;
  - (b) the provisional total catch history.
- (2) AFMA's notice must:
  - (a) be in writing; and
  - (b) be dated; and
  - (c) state that the person may object, in writing, to the provisional boat catch history stated in the notice within the objection period, and set out the requirements for making an objection; and
  - (d) state that, if no objection is made during the objection period and the person holds the primary boat licence in respect of the first fishing season covered, wholly or partly, by this Plan, quota units will be allocated to the person taking into account the provisional boat catch history and provisional total catch history for each person who receives a notice.

### 9 Objection to catch histories—requirements for making objection

- (1) A person who receives a catch history notice may object to the provisional boat catch history stated in the notice.
- (2) An objection must:
  - (a) be in writing; and
  - (b) be made during the objection period; and
  - (c) set out the grounds on which the person considers the provisional boat catch history should be based, and be accompanied by evidence that supports those grounds.

## Part 2—Fishing for tropical rock lobster

### 10 Right to fish for tropical rock lobster

- (1) A person (other than a traditional inhabitant) may fish for tropical rock lobster in the area of the tropical rock lobster fishery if:
- (a) the person holds a commercial fishing licence with an entry authorising the fishing of tropical rock lobster; and
  - (b) the person has, or has leased, available quota units.

**Note:** Fishing for tropical rock lobster may also be authorised by a Papua New Guinea licence that has been endorsed under section 20 of the Act or a permit granted under section 12 of the Act. The management of such fishing is not covered by this Plan.

- (2) A traditional inhabitant may fish for tropical rock lobster in the area of the tropical rock lobster fishery if
- (a) the person holds a commercial fishing licence with an entry authorising the fishing of tropical rock lobster; and
  - (b) either:
    - (i) the person has, or has leased, available quota units; or
    - (ii) the person has access to available quota units allocated to the TSRA.

### 11 Working out how much tropical rock lobster may be taken

- (1) Subject to subsections (2) and (3), the number of kilograms of tropical rock lobster that a person may take at a particular time during a fishing season is worked out according to the following formula:

Value of a quota unit × the person's total number of quota units

where:

**value of a quota unit** means the value of a quota unit for the fishing season, worked out in accordance with section 18.

**the person's total number of quota units** means the total number of quota units that the person has, as evidenced by certificates issued by AFMA, at that time:

- (a) less the total number of quota units leased to another person at that time (if any); and
  - (b) plus the total number of quota units leased by the person at that time (if any).
- (2) Subject to subsection (3), if a person takes tropical rock lobster and processes it in the area of the tropical rock lobster fishery so that only the tail of each lobster remains, the number of kilograms of unprocessed tropical rock lobster that may be taken, as worked out according to the formula in subsection (2), is to be adjusted as follows:

Result × conversion factor



# EXPOSURE DRAFT

## Part 2 Fishing for tropical rock lobster

### Section 12

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where:

**result** means the number of kilograms of tropical rock lobster, worked out in accordance with the formula in subsection (2).

**conversion factor** means the conversion factor determined by AFMA under section 12.

(3) If a person:

- (a) takes tropical rock lobster from the area of the tropical rock lobster fishery and does not process it; and
- (b) takes tropical rock lobster and processes it in the area of the tropical rock lobster fishery so that only the tail of each lobster remains;

the person must maintain equivalent proportions of the results of the formulae set out in subsections (1) and (2).

Example: Suppose that a person can take 100 kilograms of unprocessed tropical rock lobster. Assuming a conversion factor of 0.75, the person could take 60 kilograms of unprocessed tropical rock lobster and 30 kilograms of processed tropical rock lobster.

## 12 Weight conversion of processed tropical rock lobster

For the purpose of working out the number of kilograms of tropical rock lobster that a person may take from the area of the tropical rock lobster fishery, AFMA must determine the conversion factor to be applied if the person processes tropical rock lobster so that only the tail of a lobster remains.

## **Part 3—Quota unit system**

### **Division 1—Allocation of quota units**

#### **Subdivision A—Allocation to sectors**

##### **13 Allocation of quota units—traditional inhabitant and non-traditional inhabitant sectors**

- (1) There are to be 1 000 000 quota units.
- (2) Of the 1 000 000 quota units:
  - (a) 562 000 quota units are allocated to the TSRA (the traditional inhabitant sector); and
  - (b) 438 000 quota units are allocated to persons other than traditional inhabitants (the non-traditional inhabitant sector).

#### **Subdivision B—Allocation within each sector**

##### **14 Allocation of quota units—traditional inhabitant sector**

- (1) As soon as practicable after this Plan commences, the Authority must review the allocation of quota units to the traditional inhabitant sector.
- (2) In undertaking its review, the Authority must consider the following options:
  - (a) allocating quota units to a non-government legal entity that represents traditional inhabitants;
  - (b) allocating quota units to individual traditional inhabitants directly;
  - (c) a combination of the options mentioned in paragraphs (a) and (b).

##### **15 Allocation of quota units—non-traditional inhabitant sector**

- (1) A person is entitled to quota units in respect of the first fishing season covered, wholly or partly, by this Plan, if the person holds:
  - (a) one or more primary boat licences; or
  - (b) one or more primary boat licence and one or more tender licences.
- (2) AFMA must allocate a share of 350 400 quota units to each person holding a primary boat licence in respect of the first fishing season covered, wholly or partly, by this Plan, taking into account:
  - (a) the catch history notice given to the person; and
  - (b) all objections to catch history notices made under section 9.
- (3) AFMA must allocate quota units under subsection (2) within 3 months of catch history notices being given to relevant primary boat licence holders.
- (4) A person holding a tender boat licence has the number of quota units worked out according to the following formula:

# EXPOSURE DRAFT

## Part 3 Quota unit system

### Division 2 Value of quota units

#### Section 16

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$$\frac{87\,600}{\text{Total number of tender boat licences}}$$

Total number of tender boat licences

where:

*total number of tender boat licences* means the sum of all tender boat licences granted in respect of the first fishing season covered, wholly or partly, by this Plan.

#### 16 Review of allocation of quota units by the Administrative Appeals Tribunal

An application may be made to the Administrative Appeals Tribunal for review of the decision by AFMA to allocate a particular number of quota units to a person under subsection 15(2).

#### 17 Defeasibility

A quota unit allocated under this Division is allocated on the basis that:

- (a) the quota unit may be cancelled, revoked, terminated or varied by or under later legislation; and
- (b) no compensation is payable if the quota unit is so cancelled, revoked, terminated or varied.

### Division 2—Value of quota units

#### 18 Value of quota units

- (1) The value of a quota unit for a fishing season, expressed in kilograms, is worked out according to the following formula:

$$\frac{\text{Total allowable catch for the fishing season}}{1\,000\,000}$$

- (2) If AFMA increases the total allowable catch for a fishing season, the value of a quota unit is to be worked out again using the formula in subsection (1).

#### 19 Determining the total allowable catch for a fishing season

- (1) Before the start of a fishing season, AFMA must determine the total allowable catch for the fishing season.
- (2) In making this determination, AFMA must:
  - (a) consult with any group it has established to give advice relating to the area of the tropical rock lobster fishery; and
  - (b) take into account the harvest strategy for the area of the tropical rock lobster fishery; and
  - (c) have regard to Australia's obligations under the Torres Strait Treaty.
- (3) In making this determination, AFMA may:
  - (a) consider the views of any person with an interest in:

# EXPOSURE DRAFT

Quota unit system **Part 3**  
Value of quota units **Division 2**

## Section 20

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- (i) the area of the tropical rock lobster fishery; or
- (ii) the ecologically sustainable use of the tropical rock lobster fishery;  
and
- (b) take into account the amount of tropical rock lobster taken in the area of the tropical rock lobster fishery as a result of other fishing, such as traditional fishing or recreational fishing.

### **20 Increasing the total allowable catch for a fishing season**

- (1) AFMA may increase the total allowable catch it has determined for a fishing season.
- (2) Subsections 19(2) and (3) apply to determining an increase in the total allowable catch for a fishing season in the same way as they apply to the making of a determination of the total allowable catch for a fishing season.

# EXPOSURE DRAFT

## Part 3 Quota unit system

### Division 3 Trading of quota units

#### Section 21

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### Division 3—Trading of quota units

#### Subdivision A—Transferring quota units

##### 21 Transfer of quota units

- (1) A person who has quota units may permanently transfer the quota units to another person, other than to a trust or trustee of a trust.

Example: A person who has a TRL fishing licence may sell some or all quota units to the TSRA or a new entrant to the tropical rock lobster fishing industry.

- (2) Despite subsection (1), a person may not permanently transfer quota units if the TRL fishing licence to which the quota units relate is suspended.
- (3) The transferor and the transferee must give AFMA notice of the transfer in the approved form.

Note: See also section 26.

#### Subdivision B—Leasing quota units

##### 22 Leasing of quota units

- (1) A person who has available quota units may lease the available quota units to another person, other than a trust.
- (2) Despite subsection (1), a person may not lease available quota units if the TRL fishing licence to which the quota units relate is suspended.
- (3) The lessor and the lessee must give AFMA notice of the lease in the approved form.

Note: See also section 29.

- (4) To avoid doubt, subsection (1) does not require the TSRA to lease available quota units to individual traditional inhabitants.

##### 23 Effect of licence suspension on leased quota units

If:

- (a) a person leases quota units; and
  - (b) the TRL fishing licence to which the quota units relate is suspended;
- the person is taken not to have access to available quota units relating to the relevant TRL fishing licence at all times while it is suspended.

## **Division 4—Cancellation of quota units**

### **24 Cancellation of quota units**

- (1) If a TRL fishing licence to which quota units relate is cancelled, the quota units are cancelled under this section.
- (2) Cancellation of the quota units takes effect on the same day that the TRL fishing licence to which quota units relate is cancelled.

# EXPOSURE DRAFT

## Part 4 Administrative provisions

### Division 1 Certificates evidencing quota units

#### Section 25

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## Part 4—Administrative provisions

### Division 1—Certificates evidencing quota units

#### 25 AFMA to issue certificates—initial quota unit allocation

- (1) As soon as practicable after quota units are allocated, AFMA must issue a certificate to each person who has quota units.
- (2) A certificate issued to a person must state:
  - (a) the name and contact details of the person; and
  - (b) the total number of quota units that the person has; and
  - (c) the TRL fishing licence in respect of which the quota units relate.

#### 26 AFMA to issue certificates—change in quota unit holding

- (1) If AFMA is given written notice of a permanent transfer of quota units, AFMA must issue a new certificate to each person who has quota units as a result of the transfer unless:
  - (a) the transferor or transferee:
    - (i) is being investigated for an offence against the Act or the regulations; or
    - (ii) has been convicted of an offence against the Act or the regulations; or
  - (b) a levy relating to a TRL fishing licence held by the transferor remains outstanding.
- (2) A certificate issued to a person must state:
  - (a) the name and contact details of the person; and
  - (b) the total number of quota units that the person has.

Note: See also section 32.

#### 27 AFMA to cancel certificates—quota units cancelled

As soon as practicable after quota units are cancelled under section 24, AFMA must cancel the certificate issued in respect of the relevant quota units.

## **Division 2—Notification of value of quota units**

### **28 AFMA to notify persons of catch entitlements each fishing season**

- (1) AFMA must notify each person who has quota units for a fishing season of the following:
  - (a) the value of a quota unit for the fishing season;
  - (b) the number of kilograms of tropical rock lobster that the person may take from the area of the tropical rock lobster fishery during the fishing season.
- (2) If AFMA increases the total allowable catch for a fishing season, AFMA must notify relevant persons of the matters mentioned in subsection (1) based on the increased total allowable catch for the fishing season.
- (3) A notification under this section must:
  - (a) be given for each fishing season, as soon as practicable before a fishing season begins; and
  - (b) if the total allowable catch for a fishing season is increased, as soon as practicable after the total allowable catch is increased; and
  - (c) be given within 10 business days after AFMA issues new certificates under section 26 to reflect a permanent transfer of quota units.
- (4) A notification under this section must be given in writing.

### **29 AFMA to notify persons of catch entitlements if quota units are leased**

- (1) Within 10 business days of being given notice of a lease arrangement under section 22, AFMA must notify the lessor and the lessee of the following:
  - (a) the value of a quota unit for the fishing season to which the lease period relates;
  - (b) the number of kilograms of tropical rock lobster that the person may take from the area of the tropical rock lobster fishery during the fishing season.
- (2) However, AFMA must not give notices required under subsection (1) if:
  - (a) the lessor or lessee:
    - (i) is being investigated for an offence against the Act or the regulations;
    - or
    - (ii) has been convicted of an offence against the Act or the regulations; or
  - (b) a levy relating to a TRL fishing licence held by the lessor remains outstanding.
- (3) If AFMA increases the total allowable catch for a fishing season, AFMA must, subject to subsection (2), notify the lessor and lessee of the matters mentioned in subsection (1) based on the increased total allowable catch for the fishing season.
- (4) A notification under this section must be given in writing.



# EXPOSURE DRAFT

## Part 4 Administrative provisions Division 3 Register of Quota Units

### Section 30

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## Division 3—Register of Quota Units

### 30 Register—establishment

- (1) AFMA is to maintain a register, to be known as the Register of Quota Units for the Torres Strait Tropical Rock Lobster Fishery, which includes:
  - (a) the names of persons who may fish for tropical rock lobster in the area of the tropical rock lobster fishery; and
  - (b) other information, as required by section 31.
- (2) The Register is to be maintained by electronic means.
- (3) The Register is to be made available for inspection on AFMA's website.

### 31 Register—required information

- (1) The Register must include the following information for each person who has quota units or access to available quota units:
  - (a) the person's name;
  - (b) the licence number for each TRL fishing licence held by the person;
  - (c) the total number of quota units initially allocated to the person;
  - (d) the total number of quota units held by the person;
  - (e) the number of quota units that relate to each TRL fishing licence held by the person;
  - (f) for each fishing season:
    - (i) the value of the quota units that a person has; and
    - (ii) the number of kilograms of tropical rock lobster that a person may take from the area of the tropical rock lobster fishery;
  - (g) if any TRL fishing licence held by the person is suspended:
    - (i) a notation that the licence is suspended; and
    - (ii) a notation that no-one may fish for tropical rock lobster in the area of the tropical rock lobster fishery using the quota units to which the TRL fishing licence relate;
  - (h) if any TRL fishing licence held by the person is cancelled:
    - (i) a notation that the TRL fishing licence is cancelled; and
    - (ii) a notation that the quota units to which the TRL fishing licence relates are cancelled.
- (2) AFMA may correct, or cause to be corrected, any clerical error or obvious mistake in the Register.

### 32 Updating Register—permanent transfer of quota units

If AFMA issues new certificates under section 26 to reflect a permanent transfer of quota units, AFMA must:

- (a) update the information required by paragraphs 31(1)(d), (e) and (f) to reflect the change in quota unit holdings; and

# EXPOSURE DRAFT

- (b) if the transfer results in a new person holding quota units—include all information required by subsection 31(1) in respect of, and in relation to, the person.

## 33 Updating Register—lease of available quota units

If AFMA gives written notice to the lessor and lessee under section 29 to reflect a lease of available quota units, AFMA must:

- (a) update the information required by subparagraph 31(1)(f)(ii) to reflect the number of kilograms of tropical rock lobster that the lessor and lessee may take from the area of the tropical rock lobster fishery; and
- (b) if the lease results in a new person having access to quota units—include all information required by subsection 31(1) in respect of, and in relation to, the person.

## 34 Priority between quota unit interests and PPSA security interests

- (1) The priority between:
- (a) quota units that are permanently transferred or leased (the *quota unit interest*), if the effect of the permanent transfer or lease is included in the Register; and
- (b) a PPSA security interest;
- is as set out in the following table:

Priority between PPSA security interests and quota unit interests		
Item	If ...	then ...
1	the PPSA security interest is not perfected (whether by registration or otherwise) within the meaning of the <i>Personal Property Securities Act 2009</i>	the quota unit interest has priority.
2	(a) the PPSA security interest is perfected (whether by registration or otherwise) within the meaning of the <i>Personal Property Securities Act 2009</i> ; and (b) the effect of the permanent transfer or lease is included in the Register before the priority time for the PPSA security interest under section 55 of the <i>Personal Property Securities Act 2009</i>	the quota unit interest has priority.
3	(a) the PPSA security interest is perfected (whether by registration or otherwise) within the meaning of the <i>Personal Property Securities Act 2009</i> ;	the PPSA security interest has priority.

# EXPOSURE DRAFT

## Part 4 Administrative provisions Division 3 Register of Quota Units

### Section 34

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#### Priority between PPSA security interests and quota unit interests

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Item	If ...	then ...
	and	
	(b) the effect of the permanent transfer or lease is included in the Register at or after the priority time for the PPSA security interest under section 55 of the <i>Personal Property Securities Act 2009</i>	

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- (2) Subsection 73(2) of the *Personal Property Securities Act 2009* applies to the quota unit interest.

Note: The effect of subsection (2) is that the priority between a quota unit interest and a PPSA security interest is to be determined in accordance with this Plan rather than the *Personal Property Securities Act 2009*.

# EXPOSURE DRAFT

Administrative provisions **Part 4**

Miscellaneous **Division 4**

Section 35

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## **Division 4—Miscellaneous**

### **35 Approval of forms**

AFMA may approve forms (including electronic forms) for the purposes of this Plan.

# EXPOSURE DRAFT

## Part 5 Transitional provisions

### Section 36

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## Part 5—Transitional provisions

### 36 Right to fish until quota units are allocated

- (1) This section applies if the allocation of quota units under this Plan occurs after the beginning of the first fishing season to which this Plan relates.
- (2) Despite anything in this Plan, a person may fish for tropical rock lobster in the area of the tropical rock lobster fishery for the period:
  - (a) beginning on the first day of that first fishing season; and
  - (b) ending at the end of the day before quota units are allocated;if the person holds a fishing permit that allows fishing for tropical rock lobster in the area of the tropical rock lobster fishery, subject to any conditions to which the permit is subject.
- (3) Until quota units are allocated under this Plan, AFMA may grant or transfer a fishing permit that allows fishing for tropical rock lobster in the area of the tropical rock lobster fishery.

Category	PERFORMANCE MEASURES – 2014 draft plan	PERFORMANCE MEASURES – proposed FINAL DRAFT PLAN
Traditional	Ensure traditional fishing opportunities for Torres Strait traditional inhabitants of Australia and Papua New Guinea are preserved	Consult with traditional owners about the management of the fishery to ensure this Plan is developed to maximise opportunities for traditional fishing.  Or traditional inhabitants (language?)
	Implement measures that will help improve traditional fishing	
	Develop strategy for traditional inhabitants to acquire larger share of TAC including review and decision rules	
	Enhance fishing opportunities for Australian Torres Strait traditional inhabitants	
	Avoid arrangements that may negatively impact on community tropical rock lobster enterprises	
Research	Implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery	
	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	
Sustainability	Setting the total allowable catch each year in accordance to the harvest strategy for the fishery	Setting catch limits and managing quota species in accordance with the harvest strategy.
	Managing fishing practices to ensure the sustainability of the resources of the fishery	
	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	
	Education and awareness program used to promote best practice	
Compliance	Establishing an effective program for monitoring and surveillance of the fishery to ensure compliance with the Management Plan	
	Reduce or eliminate illegal fishing	
Economics	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	Identifying impediments to maximising the net economic returns of the fishery and developing strategies to minimise the effect of, or eliminate, the impediments; and to encourage and promote economic development of the traditional sector of the fishery.
	Developing a series of biological, economic and other data that can be used to assess the fishery in relation to its economic performance	

	Explore other options for business development in the fishery (i.e. lobster grow-out, aquaculture)	
	Maintain flexibility in management arrangements so market demand can be met	
Research Sustainability Traditional	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	
Economics Sustainability Consultation		

Category	PERFORMANCE CRITERIA - PZJA WEBSITE V	PERFORMANCE CRITERIA - DRAFT
Traditional	Traditional fishing opportunities meet cultural needs	That traditional owners have been consulted on the management of the fishery, a plan is developed to maximise opportunities for traditional fishing.
	Proportion of resource allocation moves to a higher community share	
	Reference points for traditional fishing are identified Strategies to improve traditional fishing success are develop	
	Strategies to improve traditional fishing success are adequately implemented	
	New traditional inhabitants business developments in the fishery	
	Increase in employment of Traditional Inhabitants in TRL sector	
	The Traditional Inhabitant share is fully utilised	
Research	The accuracy and timeliness of the fishery research and monitoring	
	Data and management information are readily available Results from research in all jurisdictions feeds into management	
	Research undertaken at a scale necessary for the confidence to set TACC at higher levels	
	Results from research feeds into management.	
Sustainability	Catch levels are consistent with the TAC	Management of the quota species, including the use of catch limits, is done in accordance with the harvest strategy, and that actions taken in accordance with the harvest strategy are monitored, reviewed and if appropriate, improved.
	The amount of lobster taken in a fishing year does not exceed the TAC for the year.	
	Management obstacles identified	
	Responsible fishing practices are maintained	
	Monitor impacts of fishing on reef habitats before/after fishing	
Compliance	Effectiveness of management arrangements in delivering compliance	
Economics	No impediments prevent all quota being taken Revenue from fishery maximised	That impediments to maximising the net economic returns to the fishery have been identified and strategies to minimise and eliminate those impediments have been developed.
Consultation	Degree to which the fishery is	



	cooperatively managed	
Review		<p>AFMA must assess the effectiveness of this management plan, including measures taken to achieve the objectives of the Plan, at least once during:</p> <ul style="list-style-type: none"> <li>(b) the period of 2 years commencing on the commencement day;</li> <li>(c) each subsequent period of 5 years</li> </ul> <p>by reference to the performance criteria and by taking into account the advice of the advisory committees.</p>

OBJECTIVE- 2014 DRAFT PLAN	PERFORMANCE MEASURES – 2014 DRAFT PLAN	OBJECTIVES – PROPOSED FINAL DRAFT PLAN	PERFORMANCE MEASURES – PROPOSED FINAL DRAFT PLAN
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	<p>Ensure traditional fishing opportunities for Torres Strait traditional inhabitants of Australia and Papua New Guinea are preserved</p> <p>Implementation of measures that will help improve traditional fishing</p> <p>Development of research strategies to gather information on the success of traditional fishing (quantity and rate of harvest) to explore ways to improve it</p>	To acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing	<p>Determination of the Total Allowable Catch (TAC) for a fishing season, ensuring it is:</p> <ul style="list-style-type: none"> <li>a. In accordance with the harvest strategy;</li> <li>b. Having regard to all sources of fishing mortality, including traditional fishing;</li> <li>c. In consultation with any group established to give advice relating to the area of the tropical rock lobster fishery ;and</li> <li>d. Having regard to Australia’s obligations under the Torres Strait Treaty.</li> </ul> <p>Implementation of the quota unit system such that the catch of tropical rock lobster for a fishing season is at or below the TAC for the fishing season</p>
To maintain the spawning stock at levels that meet or exceed the level required to produce the maximum sustainable yield	<p>Setting the total allowable catch each year in accordance to the harvest strategy for the fishery, and ensure catch levels are consistent with the TAC</p> <p>Managing fishing practices to ensure the sustainability of the resources of the fishery, and that the annual harvest does not exceed the TAC for the year</p> <p>Implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery, ensuring that results from research feed into management</p> <p>Establishing an effective program for monitoring and surveillance of the fishery to ensure compliance with the Management Plan</p>		
To provide for the optimal utilisation, co-operative management with Queensland and Papua New Guinea (PNG) and for catch sharing to occur with PNG	<p>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</p> <p>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</p>	To manage the area of the tropical rock lobster fishery for optimum utilisation	<p>Determination of the Total Allowable Catch (TAC) for a fishing season, ensuring it is:</p> <ul style="list-style-type: none"> <li>a. In accordance with the harvest strategy;</li> <li>b. Having regard to all sources of fishing mortality, including traditional fishing;</li> <li>c. In consultation with any group established to give advice relating to the area of the</li> </ul>

	inhabitants of Australia and Papua New Guinea		tropical rock lobster fishery ;and d. Having regard to Australia's obligations under the Torres Strait Treaty.
To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment	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		Implementation of the quota unit system such that the catch of tropical rock lobster for a fishing season is at or below the TAC for the fishing season
	Education and awareness program used to promote best practice		
	Implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery		
	Managing fishing practices to ensure the sustainability of the resources of the fishery		
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	Develop strategy for traditional inhabitants to acquire larger share of TAC including review and decision rules	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	Determination of the Total Allowable Catch (TAC) for a fishing season, ensuring it is:  a. In accordance with the harvest strategy;  b. Having regard to all sources of fishing mortality, including traditional fishing;  c. In consultation with any group established to give advice relating to the area of the tropical rock lobster fishery ;and  d. Having regard to Australia's obligations under the Torres Strait Treaty.
	Enhance fishing opportunities for Australian Torres Strait traditional inhabitants		
	Explore other options for business development in the fishery (i.e. lobster grow-out, aquaculture)		
	Avoid arrangements that may negatively impact on community tropical rock lobster enterprises		
Optimise the value of the fishery, ensure cooperative, efficient and cost effective management of the fishery.	Developing a series of biological, economic and other data that can be used to assess the fishery in relation to its economic performance		Implementation of the quota unit system such that the catch of tropical rock lobster for a fishing season is at or below the TAC for the fishing season  Allocation of quota units to the traditional inhabitant sector such that the Authority carries out its review with a view to quota units being allocated to traditional inhabitants directly.
	Reduce or eliminate illegal fishing		
	Maintain flexibility in management arrangements so market demand can be met		

## **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

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## 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.

**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.



**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).

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.

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

	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

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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	

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.

- (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:

- (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)).

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:

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

Note

- 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

- 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.
- 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>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.	If necessary any future spatial closures would be dealt with through instruments outside of the management plan.  Recommend that the Working Group add this issue to its 2016/17 work plan for consideration.
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.	If necessary measures relating to protecting habitats and protected species would be dealt with through instruments outside of the management plan.  Recommend the Working Group add this issue to the 2016/17 work plan for consideration.
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.
Iama	Free dive season: 12 month open season of the Torres Strait tropical rock lobster for lobsters collected by free diving.	<p>Gear restrictions are to be dealt with through instruments outside of the management plan.</p> <p>This issue is being tabled the Working Group <b>(Agenda Item 7)</b>.</p>
Iama	Request to have Sunday as a no work day.	<p>Temporal closures will not be dealt with by the management plan.</p> <p>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.</p>
Iama	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.
Iama	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.	AFMA will advise TVH operators of the Iama 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 concern 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>

	<i>Act 1984.</i>
Provide practical measures under which potential vendors of current TVH licenses can be matched with potential native title buyers.	It is beyond the scope of the management plan to match vendors and buyers of fishing licences.
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.	It is beyond the scope of the management plan to direct private-sector commercial agreements.
<b>Other measures</b>	
Provisions for monitoring catch records at regular intervals and strengthen measures around the submission of catch records.	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.
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).	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.
Include measures to monitor catch shifting between Torres Strait and East Coast fishery.	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.
Where appropriate, catch records and buying records should be cross referenced and appropriately audited.	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.
Introduce exclusion zones for TVH operators around prescribed islands and reefs which are of particular significance to native title holders.	These types of measures require further consultation across industry and if appropriate, may be introduced by instruments outside of the management plan
Introduce measures to address issues around TVH operators accessing inhabited and uninhabited islands and certain reefs.	Noted there is existing legislation that regulates the access of inhabited and uninhabited Islands where native title has been determined.
Rubbish disposal on both islands and in seas should be addressed.	Noted there is existing legislation that regulates pollution at sea.

<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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**KUBIN**

# **COMMUNITY MEETING**

13 October 2015

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



**Australian Government**

**Australian Fisheries Management Authority**



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## Attendance

Name	Declaration of Interest
Selina Stoute (AFMA)	None
Dean Pease (AFMA)	None
Mariana Nahas (TSRA)	None
Chalz David (TSRA)	None
Monty Naawi	TIB Fisher
Naizel Tomsana	TIB Fisher
Napota Savage	TIB Fisher
Wanai Aki	TIB Fisher
Oliphan Savage	TIB Fisher
Patrick Baira	TIB Fisher
Kimasu Baira	TIB Fisher
Lewis Warmin	TIB Fisher
John Wigness	TIB Fisher
Opota Kaitap	TIB Fisher
Fred Joe	Native Title / TIB Fisher
Erimialt	TSRA Ranger / TIB Fisher

## Meeting Record

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. Quota trading could occur between TIB and TVH licence holders and with possible new entrants into the fishery who may lease a 'sunset' licence.

## 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 KUBIN 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.

Participants noted advice provided by AFMA that the TSRA Board had agreed to hold the TIB sector quota on behalf of traditional inhabitants for a period of two years. The decision is to be reviewed 2 years after the implementation of the Plan.

Participants noted the recommendations and advice from other communities with regards to restricting trading of the TVH sector. For example some communities agreed that transfer (selling and leasing) of licences between the TVH sector should be prohibited.

Participants also noted the potential benefits of a more open trading market, for example TIB trading to new entrants. Open markets would maximise quota value by encouraging market competition and greater transferability is likely to support and strengthen the overall value of all licences in the fishery.

Participants noted the importance of training and capacity building for the TIB sector. If the quota held by the TIB sector is to be fully utilised by TIB fishers there will need to be further training around marketing, business management, diving qualifications etc.

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

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### **3.1 Black teatfish**

AFMA advised that the black teatfish fishery will open on 1 November 2015. The fishery will remain open for the month of November only or until the 15 tonne catch limit has been caught.

AFMA noted it was difficult to report on the total catch during the fishery in the 2014 season because fishers were not reporting catches. For the 2015 fishing season Malu Lamar association representatives have agreed to liaise with communities and assist with the catch reporting to AFMA.

# ST PAUL'S COMMUNITY MEETING

12 October 2015

TORRES STRAIT TROPICAL  
ROCK LOBSTER DRAFT  
MANAGEMENT PLAN



Australian Government

Australian Fisheries Management Authority

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## Attendance

Name	Declaration of Interest
Selina Stoute (AFMA)	None
Dean Pease (AFMA)	None
Mariana Nahas (TSRA)	None
Chalz David (TSRA)	None
George R Newie	Community member
Zawai M Kris	TIB fisher
Roy Taylor	TIB fisher
Gerald L Saveka	Community member
Kiwat Lui	TSRA member
George A Newie	TSRA member
Fred Wapau	Community member

## 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.

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 licences 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. Quota trading could occur between TIB and TVH licence holders and with possible new entrants into the fishery who may lease a 'sunset' licence.

## 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 ST PAUL'S 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:

Participants noted advice provided by AFMA that the TSRA Board had agreed to hold the TIB sector quota on behalf of traditional inhabitants for a period of two years. The decision is to be reviewed 2 years after the implementation of the Plan.

Participants noted the recommendations and advice from other communities with regards to restricting trading of the TVH sector. For example some communities agreed that transfer (selling and leasing) of licences between the TVH sector should be prohibited.

Participants also noted the potential benefits of a more open trading market, for example TIB trading to new entrants. Open markets would maximise quota value by encouraging market competition and greater transferability is likely to support and strengthen the overall value of all licences in the fishery.

Participants noted the importance of catch reporting, however there were also concerns raised around the sensitivities of sharing location information through logbooks.

1. AFMA advised where personal or commercially valuable information is provided, measures are in place, as appropriate, to protect the information.

## 3 Other fishery management updates provided by AFMA

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### 3.1 Black teatfish

AFMA advised that the black teatfish fishery will open on 1 November 2015. The fishery will remain open for the month of November only or until the 15 tonne catch limit has been caught.

AFMA noted it was difficult to report on the total catch during the fishery in the 2014 season 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.

# **BAMAGA**

## **COMMUNITY MEETING**

16 November 2015

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



**Australian Government**

**Australian Fisheries Management Authority**

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## Attendance

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Name	Declaration of Interest
Dean Pease (AFMA)	None
Mariana Nahas (TSRA)	None
Charles David (TSRA)	None
Michael Bond	Traditional Owner / Previous TIB Fisher

## 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. Quota trading could occur between TIB and TVH licence holders and with possible new entrants into the fishery who may lease a 'sunset' licence.

## 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 BAMAGA Recommendations and Advice

---

### 2.1 Management Plan

The Participant was generally supportive of the management arrangements proposed under the draft plan of management.

The Participant noted the potential benefits of a more open trading market, for example TIB trading to new entrants. Open markets may maximise quota value by encouraging market competition and greater transferability is likely to support and strengthen the overall value of all licences in the fishery.

The participant noted there was some confusion among traditional fishers from the Northern Peninsula Area (NPA) regarding licensing for boats that may operate in the Torres Strait Protected Zone (including the 'outside but near area') and on the Queensland east coast.

AFMA agreed to send licensing information to NPA regional council offices for boats operating within the Torres Strait Protected Zone. AFMA agreed to liaise with Queensland Department of Agriculture and Fisheries and provide licensing information for boats operating in Queensland east coast TRL fishery.

The participant noted the importance of training and capacity building for the TIB sector.

# **NEW MAPOON COMMUNITY MEETING**

17 November 2015

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



**Australian Government**

**Australian Fisheries Management Authority**

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## Attendance

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Name	Declaration of Interest
Dean Pease (AFMA)	None
Mariana Nahas (TSRA)	None
Charles David (TSRA)	None
Marj Sagigi	Northern Peninsula Area Regional Council
Not recorded	Indigenous business training provider / fisher
Not recorded	Indigenous business training provider / fisher

## 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

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## 2 NEW MAPOON Recommendations and Advice

---

### 2.1 Management Plan

Participants were generally supportive of the management arrangements proposed under the draft plan of management.

The participants noted there was some confusion among traditional fishers from the Northern Peninsula Area (NPA) regarding licensing for boats that may operate in the Torres Strait Protected Zone (including the 'outside but near area') and on the Queensland east coast. AFMA noted the issue was raised at the Bamaga Community Meeting on 16 November 2015.

AFMA agreed to send licensing information to NPA regional council offices for boats operating within the Torres Strait Protected Zone. AFMA agreed to liaise with Queensland Department of Agriculture and Fisheries and provide licensing information for boats operating in Queensland east coast TRL fishery.

**SEISIA**

## **COMMUNITY MEETING**

18 November 2015

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



**Australian Government**

**Australian Fisheries Management Authority**

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## Attendance

---

Name	Declaration of Interest
Dean Pease (AFMA)	None
Mariana Nahas (TSRA)	None
Charles David (TSRA)	None

## 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.

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

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## 2 SEISIA Recommendations and Advice

---

### 2.1 Management Plan

Participants were generally supportive of the management arrangements proposed under the draft plan of management.

The Participant noted the potential benefits of a more open trading market, for example TIB trading to new entrants. Open markets may maximise quota value by encouraging market competition and greater transferability is likely to support and strengthen the overall value of all licences in the fishery.

Participants noted there was some confusion among traditional fishers from the Northern Peninsula Area (NPA) regarding licensing for boats that may operate in the Torres Strait Protected Zone (including the 'outside but near area') and on the Queensland east coast.

AFMA noted it is sending licensing information to NPA regional council offices for boats operating within the Torres Strait Protected Zone. AFMA agreed to liaise with Queensland Department of Agriculture and Fisheries and provide licensing information for boats operating in Queensland east coast TRL fishery.



<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>5-6 April 2016</b>
<b>TRL Draft Strategic Assessment Report</b>	<b>Agenda Item No. 3</b> <b>For discussion and advice</b>

## RECOMMENDATIONS

That the Working Group:

1. **DISCUSS** and **PROVIDE ADVICE** on draft Strategic Assessment Report at **Attachment A** prepared for the purposes of assessments required under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) before a plan of management is determined for the fishery.
2. **NOTE** that as part of the EPBC Act assessment process the Minister for Environment will release the Strategic Assessment Report for public comment.

## KEY ISSUES

1. Commonwealth and Torres Strait commercial fisheries are currently assessed under three parts of the EPBC Act, Part 10, Part 13 and Part 13A.
2. A Part 10 assessment under the EPBC Act must be undertaken for the plan of management being developed for the fishery.
3. In line with generic templates and terms of references used for all Commonwealth managed fisheries AFMA has prepared a Draft Strategic Assessment report (Draft Report) for submission to the Department of the Environment and to be made available for public comment for a period of 28 days.
4. The draft Report cannot be formally submitted until the Terms of Reference for the assessment are agreed between AFMA and Minister of Environment but these are extremely unlikely to change (**Attachment B**).
5. Once the public comment period is completed the Minister for the Environment will consider the management plan, the assessment report and any public comments received and decide whether to accredit the management plan. He will gazette:
  - a. a notice of intent to accredit the management plan under Section 33 of the EPBC Act,
  - accreditation of the management plan for the purposes of Part 13 of the EPBC Act
  - an amendment of the List of Exempt Native Specimens under Part 13A of the EPBC Act and, if required
  - a declaration of an Approved Wildlife Trade Operation.
6. He will also write to the Assistant Minister for Agriculture and Water Resources advising of his/her decisions, and any conditions and recommendations on those decisions.

## DISCUSSION

7. Part 10 of the EPBC Act requires that all Commonwealth and Torres Strait commercial fisheries must be strategically assessed before a management plan is determined

(Section 146). A further assessment is required if another management plan is determined or if the Minister for the Environment and the Assistant Minister for Agriculture and Water Resources agree that the impacts of actions are significantly greater than those identified in the most recent assessment report (Section 152).

8. In assessing a management plan under Part 10 of the EPBC Act the Minister for the Environment is assessing the framework for managing the fishery and declaring that actions approved in accordance with the accredited plan do not require approval under Part 9 for impact on the environment (approval of actions relating to matters of national environmental significance).
9. In assessing a management plan under Part 13 of the EPBC Act the Minister for the Environment is determining that all reasonable steps are being taken to avoid killing or injuring protected species and that the fishery to which the plan relates does not, or is not likely to, adversely affect the survival or recovery in nature of any listed threatened species or the conservation status of a listed migratory species, cetacean, or listed marine species or a population of that species.
10. In assessing a management plan under Part 13A of the EPBC Act the Minister for the Environment is determining whether species taken in the fishery should be included on the list of exempt native specimens (LENS) and therefore allowed to be exported. For each specimen on the list there is to be a notation that states whether the inclusion of the specimen in the list is subject to restrictions or conditions and, if so, the nature of those restrictions or conditions.
11. The Torres Strait Tropical Rock Lobster (TRL) Fishery was assessed in May 2014 under Parts 10, 13 and 13A of the EPBC Act. Export approval was granted through amending the LENS and declaring the TRL Fishery a Wildlife Trade Operation (WTO) for a period of three years, valid until 4 May 2017.

## **ATTACHMENTS**

- A. Draft Strategic Assessment Report - Torres Strait Tropical Rock Lobster Fishery
- B. Terms of Reference – Environmental Assessment of the Torres Strait Rock Lobster Fishery

# Strategic Assessment Report

## Torres Strait Tropical Rock Lobster Fishery

**Month** 2016

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



Australian Government

Australian Fisheries Management Authority

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## Contact details

Environment Section	Torres Strait Tropical Rock Lobster Fishery
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## Executive summary

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The Torres Strait Tropical Rock Lobster (TRL) Fishery was strategically assessed in May 2014 under Parts 10, 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Export approval was granted through declaring the TRL Fishery a Wildlife Trade Operation (WTO) for a period of three years, valid until 4 May 2017.

A formal management plan for the TRL Fishery is being developed by the Australian Fisheries Management Authority (AFMA) on behalf of the Protected Zone Joint Authority. This submission has been produced to allow the Department of the Environment to assess the management arrangements under the EPBC Act prior to the expiry of the current WTO.

The TRL Fishery Management Plan will introduce a quota management system. The system is comprised of a total allowable catch (TAC) for TRL, quota (in the form of transferrable quota units) and mechanisms for trading (selling and leasing) quota, representing a major change to the management of the fishery.

This report describes: the current status and nature of the Torres Strait Tropical Rock Lobster fishery; the proposed management arrangements of the fishery under the management plan, the research and monitoring regime of the fishery and trends of catch and effort, including spatial and temporal information.

This document has been developed in accordance with AFMA's obligations under the EPBC Act to produce a submission for full strategic assessment before determining a plan of management.

# Torres Strait Tropical Rock Lobster Fishery Strategic Assessment Report – Month 2016

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## Introduction

This draft assessment report for the Torres Strait Tropical Rock Lobster (TRL) Fishery has been prepared in accordance with the *Terms of Reference – Environmental Assessment of the Torres Strait Tropical Rock Lobster Fishery (Attachment A)*. The report provides the basis for the strategic assessment of the Torres Strait Tropical Rock Lobster Fishery consistent with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

## Consultation

The Protected Zone Joint Authority (PZJA) is responsible for making management decisions for PZJA fisheries, including the TRL Fishery. The PZJA membership is comprised of the Commonwealth Assistant Minister for Agriculture, the Queensland Government Minister for Agriculture and Fisheries and the Chair of the Torres Strait Regional Authority. Further information regarding the PZJA is provided in **Section 2.2**.

The PZJA is advised by several forums on issues associated with the Tropical Rock Lobster Fishery. The Torres Strait Tropical Rock Lobster Fishery Working Group (TRLWG) was consulted for the development of the strategic assessment. The TRLWG provided a recommendation to the PZJA on 5 April 2016 for the PZJA to formally commence the assessment process for the *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016* (TRL Fishery Management Plan).

**Comment [DP1]:** To be confirmed after face-to-face meeting 6 April 2016

## 1. Description of the fishery

At a glance	
Principle species	Tropical rock lobster ( <i>Panulirus ornatus</i> )
Fishery sectors	Transferrable Vessel Holder (TVH) Traditional Inhabitant Boat (TIB) Papua New Guinea (PNG) cross-endorsed
No. concessions 2015	TVH: 12 licences, 33 tenders, limited entry TIB: 291 (on 7 April 2015) PNG: 0 (cross-endorsed) (ABARES Fishery Status Reports 2015)
Fishing methods	Hookah – diving assisted by surface supply breathing apparatus Free diving – diving with breath hold only Lamp fishing – fishing at night with a light and collecting lobster by a handheld spear or net from a boat
Estimated catch and value or 2013/14	Australia TRL catch 401 t (~\$A20.9) PNG TRL catch 255 t (value uncertain) (ABARES Fishery Status Reports 2015)
Primary markets	Live lobsters and frozen tails – domestic Frozen tails – United States Live lobsters – Hong Kong and China (ABARES Fishery Status Reports 2015)
Stock status	2013/14 not overfished 2013/14 not subject to overfishing (ABARES Fishery Status Reports 2015)
Management plan	None In preparation to move from the current effort based management system to one based on quota a TRL Fishery Management Plan is being developed.
Management method	Under the current management system input controls are the primary management tool with restrictions on fishing gear and seasonal closures. These controls are complemented with a minimum size limit (115 mm tail length or 90 mm carapace length) and traditional landing and recreational bag limits.
Consultative mechanism	The PZJA is responsible for making management decisions for the TRL Fishery. The PZJA has established two consultative forums for the TRL Fishery: the Tropical Rock Lobster Resource Assessment Group (TRLRAG) and the Tropical Rock Lobster Working Group (TRLWG) who provide recommendations to the PZJA.



## 1.1 Target/permitted/prohibited species

The Torres Strait Tropical Rock Lobster Fishery is based on a single species, the tropical rock lobster (*Panulirus ornatus*). Other species of rock lobster (*P. versicolour*, *P. penicillatus* and *P. femoristriga* and *P. polyphagus*) have been recorded in the Torres Strait; however catches of these species are negligible.

Bycatch or by-product species are not taken due to the selective nature of the fishery. Other species may be targeted opportunistically by TRL fishers who hold other fishery endorsements.

## 1.2 Fishing method employed

The TRL Fishery is primarily a dive-based, hand-collection fishery using hookah or by free-diving, a small quantity of lobster is also taken by lamp fishing. The hookah dive method typically has one diver working from each fishing vessel (called tenders); tenders are generally four to six metres in length. Hookah divers work to about 20 metres in depth during daylight hours. Lamp fishing involves collecting lobsters at night by drifting over shallow reefs using handheld spears or scoops.

The TVH sector generally uses primary boats in conjunction with smaller fishing tenders and fish for lobster using hookah. The TVH sector normally undertakes trips to fishing grounds that last from a few days to several weeks.

The TIB sector typically uses smaller fishing tenders only with trips lasting for one or two days. However, recently an increasing number of TIB sector operators have started using larger primary boats in conjunction with fishing tenders and hookah dive equipment. Some TIB operators lamp fish the shallow reefs at night.

## 1.3 Fishery area

See the map detailing the area of the fishery (**Attachment B**), available from: [http://pzja.gov.au/wp-content/uploads/2011/05/lobster\\_map.gif](http://pzja.gov.au/wp-content/uploads/2011/05/lobster_map.gif).

Majority of the tropical rock lobster is taken from the western and central zones of the fishery (**Section 3.9**).

## 1.4 Allocation between sectors

Catch sharing arrangements between Australia and PNG are defined under the under the *Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as the Torres Strait, and Related Matters* (the Torres Strait Treaty), for further information on the Torres Strait Treaty see **Section 2.1**.

Under the treaty PNG cross-endorsed vessels are entitled to take 25 per cent of the TAC within the Australian area of jurisdiction and Australia is entitled to take 75 per cent of the TAC. Under the proposed Plan the Australian share of the TAC will be allocated between the TIB and TVH sectors.

## 1.5 Status of export approval /accreditation under *Environment Protection and Biodiversity Conservation Act 1999*

The TRL Fishery was granted export approval/accreditation under the EPBC Act on 7 May 2014 for a period of three years and is valid until 4 May 2017. The declaration of the harvest operations of the Torres Strait Tropical Rock Lobster Fishery as an approved wildlife trade operation (WTO) stipulates three additional provisions (**Attachment C**).

## 2. Management arrangements

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### 2.1 Governing legislation

The Torres Strait Treaty establishes the Torres Strait Protected Zone (TSPZ) and aims to protect the traditional way of life and livelihood of the traditional inhabitants of the Torres Strait and adjacent coastal areas of the two countries. Australia and Papua New Guinea are obligated to cooperate in the conservation, management and utilisation of the Protected Zone fisheries and both countries have sovereign rights within the Protected Zone.

Management of Protected Zone fisheries in the Australian area of jurisdiction is subject to the *Torres Strait Fisheries Act 1984*. The purpose of the Act is to give effect, in Australian law, to the fisheries elements of the Torres Strait Treaty.

The Act also establishes the PZJA (**Section 2.2**) and a PZJA policy decision outlines which agencies are able to administer the day to day functions of the PZJA (**Section 2.3**).

In addition to the above Act, Protected Zone fisheries are subject to assessment under three parts of the EPBC Act for fisheries where:

- a formal management plan or regime is to be determined (part 10)
- there are interactions with listed threatened species and ecological communities (part 13)
- fisheries product is to be exported (part 13A).

### 2.2 Protected Zone Joint Authority (PZJA)

The PZJA members comprise the Commonwealth and Queensland ministers responsible for fisheries, and the Chair of the Torres Strait Regional Authority. The Australian Government Minister is the Chair of the PZJA.

To assist in the management of the PZJA fisheries, the PZJA has established advisory bodies comprising a wide range of stakeholders and fishery experts, including:

- industry (TIB and TVH sectors);
- Australian and Queensland government officials; and
- other technical experts.

The PZJA is advised by several forums on issues associated with the TRL Fishery; these are the PZJA Standing Committee (**Section 2.3**), the Torres Strait Scientific Advisory Committee (TSSAC), Tropical Rock Lobster Fishery Working Group (TRLWG), and the Tropical Rock Lobster Fishery Resource Assessment Group (TRLRAG).

### **The PZJA Standing Committee**

The PZJA Standing Committee consists of senior representatives from the PZJA member agencies. Its function is to provide strategic and operational recommendations to the PZJA on the management of the fisheries in accordance with the PZJA's statutory obligations and to oversee the implementation of the PZJA's agreed policy commitments.

### **The Torres Strait Scientific Advisory Committee**

The TSSACs main role is to advise on the strategic direction, priorities and funding for research undertaken by AFMA across all PZJA fisheries in the Protected Zone. This advice gives consideration to meeting research gaps in line with the objectives of the *Torres Strait Fisheries Act 1984*.

### **Tropical Rock Lobster Working Group**

The TRLWG provides recommendations to PZJA forums on fishery specific issues, including input to research gaps, operational issues and compliance issues. The TRLWG is comprised of members and observers from industry, AFMA, QDAF, TSRA, fishery scientists. Observers to the TRLWG are Malu Lamar registered native title body corporate (RNTBC), PNG National Fisheries Authority (NFA) and industry members (TIB, TVH and PNG). The TRLWG enables greater participation from industry members (indigenous and non-indigenous) in the consultative process.

### **The Tropical Rock Lobster Resource Assessment Group**

The TRLRAG provides advice on stock assessment related matters that address biological, economic and social/cultural factors affecting the fishery. These matters include; the status of fish stocks, sub-stocks, species (target and non-target species) and the impact of fishing on the marine environment. Members of the TRLRAG include research members, industry members, AFMA, QDAF and TSRA. Observers to the TRLRAG are Malu Lamar RNTBC, industry members, PNG NFA and industry members (TIB, TVH and PNG).

## **2.3 Agencies roles and responsibilities**

The PZJA Standing Committee is comprised of the Australian Fisheries Management Authority (AFMA), Queensland Department of Agriculture and Fisheries (QDAF), Torres Strait Regional Authority (TSRA) and the Australian Government Department of Agriculture and Water Resources.

### **Australian Fisheries Management Authority**

AFMA undertakes fisheries management and licencing functions in consultation with the other agencies and maintains an office on Thursday Island. AFMA is responsible for developing fisheries management arrangements such as management plans and provides support and secretariat services for the PZJA, TSSAC, the TRLRAG and the TRLWG. AFMA is also responsible for foreign compliance in Commonwealth waters.

### **Queensland Department of Agriculture and Fisheries**

Fisheries Queensland is the delegate for Torres Strait domestic compliance. They also provide fisheries management and licencing advice on day-to-day operational issues at an officer level and through the Standing Committee.

### **The Torres Strait Regional Authority**

The TSRA provide input to fisheries management decisions and represent the interests of Traditional Inhabitants in fisheries management.

The TSRA have also taken the lead on the development of community management plans for turtle and dugong. Additionally, turtle and dugong are detailed as a fishery under the *Torres Strait Fisheries Act 1984* meaning that current legislation regarding sustainability is administered by AFMA.

### **The Commonwealth Department of Agriculture and Water Resources**

The Commonwealth Department of Agriculture continues to work closely with AFMA in assisting with legislative reform and policy advice.

## **2.4 Proposed management arrangements for the fishery**

Under the proposed TRL Fishery Management Plan the fishery will be managed by output controls through the allocation of TRL quota units to the TIB and TVH sectors. Output controls regulate the fishing activity by restricting the amount of fish that can be landed.

The Plan pursuant to section 15A of the *Torres Strait Fisheries Act 1984* will:

- determine a total allowable catch (TAC) (a measure of fishing capacity (s15A(4)) each fishing season for tropical rock lobster (*Panulirus spp.*);
- allocate units (division and allocation of fishing capacity (s15A(6)) to eligible persons and/or entities. Each unit (known as quota units) will entitle the holder to an equal share of the TAC; and
- allow for the trading (selling and leasing) of quota units (s15A(6)).

The total allowable catch (TAC) will be determined by the PZJA in line with requirements of the TRL Harvest Strategy and following advice from the TRLRAG and TRLWG. Some input controls such as size limits and gear restrictions will remain in the form of management notices and licence conditions (**Table 1**).

**Table 1.** Torres Strait Tropical Rock Lobster Fishery management measures.

Management measures	Traditional Inhabitant Sector (TIB)	Non-traditional inhabitant Sector (TVH)	What instrument is used to impose the measure	Will the arrangement continue immediately after the Management Plan (MP) <sup>1</sup>	Will the arrangement be in the MP <sup>2</sup>
Requirement to hold a licence	Yes	Yes	<i>Torres Strait Fisheries Act 1984 and Community Fishing Notice 1.</i>	Yes	MP
Tender/dinghy number restrictions	No <sup>3</sup>	Yes (maximum 7)	TVH sector: result of limited entry policy.	Yes	No, other instrument.
Catch reporting	No	Yes	Licence conditions	Yes	No, other instrument.
Moon-tide hookah closures	Yes	Yes	Licence conditions	Yes	No, other instrument.
Fishery closure (1 Oct – 30 Nov)	Yes	Yes	<i>Torres Strait Fisheries Management Instrument No.9</i>	Yes, to be reviewed.	No, other instrument.
Hookah closure (1 Dec – 31 Jan)	Yes	Yes	<i>Torres Strait Fisheries Management Instrument No.9</i>	Yes, to be reviewed.	No, other instrument.
Size restrictions, minimum tail size of 115 mm or minimum carapace length of 90 mm.	Yes	Yes	<i>Torres Strait Fisheries Management Instrument No.9</i>	Yes	No, other instrument.
Prohibition on using SCUBA or any kind of equipment used for breathing underwater other than hookah gear.	Yes	Yes	<i>Torres Strait Fisheries Management Instrument No.9</i>	Yes	No, other instrument.

<sup>1</sup> All management arrangements are subject to periodic review

<sup>2</sup> Details will be set out in other instruments or licence conditions.

<sup>3</sup> Policy removed in 2014. Tender numbers are now constrained by vessel survey standards

Management measures	Traditional Inhabitant Sector (TIB)	Non-Indigenous Sector (TVH)	What instrument is used to impose the measure	Will the arrangement continue immediately after the Management Plan (MP)	Will the arrangement be in the MP or operational detail be in the actual MP
Collection by hand, spear and scoop net only.	Yes	Yes	<i>Torres Strait Fisheries Management Instrument No.9</i>	Yes	No, other instrument.
Prohibition on carrying meat removed from lobster.	Yes	Yes	<i>Torres Strait Fisheries Management Instrument No.9</i>	Yes	No, other instrument.
Prohibition on carrying diving equipment at night.	Yes	Yes	<i>Torres Strait Fisheries Management Instrument No.9</i>	Yes	No, other instrument.
A Master Fisherman's licence must be held by person in charge of the boat.	Yes	Yes	Policy	Yes	MP
A processor/carrier licence is required to carry or process TRL at sea.	Yes	Yes	<i>Torres Strait Fisheries Management Instrument No.9</i>	Yes	MP
A bag limit of three lobsters per person or six lobsters per boat applies to traditional fishing (Islander or visiting PNG Traditional Inhabitants) and recreational fishing.	Yes	Yes	<i>Torres Strait Fisheries Management Instrument No.9</i>	Yes	No, other instrument
Boat length restrictions and boat replacement policy <sup>4</sup>	Yes (maximum 20m)	Yes (maximum 18m)	Licence conditions and <i>Fisheries Management Notice No.47</i> (maximum 20m)	Yes	No, other instrument

- <sup>4</sup>
- boats up to six metres may be replaced by another boat up to six metres;
  - boats greater than six metres and less than or equal to ten metres may be replaced by a boat up to and including 10 metres;
  - boats greater than ten metres and less than or equal to 14 metres may be replaced by a boat up to and including 14 metres; and
  - boats greater than 14 metres may be replaced by another boat of equal length. The maximum size for fishing boats is 20 metres.

## **2.5 Statement of the performance of the fishery against objectives, performance indicators and performance measures**

A statement of the performance of the TRL Fishery against its objectives, performance indicators and performance measures is made annually in PZJA's annual report. A copy of the current statement can be found on the PZJA website.

## **2.6 Compliance risks present in the fishery and actions taken to reduce these risks**

Queensland Boating and Fisheries Patrol (QBFP) carries out the domestic compliance programs for the Torres Strait under an agreement between the Commonwealth of Australia and the State of Queensland relating to the cost of management of fisheries in the Australian area of jurisdiction.

AFMA is responsible for the foreign compliance program for the Torres Strait and it liaises closely with PNG National Fisheries Authority (NFA) and Australian Border Force - Maritime Border Command.

### **QBFP compliance regime**

During 2014/15 Queensland Boating and Fisheries Patrol (QBFP) had four matters involving the Torres Strait Tropical Rock Lobster Fishery referred to the Commonwealth Director of Public Prosecutions. Decisions on these matters are still pending; they involve offences including: unlicensed fishing, breaches of licence conditions and commercial sale of no take species.

### **AFMA compliance regime**

AFMA and (QBFP) undertake an annual compliance risk assessment process for the Torres Strait. The 2015 compliance risk assessment process identified six moderate to high level risks within the area of the Torres Strait. Three identified risks are of direct relevance to the Torres Strait Tropical Rock Lobster Fishery.

The breaching of trip, gear, size and jurisdictional limits:

- breach of gear restrictions, in particular the use of surface supply breathing apparatus (hookah) and seasonal closures.
- breach of possession limits, size limits and fishing during seasonal closures.

The occurrence unauthorized fishing:

- unlicensed domestic (non-traditional and traditional) operators and unlicensed PNG nationals.

The occurrence of logbook misreporting:

- failure to accurately complete logbooks (TVH sector only).
- failure to submit logbooks within the required timeframe (TVH sector only).

At the 2014 and 2015 bilateral meetings between AFMA and PNG, officials discussed the options currently in place for enhancing the foreign compliance regime in the Torres Strait, including:

#### **PNG Treaty Awareness Program and Treaty Village Identification Scheme**

Australian and PNG government agencies conduct visits to the 13 PNG Torres Strait Treaty Villages, situated along the Southern Coastline of Western Province, PNG, as a part of the Department of Foreign Affairs (DFAT) led Treaty Awareness Program.

The Treaty Awareness Program is designed to educate and advise members of the Treaty villages on their rights and responsibilities under the Torres Strait Treaty between Australia and Papua New Guinea. The visits involve agencies responsible for fisheries, immigration, biosecurity, maritime safety and health. AFMA officers discuss traditional fishing rights under the Torres Strait Treaty, Australian fisheries law and the ramifications of not adhering to fisheries legislation. AFMA has also implemented the Traditional Vessel Identification Scheme as part of these treaty awareness visits. Identified treaty village vessels are marked with unique identification labels which assist the Australian Border Force and AFMA in monitoring the movements of fishing vessels under the Treaty arrangements. Approximately 90 per cent of all vessels (152 boats) in the area have treaty village identification labels. Only one labelled treaty village boat has been apprehended for illegal fishing since implementation of this scheme in 2012.

#### **Joint Patrols and activities**

During the 2014/2015 year AFMA and PNG National Fisheries Authority (PNG NFA) coordinated respective patrol boat movements on both sides of the TSPZ during two operations. Suspected illegal fishing activity decreased noticeably during these periods. One PNG NFA officer also joined AFMA and Royal Australian Navy (RAN) officers for a targeted operation against illegal TRL fishing on Warrior Reef.

PNG NFA and police officers based in Daru have conducted a series of at sea transfers of apprehended PNG nationals from Australian patrol boats this year. These transfers provide for repatriation and subsequent processing and prosecution of the offenders under PNG legislation and in keeping with the spirit of the Torres Strait Treaty.

#### **Monitoring, Control and Surveillance**

The foreign compliance regime in the Torres Strait is conducted by Australian Border Force – Maritime Border Command working closely with the AFMA Foreign Compliance Operations sector and fishery stakeholders to detect, intercept and disrupt illegal maritime activity.

From October 2013 – January 2016 a total of 27 foreign fishing vessels with PNG origin have been apprehended or otherwise subject to enforcement action within the TSPZ. Of these apprehended vessels 15 resulted in forfeiture of vessels and related fishing gear, including a total number of 247kgs of whole TRL and 50kgs of tailed TRL.

Maritime Border Command has a dedicated Operations Centre which coordinates the civil maritime surveillance program, identifying incursions into Australia's Exclusive Economic Zone (EEZ) and the TSPZ. The intelligence-led, risk-based intervention approach is drawn upon to plan, prioritise and coordinate operations to counter maritime security threats.



AFMA carries out a role as an ongoing patrol presence in response to compliance risks associated with the region. Periods of identified heightened risk through ongoing methods of surveillance may lead to the request of additional assets and patrols for certain areas.

Border Force assets include Bay Class and Cape Class patrol vessels, contracted fixed wing and rotary aircraft including; Dash-8 and Rheims surveillance aircraft, AS350 Squirrel and Bell 412 rotary aircraft. Defence-assigned assets include Royal Australian Air Force AP-3 Orion maritime patrol aircraft and Royal Australian Navy patrol boats. Maritime Border Command also utilises commercial satellite imagery to conduct surveillance of remote areas of our ocean.

The goal is to maintain a secure and safe maritime operating environment for industry participants to be able to conduct their business. The AFMA Foreign Compliance Operations Section in the Torres Strait engages with industry to improve on water awareness, prevention, preparedness and response to potential incidents.

## **2.7 Description of cross-jurisdictional management arrangements**

Australia and PNG entered into the Torres Strait Treaty on 15 February 1985. The Treaty requires Australia and PNG to cooperate in the conservation, management and optimum utilisation of all Article 23 commercial fisheries in the TSPZ. It also allows for catch sharing arrangements between the two countries which are negotiated annually at the fisheries bilateral meeting (**Section 1.4**).

## **2.8 Demonstration of compliance with Threat Abatement Plans, recovery plans etc**

As the fishery is a highly selective single species fishery (**Section 1.1**) and no bycatch is taken, there are no threat abatement plans, recovery plans or bycatch reduction strategies applicable to the fishery.

# **3. Research and monitoring**

## **3.1 Research priorities and funding**

Research proposals are considered by a number of consultative forums; these forums evaluate the research proposals and advise AFMA on research priorities and funding. The consultative process for research proposals is described below:

AFMA sends a call for pre-proposals for fisheries research in the Torres Strait region. The call for research details priority projects (identified by the TSSAC). Applicants may also submit pre-proposals for projects not identified as priority work.

All pre-proposals are considered by the TRLRAG and TRLWG, these forums will advise on the preferred research projects based the fishery priorities. The TRLRAG and TRLWG meeting records, including any recommendations, will be provided to the TSSAC for consideration.

The TSSAC will evaluate pre-proposals based on the specific criteria detailed in the annual operational plan. A strong emphasis is placed on the ability of research proposals and principal investigators to engage Torres Strait Islanders in the research process in

meaningful and culturally appropriate ways. The TSSAC will also consider recommendations from the TRLRAG and TRLWG.

Researchers are notified of the TSSACs evaluation of proposals. Individual applicants are then invited to prepare a full (detailed) proposal based on evaluation of the pre-proposals. Full proposals are considered and if accepted endorsed by the TRLRAG, TRLWG and TSSAC.

### 3.2 Fishery independent surveys

Annual fishery-independent monitoring of the Torres Strait TRL population has been carried out since 1989. Dive surveys are conducted mid-year (June) and additionally pre-season (November) for the years 2005-2008 and 2015, provide information on the relative abundance of recruiting and fished lobsters. Information on the monitoring program and the TRL Fishery stock assessment is provided annually in the Torres Strait rock lobster (TRL) fishery surveys and stock assessment report' produced by CSIRO. The most recent milestone report was completed in June 2015 and it is provided at **Attachment D**.

There have been several changes to the sampling method since 1989, however abundance data has been standardised for the duration of the monitoring program. A total of 140 (full-scale) or 74 (reduced-scale) sites are allocated to the established sampling strata. Measured belt transects (500 m by 4 m) comprise the primary sampling unit. At the completion of each transect a diver records; the number of lobsters caught (and measured), the number and age-class of those observed but not caught, depth, visibility, distance swum, numbers of pearl shell (*Pinctada maxima*) and holothurian species observed, percent covers of standard substratum and biota (including seagrass and algae species) categories.

Pre-season population surveys inform the abundance recruiting lobster; these surveys were identified by the TRLRAG as critical to support the move of the TRL Fishery to quota management, first proposed by the PZJA in 2005. As a result pre-season surveys were conducted in 2005-2008 and 2015, in addition to mid-year surveys, to provide managers with information on the abundance and biomass of fishery recruits and the likely stock biomass available to be fished each year. This information underpins the outputs of the stock assessment model which has been developed to assess the fishery status and to forecast the recommended biological catch of TRL for each fishing season

The stock assessment model is also informed by historic catch per unit effort (CPUE) information for the TIB sector (years 2004-2015) and for the TVH sector (years 1994-2015). The CPUE information provides data on the abundance of fished lobsters and informs model predictions of the spawning biomass; this is a fundamental parameter to forecast the recommended biological catch.

### 3.3 Catch and effort reporting

Mandatory catch and effort reporting requirements are in place for the TVH sector. Catch and effort data for the TVH sector is recorded in the Tropical Rock Lobster Logbook (TRL04), an example of the TRL04 logbook page is provided at **Attachment E**. For each vessel day there can be multiple shots (up to four) with each shot consisting of up to eight tenders. Each tender has a catch record by dive method (hookah, freedive or unknown) and by processed form (whole, tailed or unknown). Currently reporting of catch and effort data is not compulsory for the TIB sector due to legislative limitations.

In January 2004, AFMA introduced the Torres Strait Seafood Buyers and Processors docket-book (TDB01) to commercial and community freezer operators to collect data on Torres Strait Islander catch. Unlike the TRL04 logbook, which requires catch and effort data to be recorded for individual fishing operations related to each vessel tender, the docket-book requires only aggregate catch and effort data to be recorded at the end of each trip. The use of the TDB01 docket-book is currently voluntary, and has been considered successful in monitoring the harvest of TRL by TIB fishers to date. An example of the TDB01 docket book page is available at **Attachment F**. Currently there is no observer program for the Torres Strait Tropical Rock Lobster Fishery.

### 3.4 Total catch of target species

The total reported global catches (Australia and PNG) of TRL and the global total allowable catch for the years 2012 to 2015 is provided in **Table 2**.

**Table 2.** Global reported catch and total allowable catch of TRL (tonnes in live weight) from 2012-2015.

Year	Australia Catch (tonnes)	PNG Catch (tonnes)	Total Allowable Catch (tonnes)
2012	521	174	964
2013	489	108	871
2014	405	261	616
2015	303	192	894

### 3.5 Total catch of target species taken by other fisheries

The Torres Strait Prawn Fishery (TSPF) has historically interacted with TRL. Licensing conditions limit TSPF operators to retain 20 kg of TRL per trip if caught in trawl nets and all TRL catches must be reported. PNG have reported catches of TRL in demersal trawl fisheries targeting prawns. The quantity of TRL taken in these fisheries is unknown.

An AFMA independent fishery observer was on-board two TSPF vessel trips during 2015, observing a total of 54 fishing days and a total of 203 shots. The number of tropical rock lobster observed during this period is provided in **Table 3**.

**Table 3.** Number of TRL caught and discarded on TSPF AFMA observed fishing trips.

Species	Common name	Number caught	Discarded alive	Discarded dead	Per cent discarded alive
<i>Panulirus ornatus</i>	Tropical Rock Lobster	628	613	15	2.5

### 3.6 Bycatch and byproduct species

The fishery is a highly selective single species fishery as a result of the hand collection fishing method (**Section 1.2**). There is no bycatch or byproduct species reported in the fishery. However, operators with other fishery endorsements may harvest those species opportunistically while targeting TRL.

### 3.7 Harvest by each sector

The total catch of tropical rock lobster (tonnes in live weight) for the Australian sectors (TIB and TVH) and PNG for the years 2004-2015 is provided at **Table 4**.

**Table 4.** Australia (TIB and TVH) and PNG annual catch (tonnes live weight) of tropical rock lobster and Total Allowable Catch for the years 2004 to 2015.

Year	TIB	TVH	PNG	Total Catch	Total Allowable Catch	Catch as % of TAC
2004	211	481	192	874	*	*
2005	345	545	228	1118	*	*
2006	143	135	142	420	471	89
2007	267	269	228	764	842	91
2008	207	100	221	528	751	70
2009	135	91	161	387	450	86
2010	182	279	293	754	853	88
2011	201	503	165	869	803	108
2012	151	370	174	695	964	72
2013	127	362	108	597	871	69
2014	132	173	261	666	616	108
2015	151	152	192	495	894	55

\*Information not available

### 3.8 Effort data including information on trends

Between 2004 and 2015 there are a total of 33,235 TRL04 records for the TVH sector. The distribution of these 33,235 records by year and month are given in **Table 5**. It is apparent that there has been little if any effort during October and November before 2006 and since 2006 there has been zero effort in the months October-to-January.

Effort is recorded as 'Hours-Fished' which records the duration of the fishing trip for each tender-set. The number of hours fished recorded for 31,171 (93.8 per cent) of the 33,235 records. A total of 30,831 records (92.8 per cent of all tender-sets) recorded effort between 0.5 and 12 hours. There were 20 records where the recorded hours fished was greater than 12 hours, two records where effort was less than 0.5 hours and 315 records where effort was recorded as 24 hours (1.2 per cent of records). Effort in the TVH sector declined between 2006 and 2009 as a result of the removal of licences in the fishery through the voluntary buyback process. Effort increased in 2010, and has been relatively constant from 2010 to 2015.

**Table 5.** Number of TVH catch records by year and month.

Year	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2004	24	607	712	571	662	761	729	633	395			106
2005	13	662	615	543	519	538	552	533	323			4
2006		409	436	361	286	206	349	289	92			
2007		288	427	446	542	489	402	184	91			
2008		133	222	113	161	96	159	175	152			
2009		148	227	174	201	200	125	163	70			
2010		255	333	302	324	292	309	294	253		6	
2011		286	384	371	322	380	356	310	261			
2012		166	344	371	311	366	318	264	201			
2013		461	383	414	424	324	374	385	243			
2014		357	395	297	433	408	445	274	291		1	
2015		419	408	441	355	313	250	346	127			
TOTAL	37	4191	4886	4404	4540	4343	4368	3850	2499	0	7	110

Between 2004 and 2015 there are a total of 66,644 TDB01 docket-book records for the TIB sector. The total number of days fished by year for these records is given at **Table 6**. The number of TIB sector docket-book records decreased after 2012 due to aggregate catch records submitted by two lobster buyers/processors.

**Table 6.** Number of TIB fishing days by year.

Year	04	05	06	07	08	09	10	11	12	13	14	15
Total Days	5186	7596	4619	6492	5340	4546	2698	3364	2209	481	1743	1935

The nominal catch per unit effort (CPUE) for the TVH and TIB sectors is provided in **Table 7**. The nominal CPUE for TIB and TVH sectors is variable; this is consistent with the high natural variability of the Torres Strait tropical rock lobster and may also be attributed to changes to management arrangements and changes to the fishing fleet through time.

**Table 7.** Nominal catch per unit effort for TIB and TVH sectors for the years 2004-2015.

Year	CPUE (Kg per day) TIB sector	CPUE (Kg per tender-set) TVH sector
2004	34.4	92.5
2005	42.4	126.7
2006	27.6	55.8
2007	32.6	93.6
2008	27.2	82.9
2009	17.6	69.6
2010	25.4	119.3
2011	33.2	188.6
2012	35.5	160.3
2013	40.9	120.2
2014	15.3	94.0
2015	14.1	57.0

\*Data not available

### 3.9 Spatial and temporal issues/trends

The spatial distribution of TRL is reported by the TIB sector using the 21 zones identified in the TDB01 docket-book. Since 2004, the western zones of the TSPZ (Thursday Island Bridge, Mabuiag and Badu strata) have accounted for approximately 65 per cent of the TIB sectors catch. The eastern zones (Warrior and Warraber strata) have accounted for approximately nine and eight per cent of the TIB sectors catch respectively.

The spatial distribution of TRL is reported by the TVH sector using modified docket book zones. Since 1994, the central zones (Kircaldie and Warraber strata) have accounted for approximately 65 per cent of the TVH sectors catch. The northern zones (Buru and Numar strata) have accounted for approximately 20 per cent of the TVH sectors catch.

Stock assessment surveys conducted by CSIRO reported that there were no significant trends or correlation between spatial information and lobster density. Lobster density was reported to be 'loosely' correlated with seagrass habitat. However, seagrass coverage is highest in the Thursday Island Bridge and Mabuiag strata and the correlations between seagrass coverage and lobster density were poor.

Tagging studies of Torres Strait tropical rock lobster has shown that during the months of August to October each year most lobsters that are at least two years old emigrate from the western and central Torres Strait and move north-east into the Gulf of Papua, undergoing reproductive development at the same time. Lobsters arriving in Papuan waters are in very poor condition and almost all lobsters die after breeding. Annual variability observed in tropical rock lobster distribution is influenced by environmental conditions such as strong trade winds, food availability and high turbidity. These factors may also result in spatial and temporal changes to fishing operations.

### 3.10 Benthic communities

The benthic habitat of the Torres Strait was surveyed in May-June 1989, using almost 600 transects randomly dispersed over an area of approximately 25 000 km<sup>2</sup> (Pitcher et al. 1992). The distribution and relative abundance of seagrasses tended to increase from almost zero abundance in the southern and eastern areas of the survey to moderately dense in north-western Torres Strait. The substratum type also varied greatly, with the greatest diversity and abundance of biota associated with the harder substrata. The ongoing TRL monitoring program (**Section 3.1**) has shown that seagrass coverage may change overtime, while substrate (sand, rubble, hard cover) has been consistent through the monitoring period (CSIRO unpublished data).

## **1. Description of the fishery**

The assessment must include a comprehensive description of the fishery and its characteristics including (but not limited to) the agency responsible for management of the fishery, species caught, fishing methods, the area fished (including a map), the number of operators and historic and current fishing effort.

## **2. The environment likely to be affected by the fishery**

The assessment must provide a detailed description of the environment likely to be affected by the fishery. This description must identify significant environmental characteristics of the area likely to be affected by the fishery: for example; marine protected areas, components of biodiversity, threatened and other protected species, a description of seagrass and benthic communities, important features such as coral reefs, seamounts and estuaries, and other aspects of the biophysical environment potentially affected by the operation of the fishery.

## **3. Proposed Management Arrangements for the fishery**

The assessment must include a description of legislation, and policies, that are relevant to the management of the fishery and its environmental impacts and the agencies that are responsible for administration of relevant legislation and the policies. International agreements that affect the management of the fishery should also be identified.

The assessment must set out the specific management arrangements that will be applied to the fishery. Accordingly, the assessment must identify (amongst other things) any management plan for the fishery, any bycatch action plan, relevant regulations and any strategic research plan for the fishery.

The assessment must specifically identify elements of the management regime for the fishery that are intended to ensure that the fishery operates in an ecologically sustainable manner. (See item 5 below.)

## **4. Environmental Assessment of the Fishery**

The assessment must include a comprehensive analysis of the potential impacts of the fishery on the environment. The assessment must specifically address all aspects of

the *Guidelines for the Ecologically Sustainable Management of Fisheries* (available separately).

In particular, the assessment must demonstrate that the fishery is ecologically sustainable in terms of its impact on:

- a) target species;
- b) non-target species and bycatch; and
- c) the ecosystem generally (including habitat).

In particular, the assessment must include:

- a) a description of the potential impacts of the fishery on the environment (including, to the extent possible, information on the degree of confidence with which the impacts can be predicted and quantified);
- b) an analysis of the nature and extent of the likely environmental impacts including whether the impacts will be short term or long term impacts;
- c) an assessment of whether any environmental impacts are likely to be unknown, unpredictable or irreversible;
- d) an analysis of the significance of the potential impacts; and
- e) reference to the technical data and other information relied upon in assessing the environmental impacts of the fishery.

The assessment shall include consideration of impacts associated with the conduct of the fishery, such as the discharge of waste and other pollution risks (including lost gear).

## **5. Management measures and safeguards to ensure ecological sustainability**

This section of the assessment must provide a detailed analysis of the specific elements of the proposed management regime for the fishery that are designed to ensure the fishery is ecologically sustainable. In particular, this section of the assessment must demonstrate that the management arrangements for the fishery are consistent with the requirements of the *Guidelines*.

The assessment must identify and describe the specific measures intended to prevent, minimise or compensate for the potential environmental impacts of the fishery, and any measures to rehabilitate damage to the environment.

The assessment should include an analysis of the expected or predicted effectiveness of these measures. (The assessment should distinguish between those measures designed to protect target species, and those measures



designed to protect the ecosystem generally including non-target species and habitat).

A consolidated list of relevant measures should be included.

The assessment should identify the basis (eg, statutory or policy) for implementation of each measure and the agency or authority responsible for ensuring implementation. The assessment must also identify how the relevant agency or authority will ensure compliance with these measures, and what steps will be taken in the event of non-compliance.

The assessment should identify the mechanisms for reviewing the environmental impact of the fishery during the life of the proposed management arrangements, and for adjusting the life of the proposed management arrangements, and for adjusting elements of the management arrangements as necessary in response to the outcome of these reviews.

The assessment must also identify any program that is proposed to be put in place to monitor the impacts of the fishery on the environment in the short and long term.

Any proposed independent environmental auditing mechanism should be identified.

The assessment should, to the extent reasonably practicable, describe any feasible alternatives to the proposed management arrangements (or elements of those arrangements). The alternatives should be discussed in sufficient detail to make clear the reasons for preferring certain options and rejecting others. Discussion should cover matters such as alternative fishing methods and technologies, increasing or reducing permitted levels of effort, alternative mechanisms for controlling effort, and other alternative measures for preventing or minimising environmental impact.

## **6. Information Sources**

For information in the assessment, the assessment must state:

- a) the source of the information;
- b) how recent the information is;
- c) how the reliability of the information was tested; and
- d) what uncertainties (if any) are in the information.

[Generic Terms of Reference, approved by the Minister for  
Environment  
November 2000]

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<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>5-6 April 2016</b>
<b>Proposed future management arrangements</b> <b>Vessel Monitoring System</b>	<b>Agenda Item No. 4.1</b> <b>For discussion and advice</b>

## RECOMMENDATIONS

That the Working Group:

1. **DISCUSS** and **PROVIDE ADVICE** on implementing mandatory Vessel Monitoring System (VMS) for all commercially licenced primary and carrier vessels operating under the *Torres Strait Fisheries Act 1984* by 1 July 2017 where;
  - a) a primary boat is the boat nominated to the licence as the primary commercial fishing boat for the licence from which tender boats are authorised to operate;
  - b) freight shipping vessels are exempt; and
  - c) exemptions may be provided for carrier vessels that are 6 meters or less in length.
2. **NOTE** that VMS will help the PZJA to efficiently and cost-effectively monitor the movement of commercial fishing vessels;
3. **NOTE** that effective monitoring improves the integrity of management arrangements and can better support industry flexibility to choose how they wish to operate to maximise returns from their fishing businesses;
4. **NOTE** that at its meeting on 27-28 August 2015 the Working Group identified the revision of compliance arrangements to support the introduction of quota as a high priority.

## KEY ISSUES

1. At its meeting on 27-28 August 2015 the Working Group identified the revision of compliance arrangements to support the introduction of quota as a high priority.
2. Currently there are few cost-effective monitoring tools available for Torres Strait Fisheries. At the same time there is a growing need for improved monitoring. The integrity of the proposed quota management system for the Tropical Rock Lobster Fishery will be reliant on effective monitoring. VMS can enable more efficient and well targeted compliance operations.
3. VMS is a cost-effective tool for monitoring vessel movement in commercial fisheries and is widely used in Australian fisheries. AFMA uses VMS as the primary means of monitoring fishing activity across the entire Commonwealth fleet. VMS has been mandatory in Commonwealth fisheries since 2007 and in the Torres Strait Prawn Fishery since 2005.
4. Independent monitoring tools such as VMS also assist in meeting the PZJA's legislative objective to manage commercial fisheries for optimum utilisation. With improved and independent monitoring, the PZJA can support industry flexibility to choose their preferred method of operation. VMS for example could support more flexible arrangements for Carrier Boat Licences or vessels endorsed in multiple jurisdictions [Carrier Boat licences authorise transshipment of catches at sea).
5. It is proposed that the cost for purchasing and maintaining VMS units will be the responsibility of industry. Units suitable for the Torres Strait are approximately \$1350. It would be open to industry however to make their own choice on which VMS unit they

purchase provided it complies with AFMA type approved standards. AFMA primarily (but not exclusively) utilises the Pacific Island Forum Fisheries Agency type approval process which sets out the requirement for a specific VMS model to be granted type approval.

6. The expected VMS operating costs for a fleet of 33 vessels (current total number of primary and carrier boat licences, excluding the Prawn Fleet) is estimated around \$22 000 yearly. In the absence of any cost recovery arrangements for Torres Strait Fisheries (except the Torres Strait Prawn Fishery) these costs will be covered within AFMA's existing budget.
7. Based on the conditions applied across Commonwealth Fisheries and the Torres Strait Prawn Fishery, the proposed general operating conditions for a VMS system would be:
  - a) all VMS units installed must meet AFMA approved standards;
  - b) a VMS unit must be fitted and working on the boats nominated to fishing licence at all times;
  - c) the VMS must stay on at all times – even if the boat is tied up in port, or out fishing under a state fishing permit/concession, or if you are doing repairs on your boat;
  - d) the VMS unit may only be switched off if you have prior written approval from AFMA
  - e) it is the licence holders responsibility to fit and maintain a working VMS
  - f) failure to have a working VMS will be an offence.

<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>5-6 April 2016</b>
<b>Proposed future management arrangements</b> <b>Fish Receiver System</b>	<b>Agenda Item No. 4.2</b> <b>For discussion and advice</b>

## RECOMMENDATIONS

That the Working Group:

1. **DISCUSS** and **PROVIDE ADVICE** on replacing the current Torres Strait Seafood Buyers and Processors Docket Book system with a mandatory Fish Receiver System for the all Torres Strait Fisheries, excluding Torres Strait Prawn Fishery by 1 December 2017 noting that the system will require:
  - a) all licence holders (including Traditional Inhabitants) to only dispose of commercially caught fish in those fisheries (not fish caught during the course of traditional fishing) to a holder of a Fish Receiver licence; and
  - b) it will be mandatory for holders of Fish Receiver licences to comprehensively report details of all fish received (landed) for each fisher.
2. **NOTE** that AFMA would work with stakeholders over the next 18 months to finalise the operational details of the Fish Receiver System
3. **NOTE** that at its meeting on 27-28 August 2015 the Working Group identified the revision of compliance arrangements to support the introduction of quota as a high priority.

## KEY ISSUES

1. At its meeting on 27-28 August 2015 the Working Group identified the revision of compliance arrangements to support the introduction of quota as a high priority. The development of a Fish Receiver system has been discussed previously by the Working Group to support the introduction of a quota management system and was included in the draft management plan released by the PZJA in 2014.
2. A voluntary reporting system is in place for buyers of fish caught in the Torres Strait known as the docket book system. In the absence of mandatory catch reporting for Traditional Inhabitants, the docket book system is the principle source of catch data for the Traditional Inhabitant sector.
3. A voluntary reporting system is less reliable when the opportunity cost to the fisher from reporting is high, such as when catches begin to approach Total Allowable Catch levels (TAC) or individual catch entitlements (eg individual quota holdings) – where there is perceived greater benefit from not reporting. The proposed TRL management plan will introduce both a binding TAC and, for the TVH sector, individual catch limits.
4. A Fish Receiver System is a management tool designed to monitor landed catches and can improve the accuracy of catch information for a fishery. Fish Receiver Systems are in place for all Commonwealth managed fisheries where there is a statutory management plan and quota. The system can provide a more accurate source of information for reconciling catch against quota.

5. A Fish Receiver System is currently not recommended for the Torres Strait Prawn Fishery (TSPF). The TSPF fishery is managed by effort units, a mandatory logbook program is in place and a Vessel Monitoring System provides independent monitoring of effort.
6. While AFMA has an established Fish Receiver System, consultation with stakeholders is needed to identify any possible modifications necessary to ensure the system is optimised for Torres Strait fisheries. An awareness program will also be required to explain the new arrangements to industry.
7. Like most monitoring tools, limitations can apply to Fish Receiver Systems. Fish Receiver Systems can be less effective where vertically integrated companies both catch and receive fish. There is also a risk of too many individuals becoming fish receivers and this can increase monitoring costs. This risk will need to be managed but at present is considered low for the Torres Strait where the majority of product is landed locally before being shipped or airfreighted out of the region.
8. AFMA has commenced a review of its fish receiver system to investigate possible options for improvement and will share the findings with the PZJA and its consultative forums. AFMA does not however recommend waiting for the review before implementing a fish receiver system for Torres Strait Fisheries. It may be several years before a solution is agreed and is likely to be dependent on improved independent monitoring (for example electronic monitoring).
9. The proposed Fish Receiver System is intended to replace the existing docket book system. The current docket book system costs around \$9,000. Costs are forecast to increase by \$10,000 to cover landings not currently reported in the docket books. These costs may be reduced overtime as electronic reporting options are developed. In the absence of any cost-recovery arrangements, the costs of the Fish Receiver System will be covered within AFMA's existing budget.

<b>TROPICAL ROCK LOBSTER WORKING GROUP</b>	<b>Meeting</b> <b>5-6 April 2016</b>
<b>12 month free-dive and lamp fishing season</b>	<b>Agenda Item No. 5</b> <b>For discussion and advice</b>

## RECOMMENDATIONS

That the Working Group:

1. **DISCUSS** and **PROVIDE ADVICE** on removing the current ban on free diving and lamp fishing during the months October and November;
2. **NOTE** that Working Group considered this proposal at its meeting on 27-28 August 2015 and advised that if the temporal ban is to be removed the TRLRAG and TRLWG review the measure one year after its implementation;
3. **NOTE** since the Working Group's August 2015 meeting, AFMA has received
  - a) concerns from some within the Traditional Inhabitant sector with removing the ban if it were to apply equally to the non-Traditional Inhabitant sector (TVH); and
  - b) advice from some Working Group Industry members that they understood the proposal to only apply to the TIB sector.

## KEY ISSUES

1. At its meeting on 27-28 August 2015 the Working Group considered a proposal most recently raised by participants at the lama community consultation visit on the draft TRL management plan (held 31 July 2015) for a 12 month open season for TRL to be collected by free diving. That is to amend the current temporal ban on fishing for TRL during the months of October and November to allow fishing by free-dive.
2. The TRLRAG has provided advice that a 12 month open season for free diving and lamp fishing does pose no significant risk to the sustainability of the TRL Fishery on the basis that:
  - the current size limit protects that take of 0+ and 1+ lobsters; and
  - the primary fishing grounds do not overlap with the likely spawning areas in the east of the Protected Zone (TRLRAG meeting 25-16 August 2015).
3. The TRLWG further noted that a 12 month open season will enable fishers to target peak Chinese markets and if the temporal ban (on free-diving) is to be removed the TRLRAG and TRLWG review the measure one year after its implementation.
4. Since the TRLWG and TRLRAG meetings AFMA has received concerns from some within the Traditional Inhabitant sector (TIB) with removing the ban if it were to apply equally to the non-Traditional Inhabitant sector (TVH). AFMA has further received advice from some Working Group Industry members that they understood the proposal to only apply to the TIB sector.
5. AFMA is seeking further advice from the Working Group on the merits of removing the free-diving and lamp fishing temporal closure (ie October and November closure).

6. In making its advice the Working Group must have regard for the legislative objectives of the *Torres Strait Fisheries Act 1984* (the Act) which include managing fisheries for optimum utilisation and having regard, in developing and implementing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants. Removing unnecessary input controls on all licence holders would be consistent with these objectives.
7. Also relevant is the PZJA's longstanding licencing policy to reserve all expansion in Torres Strait Fisheries for Traditional Inhabitants.
8. Noting the legislative objectives and the PZJA's operational policy designed to assist it in meeting its responsibilities under the Act, the Working Group should consider whether or not this rule be considered along with all other input controls following the commencement of the plan of management. The management plan will enforce the catch shares between the two sectors in the fishery (ie TIB and TVH). The Working Group agreed at its August 2015 meeting to defer consideration of several input controls until after the management plan is implemented.