

**8th MEETING OF THE PZJA TORRES STRAIT TROPICAL
ROCK LOBSTER WORKING GROUP (TRLWG8)**

**TSRA Boardroom, Thursday Island (Level 1 Torres Strait Haus
46 Victoria Parade)**

Thursday 8 November 2018 – 8:30 AM – 5:30 PM

DRAFT AGENDA

1 PRELIMINARIES

1.1 Welcome and apologies

The Chair will welcome members and observers to the 8th meeting of the WG.

1.2 Adoption of agenda

The WG will be invited to adopt the draft agenda.

1.3 Declaration of interests

Members and observers will be invited to declare any real or potential conflicts of interest and determine whether a member may or may not be present during discussion of or decisions made on the matter which is the subject of the conflict.

1.4 Action items from previous meetings

The WG will be invited to note the status of action items arising from previous meetings.

1.5 Out-of-session correspondence

The WG will be invited to note out of session correspondence on WG matters since the previous meeting.

2 UPDATES FROM MEMBERS

2.1 Industry, economic and scientific members

Industry, economic and scientific members and observers will be invited to provide an update on matters concerning the Torres Strait TRL Fishery.

2.2 Government agencies

The WGG will be invited to note updates from AFMA, TSRA and QDAF on matters concerning the Torres Strait TRL Fishery. AFMA will provide a summary of management arrangements for the 2017/18 fishing season, including the outcomes of the Federal Court case.

2.3 PNG National Fisheries Authority

The WG will be invited to note an update from the PNG National Fisheries Authority.

2.4 Native Title

The WG will be invited to note an update from Malu Lamar (Torres Strait Islander) Corporation RNTBC.

3 REPORT FROM TRLRAG HELD ON 18-19 OCTOBER 2018

The WG will be invited to note the outcomes of the TRLRAG meeting held on 18-19 October 2018.

4 PROPOSED MANAGEMENT PLAN

The WG will be invited to consider the process for adoption of a proposed Management Plan, including the role of the WG.

5 PROPOSED SECTORAL CATCH SHARES

The WG will be invited to consider the proposed amendments to the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018* to enable the implementation of sectoral catch shares in the Torres Strait TRL Fishery for the 2018/19 fishing season.

6 BETTER ALIGNING THE TAC SETTING PROCESS WITH THE FISHING SEASON

The WG will be invited to consider a proposal to better align the TAC setting process with the fishing season under the proposed Management Plan.

7 MANAGEMENT ARRANGEMENTS FOR THE 2018/19 FISHING SEASON

The WG will be invited to consider management arrangements for the 2018/19 fishing season, including proposed moon-tide hookah closures.

8 DRAFT FIVE-YEAR RESEARCH PLAN FOR 2019/20 TO 2022/23

The WG will be invited to consider the new research planning framework for Torres Strait fisheries and research priorities for the Torres Strait TRL Fishery.

9 OTHER BUSINESS

The WG will be invited to raise other business for consideration.

10 DATE AND VENUE FOR NEXT MEETING

The WG will be invited to consider the date and venue for the next meeting.

The Chair must approve the attendance of all observers at the meeting. Individuals wishing to attend the meeting as an observer must contact the Executive Officer – Natalie Couchman (natalie.couchman@afma.gov.au)

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
PRELIMINARIES Welcome and apologies	Agenda Item 1.1 For Information

RECOMMENDATIONS

1. That the Working Group **NOTE**:
 - a. an opening prayer;
 - b. an acknowledgement of Traditional Owners;
 - c. the Chair's welcome address; and
 - d. apologies received from members unable to attend.

BACKGROUND

2. Apologies have been received from Sevaly Sen (Fishery Economist Member) and Maluwap Nona on behalf of Malu Lamar (Torres Strait Islanders) Corporation RNTBC.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
PRELIMINARIES Adoption of agenda	Agenda Item 1.2 For Decision

RECOMMENDATIONS

1. That the Working Group consider and **ADOPT** the agenda.

BACKGROUND

2. A draft agenda was circulated to members on 3 October 2018. No comments were received. Updates to the agenda were made to better reflect key items of business.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
PRELIMINARIES Declaration of interests	Agenda Item 1.3 For Decision

RECOMMENDATIONS

1. That Working Group members and observers:
 - a. **DECLARE** all real or potential conflicts of interest in the Torres Strait Rock Lobster Fishery at the commencement of the meeting (**Attachment 1.3a**);
 - b. **DETERMINE** whether the member may or may not be present during discussion of or decisions made on the matter which is the subject of the conflict;
 - c. **ABIDE** by decisions of the Working Group regarding the management of conflicts of interest; and
 - d. **NOTE** that the record of the meeting must record the fact of any disclosure, and the determination of the Working Group as to whether the member may or may not be present during discussion of, or decisions made, on the matter which is the subject of the conflict.

BACKGROUND

2. Consistent with the *Protected Zone Joint Authority (PZJA) Fisheries Management Paper No. 1 (FMP1)*, which guides the operation and administration of PZJA consultative forums, members are asked to declare any real or potential conflicts of interest.
3. Working Group members are asked to confirm the standing list of declared interests (**Attachment 1.3a**) is accurate and provide an update to be tabled if it is not.
4. FMP1 recognises that members are appointed to provide input based on their knowledge and expertise and as a consequence, may face potential or direct conflicts of interest. Where a member has a material personal interest in a matter being considered, including a direct or indirect financial or economic interest; the interest could conflict with the proper performance of the member's duties. Of greater concern is the specific conflict created where a member is in a position to derive direct benefit from a recommendation if it is implemented.
5. When a member recognises that a real or potential conflict of interest exists, the conflict must be disclosed as soon as possible. Where this relates to an issue on the agenda of a meeting this can normally wait until that meeting, but where the conflict relates to decisions already made, members must be informed immediately. Conflicts of interest should be dealt with at the start of each meeting. If members become aware of a potential conflict of interest during the meeting, they must immediately disclose the conflict of interest.
6. Where it is determined that a direct conflict of interest exists, the forum may allow the member to continue to participate in the discussions relating to the matter but not in any decision making process. They may also determine that, having made their contribution to the discussions, the member should retire from the meeting for the remainder of discussions on that issue. Declarations of interest, and subsequent decisions by the forum, must be recorded accurately in the meeting minutes.

TRLWG Declarations of Interest from most recent meetings

Name	Position	Declaration of interest
Members		
Dr Alexander (Sandy) Morison	Chair	No pecuniary or other interest in the Tropical Rock Lobster Fishery or any other Torres Strait fisheries. Fisheries Consultant. Chair of SERAG and SharkRAG. Scientific member on SEMAC. Contracted by government departments, non-government agencies and companies for a range of fishery related matters including research and MSC assessments of AFMA managed and other fisheries (by SCS Global Services).
Selina Stoute	AFMA Member	Nil.
Allison Runck	TSRA Member	Nil. TSRA holds multiple TVH TRL fishing licences on behalf of Torres Strait Communities but does not benefit from them.
Danielle Stewart	QDAF Member	Nil.
Darren Dennis	Scientific Member	Nil. Member of other RAGs and research consultant.
Aaron Tom	Industry Member	Nil. Traditional Inhabitant Gudumalulgal and TIB licence holder.
Mark David	Industry Member	Traditional Inhabitant Kulkalgal and TIB licence holder.
Les Pitt	Industry Member	Nil. Traditional Inhabitant Kemer Kemer Meriam and TIB licence holder.
Phillip Ketchell	Industry Member	Nil. Traditional Inhabitant Kaiwalagal and Traditional Owner.
Terrence Whap	Industry Member	Nil. Traditional Inhabitant Maluialgal and Traditional Owner. Does not hold a TIB licence.
Mark Dean	Industry Member	Industry representative and TVH operator.
Daniel Takai	Industry Member	Pearl Island Seafoods, Tanala Seafoods, TIB licence holder and lessee of TSRA TVH licence for 2017/18 fishing season.
Brett Arlidge	Industry Member	General Manager MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of TVH licences.
Natalie Couchman	Executive Officer	Nil.
Observers		

Joseph Posu	PNG National Fisheries Authority (NFA)	To be advised.
Jerry Stephen	TSRA Deputy Chair, TSRA Member for Ugar and TSRA Portfolio Member for Fisheries	TIB licence holder and Native Title holder.
Trent Butcher	Industry	TVH licence holder.
Sandie Edwards	Industry	Torres Straits Seafood Pty Ltd and buyer.
Suzannah Salam	Industry	Torres Straits Seafood Pty Ltd, TIB licence holder and lessee of TSRA TVH licence in 2017/18 fishing season.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
PRELIMINARIES Action items from previous meetings	Agenda Item 1.4 For Information

RECOMMENDATIONS

1. That the Working Group:
 - a. **NOTE** the progress against actions arising from previous meetings (**Attachment 1.4a**).
 - b. **NOTE** the final meeting records for TRLWG held on 28-29 March 2018 and meeting of TRLWG members held on 26 April 2018 (**Attachments 1.4b-e**).

BACKGROUND

Actions arising

2. Updates are provided on the status of actions arising from previous TRLWG meetings and relevant TRLRAG meetings at **Attachment 1.4a**.

Meeting records

3. The draft meeting record for TRLWG 7 held on 28-29 March 2018 was provided out of session for comment on 21 May 2018. Comments were received from Darren Dennis, Sevaly Sen and the TSRA. A track-change version of the draft meeting record, detailing the comments received and how they have been incorporated, is provided at **Attachment 1.4b** for information.
4. The record was finalised out of session following the closure of the comment period. The final meeting record is provided at **Attachment 1.4c**.
5. A meeting of TRLWG members was held on 26 April 2018. As a quorum of members was not present at the meeting, the advice that was provided was the advice of members only, and not of the Working Group. The draft meeting record for this meeting was provided out of session for comment on 21 May 2018. Comments were received from the TSRA. A track-change version of the draft meeting record, detailing the comments received and how they have been incorporated, is provided at **Attachment 1.4d** for information.
6. The record was finalised out of session following the closure of the comment period. The final meeting record is provided at **Attachment 1.4e**.

Action items from previous TRLRAG meetings

#	Action Item	Meeting	Agency	Status
1.	TRLRAG to provide advice on any findings relating to the impacts of changing the season start date to provide industry with a longer TAC notice period.	TRLWG5 held on 5-6 April 2016	AFMA	Complete This action item was considered at TRLRAG meeting 24 held from 18-19 October 2018. Summary of advice provided for consideration under Agenda Item 4.
2.	Malu Lamar (RNTBC) to provide the Working Group with maps of home reefs for Torres Strait Island communities.	TRLWG6 held on 25-26 July 2017	Malu Lamar CSIRO	Complete CSIRO advised at TRLRAG23 that they have received some maps with information on traditional names but that this is not complete. They will work with Malu Lamar if further information is needed. An action arising from TRLRAG23, was for AFMA to liaise with Mr Pitt and Malu Lamar to provide agreed traditional names for the area around Erub.
3.	Malu Lamar (RNTBC) to provide AFMA with a written proposal for any further proposed amendments to the <i>Torres Strait Fisheries Act 1984</i> .	TRLWG6 held on 25-26 July 2017	Malu Lamar	Ongoing
4.	The following be presented at the next TRLWG meeting: a) an overview of the current understanding of stock connectivity between the Queensland East Coast and the Torres Strait TRL Fisheries; and b) the basis for the Queensland east coast TAC.	TRLWG6 held on 25-26 July 2017	CSIRO QDAF	Complete – stock connectivity At TRLRAG 21 held from 12-13 December 2017, CSIRO presented the preliminary results of the research project titled ' <i>Environmental update for the Torres Strait tropical lobster <i>Panulirus ornatus</i></i> '. Some further results were presented at TRLRAG 22 held from 27-28 March 2018. CSIRO's final report, titled ' <i>Environmental Drivers of variability and climate projections for Torres Strait tropical lobster <i>Panulirus ornatus</i></i> ', will be provided with these meeting papers for reference. This report has not been sent to members previously. This report will also be made available on the PZJA website. Complete – QLD TAC The QDAF member provided further information to the RAG at its meeting on 27-28 March 2018. The QDAF Policy relating to individual catch entitlement in the Queensland Tropical Rock

				Lobster Fishery provided which summaries that the QLD TAC is based on 90% of the average MSY estimates for the stock. The latest assessment estimates MSY at between 191 tonnes and 242 tonnes.
5.	QDAF to provide further information regarding the eligibility criteria and application process to access the 5 tonnes allocation under indigenous fishing permits, noting QDAF are currently formulating a new policy in relation to this matter and, the new policy and requirements will be circulated when they are finalised.	TRLWG7 held on 28-29 March 2018	QDAF	Complete Information provided at Attachment 1.4f .

Relevant action items from previous TRLRAG meetings*

#	Action Item	Agenda	Agency	Status
1.	The RAG endorsed the draft TRL Harvest Strategy and recommended the WG further discuss and provide the RAG with details on the trigger level and proposed management response.	TRLRAG22 held on 27-28 March 2018	AFMA	Ongoing To be considered under Agenda Item 2.2.
2.	The RAG recommended the proposal from the TSRA Portfolio Member for Fisheries regarding the setting of moon-tide hookah closures for the TRL Fishery be put forward to the WG for further consideration.	TRLRAG22 held on 27-28 March 2018	AFMA	Complete Considered at TRLWG 7 held on 28-29 March 2018.

*TRLRAG actions not relevant to TRLWG have not been included in the above.

Information on Queensland Indigenous Fishing Permits

A Queensland Indigenous fishing permit (or IFP) allows an Aboriginal or Torres Strait Islander person or community to trial a commercial fishing activity without having to initially acquire commercial fishing authorities.

An IFP is generally granted for 1 to 3 years. If you want to continue to operate after this period, you'll need to buy or lease the necessary authorities on the open market, and operate as a standard commercial fisher.

Information on IFPs is available online at <https://ablis.business.gov.au/service/qld/indigenous-fishing-permit/4192>

An IFP application also requires a business plan outlining how the applicant will market the catch, how they will obtain the necessary finance, equipment and training and plans for accessing the fishery into the future (i.e. when permit expires). The business case plays an important part in determining whether the proposed activity will meet the intent of IFPs, which is to assess the commercial viability of a fishing activity proposed to be carried out, or fishing apparatus or a boat proposed to be used, by an Indigenous person or a community of Indigenous persons in a commercial fishery identified in the permit.

Note that the current policy relates to the existing commercial fishery area. Outside this area would be considered a developmental fishery.

The commitment under the Queensland Sustainable Fisheries Strategy 2017-2027 to develop an Indigenous commercial fishing development policy is progressing based on feedback on the existing Queensland IFP process as well as watching approaches around the country. If any TRLWG members have feedback on Queensland's process to date please get in touch with Michelle Winning (michelle.winning@daf.qld.gov.au).

www.pzja.gov.au



Australian Government

Australian Fisheries Management Authority

Contents

Meeting participants	3
Members.....	3
Observers	4
1 Preliminaries	6
1.1 Meeting preliminaries	6
1.2 Adoption of agenda	6
1.3 Declaration of interests	6
1.4 Action items from previous meetings.....	6
2 Updates from members	8
2.1 Industry.....	8
2.2 Government	9
2.2.1 Fish receiver update.....	10
2.2.2 TRL Fishery export approval.....	10
2.2.3 Legislative amendments update	11
2.3 PNG NFA update	11
2.4 Native Title	11
3 Finalising the total allowable catch for the 2017/18 fishing season	11
4 Management arrangements for the 2017/18 fishing season	13
5 Progress on developing a Tropical Rock Lobster Fishery Management Plan	17
6 Finalising the Harvest Strategy for the Tropical Rock Lobster Fishery	17
7 TRL Fishery budget report for 2018/19	17
8 Other Business	17
9 Date and venue for next meeting	17

Meeting participants

Members

Name	Position	Declaration of interest
Alexander Morison	Chair	No pecuniary or other interest in the Tropical Rock Lobster Fishery or any other Torres Strait fisheries Fisheries Consultant. Chair of SERAG and SharkRAG. Scientific member on SEMAC. Contracted by government departments, non-government agencies and companies for a range of fishery related matters including research and MSC assessments of AFMA managed and other fisheries (by SCS Global Services)
Dean Pease	AFMA Executive Officer	Nil
Selina Stoute	AFMA member	Nil
Charlie Kaddy	TSRA member (Fisheries Programme Manager)	Nil. TSRA holds multiple TVH TRL fishing licences on behalf of Torres Strait Communities but does not benefit from them
Tom Roberts	Queensland Department of Agriculture and Fisheries (QDAF) member	Nil
Darren Dennis	Scientific member	Nil. Member of other RAGs and research consultant
Sevaly Sen	Fisheries Economist member	Nil interest in Torres Strait fisheries. Conducts various FRDC research projects relevant to AFMA fisheries
Mark David	Industry member	Traditional Inhabitant Kulkalgal and TIB licence holder
Mark Dean	Industry member	Industry representative and TVH operator
Terrence Whap	Industry member	Nil. Traditional Inhabitant Maluialgal and Traditional Owner. Does not hold a TIB licence

Name	Position	Declaration of interest
Les Pitt	Industry member	Nil. Traditional Inhabitant Kemer Kemer Meriam
Phillip Ketchell	Industry member	Nil. Traditional Inhabitant Kaiwalagal and Traditional Owner

Observers

Name	Position	Declaration of interest
Daniel Takai	Industry observer	Pearl Island Seafoods, Tanala Seafoods and TIB licence holder
Allison Runck	TSRA observer	Nil. TSRA holds multiple TVH TRL fishing licences on behalf of Torres Strait Communities but does not benefit from them
Jerry Stephen	TSRA Deputy Chair, TSRA Member for Ugar and TSRA Portfolio Member for Fisheries	TIB licence holder and Traditional Owner
Brett Arlidge	Industry observer	General Manager MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of TVH licences
Patrick Mills	Chair of the Torres Strait Fisher's Association	TIB licence holder and Traditional Owner
Seriako Stephen	Representative for Malu Lamar (Torres Strait Islanders) Corporation Registered Native Title Body Corporate (RNTBC)	Nil
Sandie Edwards	Industry observer	Torres Straits Seafood Pty Ltd and buyer
Koro Samai	Industry observer	TIB licence holder
Ken McKenzie	Industry observer	TVH licence holder
Cyril Stephen	Industry observer	Traditional Owner
Pala Rubu	Industry observer	TIB licence holder
Yacoba Wena	Industry observer	TIB licence holder
Ngukis Asse	Industry observer	TIB licence holder
Dr Mark Tonks	CSIRO scientific observer	Project staff for PZJA funded TRL research projects

Name	Position	Declaration of interest
Dr Eva Plaganyi	CSIRO scientific observer	Project staff for PZJA funded TRL research projects
Phil Hughes	Industry observer	TVH licence holder
Ryan Hughes	Industry observer	TVH licence holder
James Mills	Industry observer	TIB licence holder
William Snowdon	Industry observer	TIB licence holder
Dr Ian Knuckey	TRLRAG Chair	Chair/Director of Fishwell Consulting Pty Ltd and Olrac Australia (electronic logbooks). Chair/member of other RAGs and MACs. Conducts various AFMA and FRDC funded research projects including FRDC Indigenous Capacity Building project. No research projects in the Torres Strait
Kevin Sabatino Snr	Industry observer	TIB licence holder and Traditional Owner
Thomas Fujii	Industry observer	TIB licence holder
Richard Takai	Industry observer	TIB licence holder
Hideo Shibasaki	Industry observer	TIB licence holder
Ryochi Sabatino	Industry observer	TIB licence holder
Cyril Binjuda	Industry observer	TIB licence holder
Kevin Takai	Industry observer	TIB licence holder
Kevin Sabatino Jnr	Industry observer	TIB licence holder
Morgan Daniel	Industry observer	TIB licence holder
Graham Hirakawa	Industry observer	TIB licence holder
Jack Bani	Industry observer	TIB licence holder and Traditional Owner
Meremi Maina	PNG Industry observer	PNG fisher
Natalie Couchman	AFMA observer	Nil
Steve Bolton	AFMA observer	Nil

Notes:

This list of observers may be incomplete as some observers attended at different times and some declined to complete the attendance form.

1 Preliminaries

1.1 Meeting preliminaries

1. Mr Terence Whap opened the meeting in prayer at 1:00 pm on 28 March 2018.
2. The Chair welcomed attendees to the 7th meeting of the Torres Strait Tropical Rock Lobster Working Group (TRLWG7). The Chair acknowledged the Traditional Owners of the land on which the meeting was held and paid respect to Elders past and present.
3. Attendees at the Working Group are detailed in the meeting participant tables at the start of this meeting record.
4. Apologies were received from Maluwap Nona (Chair, Malu Lamar (Torres Strait Islanders) Corporation RNTBC), Aaron Tom (Industry member) and Ian Liviko (PNG National Fisheries Authority (NFA) Invited Participant).
5. The Working Group noted that Luke Dillon (Industry member) had resigned as a member on the Working Group. AFMA sought nominations to refill this position but had not received any applications.

1.2 Adoption of agenda

6. The draft agenda was adopted without change (**Attachment A**).

1.3 Declaration of interests

7. The Chair stated that as outlined in PZJA Fisheries Management Paper No. 1 (FMP1), all members of the Working Group must declare all real or potential conflicts of interest in Torres Strait TRL Fishery at the commencement of the meeting. Given the number of meeting participants, it was decided it would be too disruptive to ask each participant to leave the room while a decision is made as to whether, for the relevant agenda items, they can participate in the discussion and in the making of recommendations, or remain absent from the meeting. The declarations of interests would be noted under each agenda item. The Chair asked that all participants conduct themselves respectfully in accordance with FMP 1.
8. Declarations of interests were provided by each meeting participant. These are detailed in the meeting participant tables at the start of this meeting record.
9. The Chair noted that the Working Group is a consultative forum of the PZJA that provides advice on the management of the TRL Fishery. The Working Group is not a decision making body.

1.4 Action items from previous meetings

10. The Working Group noted the report provided by the Executive Officer advising of the status of actions arising from previous TRLWG meetings (see below).

#	Meeting	Action	Status
1.	TRLWG5 held on 5-6 April 2016	TRLRAG to provide advice on any findings relating to the impacts of changing the season start date to provide industry with a longer TAC notice period.	Ongoing This action item will be considered at TRLRAG meeting 23 before consideration at TRLWG meeting 8. Meeting paper to be provided by CSIRO.

#	Meeting	Action	Status
2.	TRLWG5 held on 5-6 April 2016	TRLRAG review the advice and justification for opening the east coast TRL season on 1 January at the RAG. AFMA present that advice as an update at the next TRLWG meeting.	Complete CSIRO provided a report titled <i>Biology, larval transport modelling and commercial logbook data analysis to support management of the NE Queensland rock lobster Panulirus ornatus fishery</i> . The report was sent to members and observers prior to the TRLWG meeting 6. The report provides information that supports the management arrangements for the East Coast Fishery. The QDAF member provided further information to the RAG at its meeting on 27-28 March 2018. The QDAF member reiterated that the earlier opening was designed to deliver economic benefits by allowing the Fishery to take advantage of high market prices. Measures are in place to mitigate potential impacts to the stock including a conservative TAC (the current TAC reflects to lower range of recommended sustainable catch 191-242t), fishers cannot take tar spot animals and scientific advice that there is likely limited interaction with spawners as TRL on the east coast are thought to breed in deeper waters not readily accessible to the Fishery.
3.	TRLWG6 held on 25-26 July 2017	Malu Lamar (RNTBC) to provide the Working Group with maps of home reefs for Torres Strait Island communities.	Ongoing AFMA is awaiting advice from Malu Lamar and will assist where possible. Email reminders sent 20/12/2017 and 08/03/2018. CSIRO advised that they have received some maps with information on traditional names but that this is not complete. They will work with Malu Lamar if further information is needed.
4.	TRLWG6 held on 25-26 July 2017	AFMA to provide the objectives of the <i>Fisheries Management Act 1991</i> and the <i>Torres Strait Fisheries Act 1984</i> to Working Group members and observers.	Complete Provided in the paper for this agenda item.
5.	TRLWG6 held on 25-26 July 2017	Malu Lamar (RNTBC) to provide AFMA with a written proposal for any further proposed	Ongoing

#	Meeting	Action	Status
		amendments to the <i>Torres Strait Fisheries Act 1984</i> .	
6.	TRLWG6 held on 25-26 July 2017	The following be presented at the next TRLWG meeting: a) an overview of the current understanding of stock connectivity between the Queensland East Coast and the Torres Strait TRL Fisheries; and b) the basis for the Queensland east coast TAC.	<p>Ongoing – stock connectivity CSIRO presented preliminary results of the research project titled <i>Environmental update for the Torres Strait tropical lobster Panulirus ornatus</i>. Once this research project is finalised an overview of the stock connectivity will be provided to the TRLWG.</p> <p>Complete – QLD TAC The QDAF member provided further information to the RAG at its meeting on 27-28 March 2018. The QDAF <i>Policy relating to individual catch entitlement in the Queensland Tropical Rock Lobster Fishery</i> provided which summaries that the QLD TAC is based on 90% of the average MSY estimates for the stock. The latest assessment estimates MSY at between 191 tonnes and 242 tonnes.</p>

2 Updates from members

2.1 Industry

11. The RAG Chair provided a summary of reports provided at the TRLRAG held from 27-28 March 2018, including:
 - a. Fishers report catch rates at the start of the season have been good, but a slight decline has been observed more recently;
 - b. Fishers may be targeting concentrations of TRL, or 'hot spots', such as around Mabuiag, which is providing good catch rates;
 - c. Some fishers report having to fish harder to maintain good catch rates.
12. The Working Group noted updates provided by Industry members and observers on the recent performance and key issues affecting the TRL Fishery:
 - a. An Industry member advised that TIB free divers are finding it hard to fish when there are hookah divers fishing in shallow waters on top of reefs. It was suggested that the low catch rates experienced by TIB free divers is attributable to these hookah practices. It was noted that there are some TVH fishers that respect the TIB fisher's preference for them to not hookah dive in shallow water.
 - b. An Industry member reported similar concerns as well as concerns that TVH fishers are not respecting local waters. The member suggested that 10nm closures be implemented around inhabited islands.
 - c. An Industry observer (Chair of the Torres Strait Fisher's Association) raised concerns about the low recommended biological catch (RBC) and the serious impact this could have on the livelihoods of Traditional Inhabitant fishers. The

observer recommended that the remainder of the Australian catch share to be reserved for TIB fishers.

- d. An Industry member reported that around Darnley, catches have been very low and he has found it difficult to catch 400kg of tails from 1 December 2017 to end of March 2018.

2.2 Government

13. The Working Group noted an update provided by the AFMA member regarding management initiatives relevant to the TRL Fishery:

- a. Australia and PNG bilateral meeting - the Fisheries Committee met on 5 February 2018 and provided advice to the Joint Advisory Council (JAC). The JAC noted advice regarding the preliminary TRL RBC for the 2017/18 fishing season. The JAC also noted ongoing interest by the PNG prawn trawl industry to retain TRL and agreed that any departures from the current ban must be assessed in line with the Treaty. The JAC recognised the importance of the resource to Traditional Inhabitants noting that it is a shared stock and the potential for trawling to impact spawning migration pathways and biomass in the Torres Strait. PNG also agreed to provide data on catches. The AFMA CEO will be following up again with the NFA Managing Director on these matters.
- b. Australian National Audit Office (ANAO) - the ANAO has commenced a performance audit of Australian Government coordination arrangements in the Torres Strait. ANAO officers will be visiting the Torres Strait in April.

14. The Working Group noted an update provided by the QDAF member regarding QDAF activities relevant to the management of the East Coast TRL Fishery:

- a. East Coast TRL Working Group – this group has been recently formed and will focus on developing a harvest strategy, completing a desktop study to identify data gaps, and an update of the existing models with current catch and length frequency data. This will allow management to move the fishery to a TAC which can be varied based on regular assessments.
- b. Catch to date – approximately 54 tonnes of the 195 tonnes East Coast TAC has been caught. The fishery has limited entry - there are currently 28 licences held by 8 individual quota holders. Catch for the last month has slowed as the industry has decided to wait to fish to higher market prices (CPUE) expected in July.
- c. VMS – VMS will be implemented on all commercial fishing vessels including dories by 2020.

15. An Industry member queried how much of the East Coast quota is held by Traditional Inhabitants. The QDAF member advised that there is 5 tonnes allocated to the indigenous sector and there are currently no plans to change this allocation. QDAF agreed to provide more information to the Working Group on this matter.

Action 1

QDAF to provide further information regarding the eligibility criteria and application process to access the 5 tonnes allocation under indigenous fishing permits, noting QDAF are currently formulating a new policy in relation to this matter and, the new policy and requirements will be circulated when they are finalised.

16. An Industry observer queried as to why they had to surrender their assistant fisher licence in the East Coast TRL Fishery. The QDAF member advised that these were

cancelled because the responsibility to ensure the crew has the relevant qualifications to work on fishing vessels was shifted to the skipper.

17. The Working Group noted an update provided by the TSRA member regarding TSRA activities relevant to the management of the TRL Fishery:
- a. Fisheries Summit – planned for May 2018. Further details to be provided closer to time but key fisheries issues will be up for discussion and elections for Traditional Inhabitant positions on PZJA forums will be held.
 - b. Community Management Framework – initial consultation has been conducted on a project looking at the establishment of a corporate entity separate from the TSRA to hold in trust and manage commercial fishing assets on behalf of Torres Strait communities. There is general support for the entity and TSRA now need to complete further work on legal and governance structures.
 - c. Export and branding for Torres Strait seafood - a consultant has been engaged to assess the economic feasibility, regulatory requirements and infrastructure needs to export seafood directly from the Torres Strait and the potential value derived from creating a brand for Torres Strait seafood.
 - d. Audit of infrastructure and services – a draft report has been considered by the TSRA Board and the report will be finalised shortly. Recommendations arising from the audit to be communicated in due course.

2.2.1 Fish receiver update

18. The Working Group noted an update provided by the AFMA member regarding implementation of the Torres Strait fish receiver system (FRS). The FRS became mandatory for all Torres Strait Fisheries, excluding the Torres Strait Prawn Fishery, on 1 December 2017. AFMA is currently providing education and support to fish receivers and fishers to ensure compliance with requirements.
19. AFMA have received improved catch and effort information through the FRS to date. This data is more comprehensive and timely than that received under the previous voluntary arrangements, particularly for the Beche-de-mer and Finfish Fisheries. Members have previously identified errors in the voluntary docket book data (e.g. area fished; no data from Mabuiag), and it was suggested that efforts be made to ensure FRS data can be compared with voluntary docket book data collected since 2004. The FRS will be used to support better decision making about how fisheries are managed, including setting and monitoring catch limits.

2.2.2 TRL Fishery export approval

20. The Working Group noted an update provided by the AFMA member regarding the declaration of the TRL Fishery as an approved Wildlife Trade Operation (WTO) under *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for a further three years, until 18 December 2020.
21. The Working Group noted that this approval is necessary in order to legally export commercially wild caught seafood from Australia, including TRL. The approval for the TRL Fishery is subject to conditions which will require ongoing work by the PZJA supported by advice from the Working Group. In particular, advice from the Working Group will be sought on Condition 4, which requires the implementation of a strategy to manage the risks of overfishing and localised depletion in the TRL Fishery.

2.2.3 Legislative amendments update

22. The Working Group noted an update provided by the AFMA member regarding the status of proposed amendments to the *Torres Strait Fisheries Act 1984* and *Torres Strait Fisheries Regulations 1985* (the Regulations), which govern how fisheries are managed in the Torres Strait. Key amendments include:
- a. Ability to issue Fisheries Infringement Notices;
 - b. Mandatory catch reporting across all licence holders;
 - c. Ability to provide electronic licensing and monitoring to licence holders;
 - d. Simplification of the renewal of licences
23. A number of additional amendments are also being considered for inclusion and will go to the PZJA shortly for approval before being progressed any further. These include:
- a. the ability for a single licence to be issued for primary and tender packages;
 - b. the ability for all licences to be granted for up to five years; and
 - c. the ability for a licence to be issued without a nominated boat.
24. The Working Group noted that the intention behind moving to a single licence for primary-tender packages is to reduce the number of individual licences that a primary-tender operation needs to obtain thus reducing the administrative burden. It was not to change what the licences themselves allow.
25. The AFMA member noted that the legislative amendments process (as detailed in the agenda paper) is lengthy and is underpinned by consultation, and there will be an opportunity for further comment at a later date.

2.3 PNG NFA update

26. An update from PNG NFA was not available as the Invited Participant was not in attendance.

2.4 Native Title

27. The representative for the Malu Lamar (Torres Strait Islanders) Corporation RNTBC advised that Malu Lamar will support the outcomes from this meeting, based on the current RBC of 299 tonnes. The representative advised that Malu Lamar has a position on what the arrangements should be to support TIB fishers for the remainder of the 2017/18 fishing season and will put this forward under the appropriate agenda item.

3 Finalising the total allowable catch for the 2017/18 fishing season

28. The Working Group was asked to provide advice on the notional TAC for the TRL Fishery for the 2017/18 fishing season.
29. The Working Group accepted advice from the TRLRAG that the RBC for the 2017/18 fishing season is 299 tonnes. This is based on the latest stock assessment and application of the interim harvest strategy.

Recommendation 1

The Working Group noted that the RBC covers the Protected Zone (Australia and Papua New Guinea) and recommended the RBC of 299 tonnes be the basis for setting the notional TAC for Australian waters.

30. The Working Group noted the Australian catch share, inclusive of the Australian cross endorsement allocation, would be 201.85 tonnes (includes 11.2 tonnes accessible by Australian vessels if cross endorsed to fish in PNG waters).
31. Prior to making the above recommendation the Working Group had the following discussions.
32. The Working Group considered a report provided by the Chair of TRLRAG regarding the outcomes of the TRLRAG meeting held 27-28 March 2018:
- a. the interim harvest strategy sets a precautionary target to maintain the stock at (on average), or return to, a target biomass reference point (B_{TARG}) of 65 per cent of the unfished biomass ($B_{0.65}$). This takes account of the fact that the resource is shared and important for the traditional way of life and livelihood of traditional inhabitants and is biologically and economically acceptable. The limit is also similarly precautionary and set at 40 per cent of the unfished biomass ($B_{0.40}$).
 - b. the TRL stock is variable and as such it will go up and down from year to year, but the objective is to maintain the stock, on average, at the target.
 - c. CSIRO have completed surveys and assessments for decades using experienced divers to survey 0+, 1+ and 2+ lobsters. The surveys are randomly stratified and are used to estimate the abundance of 1+ lobsters that are to grow into fishable size for the coming fishing season.
 - d. November 2017 pre-season survey results:
 - i. one of the lowest abundances of 1+ lobsters on record, these being the lobsters to be fished in the 2017/18 fishing season. There is good certainty around this data.
 - ii. lowest abundances of 0+ lobsters on record, however there is more uncertainty around this data as 0+ lobsters are harder to survey given their size.
 - e. as there is uncertainty around 0+ lobsters, it is difficult to forecast with any accuracy two years ahead to the time at which they will be a fishable size. If the current forecast of 0+ lobsters is correct, then there will be another low RBC for the 2018/19 fishing season. The next assessment cycle will be informed by a further survey and better CPUE data and by that time we will be far more certain about the abundance of what are currently 0+ lobsters as these will then be 1+ animals.
 - f. the RBC of 299 tonnes is set at this level to pursue the objective of the interim harvest strategy which is to maintain the TRL stock at the B_{TARG} ($B_{0.65}$). The RBC was calculated by applying the interim harvest strategy to the results of the integrated fishery stock assessment. The stock assessment takes into account the results of the November 2017 pre-season survey, catch and effort information from the TIB and TVH sectors, TRL biological information and environmental information.
 - g. the TRLRAG recognised the serious impacts a low RBC has for fishers, including their livelihoods, communities and traditional practices.
 - h. the TRLRAG have reviewed the first few months of catch and effort data from the TRL Fishery and this does not contradict the results of the survey or assessment.
 - i. The fishery in January 2018 was reasonable with moderate catch rates for both sectors and the data suggests these catches are based on a residual 2+ lobsters left over from the previous fishing season. There have been reports that suggest that fishers may be getting good catch rates through targeting concentrations of TRL, or 'hot spots', such as around Mabuiag. This can mask a low overall abundance of TRL. Catch rates are forecast to drop once the residual 2+ lobsters

are caught and only a low number of 1+ lobsters become available to the fishery when they reach fishable size.

33. A number of Industry observers advised that they are not seeing many 1+ lobsters particularly around Thursday Island but also other areas. It was noted that this is consistent with the survey results. An Industry member advised he has observed large numbers of undersize lobsters at Kirkcaldie Reef.
34. The Chair of the TRLRAG advised that a mid-season survey would come too late to provide the additional information on 1+ lobsters needed to verify and possibly change the RBC. With or without a survey, the CPUE index which will rely on the 1+ lobsters will provide an indication whether the survey index for 1+ lobsters and the assessment was incorrect.
35. The Industry member and observers from the TVH sector advised that they have not increased fishing effort in terms of hours spent fishing. Industry observers from the TIB sector advised they have had to increase fishing effort in order to maintain catches.
36. The PNG industry observer advised that catches last season (2016/17) were very poor. There are some indications of a slight improvement to catches from last year in the first two months of the 2017/18 fishing season. The predominant size is 1kg plus. The catch is from diving and lamp fishing, not trawl.

4 Management arrangements for the 2017/18 fishing season

37. The Working Group was asked to provide advice on any additional management measures necessary to ensure catches for the 2017/18 fishing season do not exceed the recommended notional TAC.

Recommendation 2

The Working Group recommended:

- a. catches should not exceed the RBC noting over catching will increase the risk of the Fishery not reaching its interim harvest strategy target. Which is to maintain the stock at (on average), or return to, a target biomass point B_{TARG} ($B_{TARG} = 0.65 B_0$) that takes account of the fact that the resource is shared and important for the traditional way of life and livelihood of traditional inhabitants and is biologically and economically acceptable.**
- b. measures be adopted to prolong the opportunity for the TIB sector to fish for the duration of the season. It was also noted that prolonging fishing would allow the collection of catch per unit effort data over a longer period which will inform the next stock assessment for the Fishery.**

38. The Chair noted that the terms of reference for the Working Group, as detailed in FMP1, do not provide for voting on or the passing of resolutions. The Working Group's role is to provide advice and make recommendations to the PZJA on matters relating to the management of the TRL Fishery. Noting this, the Traditional Inhabitant members and observers passed the below resolution as representing their unanimous views.
39. The Working Group noted the following advice and recommendations from Traditional Inhabitant members and observers:

- a. **RESOLUTION:**

That Traditional Inhabitant representatives on the Working Group STRONGLY RECOMMEND, as a matter of urgency, that the remaining nominal catch allocation in the 2018 season is reserved for the Traditional Inhabitant Boat sector. This advice is provided:

- i. *in accordance with Article 10, Section 3 of the Torres Strait Treaty which protects the traditional way of life and livelihood of traditional inhabitants; and*
- ii. *that based on the low Recommended Biological Catch in the 2018 fishing season there is a need to support the livelihood of the TIB sector and sustainability of the TRL industry.*

b. *Working Group ADVICE:*

In the absence of a Tropical Rock Lobster Management Plan input control measures must be developed to manage the fisheries stock. Traditional inhabitant representatives on the Working Group STRONGLY RECOMMEND, as immediate interim measures in moving towards a Management Plan:

- i. *licence conditions are implemented on all licences in the Tropical Rock Lobster Fishery to limit the catch shares of the TIB and TVH sectors to their agreed nominal catch allocations.*
- ii. *an additional hookah closure period is implemented in each month.*
- iii. *a 10 nautical mile closure around inhabited islands for fishing by TVH licence holders.*
- iv. *a full time compliance presence and increased number of on-water compliance days in the Torres Strait.*

40. The Working Group noted the following advice and recommendations from the TVH member and observers:

a. The TVH member and observers support:

- i. fishing respectfully in the Torres Strait and intend on developing a code of practice that reflects this commitment;
- ii. taking action to prolong the opportunity for the TIB sector to fish for the duration of the season; and
- iii. moving to a quota management system, under a formalised Management Plan, as soon as possible provided the system commences at the start of a fishing season.

b. The TVH member and observers preferred management options for prolonging fishing within the season are:

- i. applying an additional moon tide closure (hookah ban) commencing 13 April 2018. This will have a significant impact on TVH effort. Not only fishing time but in searching time; and
- ii. if at the end of May, 80 per cent of the Australian share has been taken, the minimum body (carapace) size limit should be increased to 95mm (up by 5mm). It was noted that technical advice on this option was provided by the TRLWG and TRLRAG Scientific members during the breakout session. Further this option will impact scientific data for the Fishery and will need careful analysis.

41. An Industry observer noted that broader consultation is needed with the TVH sector prior to providing final advice on what additional management measures they can support, including whether there is support for limiting sectoral catches to provisional catch shares under the draft Management Plan.

42. Prior to the provision of the above advice and recommendations (as detailed in paragraphs 39-41) the Working Group had the following prior discussions (as detailed in paragraphs 43-55) and then the TSRA Fisheries Portfolio member requested that TIB members and observer be given the opportunity to have a closed session. All other members agreed, left the meeting room and convened in separate room. TIB and TVH

members and observers then provided their advice and recommendations to the Working Group (paragraphs 39-41). The two sub-groups comprised of:

- a. Traditional Inhabitant members and observers, TSRA Portfolio Member for Fisheries, TSRA member and observers, PNG Industry observer;
- b. TVH member and observers. The Chair, AFMA Executive Officer, AFMA member and observers, QDAF member, Scientific member, Fisheries Economist member, CSIRO scientific observers and TRLRAG Chair were present and provided technical advice on the management options that were discussed.

43. The Working Group considered a summary provided by the AFMA member regarding reported catch for the 2017/18 fishing season:

- a. since 2006 and in preparation for implementing a quota management system a notional TAC (non-binding) has been advised by the TRLRAG and has been used to agree catch sharing arrangements with PNG.
- b. the reported catch for the TRL Fishery (TIB and TVH sectors only – no PNG catches reported) from 1 December 2017 to 21 March 2018 was 81.688 tonnes or approximately 40 per cent of the Australian catch share of the RBC (201.85 tonnes). It was noted that there are outstanding catch disposal records for March therefore the catch figures presented may be under-reported and landed catch was estimated to be 90 tonnes;
- c. these catches were high against what is a relatively low RBC, and although catch rates can vary throughout the season, current management measures may not keep catches within the Australian catch share of the RBC;
- d. AFMA convened an industry meeting on 27 February 2018 on Thursday Island to outline the preliminary RBC advice, the management process to finalise the RBC advice and the possible need for additional management measures to keep catches within the agreed catch limit. Some industry participants provided recommendations to implement additional management measures to slow down catch rates and allow operators to fish throughout the entire season, including:
 - i. implementing additional hookah closures;
 - ii. a 10 nautical mile closure for the TVH sector around inhabited islands;
 - iii. 30 per cent tender boat reduction for primary licences, which is consistent with the 2007 interim tender boat reduction; and
 - iv. industry entering into voluntary arrangements to limit catches to their provisional catch shares under the draft Management Plan (not currently in force).
- e. The record for the 27 February 2018 industry meeting is currently being finalised.

44. The Working Group discussed the distribution of catch between the TIB and TVH sectors, which was noted to be 45.643 tonnes (56 per cent) and 36.045 tonnes (44 per cent), respectively.

45. The TSRA Portfolio Member for Fisheries proposed that any remaining catch needs to be reserved for the TIB sector and additional management measures only applied after this has happened. The basis of this is that the livelihoods of Traditional Inhabitants should come first. This proposal was supported by the Industry members (TIB sector only), TSFA Chair and Malu Lamar representative.

46. The TSRA member advised that TSRA supported the recommendation of the TRSA Fisheries Portfolio member.

47. The AFMA member advised that whilst acknowledging the rights of the TIB sector to access the TRL resource and the importance of this to the livelihoods of Traditional Inhabitants, licence holders from the TVH sector also have access rights. A decision to remove access to the Fishery for one sector only in the current fishing season is unlikely to be procedurally fair. As a result such a proposal is unlikely to be supported the PZJA.

48. The QDAF Member advised that whilst the Queensland Minister would be advised of the TIB members and observers recommendations the QDAF member also noted that it would also be necessary to advise on the associated risk with such a proposal. These risks are around how consistent such a proposal is with the legislation.
49. The Fisheries Economist member noted that the terms of reference for the Working Group, as detailed in FMP1, do not include providing advice on matters of allocation in the TRL Fishery.
50. The Working Group noted that if the draft Management Plan was in force, the TVH sector would cease commercial fishing when their provisional allocation (33.82 per cent) was reached, and there would not be the competition between the two sectors as is currently being experienced.
51. The CSIRO scientific observer advised that, from a scientific perspective, they supported any management measures that would slow down or control fishing effort, including measures that would sustain the livelihoods of Traditional Inhabitants. However, in advising on additional management measures, there needs to be an objective basis upon which to assess options and having an estimate of the catch level needed to sustain the livelihoods of Traditional Inhabitants would assist. It was noted that on average, TIB catch has been 174 tonnes per season but has also been as low as 50 tonnes.
52. The AFMA member noted that the TRL stock is naturally variable. Current management controls have been largely sufficient to keep catches below the Australian catch share of the RBC without the need for additional management intervention. However, catches this season are tracking to exceed the Australian catch share of what is a low RBC and management action is needed to ensure this does not occur.
53. The Scientific member advised that the TRL stock has been at much lower levels in the past (e.g. 2001 when a total of 100 tonnes was taken by the Australian fishers for the whole year) and additional management measures were implemented in subsequent years, including:
- a. an increase in the minimum size limit;
 - b. two month hookah ban in December and January;
 - c. 30 per cent tender reduction for primary boats. This was introduced in 2005 to reduce effort. It was subsequently removed following an industry buyback in 2007, which effectively reduced the fleet by this amount.
54. Prior to the Working Group breaking into two subgroups, members and observers discussed additional management measures to control catches to ensure they do not exceed the Australian catch share of the RBC for the 2017/18 fishing season:
- a. Additional hookah closures during all new and full moon periods for the remainder of the fishing season;
 - b. 10nm spatial closures for the TVH sector around inhabited islands;
 - c. 30 per cent tender reduction for primary boats;
 - d. Increased minimum size limits;
 - e. No additional measures and close the fishery when the Australian share of the RBC is reached;
 - f. Voluntary arrangements to limit sectoral catches to provisional catch shares under the draft Management Plan (not currently in force). The provisional allocations between the TIB and TVH sectors are 66.18 and 33.82 per cent, respectively.
55. In considering additional management measures, it was noted that measures need to pursue the objectives under the *Fisheries Management Act 1984*. The Working Group discussed criteria against which options could be assessed:
- a. Protects traditional fishing;

- b. Keep catches to the Australian share of the RBC;
- c. Maintain the opportunity to fish throughout the remainder of the fishing season;
- d. Obtain good market prices;
- e. Does not increase operating costs;
- f. Can be enforced.

5 Progress on developing a Tropical Rock Lobster Fishery Management Plan

56. Due to time constraints, this item was not considered and will be deferred to a later Working Group meeting for consideration.

6 Finalising the Harvest Strategy for the Tropical Rock Lobster Fishery

57. Due to time constraints, this item was not considered and will be deferred to a later Working Group meeting for consideration.

7 TRL Fishery budget report for 2018/19

58. Due to time constraints, this item was not considered and will be deferred to a later Working Group meeting for consideration.

8 Other Business

59. Due to time constraints, this item was not considered.

9 Date and venue for next meeting

60. The Working Group noted that the next meeting is tentatively scheduled for May 2018, with a date to be decided out of session.

61. Mr Meremi Maina closed the meeting in prayer at 12:30pm on 29 March 2018.

TORRES STRAIT TROPICAL ROCK LOBSTER
WORKING GROUP (TRLWG) MEETING No.7
WEDNESDAY 28 MARCH 2018, 1:00PM-5:30PM
THURSDAY 29 MARCH 2018, 8:30AM-12:00PM
Thursday Island TSRA conference room

AGENDA

1. Preliminaries
 - 1.1. Meeting preliminaries
 - 1.2. Adoption of agenda
 - 1.3. Declaration of interests
 - 1.4. Action items from previous meetings
2. Updates from members
 - 2.1. Industry
 - 2.2. Government
 - 2.2.1. Fish receiver update
 - 2.2.2. TRL Fishery export approval
 - 2.2.3. Legislative amendments update
 - 2.3. PNG NFA update
 - 2.4. Native Title
3. Finalising the total allowable catch (TAC) for the 2017/18 fishing season
4. Management arrangements for the 2017/18 fishing season
5. Progress on developing a Tropical Rock Lobster Fishery Management Plan
6. Finalising the Harvest Strategy for the Tropical Rock Lobster Fishery
7. TRL Fishery budget report for 2018/19
8. Other Business
9. Date and venue for next meeting

Contents

Meeting participants	3
Members.....	3
Observers	4
1 Preliminaries	5
1.1 Meeting preliminaries	5
1.2 Adoption of agenda	5
1.3 Declaration of interests	5
1.4 Action items from previous meetings.....	5
2 Updates on catches to date.....	6
3 TRL Resource Assessment Group next meeting and items for discussion and advice	6
4 Management arrangements for the 2017/18 fishing season	8
5 Other Business	9
6 Date and venue for next meeting	9

Meeting participants

Members

Name	Position	Location	Declaration of interest
Alexander Morison	Chair	On phone	No pecuniary or other interest in the Tropical Rock Lobster Fishery or any other Torres Strait fisheries Fisheries Consultant. Chair of SERAG and SharkRAG. Scientific member on SEMAC. Contracted by government departments, non-government agencies and companies for a range of fishery related matters including research and MSC assessments of AFMA managed and other fisheries (by SCS Global Services)
Natalie Couchman	AFMA Executive Officer	AFMA Office	Nil
Selina Stoute	AFMA member	AFMA Office	Nil
Charlie Kaddy	TSRA member (Fisheries Programme Manager)	On phone	Nil. TSRA holds multiple TVH TRL fishing licences on behalf of Torres Strait Communities but does not benefit from them
John Dexter	Queensland Department of Agriculture and Fisheries (QDAF) member	On phone	Nil
Darren Dennis ¹	Scientific member	On phone	Nil. Member of other RAGs and research consultant
Aaron Tom	Industry member	AFMA Office	Nil. Traditional Inhabitant Gudumalulgal

Name	Position	Location	Declaration of interest
Mark David ²	Industry member	AFMA Office	Traditional Inhabitant Kulkalgal and TIB licence holder
Mark Dean	Industry member	AFMA Office	TVH operator
Brett Arlidge	Industry member	On phone	General Manager MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of TVH licences

Observers

Name	Position	Location	Declaration of interest
Allison Runck	TSRA observer	On phone	Nil. TSRA holds multiple TVH TRL fishing licences on behalf of Torres Strait Communities but does not benefit from them
Jerry Stephen	TSRA Deputy Chair, TSRA Member for Ugar and TSRA Portfolio Member for Fisheries	On phone	TIB licence holder and Traditional Owner
Dr Eva Plaganyi	CSIRO scientific observer	On phone	Project staff for PZJA funded TRL research projects
Dr Robert Campbell	CSIRO scientific observer	On phone	Project staff for PZJA funded TRL research projects

Notes:

¹ Departed the meeting at 11:00 am – was present for discussions on Agenda Items 1-3 and provided advice on Agenda Item 4 prior to departure.

² Arrived at the meeting at 11:15 am – was present for discussions on Agenda Items 4-6.

1 Preliminaries

1.1 Meeting preliminaries

1. Mr Jerry Stephen opened the meeting in prayer at 10:15 am on 26 April 2018.
2. The Chair welcomed attendees to the meeting of Torres Strait Tropical Rock Lobster Working Group members held by teleconference. The Chair acknowledged the Traditional Owners of the land on which the meeting was held and paid respect to Elders past and present.
3. Attendees at the meeting are detailed in the meeting participant tables at the start of this meeting record, including details of who was in attendance at the AFMA Office and who joined the meeting by phone.
4. Apologies were received from:
 - a. Sevaly Sen (Fisheries Economist member);
 - b. Phillip Ketchell (Industry member and Traditional Inhabitant Kaiwalagal);
 - c. Maluwap Nona (Chair, Malu Lamar (Torres Strait Islanders) Corporation RNTBC).
5. Terrence Whap (Industry member and Traditional Inhabitant Maluialgal) confirmed attendance but did not phone in at the scheduled time. Les Pitt (Industry member and Traditional Inhabitant Kemer Kemer Meriam) was contacted but was unable to confirm attendance.
6. The meeting discussed whether there was a quorum present to constitute a valid Working Group meeting. It was noted that PZJA Fisheries Management Paper No. 1 (FMP1) states that a quorum is two-thirds of the members with an adequate spread of responsibility, experience and representation. It was agreed that given the number of absent TIB Industry members (4 of 5 where absent), a quorum was not present. Given this, the advice that follows is the advice of members only, and not of the Working Group.
7. Mr Aaron Tom (Industry member) informed the meeting that he had been advised by colleagues that the matters to be discussed at this meeting are the subject of legal proceedings. On this basis, Mr Tom advised that the position put forward by TIB Industry members to the meeting of the Working Group held on 28-29 March 2018 (TRLWG7) still stand and he would not be providing further advice to this meeting.

1.2 Adoption of agenda

8. The draft agenda was adopted without change (**Attachment A**).

1.3 Declaration of interests

9. The Chair stated that as outlined in PZJA Fisheries Management Paper No. 1 (FMP1), all members of the Working Group must declare all real or potential conflicts of interest in Torres Strait TRL Fishery at the commencement of the meeting.
10. Updates to declarations of interests from TRLWG7 were provided by members. These are detailed in the meeting participant tables at the start of this meeting record.

1.4 Action items from previous meetings

11. It was noted that an update on the status of actions arising from previous TRLWG meetings would be provided at the next Working Group meeting.

2 Updates on catches to date

12. The meeting noted an update provided by the AFMA Member on catches in the Torres Strait Tropical Rock Lobster (TRL) Fishery in the 2017/18 fishing season:
 - a. The recommended biological catch (RBC) for the 2017/18 fishing season is 299 tonnes shared between Australia and PNG under the Torres Strait Treaty. The Australian catch share of the RBC is 190.65 tonnes (with an additional 11.2 tonnes accessible by Australian vessels if cross endorsed to fish in PNG waters). Final catch shares are pending agreement between Australia and PNG.
 - b. As at 25 April 2018, approximately 142 tonnes of TRL had been landed or approximately 75 per cent of the Australian catch share of the RBC. It was noted that there may be some outstanding Catch Disposal Records.
 - c. Catches for all months have been updated since TRLWG7. The latest figures take into account Catch Disposal Records received after 21 March 2018 (total 14 tonnes) and catch data that had been incorrectly reported as tailed weight not live weight (total 10 tonnes).
13. The AFMA member advised that there are reports from industry that catches are higher than what might be expected under the RBC. Based on all available catch and length frequency information however, CSIRO have advised that there is no firm basis to suggest the assessment is inaccurate. The AFMA member noted the CSIRO advice was circulated to members earlier in the week in the paper titled: *Updated length frequency analysis for TRL April 2018*.
14. The Scientific member noted that the next meeting of the TRL Resource Assessment Group (RAG) will be considering further analysis of catches for the 2017/18 fishing season, which will include an assessment of whether the catch trends for different age classes (1+ and 2+ lobsters) are inconsistent with those forecast by the stock assessment. The member further noted that catch rates from February and March appear higher than expected as well as the abundance of 2+ lobsters and this warrants further consideration by the TRLRAG.
15. An Industry member also noted that catch rates from February and March are as expected based on the season start. Overall catches have been higher than what might have been expected with such a low RBC.
16. The members noted that they would expect the additional moon-tide hookah closures, implemented on 10 April 2018, to have had an effect on catch rates.
17. The AFMA member advised that catches were approximately 70 and 72 tonnes, between the TVH and TIB sectors, respectively.
18. The TSRA Fisheries Portfolio Member stated that the different sectors should be held to their provisional catch shares. The AFMA member advised that catch shares do not currently apply in the Fishery. There is a provisional quota allocation that is to be given effect under a quota management plan.

3 TRL Resource Assessment Group next meeting and items for discussion and advice

19. The meeting noted an update provided by the AFMA Member on items proposed for discussion at the next meeting of the TRLRAG, tentatively scheduled for 8-9 May 2018:
 - a. Update on catches including length frequency and catch per unit effort (CPUE) trends for the 2017/18 fishing season to date;

- b. Evaluate merits of conducting a 2018 mid-season survey in light of potential impacts of recent management changes and an early closure on fishery-dependent CPUE and length-composition indicators. Noting also that CSIRO has provided advice on several survey options for objectively quantifying stock status, and assisting with CPUE standardisation (paper circulated to members titled: *Summary of additional survey options for TRL for 2018*);
 - c. Assess the likelihood of anomalous residual 2+ lobsters in the fishing grounds, and if relevant consider implications for future RBC calculations.
- 20. The AFMA member advised that whilst the current stock assessment and survey results would not trigger a mid-season survey under the draft Harvest Strategy, advice is being sought from the TRLRAG to inform data needs for the next stock assessment in light possible impacts on catch indicators this season. A mid-year survey is also likely provide information in which to examine some industry reports that catches are higher than expected based on the pre-season survey results. Members noted that the draft Harvest Strategy could be reviewed by the TRLRAG to see if it should be made responsive to such a situation if it occurs again in the future.
- 21. The CSIRO scientific observer noted that a mid-season survey will provide:
 - a. An assessment of 1+ and 2+ abundance and size for validation of the pre-season survey results, or alternatively highlighting that changes in the fishery are occurring (e.g. fishing efficiency) which may necessitate a revision of survey and assessment protocols;
 - b. Provide information on the stock that will otherwise not be available, if the fishing season closes early in 2018. It was noted that if the fishery is closed early, then the survey would survey sites that may not have been fished for 1-2 months, which may bias the survey relative to previous surveys which have always been during the active fishing season. Some form of correction factor would need to be applied to take this into account.
- 22. The Scientific member noted that he had heard reports of a race to a race to fish this season and this will need to be taken into account in future assessments. Based on past seasons it is expected for there to be a drop in CPUE around April/May. At this time, 1+ not 2+ lobsters would normally be expected, so this is a good period to compare previous years' data to determine the reasons for the higher than expected catch rates.
- 23. The TSRA member advised that they are not convinced of the merits of a mid-season survey at this time and would need to consider the matter further. If a survey is conducted, the reasons and expected outcomes from the survey need to be clearly communicated so as not to create expectations about how the results of that survey are likely to be used - for example the survey is unlikely to lead to an adjustment to the RBC for the Fishery this season. The primary consideration should be how a mid-season survey supports the Fishery next season. The TSRA are not convinced on the merits of a mid-season survey on the basis of validating the results of the November 2017 pre-season survey alone (which analysis to date has not provided any basis for considering inaccurate).
- 24. An Industry member advised that they supported undertaking a mid-year survey noting the Fishery has a long history of mid-year survey data and a lot of the science for the Fishery hangs on this data. Based on CSIRO's advice it would be good to have fishing occurring at the time of the survey.
- 25. The meeting agreed that the learnings from the 2017/18 fishing season should to be considered and reflected, where appropriate, in the Harvest Strategy for the Fishery.

4 Management arrangements for the 2017/18 fishing season

26. The meeting noted an update provided by the AFMA member:

- a. The last TRLWG meeting held on 28-29 March 2018 recommended that catches should not exceed the RBC and measures be adopted to prolong the opportunity for the TIB sector to fish for the duration of the season. It was also noted that prolonging fishing would allow the collection of CPUE data over a longer period which will inform the next stock assessment for the Fishery.
- b. Since that meeting, additional moon-tide hookah closures were implemented, commencing 13 April 2018. This measure was implemented to give immediate effect to the TRLWG recommendation to prolong the opportunity for the TIB sector to fish for a longer period.
- c. The additional closures will reduce effort in the Fishery. However, based on monthly catches to date, the Fishery is likely to reach the Australian catch share of the RBC (190.65t) in late May 2018.
- d. Given the timing and limitations under the *Torres Strait Fisheries Act 1984*, there are a limited number of measures available at this time. However, it was noted that further hookah restrictions could be implemented within a relatively short timeframe (less than two weeks) by way of a licence condition variation.
- e. It is recognised that additional input and output controls such as further restrictions on the use of hookah gear are likely to reduce effort but also increase fishing costs.

27. Having regard to AFMA advice on administrative feasibility, meeting participants were asked to provide advice on any additional management measures that could be applied in 2017/18 fishing season to prolong fishing within the season.

28. The TSRA member advised that they support the implementation of a management measure to limit the catch of the TVH and TIB sectors to the provisional catch shares proposed under the draft Management Plan. This was supported by both TIB Industry members.

29. To the same effect, the TRSA Fisheries Portfolio member proposed that any remaining catch needs to be reserved for the TIB sector and additional management measures only applied after this has happened. The basis of this is that the livelihoods of the TIB sector should come first.

30. The AFMA member acknowledged the TIB proposal and advised that AFMA's previous advice, iterated at the 7th meeting of the TRLWG held on 28-29 March 2018, remains the same. A decision to implement the provisional catch shares proposed under the draft Management Plan, prohibiting fishing by a select group of licence holders mid-season and outside of a management plan would not be sound administrative decision making or procedurally fair.

31. In addition to the above, members discussed the following management measures:

- a. no additional measures and close the fishery when the Australian share of the RBC is reached;
 - i. Industry members advised that they did not support this option as this would not prolong the opportunity for the TIB sector, or the Fishery as a whole;
- b. further hookah closures for May-June or for the remainder of the fishing season;
 - i. It was noted that either option would have a differential impact on fishers, depending on the method they employed in their operations;

- ii. Hookah closures would prolong the opportunity for the TIB sector to fish for a longer period but it was noted that fishers in the TIB sector use hookah;
 - iii. One Industry member advised that a hookah closure for May-June would likely benefit the Fishery as a whole by prolonging fishing for all. Secondly if beneficial for a mid-year survey, the Fishery would still be open in July rather than stopping in May;
 - iv. One Industry member noted that further hookah closures (May and June) are not likely to be supported by TVH operators and possibly some TIB fishers but it would leave catch for TIB free dive and lamp fishing and give time for the TRLRAG to consider the 2+ abundance, catches and the RBC.
 - v. It is uncertain as to what level of effort shift will occur from hookah to free dive. The AFMA member noted that of the reported TIB catch to date approximately 27 tonnes had been reportedly taken by free dive. The Scientific observer advised that free dive catch rates are approximately 85% of hookah catch rates;
 - vi. Prolonging the season would allow industry to fish to higher market prices expected in June/July;
 - vii. Prolonging the season so that fishing is occurring at the same time as a mid-season survey, will help address the issue with potential bias in the survey caused by an early cessation of fishing;
 - c. Fishery closure for May-June or fortnight each month;
 - i. Whilst this option may prolong the opportunity for the TIB sector to fish for a longer period, it would severely disrupt income and cash flow for fishers.
 - d. increase the minimum size limits;
 - i. There would need to be robust data and advice from the TRLRAG to support such a measure;
 - ii. Implementation would take approximately 1 month, as this would need to be given effect to under a legislative instrument.
32. The QDAF member noted, that in considering additional management measures, measures need to pursue the objectives under the *Torres Strait Fisheries Act 1984*, be implementable and enforceable.
33. An Industry member requested information be made available regarding operators' provisional catch shares proposed under the draft Management Plan, so members can better understand the circumstances of operators involved.

5 Other Business

34. No other business was discussed.

6 Date and venue for next meeting

35. The Chair noted that meeting by teleconference was not ideal and had associated difficulties but given the short timeframes was the only option available. The Chair thanked members for making themselves available at short notice and for their advice.

36. Mr Jerry Stephen closed the meeting in prayer at 12:00pm on 26 April 2018.

AGENDA

1. Preliminaries
 - 1.1. Meeting preliminaries
 - 1.2. Adoption of agenda
 - 1.3. Declaration of interests
 - 1.4. Action items from previous meetings
2. Update on catches to date
3. TRL Resource Assessment Group next meeting and items for discussion and advice
4. Management arrangements for the 2017/18 fishing season
5. Other Business
6. Date and venue for next meeting

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
PRELIMINARIES Out-of-session correspondence	Agenda Item 1.5 For Information

RECOMMENDATIONS

1. That the Working Group **NOTE** the correspondence sent out-of-session since the last TRLWG meeting held on 28-29 March 2018.

BACKGROUND

2. The following correspondence was circulated out-of-session since the last TRLWG meeting held on 28-29 March 2018. Copies of this correspondence can be requested at any time from the TRLWG Executive Officer.

Date	Item
21 May 2018	AFMA circulated the draft meeting record for the TRLWG 7 meeting held on 28-29 March 2018 and meeting of TRLWG members held on 26 April 2018, to Members for comment
22 June 2018	AFMA circulated a community notice concerning the Mid Year Lobster Population Survey conducted by CSIRO between the 28 June and 11 July 2018, to Members for comment
26 June 2018	AFMA circulated the final meeting record for the TRLWG 7 meeting held on 28-29 March 2018 and meeting of TRLWG members held on 26 April 2018, to Members for information
29 June 2018	AFMA circulated a proposal concerning the proposed remaking of <i>Fisheries Management Instrument No. 9</i> (FMI9) by the PZJA, to Members for consideration and comment
20 July 2018	AFMA sent offers to extend current terms of appointment for Traditional Inhabitant members on the TRLWG until 31 December 2018, or until the appointment of new members is finalised
20 July 2018	AFMA circulated the preliminary results from the Torres Strait TRL mid-year survey conducted between 28 June and 9 July 2018, to Members for information
20 August 2018	Dr Ian Knuckey responded to concerns raised by Mr Brett Arlidge on 27 July and 17 August 2018 regarding the survey and stock assessment processes for the TRL Fishery. Ms Selina Stoute
21 August 2018	Ms Selina Stoute confirmed support for the approach proposed by Dr Ian Knuckey on 20 August 2018 in response to concerns raised

22 August 2018	AFMA circulated a media release from the Senator the Hon. Anne Ruston concerning the implementation of a Tropical Rock Lobster (TRL) Fishery Management Plan by 1 December 2018
17 September 2018	Dr Ian Knuckey responded to concerns raised by Mr Trent Butcher on 17 September 2018 regarding the survey and stock assessment processes for the TRL Fishery
17 September 2018	Ms Selina Stoute responded to concerns raised by Mr Trent Butcher and Mr Jerry Stephen on 17 September 2018 regarding the survey and stock assessment processes for the TRL Fishery
25 September 2018	AFMA sought availability of members for a meeting of the TRLWG to be held from 7-8 November 2018 on Thursday Island
3 October 2018	AFMA circulated the draft agenda for the TRLWG meeting to be held from 7-8 November 2018 on Thursday Island. Also attached was a letter to Traditional Inhabitant members concerning new arrangements regarding meeting travel, remuneration as well as additional support to engage in and communicate the outcomes of meetings

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
UPDATES FROM MEMBERS Industry, economic and scientific members	Agenda Item 2.1 For Information

RECOMMENDATIONS

1. That the Working Group **NOTE** updates provided by industry, economic and scientific members.

BACKGROUND

2. Verbal reports are sought from industry, economic and scientific members under this item.
3. It is important that the Working Group develops a common understanding of any strategic issues, including economic, fishing and research trends relevant to the management the TRL Fishery. This includes within adjacent jurisdictions. This ensures that where relevant, the Working Group is able to have regard for these strategic issues and trends.
4. Working Group members are asked to provide any updates on trends and opportunities in markets, processing and value adding. Industry is also asked to contribute advice on economic and market trends where possible. Economic and scientific members are asked to contribute advice on any broader strategic research projects or issues that may be of interest to the Torres Strait in future.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
UPDATES FROM MEMBERS Government agencies	Agenda Item 2.2 For Information

RECOMMENDATIONS

1. That the Working Group:
 - a. **NOTE** the update provided by AFMA below;
 - b. **NOTE** a verbal update will be provided by the QDAF and TSRA.

AFMA UPDATE

Summary of management arrangements for the 2017/18 fishing season

2. The Torres Strait Tropical Rock Lobster (TRL) Fishery 2017/18 fishing season was managed in line with a historically low recommended biological catch (RBC). Historically, existing management arrangements for the TRL Fishery have been largely sufficient to keep catch levels below the Australian catch share of the RBC without the need for additional management controls. However, during the 2017/18 fishing season, catches were tracking to reach the Australian catch share of the RBC prior to the end of the season on 30 September 2018. In response, changes were made to management arrangements within the fishing season for the purpose of prolonging the opportunity for the TIB sector to fish for the duration of the season and ensure the Australian catch share of the RBC was not exceeded.
3. These changes were largely in the form of input controls (e.g. restrictions on the use of hookah gear) which had impacts on both fishers and the fishery dependant data available to support future stock assessments. A summary of actions taken concerning the management of the TRL Fishery for the 2017/18 fishing season is provided for members' reference at **Attachment 2.2a**.

Catch summary for the 2017/18 fishing season

4. As reported through the mandatory fish receiver system, implemented on 1 December 2017, the reported landed catch for the Australian Torres Strait TRL Fishery for the 2017/18 fishing season is 261,067 kg.
5. This equates to 102.72 per cent of the 254,150 kg Australian catch share of the recommended biological catch (RBC). This catch data is sourced from the Torres Strait Fisheries Catch Disposal Record (TDB02) and covers the Traditional Inhabitant Boat (TIB) and Transferable Vessel Holder (TVH) sectors only.
6. The reported catch for the PNG TRL Fishery taken from the Torres Strait Protected Zone for the period 1 January 2018 to 21 September 2018 is 66,361 kg. The reported catch for the PNG TRL Fishery taken from outside of the Torres Strait Protected Zone for the period 1 January 2018 to 21 September 2018 is 2,302 kg. The PNG catch share of the RBC for the 2017/18 fishing season for the Torres Strait Protected Zone was 44,850 kg. PNG closed the PNG TRL Fishery from 19 October 2018 through to 31 March 2019 (**Attachment 2.2b**).
7. Further details on reported catch are provided at **Attachment 2.2c**.

Outcomes of the Federal Court case

8. On 27 June 2018, his Honour Justice Rares of the Federal Court of Australia handed down an *ex tempore* decision in the matter of Malu Lamar (Torres Strait Islander) Corporation RNTBC (Malu Lamar) v James Findlay (VID577/2018). His Honour quashed the decision

of the CEO of AFMA, as delegate of the PZJA, to implement a prohibition on the use of hookah for the remainder of the 2017/18 fishing season. This judgement took effect from 1600 AEST 29 June 2018.

9. His Honour found that the delegate was obliged to afford procedural fairness to Malu Lamar prior to making the decision to amend licence conditions, but had failed to do so on the basis that Malu Lamar's response to native title notification had not been considered by the delegate prior to making the decision.
10. The full judgement can be accessed on the Federal Court of Australia website at: <http://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2018/2018fca1150>
11. Malu Lamar's successful challenge meant that the decision to vary licence conditions was quashed, with the effect that both TIB and TVH licence holders were again permitted to use hookah gear to take TRL, except during moon-tide hookah closure periods previously implemented on 10 April 2018.

Draft Harvest Strategy for the TRL Fishery

12. At the Working Group meeting held on 25-26 July 2017, members recommended that further work be undertaken by the Working Group and RAG to examine possible options for including social and/or economic objective in the draft Harvest Strategy and applying a management trigger as the stock approaches the limit reference point. Some member recommended that this management trigger should give priority access to catch to the TIB sector over the TVH sector. The Working Group Fisheries Economist noted another option might be to restrict the Fishery to free dive only if a certain trigger point was reached.
13. At the RAG meeting held on 27-28 March 2018, members agreed that a management trigger can be included that results in alternative management and catch sharing arrangements. However, the trigger level itself and proposed management response needs to be identified by the Working Group before the RAG can provide advice about how the draft Harvest Strategy should be modified to accommodate it. The RAG discussed that:
 - a. Social and economic limits are often based on tonnage and not % biomass. Biomass based triggers are difficult to monitor and it is not practical for the TRL Fishery given the limitations of available data.
 - b. Triggers that result in management changes part way through a season are complex to administer and require real time data and analysis which is expensive for the fishery. In the TRL Fishery in-season adjustments would be difficult under the current inputs.
 - c. If a new trigger is incorporated, the Harvest Strategy would need to undergo management strategy evaluation (MSE) testing. This is a costly exercise.
14. At the most recent RAG meeting held on 18-19 October 2018, the RAG recommended¹ that in light of the 2017/18 season, the number of years in the eHCR index and decision rule triggers be revisited at the next meeting of the RAG prior to finalising the Harvest Strategy. This is taken from the draft record of the meeting and will be subject to member consideration and comment. The next meeting of the RAG is scheduled for 11-12 December 2018.
15. Finalising a revised harvest strategy for the TRL Fishery is a high management priority. The revised harvest strategy will provide greater management certainty for stakeholders and enable more timely RBC advice. More timely advice is necessary to support more timely and effective business planning.

¹ This recommendation is taken from the draft record of the meeting and is still pending member consideration and comment.

ABARES Fishery Status Report

16. Each year, the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) compiles fishery status reports which provide an independent assessment of the biological status of fish stocks and the economic status of fisheries managed, or jointly managed, by the Australian Government (Commonwealth fisheries).
17. The ABARES *Fishery Status Reports 2018* were released on 28 September 2018 and summarise the performance of these fisheries in 2017 and over time, against the requirements of fisheries legislation and policy. The reports assess all key commercial species from Australian Government managed fisheries and examines the broader impact of fisheries on the environment, including on non-target species.
18. In summary, the biological status for the Torres Strait Tropical Rock Lobster Fishery has been assessed for the 2017 period as follows:

Biological Status	Fishing mortality	Biomass	Additional comments
Tropical Rock Lobster	Not subject to overfishing	Not overfished	Current catches equate to fishing mortality rates below the target and limit reference points. Spawning stock biomass is above the target level.
Economic Status	Net economic returns (NER) movement in 2016-17 remain uncertain. A decrease in effort in the fishery in 2016-17 suggests a reduction in fishing costs, but this occurred with a fall in gross value of production.		

19. ABARES fishery status reports can be accessed on the ABARES website at: http://www.agriculture.gov.au/abares/publications/display?url=http://143.188.17.20/anrdl/D AFFService/display.php?fid=pb_fsr18d9abm_20180928.xml

New Assistant Minister

20. On 28 August 2018, Senator the Hon. Richard Colbeck was sworn in as the Assistant Minister for Agriculture and Water Resources. In his position, Senator Colbeck will serve as the Chair of the Protected Zone Joint Authority. The previous Assistant Minister, Senator the Hon. Anne Ruston is now the Assistant Minister for International Development and the Pacific.

Australian National Audit Office (ANAO) performance audit

21. The ANAO is currently undertaking a performance audit of the coordination arrangements of Australian Government agencies operating in the Torres Strait. The audit will examine whether Australian Government agencies operating in the Torres Strait have appropriate governance arrangements to support the coordination of their activities; and the coordination arrangements are effective in supporting Australian Government activities in the Torres Strait.
22. The audit was open for contribution until 30 September 2018 with a report due to be tabled in January 2019. Australian Government agencies subject to the audit include AFMA, the Department of Agriculture and Water Resources, the Department of Foreign Affairs and Trade, the Department of Home Affairs and the TSRA.
23. Further information on the audit can be accessed on the ANAO website at: <https://www.anao.gov.au/work/performance-audit/coordination-arrangements-australian-government-entities-operating-torres-strait>

Legislative amendments

24. Following PZJA and further Ministerial approval, AFMA is continuing to progress draft amendments to the Torres Strait Fisheries Act 1984 and Torres Strait Fisheries Regulations

1985. The amendments will provide immediate improvements to the efficiency and effectiveness of fisheries administration in the Torres Strait.

25. Of particular relevance to the Working Group, the amendment to provide for catch reporting across all licence holders will allow for the implementation of mandatory daily logbook reporting by TIB licence holders. This will provide for improved data on which to base management advice and decisions.

26. A description of the proposed amendments and their status is provided below.

Amendment	Instrument to be amended	Status
Simplified disclosure of fisheries information	Regulations	Drafting instructions issued to the Office of Parliamentary Counsel (OPC) and legislative drafter assigned
Implementation of Fisheries Infringement Notices	Regulations	Drafting instructions issued to the Office of Parliamentary Counsel (OPC) and legislative drafter assigned
Capacity to require catch reporting across all licence holders	Act, then Regulations	Awaiting policy approval from whole of government consideration, preparation of drafting instructions and assignment of legislative drafter
Capacity to provide electronic licensing and monitoring to licence holders	Act	Awaiting policy approval from whole of government consideration, preparation of drafting instructions and assignment of legislative drafter
Capacity to delegate the powers to grant and vary scientific and development permits	Act	Awaiting policy approval from whole of government consideration, preparation of drafting instructions and assignment of legislative drafter
Capacity to simplify the renewal of fishing licences	Act	Awaiting policy approval from whole of government consideration, preparation of drafting instructions and assignment of legislative drafter
Capacity to delegate powers to contracted service providers	Act	Awaiting policy approval from whole of government consideration, preparation of drafting instructions and assignment of legislative drafter

27. Legislative amendments generally take a number of years, with progress often constrained by the priority of the amendments relative to other amendments being progressed at the time both within AFMA, and more broadly by the Department of Agriculture and Water Resources and other Australian Government agencies. The amendment process generally increases in time and complexity depending on the instrument being amended (e.g. the process to amend Acts may take many years, Regulations 1-2 years and fisheries management instruments within a year). Further details on amendment processes is provided in **Attachment 2.2d**.

28. AFMA will work closely with the TSRA and Queensland Department of Agriculture and Water Resources in progressing the proposed amendments. Opportunities to provide comment on the proposed amendments will also be provided to fishers, their communities and the general public as the amendments are progressed. This will be done so through

direct communication with fishers, public notices as well as through the PZJA RAGs, MACs and Working Groups. Further details on when these opportunities will be publicised once determined.

Summary of actions taken concerning the management of the Australian Torres Strait Tropical Rock Lobster (TRL) Fishery for the 2017/18 fishing season.

Date	Description of management action
1-12 Nov 17	<p>Pre-season survey</p> <p>CSIRO conducted the annual pre-season survey.</p>
12-13 Dec 17	<p>TRL Resource Assessment Group (RAG) meeting</p> <p>The RAG considered the preliminary results of the November 2017 pre-season survey and integrated stock assessment. The RAG recommended a preliminary recommended biological catch (RBC) of 299,000 kg for the 2017/18 fishing season (Australia and PNG inclusive).</p>
1 Feb 18	<p>Letter to licence holders – moon-tide hookah closures</p> <p>AFMA (as PZJA licencing delegate) implemented moon-tide hookah closures in the TRL Fishery for the 2017/18 fishing season.</p>
5 Feb 18	<p>Australia-PNG Fisheries Bilateral meeting</p> <p>Australia and PNG agree to a preliminary RBC of 299,000 kg for the 2017/18 fishing season. Until final catch shares of the RBC were agreed between Australia and PNG, the TRL Fishery was managed to an Australian catch share of 190,650 kg. This amount reflects the ordinary operation of the apportionment process under the Torres Strait Treaty, pending agreement with PNG.</p>
22 Feb 18	<p>Letter to licence holders – preliminary RBC</p> <p>AFMA advised of the preliminary RBC for the 2017/18 fishing season, and that additional management measures may be needed to regulate catches in line with the RBC.</p>
27 Feb 18	<p>Public meeting</p> <p>AFMA held a public meeting with licence holders, industry representatives and other stakeholders to provide information of the preliminary RBC for the 2017/18 fishing season, and advise that additional management measures may be needed to regulate catches in line with the RBC.</p>
27-28 Mar 18	<p>TRLRAG meeting</p> <p>The RAG considered the final results of the November 2017 pre-season survey and integrated stock assessment. The RAG recommended a final RBC of 299,000 kg for the 2017/18 fishing season (Australia and PNG inclusive).</p>
28-29 Mar 18	<p>TRL Working Group (WG) meeting</p> <p>The WG considered management measures necessary to ensure catches do not exceed the Australian catch share of the RBC for the 2017/18 fishing season. The WG recommended:</p> <ol style="list-style-type: none"> catches should not exceed the RBC noting over catching will increase the risk of the TRL Fishery not reaching its interim harvest strategy target. Which is to maintain the stock at (on average), or return to, a target biomass point B_{TARG} ($B_{TARG} = 0.65 B_0$) that takes account of the fact that the resource is shared and important for the traditional

	<p>way of life and livelihood of traditional inhabitants and is biologically and economically acceptable; and</p> <p>b. measures be adopted to prolong the opportunity for the TIB sector to fish for the duration of the season. It was also noted that prolonging fishing would allow the collection of catch per unit effort data over a longer period which will inform the next stock assessment for the TRL Fishery.</p>
10 Apr 18	<p>Letter to licence holders – additional moon-tide hookah closures</p> <p>AFMA (as PZJA licencing delegate) implemented additional moon-tide hookah closures in the TRL Fishery covering all new and full moon periods for the remainder of the 2017/18 fishing season. The implementation of these closures was undertaken to give immediate effect to the WG recommendations. The closures reduced effort in the TRL Fishery but updated projections following the RAG and WG meetings estimated the Australian catch share of the RBC would be reached by late May 2018.</p>
26 Apr 18	<p>Meeting of TRLWG members</p> <p>A meeting of TRLWG members considered whether any additional management measures should be applied to further prolong fishing within the season, noting the PZJA will take steps to close the TRL Fishery to ensure the Australian catch share of the RBC is not exceeded. As a majority of TIB industry members were absent from the meeting, a quorum was not present and so did not constitute a formal meeting of the Working Group. The meeting proceeded to enable an opportunity for those members that were present to provide advice. Having regard for the objectives of the <i>Torres Strait Fisheries Act 1984</i> (the Act) and administrative feasibility options discussed by members of the TRLWG included:</p> <ul style="list-style-type: none"> a. no additional measures and close the TRL Fishery when the Australian share of the RBC is reached; b. further hookah closures for May-June or for the remainder of the fishing season; c. TRL Fishery closure for May-June or fortnight each month; d. increase the minimum size limits.
27 Apr 18	<p>Letter to licence holders – hookah prohibition</p> <p>AFMA (as PZJA licencing delegate) implemented a prohibition on the carriage and use of hookah gear in the TRL Fishery for the remainder of the 2017/18 fishing season. The implementation of this closure was undertaken to give immediate effect to the WG recommendations.</p>
23 May 18	<p>TRLRAG meeting</p> <p>The RAG considered analyses of CPUE and length frequency data and evaluated the merits of additional survey options to support future stock assessments. The RAG recommended that a mid-year survey be conducted for the purposes of providing further data: on the abundance and spatial distribution of TRL to input to the 2018/19 stock assessment; to validate the results of the November 2017 pre-season survey; and, to provide forewarning on the likelihood of another low RBC for the 2018/19 season.</p>

8 Jun 18	<p>Letter to licence holders – Australia-PNG agreement on catch shares</p> <p>AFMA advised of the agreement between Australia and PNG on final catch shares of the RBC for the 2017/18 fishing season, on the basis that there will be no cross-endorsement, whereby boats from Australia and PNG can be licensed to fish in the other country's waters. As a result, the final catch shares were: 254,150 kg to be taken by Australian boats in Australian waters; and 44,850 kg in to be taken by PNG boats in PNG waters.</p>
28 Jun 18	<p>Letter to licence holders – Federal Court of Australia judgement</p> <p>AFMA advised that Malu Lamar's application to reverse AFMA's decision, to prohibit the carriage and use of hookah gear in the TRL Fishery for the remainder of the 2017/18 fishing season, was granted by the Federal Court of Australia effective 1600 AEST 29 June 2018. Malu Lamar's successful challenge meant that both TIB and TVH licence holders were again permitted to use hookah gear, except during moon-tide hookah closure periods previously implemented on 10 April 2018.</p>
28 Jun-9 Jul 18	<p>Mid-year survey</p> <p>CSIRO conducted a mid-year survey.</p>
20 Jul 18	<p>Management Instrument</p> <p><i>The Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018</i> (the Instrument) came into effect on 20 July 2018. The Instrument provides for:</p> <ol style="list-style-type: none"> the closure of the TRL Fishery by the CEO of AFMA in circumstances where the commercial catch of TRL is likely to exceed the Australian catch share of the RBC (the total allowable catch (TAC)) before the end of a fishing season; and flexibility in the regulation of the carriage and use of hookah gear in the TRL Fishery. Future regulation of the carriage and use of hookah gear will occur under the Instrument, replacing conditions on licences under section 22 of the Act.
20 Jul 18	<p>TRLRAG correspondence</p> <p>AFMA circulated the preliminary results from the mid-year survey to RAG members.</p>
24 Jul 18	<p>Letter to licence holders – TRL Fishery closure</p> <p>AFMA notified licence holders that commercial fishing in the TRL Fishery will close for the remainder of the 2017/18 fishing season, effective 31 July 2018 to 30 November 2018.</p>
22 Aug 18	<p>TRL Fishery Management Plan</p> <p>Media release from the Senator the Hon. Anne Ruston stating that after listening to the concerns of the Torres Strait community and commercial fishers, the PZJA will consider implementing a TRL Fishery Management Plan by 1 December 2018.</p>

Catch summary for the 2017/18 fishing season

Table 1. Reported landed catch (kg whole weight) of Tropical Rock Lobster (TRL) for the Australian Torres Strait TRL Fishery for the 2017-18 fishing season. Source: Torres Strait Fisheries Catch Disposal Record (TDB02) as at 03 October 2018.

Month	Reported catch (kg) for Traditional Inhabitant Boat (TIB) licence holders*	Reported catch (kg) for Transferable Vessel Holder (TVH) licence holders*^	Total reported catch (kg)*
Dec-17	15,077.98	33.72	15,111.70
Jan-18	13,059.72	0.00	13,059.72
Feb-18	20,936.83	42,415.36	63,352.19
Mar-18	19,095.97	28,605.83	47,701.79
Apr-18	17,063.75	23,381.14	40,444.88
May-18	10,130.47	3,110.28	13,240.75
Jun-18	10,832.57	2,966.17	13,798.75
Jul-18	20,800.78	33,557.31	54,358.09
Total reported catch (kg)*	126,998.06	134,069.81	261,067.87
Reported catch as a per cent (%) of the TAC~	49.97	52.75	102.72
Reported catch as a per cent (%) of total reported catch	48.65	51.35	100.00

Notes:

* The reported catch figures are sourced from catch disposal records (TDB02). There may be some outstanding records. The reported catch figures do not include any unreported catch.

^ The reported catch figures for Transferable Vessel Holder (TVH) licence holders includes catch taken under licences held by the Torres Strait Regional Authority (TSRA).

~ The total allowable catch (TAC) for the Australian Torres Strait TRL Fishery for the 2017-18 fishing season was 254,150kg. The 2017-18 fishing season ran from 1 December 2017 to 30 July 2018.

Table 2. Reported catch of Tropical Rock Lobster (TRL) for the PNG TRL Fishery taken from the Torres Strait Protected Zone for the period 1 January 2018 to 21 September 2018. Source: PNG National Fisheries Authority.

Month	Reported catch (kg) of frozen tails (converted to whole weight)*^	Reported catch (kg) of live TRL (whole weight)*	Total reported catch (kg)*
Jan-18	4,858.58	1,320.00	6,178.58
Feb-18	10,067.87	1,980.00	12,047.87
Mar-18	2,125.87	0.00	2,125.87
Apr-18	9,538.15	2,640.00	12,178.15
May-18	5,841.37	1,980.00	7,821.37
Jun-18	5,528.00	1,320.00	6,848.00
Jul-18	7,621.43	2,640.00	10,261.43
Aug-18	5,705.62	3,195.00	8,900.62
Total reported catch (kg)*	51,286.89	15,075.00	66,361.89

Notes:

* Reported catch is from the area of the Torres Strait Protected Zone only.

^ A conversion factor of 2.667 has been applied to convert tail to whole weight.

Table 3. Reported catch of Tropical Rock Lobster (TRL) for the PNG TRL Fishery taken from outside of the Torres Strait Protected Zone for the period 1 January 2018 to 21 September 2018. Source: PNG National Fisheries Authority.

Month	Reported catch (kg) of tails*^~
Jan-18	129.62
Feb-18	33.60
Mar-18	69.61
Apr-18	270.70
May-18	1,354.04
Jun-18	429.39
Jul-18	0.00
Aug-18	16.00
Total reported catch (kg)*~	2,302.95

Notes:

* Reported catch is from outside of the area of the Torres Strait Protected Zone only.

^ A conversion factor of 2.667 has been applied to convert tail to whole weight.

Legislative amendments process and timeline

Regulation amendments	Indicative Timeline	Act amendments	Indicative Timeline
Submit proposed amendments to the PZJA then Minister for Agriculture and Fisheries for approval	Completed	Submit proposed amendments to the PZJA then for further whole of government consideration	October-December 2018
Prepare bid for drafting resources	Completed	Prepare bid for drafting resources	October-December 2018
Prepare drafting instructions in consultation with relevant government agencies	Completed	Prepare drafting instructions in consultation with relevant government agencies	October-December 2018
If required, prepare regulation impact statement and conduct public consultation	October-December 2018	If required, prepare regulation impact statement and conduct public consultation	January-April 2019
Amending regulations prepared by Office of Parliamentary Counsel	August-December 2018	Bill prepared by Office of Parliamentary Counsel	January-April 2019
Conduct public consultation on exposure draft of amending regulations	January-March 2019	Conduct public consultation on exposure draft of Bill	May-July 2019
Office of Parliamentary Counsel to prepare any changes to amending regulations identified as a result of public consultation	April 2019	Office of Parliamentary Counsel to prepare any changes to amending regulations identified as a result of public consultation	August 2019
Prepare associated legislation documents (Executive Council minute, explanatory memorandum, explanatory statement, statement of compatibility with human rights etc)	April 2019	Prepare associated legislation documents (explanatory memorandum, statement of compatibility with human rights, second reading speech etc)	August 2019
Submit legislative package to the Minister for Agriculture and Fisheries for approval	May 2019	Submit legislative package to the Minister for Agriculture and Fisheries for approval	September 2019
Submit legislative package to Federal Executive Council (ExCo)	June 2019	Give notice to the Clerk of the House, who will arrange for the Bill to be listed on the Notice Paper	TBA

Regulation amendments	Indicative Timeline	Act amendments	Indicative Timeline
Governor General to make the amending regulations	June 2019	Minister for Agriculture and Fisheries to present Bill to the House of Representatives for debate and agreement	TBA
Register amending regulations on the Federal Register of Legislative Instruments (FRLI), at which point they will come into force	June 2019	Bill presented to the Senate for debate and agreement	TBA
Table regulations in both houses of Parliament for a disallowance period of 15 sitting days	June 2019	Once the Bill has been agreed by both Houses in identical form, present Bill to the Governor-General for royal assent	TBA
Notify stakeholders of making of amending regulations	June 2019	Register Act on the Federal Register of Legislative Instruments (FRLI)	TBA
Implement new provisions of amending regulations	June 2019 onwards	Notify stakeholders of making of the Act	TBA
		Implement new provisions of the Act	TBA

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
UPDATES FROM MEMBERS PNG National Fisheries Authority	Agenda Item 2.3 For Information

RECOMMENDATIONS

1. That the Working Group **NOTE** the update to be provided by the PNG National Fisheries Authority (NFA).

BACKGROUND

2. A verbal report will be provided under this item subject to the availability of NFA officers.



NATIONAL FISHERIES AUTHORITY

PUBLIC NOTICE

TSPZ TROPICAL ROCK LOBSTER FISHERY CLOSURE NOTICE FOR WESTERN PROVINCE

THIS PUBLIC NOTICE SERVES TO INFORM ALL

- LICENSED OPERATORS OF ROCK LOBSTER FISHING VESSELS,
- LICENSED BUYERS OF ROCK LOBSTER
- LICENSED SHORE-BASED FACILITY OPERATORS

BASED IN DARU THAT **THE TROPICAL ROCK LOBSTER (*PANULIRUS ORNATUS*) FISHERY IN THE WESTERN PROVINCE AND PNG'S JURISDICTION OF THE TORRES STRAIT SHALL BE CLOSED IMMEDIATELY FROM THE 19TH OF OCTOBER, 2018 TO 31ST OF MARCH, 2019.** THIS IS A MANAGEMENT INTERVENTION MEASURE TO FURTHER STOP OVER HARVESTING OF THE ROCK LOBSTER AS OUR (PNG) ALLOCATED TAC UNDER THE TSPZ HAS BEEN REACHED OR GONE OVER OUR TOTAL ALLOWABLE CATCH (TAC) OF 44.85 TONS.

THE ALLOCATED TAC FROM THE SHARED STOCK BETWEEN PNG AND AUSTRALIA ARE CALCULATED USING THE COMBINED SEASONAL CATCHES FROM BOTH PNG AND AUSTRALIA, PRESEASONAL SURVEYS, AS WELL AS HISTORICAL CATCH DATA.

FOR THE 2018 SEASON, IT WAS AGREED THAT AUSTRALIA TRANSFERS ITS 25% CATCH SHARE ENTITLEMENT OF 11.2 TONNES IN PNG WATERS TO PNG AND, PNG TRANSFERS ITS 25% CATCH SHARE ENTITLEMENT OF 63.5 TONNES IN AUSTRALIA WATERS TO AUSTRALIA.

UNDERSTANDABLY THIS WILL INCREASE PAPUA NEW GUINEA'S ENTITLEMENT TO 44.85 TONNES WITHIN ITS OWN WATERS AND INCREASES AUSTRALIA'S ENTITLEMENT TO 254.15 TONNES IN AUSTRALIAN WATERS, THUS FULLY UTILISING THE GLOBAL TAC OF 299 TONNES.

PNG NFA REMAINS COMMITTED TO WORKING COLLABORATIVELY WITH AUSTRALIA FISHERIES MANAGEMENT AUTHORITY (AFMA) IN THE MANAGEMENT OF OUR JOINTLY SHARED FISHERIES RESOURCES IN THE TORRES STRAIT PROTECTED ZONE (TSPZ). IN LIGHT OF THE REDUCED GLOBAL TOTAL ALLOWABLE CATCH (TAC) AND, STOCK ABUNDANCE NFA REMAINS DEDICATED TO PROVIDING TIMELY AND UPDATED DATA FROM PNG'S JURISDICTION TO ENSURE THE INTEGRITY OF FUTURE STOCK ASSESSMENTS AND MONITORING OF OUR SHARED STOCKS IS MAINTAINED.

ANY QUERIES, PLEASE CONTACT MR LEBAN GISAWA, EXECUTIVE MANAGER-FISHERIES MANAGEMENT AND OR IAN LIVIKO, MANAGER, PRAWN AND LOBSTER ON PH: 309 0444 or EMAIL: lgisawa@fisheries.gov.pg AND iliviko@fisheries.gov.pg RESPECTIVELY

Authorised by:


Mr John E Kasu
Managing Director

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
UPDATES FROM MEMBERS Native Title	Agenda Item 2.4 For Information

RECOMMENDATIONS

1. That the Working Group **NOTE** any updates on Native Title matters from members, and representatives of Malu Lamar (Torres Strait Islanders) Corporation RNTBC (Malu Lamar).

BACKGROUND

2. On 7 August 2013 the High Court of Australia confirmed coexisting Native Title rights, including commercial fishing, in the claimed area (covering most of the Torres Strait Protected Zone). This decision gives judicial authority for Traditional Owners to access and take the resources of the sea for all purposes. Native Title rights in relation to commercial fishing must be exercisable in accordance with the *Torres Strait Fisheries Act 1984*.
3. Traditional Owners and Native Title representative bodies have an important role in managing Torres Strait fisheries. It is important therefore that the Working Group keep informed on any relevant Native Title issues arising.
4. AFMA has extended an invitation to Malu Lamar to attend this meeting as an observer and is investigating longer term arrangements for representation in consultation with PZJA agencies. A Malu Lamar representative was unable to attend the meeting, but have been provided the opportunity to provide a written update.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
REPORT FROM TRLRAG HELD ON 18-19 OCTOBER 2018	Agenda Item 3 For Noting

RECOMMENDATIONS

1. That the Working Group **NOTE** a report from the 24th meeting of the Tropical Rock Lobster Resource Assessment Group (TRLRAG) held on 18-19 October 2018, noting some outcomes are to be discussed further under later agenda items.

RAG REPORT

2. The following summary is taken from the draft record of the meeting and is still pending member consideration and comment.

Catch and CPUE analyses for the 2017/18 fishing season

3. The RAG considered analyses of catch and effort data pertaining to the TRL Fishery for the 2017/18 season. The standardised CPUE index for both the TIB and TVH sectors indicates a below average season in 2017/18 but not much below and within normal range compared across previous seasons. When comparing TIB and TVH indexes, the TVH index shows more inter-annual variability, but both sectors tend to be close to each other.

Results of the 2018 mid-year survey

4. The RAG considered the results of the 2018 mid-year survey:
 - a. 2018 mid-year survey conducted between 28 June and 9 July. 73 sites surveyed from pre-season survey plus an additional 5 sites corresponding to 'hotspot' areas. Of these, site N109 was not surveyed. The weather and underwater conditions for the survey were generally good. There were some strong winds (20-25 knots) for the first 7-8 days, dropping to 15-20 knots over the last 3 days. The visibility was good, averaging 2.5-3m. The lowest recorded visibility was 1.5m.
 - b. 2+ index of abundance - The 2+ abundance index from the 2018 mid-year survey is significantly lower than the previous 8 mid-year survey indices and is the second lowest value on record. The 2018 index is 26% of the average survey indices over the period 1989-2004. The 2018 index falls within the confidence limits associated with the stock assessment model prediction, and is slightly lower than predicted.
 - c. Additional 5 sites – the 2018 index for the Mabuiag stratum decreased slightly when adding the additional 5 sites. This could be partly because the lobsters were very spatially concentrated in this stratum and the survey has underestimated overall abundance because it is designed to provide a larger scale representative index. Alternatively, this suggests that the earlier "hotspot" concentrations of lobsters in this stratum have now been fished and the index is reflecting a lower abundance following the fishing pressure that has been exerted in this area. Industry members advised that the majority of "hotspot" sites had been harvested before being surveyed.
 - d. 1+ index of abundance - the 1+ recruiting abundance index is slightly higher than the upper 95% limit associated with the model prediction, and is seen to be at approximately the average historical value, suggesting that the next fishing season will be improved relative to the current fishing season.

- e. Age class – there was an observed anomaly in the age class data where a significant proportion of the sampled lobsters fell between the average 1+ and 2+ age class ranges (i.e. meaning they were either larger 1+ lobsters or smaller 2+ lobsters. The RAG discussed a range of known factors that affects the growth of lobsters, including density dependence, water temperature, habitat and food availability. On the basis that water temperatures have been higher in more recent years, food availability has been high in the areas surveyed (e.g. good shell beds) and densities of lobsters have been lower, the best hypothesis to fit to this information is these lobsters are faster growing 1+ lobsters.

Comparison of CPUE analyses against results for the 2017 pre-season and 2018 mid-year surveys

- 5. The RAG discussed the hyper-stable relationship between CPUE and biomass in the Fishery and why the CPUE data may not be illustrative of a low RBC.
- 6. The RAG recommended a sub-group of the RAG be established to examine and recommend improvements to be made to the collection and analysis of catch and effort data for the TRL Fishery, including:
 - a. TRL04 logbook and TDB02 CDR - improving the accuracy of spatial data (e.g. point of capture as opposed to point of anchoring or landing), finer scale measure of effort (e.g. 'hours actively fishing/in the water' as opposed to 'days fished'), further details on effort (e.g. to include time spent travelling, searching and actively fishing), collection of depth data.
 - b. Fishing power (efficiency) - developing a better understanding on changes in fishing behaviour and power over time (e.g. changes to the size of engines, use of GPS, gear, areas fished, time fished, experience of divers), to inform the standardisation of CPUE data.
 - c. Use of data collection technology - assessing the use of electronic logbooks in the Fishery.
 - d. Use of monitoring technology - assessing the use of VMS on all boats in the Fishery.
- 7. The RAG further recommended a draft terms of reference is to be developed for consideration at the first meeting of the sub-group to be convened alongside the next meeting of the RAG.
- 8. The RAG discussed the implications of the analyses presented at the meeting for the draft Harvest Strategy for the Fishery. In light of the 2017/18 season, the RAG recommended that the number of years in the eHCR index and decision rule triggers be revisited at the next meeting of the RAG prior to finalising the Harvest Strategy.
- 9. The RAG discussed survey options to support future stock assessments and management of the TRL Fishery. The RAG recommended:
 - a. the 2018 pre-season survey be conducted with the addition of a further 6 sites.
 - b. an independent review to be conducted of the survey design. A draft terms of reference is to be developed by the Chair for consideration at the first RAG meeting in 2019.

Better aligning the TAC setting process with the fishing season

- 10. Item to be discussed further under **Agenda Item 6**.

Draft five-year research plan

- 11. Item to be discussed further under **Agenda Item 8**.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
PROPOSED MANAGEMENT PLAN	Agenda Item 4 For Discussion and Advice

RECOMMENDATIONS

1. That the Working Group **DISCUSS** and **PROVIDE ADVICE** on proposed drafting changes to the *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan* as detailed in **Attachment 4a**.

KEY ISSUES

1. On 26 October 2018 the Protected Zone Joint Authority (PZJA) agreed to reaffirm its previous decision to determine a *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan* (the draft Plan) by 1 December 2018 (**Attachment 4b**).
2. AFMA has been working with the Office of Parliamentary Council (OPC) to finalise a draft Plan for the PZJA's consideration prior to 1 December 2018.
3. A range of revisions are being proposed to the draft Plan to improve the clarity and effectiveness of provisions of the draft plan. Some of these revisions address comments received during the 2016 public consultation. A description of the proposed drafting changes is provided in **Attachment 4a**. An overall description of how the quota system would operate (including the quota unit allocation process) inclusive of the proposed revision is provided in **Attachment 4p**.
4. A range of proposals arising from public consultation have not been incorporated into the revised draft plan. Further analysis is required to consider and incorporate more complex drafting changes and management proposals. For example incorporating first right of refusal provisions on the permanent transfer of TVH licences.
5. A summary of the broad issues arising from the public meetings, written submissions and Native Title notification along with additional comments from AFMA is provided at **Attachments 4d and 4e**. These comments are aimed at providing additional background on the rationale for certain provisions and additional information where relevant.
6. TRLWG advice is being sought at this meeting on the proposed drafting changes as provided in **Attachment 4a**. AFMA is aiming to provide the revised draft plan to members before the meeting.
7. The PZJA is tentatively scheduled to meet 26 November 2018. The PZJA will consider all submissions on the draft plan, the proposed revisions detailed in this paper and any advice from the Working Group.

BACKGROUND

8. The purpose of the draft Plan is to implement the necessary framework for establishing a quota management system for the Torres Strait Tropical Rock Lobster Fishery (TRL Fishery). The draft Plan, which is currently being finalised by OPC, will principally provide for the following:
 - a. creation and allocation of TRL quota units to Transferrable Vessel Holder (TVH) licence holders (as individual transferable quotas or ITQs) and the Torres Strait Regional Authority (TSRA), for a period and on behalf of Traditional Inhabitant Boat (TIB) licence holders;
 - b. setting a total allowable catch (TAC) prior to the start of each fishing season;

- c. trading of quota units (permanent and seasonal);
- d. cancellation or suspension of quota units in relation to a serious breach of the law; and,
- e. establishment and maintenance of a quota unit register.

9. During 2016, AFMA, on behalf of the PZJA, undertook public consultation on the exposure draft of the *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016 (Attachment 4c)*. This consultation was conducted over four months in late 2016 (29 June 2016 through to 31 October 2016) through public meetings, a call for written submissions and Native Title notification to relevant native title owners and claimants under the *Native Title Act 1993* (see below for detail).

Public meetings	<p>Public meetings were convened across the Torres Strait and in Cairns to provide information to stakeholders on the draft plan, and to assist stakeholders to understand the:</p> <ul style="list-style-type: none"> a. consultation process for the draft plan, including how to make a submission to the PZJA; b. management arrangements proposed under the draft plan; and c. additional elements for the draft plan sought by TSRA. <p>A summary of recommendations and advice provided by participants at the public meetings is provided at Attachment 4f.</p> <p>Full records of the public meetings is provided at Attachment 4g.</p>
Written submissions	<p>An exposure draft of the <i>Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016</i> was released for public comment from 29 June 2016 to 31 October 2016. This period included a month long extension.</p> <p>A total of eight submissions were received on the draft plan, seven are publically available and one submission was confidential. All public submission have been made available on the PZJA website.</p> <p>A summary of the publically available written submissions is provided at Attachment 4h. Individual written submissions, not including the confidential submission, are provided at Attachment 4i.</p>
Native Title notification	<p>On behalf of the PZJA, AFMA undertook formal native title notification for the draft plan in accordance with <i>Native Title Act 1993</i>. The notification was issued on 29 June 2016 and responses were requested by 26 September 2016. At the request of Malu Lamar (Torres Strait Islander) Corporation RNTBC (Malu Lamar), the period for responses was extended to 31 October 2016. One response was received from Malu Lamar.</p> <p>A summary of the recommended changes detailed in the Malu Lamar response is provided at Attachment 4j. The Malu Lamar response is provided at Attachment 4k.</p>

10. Outcomes of this public consultation were tabled with the Working Group at its meeting held on 25-26 July 2017. The Working Group noted the outcomes of public consultation meetings and written submissions received on the exposure draft. The Working Group did not review the full summary on issues raised in the submission received from Malu Lamar, noting advice from the Malu Lamar Chairperson that the TIB sector and industry members first need to reflect on the recent meetings held with the New Zealand Maori before progressing development of the draft Plan.

11. The Working Group noted advice from the TSRA Fisheries Portfolio Member and Malu Lamar Chairperson that the recent New Zealand study tour provided attendees with greater insight to the benefits and opportunities of quota management and how Maori manage their quota entitlements.
12. In light of what was learnt from meetings with the Maori and concerns raised about the draft Plan through the public consultation, the Fisheries Portfolio Member and Malu Lamar Chairperson did not support any further discussion on the draft Plan until the TIB sector and native holders more broadly, first meet to consider how their quota entitlements might be managed in order to meet their aspirations from the fishery.
13. Industry members (TVH included) supported setting aside further development of the draft Plan until the TIB sector had developed preferred options for managing their quota allocation. A copy of the meeting record is at **Attachment 4l**.
14. Since the 2017 Working Group meeting, the TSRA has undertaken a range of initiatives to assist Traditional Inhabitants to further consider and understand quota management, the proposed quota management plan and how quota may be managed by Traditional Inhabitants for their own benefit (as envisaged under the plan by the review to be conducted two years from the plan's commencement of the Traditional Inhabitant allocation). The TSRA:
 - a. commissioned third party advice on the draft Plan;
 - b. commenced a project to develop fishery asset ownership and management options (Fisheries Regional Ownership Framework project); and,
 - c. held a Fisheries Summit for Traditional Inhabitant stakeholders which was attended by around 100 Traditional Inhabitant fishers, including Malu Lamar. The management of the TRL resource was a primary topic of the summit and presentations by the TSRA, a New Zealand Maori representative and AFMA brought information about quota management. The resolutions of the summit are at **Attachment 4m**. A copy of the presentation from the New Zealand Maori representative is provided at **Attachment 4n**.
15. On 17 August 2018, the PZJA issued a media release announcing that a TRL Plan would be implemented by 1 December 2018. As part of the announcement the PZJA advised that consultation would commence in August 2018 (**Attachment 4o**). No further formal consultation on the draft Plan has been undertaken.

Table 1. A list of the key proposed revisions to the draft *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016*.

Relevant page and section of 2016 Exposure Draft	Section	Description
p 2 4 - Definitions	Primary boat licence	The terms for primary and tender boat licence have been defined for the purpose of the allocation. The terms are used in the allocation to non-traditional inhabitants. As both sectors use primary and tender boats, AFMA is proposing to change the definitions to make it clear for the purposes of the allocation that the term is used only for the non-traditional inhabitant sector.
	Tender boat licence	
	Harvest Strategy	The 2016 draft plan made it a requirement that the Minister having to take into account the harvest strategy for the Fishery in determining a TAC. In line with drafting standards, the harvest strategy was necessarily defined as being the harvest strategy that exists on the day that the Management Plan commences. Harvest strategies can be updated from time to time as information improves for the Fishery. By including this definition, the Minister must consider the version of the harvest strategy that is in force at the time the management plan commences, regardless of any update that have been made. To allow for more timely management response to proposed changes in the harvest strategy, AFMA is proposing to remove the definition and reference to the harvest strategy. Consistent with Australian Government Policy it is still intended that the Minister will need to have regard to the harvest strategy when setting the TAC. To make this clear, AFMA will include this in the explanatory statement, which accompanies the management plan and explains the intentions of the management plan.
	Principal holder	<p>A definition for “principal holder” has been included in the Management Plan. This definition was necessary for the purposes of the TVH allocation to distinguish between whether a TVH licence was owned by or leased by that licence holder. A definition is:</p> <p><i>principal holder</i>, in relation to a primary boat licence or a tender boat licence, means:</p> <ul style="list-style-type: none"> (a) if the licence has not been transferred under section 25 of the Act—the person to whom the licence was granted; or (b) if the licence has been transferred under section 25 of the Act other than as a temporary transfer under that section—the person to whom the licence was last transferred other than as a temporary transfer under that section; or (c) if the licence is subject to a temporary transfer under section 25 of the Act from a person (the <i>transferor</i>) to another person—the transferor. <p>The term is used, specifically to determine who is eligible for an allocation on the snapshot day.</p>

p 5 Division 3 Objective of this Plan	Objectives of the management plan	Each objective of the management plan has measure against which the objective is compared. The objectives against which the third measure, allocating quota units to the traditional inhabitant sector, is assessed have been changed. The measure will be assessed against (a) to manage the TRL fishery for optimum utilisation and (b) to have regard, in developing and implementing licensing policy, to the desirability of promoting economic developing in the Torres Strait area and employment opportunities for traditional inhabitants.
p 7 Part 2 – Fishing for tropical rock lobster	Notice when TIB allocation reached	AFMA is proposing to include a requirement that a notice be issued to licence holders and the TSRA when the TIB allocation is reached. The notice will notify TIB fishers that the allocation has been reached and that commercial fishing for TRL will be closed for that season. This notice is similar to the TAC notice that was issued during the 2017/18 season to all licence holders notifying them that commercial fishing for TRL was closed until the next season.
p 7 Part 2 - Fishing for tropical rock lobster 8 - Taking tropical rock lobster - unprocessed tropical rock lobster 9 - Taking tropical rock lobster - processed rock lobster 10 - Taking of tropical rock lobster - both processed and unprocessed tropical rock lobster	Formula for calculation remaining quota	As noted at the Working Group meeting in July 2017 the formulas in sections 8-10 were confusing. AFMA propose to combine the sections into one and to simplify the formula. The aim of the formula is to allow licence holders to easily determine how many kilograms of rock lobster they are able to take at any point in the season. Simply, the formula states that the number of kilograms that a person can take is calculated as the number of quota units held times the kilogram value of a quota unit, minus the total standard weight of lobster taken. The amount of tailed lobster taken is multiplied by the conversion factor (2.677) to get the standard weight in kilograms.
p 9 Part 2 - Fishing for tropical rock lobster 11 - weight conversion of processed tropical rock lobster	Conversion factor	As drafted in the Exposure Draft, the Minister was required to formally determine the conversion factor to be used to convert tailed lobster weight to the equivalent whole lobster weight. The PZJA agreed conversion factor is 2.677, i.e. 1kg of tailed lobster is equivalent to 2.677kg whole lobster. Instead of the Minister making a separate determination, AFMA proposes to set the conversion ratio within the draft plan.
p 10 Division 1 – Quota unit system 13 Defeasibility	Basis on which quota units are allocated	<p>The provision on defeasibility caused some concern for industry members. The provision has been redrafted to provide greater clarity. The proposed provision reads:</p> <p>Basis on which quota units are allocated</p> <p>A quota unit allocated under this Division is allocated on the basis that:</p> <p>(a) the quota unit may be suspended or cancelled under section ^28; and</p>

		<p>(b) the quota unit may be suspended, cancelled, revoked, terminated or varied by or under later legislation; and</p> <p>(c) no compensation is payable if the quota unit is suspended, cancelled, revoked, terminated or varied as mentioned in any of the above paragraphs.</p> <p>Under (a), quota units can be suspended or cancelled in specific circumstances under the Management Plan section 28, detailed below. These circumstances include if the quota holders licence is suspended or cancelled as a result of compliance action or when monies are owed to AFMA, e.g. for licence renewals.</p> <p>(b) provides for if the legislation is changed in the future, for example if the Management plan is reviewed and subsequently revoked or varied. In these circumstances, it is envisioned that consultation would be conducted and due process afforded to the stakeholders.</p>
<p>p 10</p> <p>Quota unit system</p> <p>Division 1 - Allocation of quota units</p>	Final allocation	<p>AFMA is proposing to include provisions that the Minister is to register the number of quota units being allocated to a person and that the Minister must formally notify each person who receives an allocation, that the allocation has occurred and the amount of quota units that have been allocated.</p>
<p>p 12</p> <p>Division 3 - Allocation to the non-traditional inhabitant sector</p> <p>Subdivision A - Verification of current catch histories</p>	Snapshot Day	<p>A "snapshot day" is used to determine who will be eligible for a quota allocation. In the TRL Management Plan, anyone who is the principal holder of a TVH primary or tender boat licence on the snapshot day will be eligible for a quota allocation. In the 2016 Exposure Draft the snapshot day was the day the Plan commenced. People who held a TVH licence on the day that the plan commenced were automatically eligible for an allocation. The snapshot day has been extended to 60 days after the commencement of the plan, to allow licence holders time to settle their licence holdings as they wish.</p>
<p>p 12</p> <p>Division 3 Allocation to the non-traditional inhabitant sector</p> <p>Subdivision A - Verification of current catch histories</p>	Method statements - provisional boat catch history and final boat catch history	<p>Brief explanations have been included about how the provisional and final boat catch histories have been determined for each licence. This is a recommendation from the drafters to make the process easier to understand.</p>
<p>p 14</p> <p>Division 3, Subdivision - AAT review of provisional allocation of quota units</p>	Appeal rights	<p>In the 2016 Exposure Draft, only people who had been allocated under 18(2), based on a primary boat licence, were able to apply to the Administrative Appeals Tribunal (AAT) to have their provisional allocation reviewed. AFMA is proposing to expand this so that people who receive an allocation, may appeal the allocation based on either or both boat catch history or tender boat numbers.</p> <p>People who have received a provisional allocation notice, will be able to apply to the AAT to have their allocation reviewed. The provisional allocation notice comes after the provisional catch history notice</p>

		<p>and the objection period. The provisional allocation notice, takes into consideration any objections received during the objection period.</p> <p>The AAT is independent of AFMA and the PZJA. The AAT conducts independent reviews of administrative decision made under Commonwealth laws. In making an appeal to the AAT, licence holders would need to comply with the review process set out by the AAT.</p>
<p>p 16 Division 5 - Trading of quota units 24 - Transfer of quota units</p>	<p>Trading registration with AFMA</p>	<p>Licence holders will be able to temporarily transfer (lease) or permanently transfer (sell) their quota units. For the transfer to be effective, they must be included on the Register of quota units. These requirements were included in the 2016 Exposure Draft, however, it was not stated how a transfer would be included on the Register. AFMA is proposing that a provision be included that people wishing to transfer quota units, submit a form to AFMA to have the transfer registered. This process will allow for AFMA to include the transfer on the Register thereby making the transfer effective. It is not intended that AFMA would be required to approve a transfer, but to facility the inclusion of a transfer onto the Register.</p> <p>The requirement for transfers to be registered with AFMA will be important for licence holders in regards to the <i>Personal Property Securities Act</i> (s 32 of the Exposure Draft). The Register and the PPSA will interact, a few examples are provided below:</p> <p>Scenario 1</p> <ul style="list-style-type: none"> • Andrew mortgages his quota units to XYZ bank. • Andrew then transfers the quota units to Bob and the transfer is recorded in the Register of Quota Units for the Torres Strait Tropical Rock Lobster Fishery (the Register). • The mortgage to XYZ bank is not registered under the PPSA - The mortgage is not perfected under the PPSA. • In the event that there are competing claims to the quota units, for example in the event that Andrew becomes insolvent: <ul style="list-style-type: none"> ○ the transferred registered quota unit interest (held by Bob) has priority over the mortgage (held by XYZ bank). <p>Scenario 2</p> <ul style="list-style-type: none"> • Carol mortgages her quota units to XYZ bank. • Carol then transfers the quota units to David and the transfer is recorded in the Register of Quota Units for the Torres Strait Tropical Rock Lobster Fishery (the Register).

		<ul style="list-style-type: none"> • XYZ Bank registers the mortgage under the PPSA - The mortgage is perfected under the PPSA. The registration of the mortgage occurs at a time after the transfer of the quota units to David is recorded on the Register. • In the event that there are competing claims to the quota units, for example in the event that Carol becomes insolvent: <ul style="list-style-type: none"> ○ the transferred registered quota unit interest (held by David) has priority over the mortgage (held by XYZ bank). <p>Scenario 3</p> <ul style="list-style-type: none"> • Emily mortgages her quota units to XYZ bank. • XYZ Bank registers the mortgage under the PPSA - The mortgage is perfected under the PPSA. • Emily then transfers the quota units to Frank and the transfer is recorded in the Register of Quota Units for the Torres Strait Tropical Rock Lobster Fishery, after the mortgage has already been registered under the PPSA. • In the event that there are competing claims to the quota units, for example in the event that Emily becomes insolvent: <ul style="list-style-type: none"> ○ the mortgage (held by XYZ bank) has priority over the transferred registered quota unit interest (held by Frank).
<p>p 16</p> <p>Division 5 - Trading of quota units</p> <p>24 Transfer of quota units</p>	<p>Restriction on TSRA permanently transferring quota units</p>	<p>The TSRA will not be able to sell (permanently transfer) the quota. Quota will be able to be leased (temporary transfer). The change is in direct response to concerns raised during the public consultation period.</p>
<p>p 22</p> <p>Division 6 - Cancellation of quota units</p> <p>27 Cancellation of quota units</p>	<p>Addition of suspension of quota units and changes to the cancellation provision</p>	<p>As it was drafted in the 2016 Exposure Draft, quota units could only be cancelled, and were automatically cancelled if the licence that the quota units related to was cancelled. Concerns were raised that this may have unintended consequences for the TIB sector. As all TIB fishers were fishing to the same quota units, there were concerns that the cancellation of one TIB licence would result in the cancellation of all TIB units. The suggested wording change to the provision, the quota units a person holds, removes this issue. The TSRA, rather than being held by individual TIB licence holders will hold the TIB pool quota units.</p> <p>In addition to this change AFMA is proposing to detail the circumstances under which quota units would be cancelled and to include a provision to suspend quota units under certain circumstances.</p> <p>Cancellation:</p>

		<p>In the 2016 Draft, quota units would be automatically cancelled if the licence that the quota units related to were cancelled. AFMA is proposing two scenarios when quota units may be cancelled.</p> <ol style="list-style-type: none"> 1) <u>If the licence holder is convicted of an offence.</u> 2) <u>If the licence holder owes money payable by the holder in relation to a licence granted under s19 of the <i>Torres Strait Fisheries Act</i>.</u> <p>In both of these circumstances, the decision to cancel the quota units is made by the Minister at their discretion. The Minister may cancel some or all of the quota units that a licence holder holds, including quota units that the licence holder owns, has leased in or has leased out.</p> <p>Suspension: AFMA is proposing to include a provision to allow the suspension of quota units under specific circumstances. The circumstances under which quota units may be suspended</p> <ol style="list-style-type: none"> 1) <u>If the Minister is satisfied that circumstances exists that would allow a licence to be suspended; and</u> 2) <u>If a licence has been suspended, the quota units the licence holder holds are automatically suspended.</u> <p>All of these circumstances relate to units that a licence holder holds (owns), whether the units have been leased to another person or not, and to units that the licence holder has leased in from another person.</p>
Various	Quota allocation timeframes	AFMA propose to change the timeline for quota allocation to allow the Minister and licence holders enough time for each phase. A proposed timeline is at attachment 4p.
Included in the Explanatory statement	First right of refusal	There was general support for first right of refusal provision being included within the Management Plan. However, drafting these provisions is quite complex and would have required a longer period than was available to meet the PZJA current intention to determine the plan by 1 December. This provision may be considered in any future reviews of the management plan.
Included in the Explanatory statement	100% ownership	The PZJA supports the aspiration of the TIB sector to gain 100% ownership of the tropical rock lobster fishery. The introduction of a quota management plan supports this aspiration by creating tradeable quota units that the TIB sector, via the TSRA are able to lease for profit. The funds generated could be used to support the purchase of TVH licences or additional quota units in the future. How the management plan can support the aspirations of 100% ownership will be described in the Explanatory statement that accompanies the management plan. The explanatory statement is used to provide the background and intentions of the management plan.



Senator the Hon. Richard Colbeck
Assistant Minister for Agriculture and Water Resources
Senator for Tasmania

M E D I A R E L E A S E

Torres Strait Tropical Rock Lobster Fishery Management Plan to be in place by 1 December 2018

The Protected Zone Joint Authority (PZJA) has reaffirmed its intention to have the Torres Strait Tropical Rock Lobster (TRL) Fishery Management Plan in place by 1 December this year.

The PZJA has also further considered implementing catch share splits between the Traditional Inhabitant Boat (TIB) sector and the Transferrable Vessel Holder (TVH) sector for the 2018-19 TRL fishing season.

The PZJA will consult with stakeholders on a draft Fisheries Management Instrument that gives effect to the sectoral catch shares for the coming season.

The PZJA is comprised of the Commonwealth Assistant Minister for Agriculture and Water Resources, the Chair of the Torres Strait Regional Authority and the Queensland Minister for Agricultural Industry Development and Fisheries.

The Assistant Minister for Agriculture and Water Resources, and Chair of the PZJA, Senator the Hon. Richard Colbeck, welcomed the introduction of a quota management system into the TRL Fishery.

“A quota management system will better ensure the sustainability of TRL stocks and encourage greater business efficiency and profitability than the current management arrangements,” Senator Colbeck said.

“In late November, the PZJA will meet again to consider outcomes of consultation on the Fisheries Management Instrument with a view to putting in place both the TRL Management Plan and an agreed sectoral split.”

Chair of the Torres Strait Regional Authority, Pedro Stephen AM, said he was acutely aware that traditional commercial fishers have for some time wanted to fish their share of the TRL catch.

“A management plan is the best way to ensure this happens,” Mr Stephen said.

The Queensland Minister for Agricultural Industry Development and Fisheries, Mark Furner MP, said he supported the views of his fellow PZJA members, noting that the east coast TRL Fishery was already managed by quota.

“Moving ahead with the Management Plan will provide certainty for future management of the TRL Fishery, which is so vital to the community of the Torres Strait.”

All PZJA members restated their support for the ownership aspiration of Torres Strait Islanders and Aboriginal people of Torres Strait to own 100 per cent of the TRL commercial fishing entitlements, and acknowledged that this was best pursued through a quota management plan.

Media contact

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TORRES STRAIT REGIONAL AUTHORITY: Bruce Nelson, at Zakazukha, 0423 403 449 bruce@zakazukha.com

EXPOSURE DRAFT



EXPOSURE DRAFT (28 April 2016)

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

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

EXPOSURE DRAFT

EXPOSURE DRAFT

Contents

Part 1—Introduction	1
Division 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
Division 2—Definitions	2
4 Definitions	2
Division 3—Objectives of this Plan	4
5 Objectives of this Plan	4
6 Assessing objectives of this Plan	4
Part 2—Fishing for tropical rock lobster	7
7 Who may fish in the TRL fishery	7
8 Taking tropical rock lobster—unprocessed tropical rock lobster.....	7
9 Taking tropical rock lobster—processed tropical rock lobster.....	8
10 Taking tropical rock lobster—both processed and unprocessed tropical rock lobster	8
11 Weight conversion of processed tropical rock lobster.....	9
Part 3—Quota unit system	10
Division 1—Allocation of quota units	10
12 Allocation of quota units—traditional inhabitant and non-traditional inhabitant sectors	10
13 Defeasibility.....	10
Division 2—Allocation to the traditional inhabitant sector	11
14 Review of allocation	11
Division 3—Allocation to the non-traditional inhabitant sector	12
Subdivision A—Verification of current catch histories	12
15 Minister to notify primary boat licence holders of catch histories	12
16 Objection to catch histories—requirements for making objection	12
17 Minister to consider objections to catch histories	12
Subdivision B—Provisional allocation of quota units	13
18 Provisional allocation of quota units.....	13
Subdivision C—AAT review of provisional allocation of quota units	14
19 Review of provisional allocation of quota units by the AAT	14
20 Minister to be notified of application for review.....	14
Division 4—Value of quota units	14
21 Value of quota units	14
22 Determining the total allowable catch for a fishing season.....	15
23 Increasing the total allowable catch for a fishing season	15
Division 5—Trading of quota units	16
24 Transfer of quota units.....	16
25 Leasing of quota units	16
26 Effect of licence suspension on leased quota units.....	16
Division 6—Cancellation of quota units	17
27 Cancellation of quota units	17

EXPOSURE DRAFT

Part 4—Administrative provisions	18
Division 1—Notification of value of quota units	18
28 AFMA to notify persons of catch entitlements each fishing season.....	18
29 AFMA to notify persons of catch entitlements if quota units are leased	18
Division 2—Register of Quota Units	19
30 Register—establishment	19
31 Register—required information	19
32 Priority between quota unit interests and PPSA security interests	19
Part 5—Transitional provisions	21
33 Right to fish until quota units are allocated.....	21

EXPOSURE DRAFT

Introduction **Part 1**
Preliminary **Division 1**

Section 1

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

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.

In this Plan:

AAT means the Administrative Appeals Tribunal.

Act means the *Torres Strait Fisheries Act 1984*.

allocation day means the day after the day that review of all decisions to provisionally allocate quota units cease to be subject to appeal.

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 given to a person who holds a primary boat licence, as required by section 15.

fishing season, for a particular year, means the period specified in an instrument made under section 16 of the Act during which the taking, processing or carrying of tropical rock lobster without a TRL fishing licence is prohibited.

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).

EXPOSURE DRAFT

Introduction **Part 1**
Definitions **Division 2**

Section 4

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 means a unit of fishing capacity.

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 must operate.

total allowable catch: see section 22.

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

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*.

EXPOSURE DRAFT

Part 1 Introduction

Division 3 Objectives of this Plan

Section 5

Division 3—Objectives of this Plan

5 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.

6 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 TRL 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 22.	each fishing season

EXPOSURE DRAFT

Introduction **Part 1**
Objectives of this Plan

Section 6

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 TRL 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 TRL 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	within 2 years of the day this Plan commences

EXPOSURE DRAFT

EXPOSURE DRAFT

Part 1 Introduction

Objectives of this Plan

Section 6

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

Part 2—Fishing for tropical rock lobster

7 Who may fish in the TRL fishery

- (1) A person (other than a traditional inhabitant) may fish for tropical rock lobster in the TRL 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 TRL 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's fishing is covered by available quota units allocated to the TSRA.
- (3) Fishing for tropical rock lobster in the TRL fishery does not include:
 - (a) carrying or transshipping tropical rock lobster on board a boat; and
 - (b) fishing activities that are specified in, and authorised by, a permit for scientific or developmental purposes.

8 Taking tropical rock lobster—unprocessed tropical rock lobster

- (1) This section applies if:
 - (a) a person takes tropical rock lobster from the TRL fishery during a fishing season but does not process it; and
 - (b) neither section 9 nor section 10 applies to the person at any time during the fishing season.
- (2) The number of kilograms of unprocessed tropical rock lobster that a person may take at a particular time during a fishing season is worked out according to the following formula:

$$\left(\text{Value of a quota unit} \times \text{the person's total number of quota units} \right) - \text{used quota units}$$

where:

the person's total number of quota units means the total number of quota units that the person has, as evidenced by the Register, at that time:

- (a) less the total number of quota units leased to another person at that time (if any); and

EXPOSURE DRAFT

Part 2 Fishing for tropical rock lobster

Section 9

- (b) plus the total number of quota units leased by the person at that time (if any).

used quota units means quota units in respect of which unprocessed tropical rock lobster has already been taken.

value of a quota unit means the value of a quota unit for the fishing season, worked out in accordance with section 21.

9 Taking tropical rock lobster—processed tropical rock lobster

- (1) This section applies if:
- (a) a person takes tropical rock lobster from the TRL fishery during a fishing season and processes it (so that only the tail of each lobster remains); and
 - (b) neither section 8 nor section 10 applies to the person at any time during the fishing season.
- (2) The number of kilograms of processed tropical rock lobster that a person may take at a particular time during a fishing season is worked out according to the following formula:

$$\left((\text{Value of a quota unit} \times \text{the person's total number of quota units}) - \text{used quota units} \right) \times \text{conversion factor}$$

where:

conversion factor means the conversion factor determined by the Minister under section 11.

the person's total number of quota units means the total number of quota units that the person has, as evidenced by the Register, 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).

used quota units means quota units in respect of which processed tropical rock lobster has already been taken.

value of a quota unit means the value of a quota unit for the fishing season, worked out in accordance with section 21.

10 Taking tropical rock lobster—both processed and unprocessed tropical rock lobster

- (1) This section applies if:
- (a) a person takes tropical rock lobster from the TRL fishery during a fishing season; and
 - (b) some of the tropical rock lobster is processed (so that only the tail of each lobster remains); and
 - (c) the rest of the tropical rock lobster is not processed.

- (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:
- (a) for unprocessed tropical rock lobster—by applying the formula set out in subsection 8(2); and
 - (b) for processed tropical rock lobster—by applying the formula set out in subsection 9(2);

in a way that maintains equivalent proportions of the results of the formulae.

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.

11 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 TRL fishery, the Minister must determine the conversion factor to be applied if the person processes tropical rock lobster so that only the tail of a lobster remains.

EXPOSURE DRAFT

Part 3 Quota unit system

Division 1 Allocation of quota units

Section 12

Part 3—Quota unit system

Division 1—Allocation of quota units

12 Allocation of quota units—traditional inhabitant and non-traditional inhabitant sectors

- (1) On the allocation day, 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).

13 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—Allocation to the traditional inhabitant sector

14 Review of allocation

- (1) Within 2 years of the day this Plan commences, the Authority must review the allocation of quota units to the traditional inhabitant sector.
- (2) In undertaking its review, the Authority may 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).

EXPOSURE DRAFT

Part 3 Quota unit system

Division 3 Allocation to the non-traditional inhabitant sector

Section 15

Division 3—Allocation to the non-traditional inhabitant sector

Subdivision A—Verification of current catch histories

15 Minister to notify primary boat licence holders of catch histories

- (1) Within 28 days of the day this Plan commences, the Minister must ensure that notice is given 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) The 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 provisionally allocated to the person taking into account the provisional boat catch history and provisional total catch history for each person who receives a notice.

16 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.

17 Minister to consider objections to catch histories

The Minister must:

- (a) consider an objection to a catch history notice in accordance with the Authority's catch verification policy, as in force at the time this Plan commences; and
- (b) take into account all objections received during the objection period when provisionally allocating quota units under section 18.

Subdivision B—Provisional allocation of quota units

18 Provisional allocation of quota units

Entitlement

- (1) A person is entitled to a provisional allocation of quota units 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.

Entitlement based on a primary boat licence

- (2) The Minister must provisionally allocate quota units to each person holding a primary boat licence in respect of the first fishing season covered, wholly or partly, by this Plan, according to the following formula:

$$\frac{350400 \times \text{Final boat catch history}}{\text{Final total catch history}}$$

where:

final 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, taking into account all objections made to catch history notices made under section 16.

final 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, taking into account all objections made to catch history notices made under section 16.

- (3) This Minister must provisionally allocate quota units under subsection (2) within 3 months of catch history notices being given to relevant primary boat licence holders.

Entitlement based on a tender boat licence

- (4) A person holding a tender boat licence has the number of quota units worked out according to the following formula:

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

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.

EXPOSURE DRAFT

Part 3 Quota unit system

Division 4 Value of quota units

Section 19

Subdivision C—AAT review of provisional allocation of quota units

19 Review of provisional allocation of quota units by the AAT

An application may be made to the AAT for review of a decision by the Minister to provisionally allocate a particular number of quota units to a person under subsection 18(2).

20 Minister to be notified of application for review

- (1) If an application for a review of a decision is made under section 19, the Registrar of the AAT must, as soon as practicable, give written notice of the making of the application:
 - (a) to the Minister; and
 - (b) to each other person who was provisionally allocated quota units under subsection 18(2).
- (2) If the Minister is notified of an application for review, the Minister must ensure that, within 14 days of being so notified, the Registrar of the AAT is given a copy of:
 - (a) the reasons for the decision; and
 - (b) each other document, or part of a document, that:
 - (i) is in the possession or control of the Minister or AFMA; and
 - (ii) the Minister considers to be relevant to the review of the decision; including, if required by the AAT, documents relating to the general state of the TRL fishery.
- (3) A person to whom a notice is given under subsection (1) is a party to the proceeding before the AAT.

Division 4—Value of quota units

21 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:

$$\frac{\text{Total allowable catch}}{\text{Total number of quota units}}$$

where:

total allowable catch means the total allowable catch for the fishing season, as determined under section 22.

total number of quota units means the total number of quota units for the fishing season.

- (2) If the Minister 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).

22 Determining the total allowable catch for a fishing season

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

23 Increasing the total allowable catch for a fishing season

- (1) The Minister may increase the total allowable catch it has determined for a fishing season.
- (2) Subsections 22(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 5 Trading of quota units

Section 24

Division 5—Trading of quota units

24 Transfer of quota units

- (1) A person who has quota units may permanently transfer some or all of 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 any quota units if the TRL fishing licence to which the quota units relate is suspended.

25 Leasing of quota units

- (1) A person who has available quota units may lease some or all of 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) To avoid doubt, subsection (1) does not require the TSRA to lease available quota units to individual traditional inhabitants.

26 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 6—Cancellation of quota units

27 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 Notification of value of quota units

Section 28

Part 4—Administrative provisions

Division 1—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 TRL fishery during the fishing season.
- (2) If the Minister 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 a permanent transfer of quota units is recorded on the Register.
- (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 a lease arrangement being recorded on the Register, 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 TRL fishery during the fishing season.
- (2) However, AFMA must not give notices required under subsection (1) if subsection 31(2) applies in respect of the lease.
- (3) If the Minister 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.

Division 2—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 TRL fishery; and
 - (b) other information, as required by section 31.
- (2) The Register is to be made available for inspection on request.

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 held by the person;
 - (d) the number of quota units that relate to each TRL fishing licence held by the person.
- (2) The Register must record each transfer and lease of quota units unless:
 - (a) the licence to which the quota units relate is suspended; or
 - (b) a party to the transfer or lease:
 - (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
 - (c) a levy relating to a TRL fishing licence held by a party to the transfer or lease remains outstanding.
- (3) AFMA may correct, or cause to be corrected, any clerical error or obvious mistake in the Register.

32 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	the quota unit interest has priority.

EXPOSURE DRAFT

Part 4 Administrative provisions Division 2 Register of Quota Units

Section 32

Priority between PPSA security interests and quota unit interests		
Item	If ...	then ...
	perfected (whether by registration or otherwise) within the meaning of the <i>Personal Property Securities Act 2009</i>	
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> ; 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>	the PPSA security interest has priority.
(2) Subsection 73(2) of the <i>Personal Property Securities Act 2009</i> 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 <i>Personal Property Securities Act 2009</i> .		

Part 5—Transitional provisions

33 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 TRL 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 TRL fishery, subject to any conditions to which the permit is subject.
- (3) Until quota units are allocated under this Plan, the Minister may grant or transfer a fishing permit that allows fishing for tropical rock lobster in the area of the TRL fishery.

A summary of the broad issues arising from community meetings and written submissions and additional comments from AFMA

Overarching management approach – moving to quota management under plan of management	
<p>Three communities advised they could not support a plan until 100% ownership was first achieved or that the plan would not achieve 100% ownership. Other submissions noted:</p> <ul style="list-style-type: none"> • Support 100% move to TIB sector and a phasing out of the TVH sector in stages to reduce economic shock to the industry and allow time for capacity building, as long as there is no cost shifting to the TIB sector. A move to 100% TIB sector control would need to include grass roots input and one way is through local area community management plans. • The introduction of quota will allow partial buyback of quota allocated. For example if an operator is allocated 3% of the fishery then they will have the option of selling 1% or 2%. TSRA would have the first right of refusal for such a transaction. • In considering moving to a quota management system, the choice must be made between an input controlled fishery where the resource is owned by the community and managed on behalf of that community by a PZJA that is responsive to the needs of community OR an output controlled fishery where the quota is held by the highest bidder; a fishery that is principally driven by market forces above any respect for social or community impact. 	
AFMA comment	<p>The proposed quota management system will provide a tool in which traditional inhabitants may pursue their aspiration for 100 per cent ownership. This is by establishing tradeable fishing entitlements (in the form of quota units).</p> <p>Delaying the implementation of a quota management system would mean delaying the realisation of the broader benefits that arise from the management approach. This includes establishing sectoral catch allocations and enforceable individual quota allocations for the TVH sector. Quota allocations can reduce the 'race to fish' or on-water competition. In doing so it allows fishers to focus more on catching their share at the least cost. Creating more secure fishing entitlements (sectors and/or individuals can not catch more than their share and quota units will be transferable and exist for the life of the plan) supports investment and encourages fishers to protect the resource in the long-term.</p> <p>To date, PZJA decisions have supported the transfer of ownership from the TVH sector to the TIB sector through Government funded buyouts. In 2005 the PZJA agreed in the longer-term transition to a target of 70:30 through an open-market and self-funded process (Note the PZJA agreed, at the same meeting, to achieve a 50:50 resource allocation between sectors by an open Government funded tender process).</p> <p>Supporting transition to 100 per cent ownership, the TSRA has funded the buyback of three TRL TVH licence packages since the draft plan was released for public comment. As a result of these buybacks the relative share of quota units to be held by TSRA on behalf of the traditional inhabitant sector under a plan of management will be increased, subject to final appeals, from 56.2 per cent to 66.17 per cent.</p>

	<p>Importantly TSRA has also commenced a consultative process to inform future allocation options for the Traditional Inhabitant sector. The project is titled: <i>Fisheries Regional Ownership Framework</i>. In consultation with communities and experts the TSRA aims to develop quota holding and management options for the traditional inhabitant sector. An important step towards empowering the traditional inhabitant sector to self-manage their fishing assets and their transition to greater ownership overtime.</p>
	<p>General concern that under the TRL management plan commercial fishers will be allowed to focus more on catching their share at the least cost which can encourage excessive hookah and tender use on home reefs which can be detrimental to the local 'dinner plate' and local free divers, forcing them to go further afield. In light of concerns over equity issues in the sectors and other issues, Traditional Owner groups should have the right to submit community TRL Management plans. Community plans would protect a community's right to practice Indigenous traditional sustainability and provide a platform for community level-decision making ownership.</p>
AFMA comment	<p>The introduction of a quota management system should not prevent the development of community based management plans. Future quota allocation options for the traditional inhabitant sector could be designed to support community plans. Contractual arrangements for any future leasing arrangements for traditional inhabitant quota may also be used to support community plans.</p>
	<p>The plan takes away the TIB sector's capacity for future growth by granting quota to the TVH sector and then requiring the TIB sector to buy it back. This can only happen if the TVH sector wishes to sell. By allowing this the Minister may make decisions that over-rule the <i>prima-facie</i> priority ranking of community fishing ahead of commercial fishing (refer to Fair Share of the Catch report).</p> <p>The plan gives entitlements to TVH licences not allowed under the Act. The PZJA should use its power to not renew TVH licenses as the TIB sector grows (refer to <i>Fair Share of the Catch</i> report).</p> <p>Implying that a TVH license will be renewed annually creates a legal liability for the Commonwealth to the detriment of the TIB sector which is against the intention of the Act (refer to <i>Fair Share of the Catch</i> report).</p>
AFMA comment	<p>TVH licenses are licenses lawfully granted under the <i>Torres Strait Fisheries Act 1984</i>.</p> <p>Importantly in 2014, the PZJA formally acknowledged and supported the aspirations of 100 per cent ownership of Torres Strait fisheries by Torres Strait Islander and Aboriginal Traditional Owners and also acknowledged and recognised the rights of existing non-traditional fishers in the Torres Strait.</p> <p>The PZJA at its meeting no. 15 in June 2003 noted the legal presentation and interpretation of the Torres Strait Treaty and <i>Torres Strait Fisheries Act 1984</i> presented by Mr Stephen Skehill, SC and in particular, the <i>prima facie</i> order of priority for administration of the Torres Strait fisheries under which traditional fishing has primacy, followed by community fishing and, lastly commercial fishing.</p>

	<p>It was noted that the PZJA could alter this priority by a policy decision, but must be careful that its reasons for doing so were in accord with the requirements of the Torres Strait Treaty and <i>Torres Strait Fisheries Act 1984</i>. These legal interpretations are presented in the report by Menham, G., Skehill, S., and Young, P. submitted 21 November 2002 titled <i>Torres Strait Fisheries Independent Advisory Panel Report "A fair share of the catch."</i></p> <p>The PZJA at meeting no. 17 on 1-2 February 2005 agreed that:</p> <ul style="list-style-type: none"> a) resource allocation principles, noted at PZJA 15 regarding the <i>prima facie</i> order of priority in Torres Strait fisheries be applied on a fishery by fishery basis, since the <i>Torres Strait Fisheries Act 1984</i> cannot be implemented universally when the issues in each differ; b) traditional fishing as defined in the Torres Strait Treaty (the Treaty) and the TSF Act (the taking, by traditional inhabitants for their own or their dependents' consumption or for use in the course of other traditional activities, of the living natural resources of the sea, seabed, estuaries and coastal tide areas, including dugong and turtle) receives the first priority of access in the Australian share of the catch in Torres Strait fisheries; c) The Treaty and TSF Act provide priority in the administration of Torres Strait Fisheries to traditional fishing, community fishing, and commercial fishing that is not community fishing and the PZJA will have regard to this priority when making resource allocation decisions.
	<p>Under a quota management system one company will likely hold the monopoly of quota which could lead to that entity dictating lease arrangements and lower beach price of TRL for fishers. Do not believe the implementation of the quota system as it is will at all benefit the community.</p>
AFMA comment	<p>In other fisheries, the introduction of transferable quota or effort fishing entitlements has generally led to a consolidation of ownership. Market-based adjustment has been preferred by Australian Government to support improvements in efficiency and economic returns. Over time further consolidation of the TVH sector may occur under the proposed plan of management. In some fisheries around the world measures such as minimum quota holdings have been adopted in pursuit of different social and sustainability objectives. As mentioned above, interventions in the quota market can have impacts on the value of those entitlements.</p> <p>For the TRL Fishery, the plan will allocate the majority of quota units to the Traditional Inhabitant sector (subject to final appeals, 66.17 percent inclusive of what will be granted to TSRA in association with the three TVH licence packages held). There has been no decision on how TIB quota should be held and managed in the long-term. TSRA is leading consultation with the traditional inhabitant sector on the preferred way TIB quota could be administered and shared. There is no requirement for the TIB sector to move to ITQs.</p>
Assessing objectives of the Plan (Section 6)	
	<p>The allocation of quota units to the traditional inhabitant sector, deals with commercial fishing, not traditional fishing. The report "<i>A fair share of the catch</i>" (Skehill and Young 2002) gives a legal interpretation that 'livelihood' refers to livelihood as derived from traditional activity.</p>

AFMA comment	<p>AFMA supports removing the objective ‘to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants’ against the measure ‘allocating quota units to the traditional inhabitant sector’.</p> <p>Although the allocation of quota units is essential to the establishment of the overall quota system which is consistent with the objective ‘to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants’, the specific step of allocating quota units to the traditional inhabitant sector relates to the objectives to ‘manage the area of the TRL Fishery for optimum utilisation’ and ‘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’.</p> <p>As noted above, in considering the Skehill and Young 2002 report the PZJA agreed to the resources allocation principles and that traditional fishing as defined in the Treaty receives the first priority of access in the Australian share of the catch in Torres Strait fisheries. The PZJA did not agreed to all of the recommendations or conclusions with the report.</p> <p>The Skehill and Young 2002 report (Appendix 1 pp. 2) did conclude that ‘<i>traditional way of life and livelihood of traditional inhabitants</i>’ objective is more than likely intended to refer to ‘traditional livelihood’ rather than the ‘livelihood’ of traditional inhabitants, whether or not that livelihood is traditional. The authors also advised that, this is not to say that Governments would be in error if they took steps to achieve those ends. Rather, it is simply to say that neither the Act nor the Treaty binds them to do so.</p>
Quota unit allocation – sectoral shares (TIB and TVH shares)	
Concerns were raised that the Traditional Inhabitant quota allocation is either too small and/or it should be increased.	
AFMA comment	<p>The sectoral allocation within the draft plan is 56.2 percent for the TIB sector and 43.8 percent for the TVH sector and reflects: a) the PZJA decision in 2007 on the sectoral catch share ratio between the traditional inhabitant and non-traditional inhabitant sectors; b) the PZJA decision in 2007 on an quota allocation formula for the TVH licence holders; and c) subsequent Government buyouts of TVH licences in 2007 and 2012.</p> <p>Further Government funded buyouts have occurred in 2016 and 2017 with the TSRA purchasing three TVH licences. Based on the notional allocation assigned to the licences bought by TSRA, the TSRA on behalf of the Traditional Inhabitant sector will receive 66.17 percent of available quota units. Note the final percentage share will be determined in accordance with the allocation process outlined in the plan. This process provides for appeals of the allocation decision.</p>
Quota unit allocation – TIB sector	

<p>There is mixed support for the TSRA to hold and manage quota units on behalf of the traditional inhabitant sector. Participants of the Thursday Island meeting did not support TSRA holding traditional inhabitant quota units. Participants preferred that the sector fish under an Olympic pool with work to be done as part of the two year review on who should hold the quota.</p>	
AFMA comment	<p>Section 14 of the draft plan requires that within 2 years of the day the plan commences, that the PZJA must review the allocation of quota units to the traditional inhabitant sector. This approach allows the quota management system to be established while work continues to determine an alternate allocation approach in consultation with the traditional inhabitant sector. The quota system provides for the setting of a TAC, quota unit trading and the allocation of quota unit shares between sectors.</p> <p>As detailed above the TSRA is leading consultation with the traditional inhabitant sector on the preferred way TIB quota could be administered and shared in the longer-term.</p>
<p>Quota trading (leasing and transfers (selling))</p>	
<p>There is both support and opposition for trading restrictions on both the TIB and TVH sectors.</p>	
AFMA comment	<p>AFMA is proposing that the draft plan be revised to prohibit TSRA from permanently transferring quota units. This will provide greater certainty for stakeholders.</p> <p>Aside from prohibiting the TSRA permanently transfer quota units, quota units are fully transferable (temporary and permanent transfers). Transferability relates to the ability for owners to lease or sell the entitlement at will. Generally, restrictions on transferability will work to devalue fishing rights.</p> <p>Eroding the value of fishing entitlements can create disincentive for investment, reduce leasing revenue and may also create a disincentive to permanently transfer. If fishing entitlements are devalued there may be less incentive to sell (for example a fisher may get a better return from fishing the licence rather than selling it).</p> <p>The TRL plan leaves open for the traditional inhabitant sector to decide on its preferred leasing strategy to optimise overall benefits to the sector. This means balancing the benefits derived from leasing revenue and potentially leaving more TRL in the water for TIB fishers to catch. A leasing strategy or policy can be developed in consultation with the traditional inhabitant sector.</p> <p>Trading restrictions on TVH fishing entitlements have been recommended by some stakeholders as means to achieving 100 per cent ownership.</p>
<p>Granting of new TVH licences (the number of quota units are fixed however number of Fishing Licences is uncapped)</p>	
<p>Not supported by meeting participants at the Thursday Island or Cairns meetings.</p>	
AFMA comment	<p>Currently there is a limited entry policy in place for TVH licences. Under a quota management system quota will limit the amount of TRL that may be taken. This is irrespective of boat numbers. Consultation on the draft plan included lifting the limited entry policy.</p>

	<p>Whilst there are benefits from removing limited entry TVH licences in terms of maximising quota value and reducing barriers to adjustment, both TVH and TIB stakeholders have identified concerns with this approach. Stakeholders advise that any increase in TVH vessel numbers would increase on-water competition and therefore further discourage and or limit TIB effort.</p> <p>It would be possible to maintain limited entry arrangements on TVH licences through policy rather than capping the number of TVH licences in the management plan.</p>
Foreign Ownership of Quota Units and Fishing Licences	
One written submission recommended that quota units and fishing licences should only be held by Australian citizens.	
AFMA comment	<p>Third state fishing in protected zone commercial fisheries is contemplated by Article 27 of the Torres Strait Treaty. Under 27(2) of the Treaty, foreign controlled vessels shall not be licensed to exploit the Protected Zone commercial fisheries without the concurrence of the responsible authorities of Australia and Papua New Guinea. This mechanism is in place to ensure that both Australia and PNG have adequate control over their flagged vessels.</p> <p>As the Treaty contemplate fishing by third states in certain circumstances, and due to the application of Australia's Foreign Investment Policy (updated 1 January 2018), implementing restrictions on foreign ownership in the Torres Strait Rock Lobster Management Plan should not be implemented unless significant consultation is undertaken with a number of Government agencies including the Attorney General's Department, the Department of Foreign Affairs and Trade, the Australian Government Solicitor, the Australian Trade and Investment Commission, the Department of Treasury and other bodies such as the Foreign Investment Review Board.</p>
Economic Development Contribution (TSRA proposal)	
There is a level of support for the TVH sector to work with the TIB sector and TSRA to transfer skills and offer employment opportunities. There was no support for an economic contribution and some uncertainty as to what precise measures are being proposed.	
AFMA comment	<p>The intended scope and purpose of the draft management plan is to establish a quota management system. Other management arrangements can continue to be implemented through separate instruments or policies.</p> <p>A policy approach to developing partnership arrangements between the sectors to deliver training and employment benefits to the TIB sector and industry as a whole is something that could be negotiated and implemented. There are current examples of this occurring now (for example programs under MyPathway linking dive crew with operators).</p> <p>Any proposal to adopt regulatory measures relating to an economic development contribution must be consistent with the powers and functions of the <i>Torres Strait Fisheries Act 1984</i>. For example, it would not be consistent with the <i>Torres Strait Fisheries Act 1984</i> to require TVH licence holders to make a monetary contribution for economic development.</p>
First right of refusal (TSRA proposal)	

There is general in principal support for implementing a ‘first right of refusal’ provision under the plan for the transfer (sale) of TVH licences. There is some uncertainty on how this would be implemented	
AFMA comment	<p>Whilst this has remains a priority proposal from TSRA, preliminary drafting advice from the Office of Parliamentary Council is that this proposal is likely to be very complex to draft and will require additional time to consider.</p> <p>Imposing a first right of refusal requirement is likely to be permissible under the <i>Torres Strait Fisheries Act 1984</i>. Relevantly, any provisions would need to be considered against the <i>Racial Discrimination Act 1975</i> and have regard for regulatoryburden.</p>
Transfers be limited to existing licence holders only (TSRA proposal)	
Of the comments specifically on this proposal from TSRA (four written submissions), there was limited support (one written submission). Others (three written submissions) did not support the proposal or sought clarification. (Note comments were received on trading more generally. See quota trading’ above).	
AFMA comment	See section above on quota trading.
Sunset licences (TSRA proposal)	
TSRA have proposed that ‘sunset’ licences be created that are to be managed by TSRA to allow lease out of unused TIB quota.	
AFMA comment	Such a proposal would need to be considered against the <i>Racial Discrimination Act 1975</i> and competition legislation.
Input controls	
Participants of the Thursday Island meeting recommended input controls be retained, Cairns meeting participants also agreed noting some may be removed overtime. One written submission called for the controls to be standardise across sectors.	
AFMA comment	AFMA recommends that existing input controls (rules on how fishers fish) remain in place. In consultation with stakeholders, these arrangements can then be periodically reviewed overtime once the plan commences.
Other TSRA comments: Powers	
The Plan would be made by the Commonwealth Minister. This gives the Minister the power to set the Total Allowable Catch (TAC) and the length of the season. The TSRA is seeking clarification as this is different from the Finfish and Prawn fisheries management plans in which the PZJA has the authority to make the Plans.	
AFMA comment	Changes are being made. The PZJA Standing Committee had agreed to replace the ‘Minister’ with the ‘PZJA’ for the setting of TACs and season length.
Cancellation of quota	
Currently the Plan will cancel quota if a licence is cancelled. The TSRA is seeking that the quota from a cancelled licence be transferred to the TIB sector.	
AFMA comment	This is not possible under the <i>Torres Strait Fisheries Act 1984</i> . Once a quota unit becomes extinguished it no longer exists and therefore can’t be traded from one person or entity to another.

	Note the cancellation provision for quota units are being revised to make cancellation optional in the event that a fishing licence is cancelled.
Unused PNG catch allocation	
The Plan is silent on the annual PNG allocation. The TSRA would like the Plan to state that any unutilised PNG allocation, should be allocated to the TIB sector.	
AFMA comment	This is likely permissible however complex to incorporate into the current draft plan at this time.
Allocations under the plan	
The TSRA is seeking it be made clearer that the current ownership of the fishery; 43.8% TVH and 56.2% TIB, are the initial allocations only.	
AFMA comment	Section 12 of the draft plan provides for both the creation and allocation of quota units. The number of quota units held by the two sectors will then only change as a result of trading or cancellation.
Review	
Following the two year review point after the allocation of quota to the TIB, the Plan presents only three options to the PZJA: the allocation of quota to individuals, allocation of quota to a non-government organisation or a combination of those two options. The TSRA believes that in the event there is no agreement from the TIB sector on a preferred quota holding model, it would be prudent to allow the PZJA the option of asking the TSRA to continue to hold the TIB quota until such time as the TIB sector has agreed on a preferred ownership model.	
AFMA comment	Current drafting of the plan allows for the TSRA to continue to hold quota units on behalf of the TIB sector if an alternative allocation model is not agreed.
Other issues raised that do not relate to specific provisions of the draft plan are noted and may be considered by the Working Group in future as required. The issues relate to domestic compliance, Season start date, Temporal closures, Spatial closures, Fishery research, Free Dive and lamp Fishing, Ownership of TIB licences, Catch reporting and landing requirements, pollution, codes of practice relating to working within sea claim determination areas and implementing sectoral catch limits as an interim arrangement whilst the management plan in being developed.	

Summary of issues raised by Malu Lamar on the proposed TRL management plan

Paragraph	Category	Description
4.11	Separate rights an interest between native title holders and traditional inhabitants	<p>Provisions should be included in the TRL Management Plan, or in any other subsidiary management arrangements of the kind provided for in Article 22 of the Torres Strait Treaty, to ensure the following outcomes:-</p> <ul style="list-style-type: none"> a) Persons who are not Native Title Holders (Torres Strait Islanders) should not be granted TIB licences, particularly if their Traditional Inhabitant identity is derived from the amnesty list provisions, for areas subject to the Part A Sea Determination. b) Growth in the TRL Fishery in the Part A Sea Determination area should be limited to Traditional Inhabitants who are recognised Native Title Holders to reflect the native title rights they hold, including the right to take the TRL and other resources of the sea for commercial purposes. c) Malu Lamar is best placed to identify those Traditional Inhabitants who are Native Title Holders. It should be involved in the identification process at the application stage for TIB licences and in endorsing the grant of TIB licences. d) The proposed TRL Management Plan should in all other respects embrace, facilitate and implement the position in relation to Native Title Holder identity set out in this paragraph.
AFMA comment		<p>The <i>Torres Strait Fisheries Act 1984</i> gives effect in Australian law to the fisheries elements of the Torres Strait Treaty (the Treaty). The Treaty establishes the Torres Strait Protected Zone which aims to acknowledge and protect the traditional way of life and livelihood of the Traditional Inhabitants of the Torres Strait and adjacent coastal areas of the two countries.</p> <p>AFMA understands the operational criteria for determining who is an Australian Traditional Inhabitant has been in place since the commencement of the <i>Torres Strait Fisheries Act 1984</i>. The criteria includes:</p> <p><i>A Papua New Guinea Traditional Inhabitant from the PNG area of jurisdiction of the Protected Zone who is now an Australian citizen and resides in the Protected Zone or adjacent coastal area of Australia who was granted permanent residency status under the 1978/79 Immigration Taskforce Amnesty List or is a descendent of such a person.</i></p> <p>The PZJA has not made a decision to review the criteria for determining who may be considered a Traditional Inhabitant for the purposes of granting licences under the <i>Torres Strait Fisheries Act 1984</i>. The criteria applies across all Torres Strait Fisheries.</p>

Paragraph	Category	Description
6.1	Objectives	<p>The TRL Management Plan should include the following objectives:</p> <ul style="list-style-type: none"> (a) To avoid or otherwise minimise the direct and indirect effects of the plan on the exercise and enjoyment of native title rights and interests, particularly the right of Native Title Holders to access and to take tropical rock lobsters for any purpose, including commercial purposes. (b) To help achieve 100% ownership of all fishing entitlements involving the TRL Fishery by Native Title Holders and other Traditional Inhabitants.
AFMA comment		<ul style="list-style-type: none"> a) The current objectives of the draft plan reflect those of the <i>Torres Strait Fisheries Act 1984</i>. Native title rights are protected under Commonwealth <i>Native Title Act 1993</i>. b) At its 23rd meeting, 8-9 April 2014, the PZJA acknowledged and supported the aspirations of 100 per cent ownership of Torres Strait fisheries by Torres Strait Islander and Aboriginal Traditional Owners and also acknowledge and recognised the rights of existing non-traditional fishers in the Torres Strait. <p>The proposed quota management plan will provide a tool in which Torres Strait Islanders and Aboriginal Traditional Owners may pursue their aspiration for 100 per cent ownership of Torres Strait commercial fisheries. Tradable fishing entitlements (in the form of quota units) will provide a market-based mechanism to transfer ownership over time. The Traditional Inhabitant sector will have the flexibility to generate money from quota leasing and use those earnings to buy quota units from the TVH sector.</p> <p>Any broadening of the proposed management plan objectives to reflect the aspiration of 100 percent ownership would need to reflect and be consistent with the full PZJA decision in 2014 and all objectives of the <i>Torres Strait Fisheries Act 1984</i>. Including an objective to achieve 100 per cent ownership could be seen to be inconsistent with the objective to manage commercial fisheries for optimum utilisation. Alternatively a preamble could be developed for the draft plan which articulates the 100% ownership aspiration and how the proposed quota system may assist in achieving that goal.</p>

Paragraph	Category	Description
6.8	Formally recognise Malu Lamar	<p>The TRL Management Plan should specifically recognise Malu Lamar's functions and roles as an RNTBC. Having regard to that and the other points contained in this submission, the plan should operationally provide for the following:-</p> <ul style="list-style-type: none"> a) A relationship framework between agencies responsible for TRL management (including AFMA) and Malu Lamar. This should extend to the following:- <ul style="list-style-type: none"> i. The way in which agencies will address their obligations under Part 2 Division 3 of the <i>Native Title Act 1993</i> for purposes of any future acts constituted by, or done pursuant to, the TRL Management Plan. ii. Provision for Malu Lamar to input a program of ongoing assessment of the operation of the TRL Management Plan once it commences. iii. Specific Malu Lamar input into any implementation of the TRL Management Plan and associated decision making that is likely to have particular impacts on native title. For example, Malu Lamar should input decisions about the granting of TIB licences to ensure that proposed licensees are appropriate having regard to the points made in paragraph 4 of this submission. b) A protocol for the ongoing exchange of information between agencies responsible for TRL management (including AFMA) and Malu Lamar. This should extend not just to implementation of the TRL Management Plan but also include all other relevant aspects of Torres Strait fisheries management in the Part A Sea Determination area.
AFMA comment		<p>The PZJA seeks advice from stakeholders on the management of Torres Strait fisheries. The PZJA has established formal stakeholder advisory groups for this purpose (e.g. TRL Working Group and Resource Assessment Group). In addition to this the PZJA seeks advice from broader stakeholders on particular issues. Malu Lamar has a standing invite to attend all PZJA consultation forums and where required, formal native title notification is undertaken. Malu Lamar is also invited to most other industry meetings convened by AFMA (for example the TRL management plan meetings, industry meetings relating the introduction of VMS, future management of black teatfish, development of harvest strategy for the Bech de mer fishery). The PZJA Standing Committee is expected to consider creating a native title position on all consultative forums.</p> <p>Under the proposed draft plan the Minister will be required to consult with any group it has established to give advice relating to the area of the TRL fishery. The advisory groups for the TRL Fishery are the TRL Working Group and Resource Assessment Group. The Minister may consider any person with an interest in the area of the Fishery or ecologically sustainable use of the TRL Fishery.</p> <p>The draft plan provides measures by which the objectives are to be attained and performance criteria against which, and time frames within which, the measures taken under the plan of the management must be assessed. A further provision could be included in the management plan to allow for the periodic review of the plan however this could be undertaken through policy direction.</p>

Paragraph	Category	Description
6.5 6.6	100 per cent ownership	<p>A media release stated that relevant agencies were to focus from August 2015 on finalising the roadmap to 100% ownership over the next 6 to 12 months. That is to say, the roadmap should have been completed by now.</p> <p>The 100 per cent ownership was set by Malu Lamar as its strategic priority.</p> <p>The management plan does not sufficiently contribute to the objective of 100% ownership. The road map and the Proposed TRL Management Plan should be developed in conjunction with each other.</p>
AFMA comment		<p>TSRA is leading the development of the roadmap towards 100 per cent ownership of the fishery. The TSRA consulted with Torres Strait communities. Feedback from communities will inform the finalisation of draft roadmap for consideration by the PZJA consideration. Since commencing work to develop a roadmap the TSRA has taken further action to support the support the transition to 100 per cent ownership.</p> <p>The TSRA has funded the buyback of three TRL TVH licence packages since the draft plan was released for public comment in 2016. As a result of these buybacks the relative share of quota units to be held by TSRA on behalf of the traditional inhabitant sector under a plan of management will be increased, subject to final appeals, from 56.2 per cent to 66.17 per cent.</p> <p>Importantly the TSRA has also commenced a consultative process to inform future allocation options for the Traditional Inhabitant sector. The project is titled: <i>Fisheries Regional Ownership Framework</i>. In consultation with communities and experts the TSRA aims to develop quota holding and management options for the traditional inhabitant sector. An important step towards empowering the traditional inhabitant sector to self-manage their fishing assets and their transition to greater ownership overtime.</p>
7.14(b)	Sectoral allocation (TIB Vs TVH shares)	The number (and proportion) of quota units proposed to be allocated to persons who are not Traditional Inhabitants is far too high.
AFMA comment		The sectoral allocation within the draft plan is 56.2 percent for the TIB sector and 43.8 percent for the TVH sector and reflects: a) the PZJA decision in 2007 on the sectoral catch share ratio between the traditional inhabitant and non-traditional inhabitant sectors; b) the PZJA decision in 2007 on an quota allocation formula for the TVH licence holders; and c) subsequent Government buyouts of TVH licences in 2007 and 2012. Further Government funded buyouts have occurred in 2016 and 2017 with the TSRA purchasing three additional TVH licences. Based on the notional allocation assigned to the TVH licences bought by TSRA, the TSRA will receive, subject to final appeals, 66.17 per cent of available quota units under the plan. The TSRA will hold and manage this quota on behalf of traditional inhabitants.

Paragraph	Category	Description
7.14(b)	TIB quota unit allocation	<p>It is not fair or just to Native Title Holders and other Traditional Inhabitants that 562,000 quota units be allocated to the TIB sector in the way proposed.</p> <p>The TSRA is a statutory authority of the Australian Government. It is discriminatory that, from the time the proposed TRL Management Plan is made, that proportion of quota units for the TVH sector will be provided directly to TVH sector fishers (in their own capacity), but all of the quota units for the TIB sector will be allocated to a government authority on behalf of Native Title Holders and other Traditional Inhabitant fishers.</p> <p>Given the number of years already involved in developing the proposed TRL Management Plan, direct allocation arrangements to Native Title Holders and other Traditional Inhabitants or to an entity owned and operated by them should have been developed in conjunction with the proposed plan.</p>
AFMA comment		The draft plan requires that, within 2 years of the day the plan commences, that the PZJA must review the allocation of quota units to the traditional inhabitant sector. This approach allows the quota management system to be established while work continues to determine an alternate allocation approach in consultation with the traditional inhabitant sector. The quota system provides for the setting of a TAC, quota unit trading and the allocation of quota unit shares between sectors.
7.14 (c), 7.4, 7.5, 7.13, 7.9 7.10	Inadequacies in quota unit trading arrangements.	<p>The arrangements in Division 5 for the trading of quota units raise several concerns:</p> <ol style="list-style-type: none"> I. In relation to quota units allocated to the TSRA on behalf of Native Title Holders and other Traditional Inhabitants, there are no limitations on the TSRA selling or leasing some or all of the quota units it holds to the TVH sector. Given that the allocation of quota units substantially affects native title, Native Title Holders must always have direct involvement in any decisions about sale or lease. II. The Proposed TRL Management Plan contains no arrangements about how the sale or leasing of quota units allocated for the benefit of Native Title Holders and other Traditional Inhabitants will be used in a way that protects and advances their livelihood. III. The complete absence of controls about how quota units are sold or transferred combined with the points made in paragraphs 7.1 to 7.9 of this submission, creates a substantial risk that ownership or control of the tropical rock lobster resource will trend to the TVH sector over time rather than advance the objective of 100% ownership

Paragraph	Category	Description
AFMA comment		<p>The exposure draft of the management plan did not contain any restrictions on the trading (sell or lease) of TIB quota units. This is being amended prior to making the plan, which will restrict the TSRA from permanently trading quota. Seasonal leasing by the TSRA will still be permitted, and will allow for any quota that is unused by the TIB sector to be leased. This will enhance the full economic opportunity from quota being gained by the TIB sector in any given fishing season.</p> <p>Following the two year review of the TIB allocation and subject to any new agreed allocation approach for the TIB sector, the TIB sector may also advise on longer term trading arrangements for their quota having regard for the impacts of restrictions on the value of the quota units.</p>
7.12, 7.14(c)	Lack of independent review mechanisms	<p>There is no provision in the Plan that allows the TIB sector to be allocated quota units to the individual, there is no provision about how the TSRA will make units available, there is no appeal rights to a TSRA decision.</p> <p>Although Division 3 Subdivision C of the Proposed TRL Management Plan contains a system for independent (AAT) review of the allocation of quota units to persons in the TVH sector, there are no similar review provisions about who and how Native Title Holders and other Traditional Inhabitant fishers would be able to access quota units from the TSRA.</p>
AFMA comment		<p>As currently drafted the plan allocates traditional inhabitant quota units to the TSRA. This is considered a transitional step towards an alternate allocation approach for the TIB sector. Any future allocation required to support an alternative traditional inhabitant quota unit allocation would be made reviewable by the AAT.</p> <p>Specifically, the draft plan requires that within 2 years of the day the plan commences, that the PZJA must review the allocation of quota units to the traditional inhabitant sector. In undertaking its review, the PZJA may consider the following options:</p> <ul style="list-style-type: none"> a) allocating quota units to a non-government legal entity that represents traditional inhabitants; b) allocating quota units to individual traditional inhabitants directly; and c) a combination of the options mentioned in paragraph (a) and (b).

The table below is included in the Malu Lamar notification on the Exposure Draft. It reflects meeting outcomes regarding Malu Lamar's submission on an earlier draft of the TRL plan received 30 Jan 2015 (meeting detail below). The 'Malu Lamar position' was provided as part of the Malu Lamar submission on the 2016 Exposure Draft.

Meeting detail**Attendees**

Selina Stoute, Manager, Torres Strait Fisheries, AFMA
Maluwap Nona, Chairperson, Malu Lamar (Torres Strait Islander) Corporation RNTBC
Jeremy Smith, Senior Project Officer, Torres Strait Regional Authority

Date and venue

8 July 2015, AFMA Office, Thursday Island

Purpose

To consider the Malu Lamar (Torres Strait Islander) Corporation RNTBC's submission on the draft Tropical Rock Lobster Management Plan sent to the Honourable Senator Richard Colbeck, Parliamentary Secretary to the Minister for Agriculture dated 30 January 2015.

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
Management plan objectives		
Must address 100% ownership objective	As stated by Sen. Colbeck when he met with the Torres Strait Regional Authority Board Executive, Malu Lamar representatives and industry 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 plan does not contain adequate means for achieving the objective. The quota unit system runs the risk of entrenching and expanding the TVH sector as set out in this submission.
Objective 5 as drafted is not specific enough.	Further clarification is required regarding specific changes recommended for objective 5.	Refer to paragraph 5 in this submission.
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.	If it is beyond the scope of the plan, this issue should have been addressed through a separate process in conjunction with development of the plan. It is not acceptable for the plan to be finalised <i>before</i> this issue is resolved using whatever means are appropriate. Some two years have passed since Malu Lamar first raised the issue.

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
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).	TVH sector catch limits and the proposed quota system are not the same thing. There has not been any detailed assessment of TVH catch limits (interim or otherwise), despite the former Parliamentary Secretary's assurance that TVH catch limits would be addressed in the final management plan.
Suggested measures to achieve the 100% ownership objective		
Buy back of TVH licenses 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.	It is not clear why this issue should be beyond the scope of the plan. If not addressed through the plan, it should have been addressed through the roadmap in conjunction with the plan. The TSRA's media release of 10 August 2015 said the roadmap was being developed towards the objective of full ownership of the tropical rock lobster fishery. It was to have been completed in the next 6 to 12 months (i.e by August 2016).

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
Buy back of TVH licenses 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.	It is not clear why this issue should be beyond the scope of the plan. If not addressed through the plan, it should have been addressed through the roadmap in conjunction with the plan. The TSRA's media release of 10 August 2015 said the roadmap was being developed towards the objective of full ownership of the tropical rock lobster fishery. It was to have been completed in the next 6 to 12 months (i.e by August 2016).
All new licenses (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> . 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> .	<p>For the TIB sector, the proposed plan involves all quota units being initially granted to the TSRA. It is an Australian Government agency. This clearly does not involve quota units being granted to Native Title Holders or other Traditional Inhabitants.</p> <p>The TRL Management Plan should require Malu Lamar to endorse the grant of all new TIB licences that are granted.</p>

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
Provide practical measures under which potential vendors of current TVH licenses can be matched with potential native title	It is beyond the scope of the management plan to match vendors and buyers of fishing licences.	If this issue is beyond the scope of the plan, it should be addressed by the roadmap or through other appropriate arrangements in conjunction with the plan.
Commercial arrangement 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.	If this issue is beyond the scope of the plan, it should be addressed by the roadmap or through other appropriate arrangements in conjunction with the plan.
Other Measures		
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.	If a quota unit system is to be introduced in the plan, it is absolutely vital that there be effective monitoring of catch records. The quota unit system will be abused without effective monitoring.

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
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.	Any form of quota unit system or other catch limits must be developed in conjunction with an effective catch monitoring system. It is inappropriate and counter-productive for catch monitoring systems to be developed 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.	Management of the tropical rock lobster fishery should be holistic. However the issue of catch shifting is addressed, it should be done in conjunction with 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.	This should be integral to the development of the management plan.

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
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	This should be integral to development 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.	This should be integral to development of the management plan.
Rubbish disposal on both islands and in seas should be addressed.	Noted there is existing legislation that regulates pollution at sea.	If there is existing legislation, it is not being properly enforced. This issue should be addressed in conjunction with the development of the management plan.

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
<p>Maybe in the plan or elsewhere – measures to improve compliance.</p> <ul style="list-style-type: none"> • Better arrangements for surveillance and enforcement action in respect to illegal fishing of TRL and other species; • More effective policing by AFMA; it must make much better use of native title holders; • Measures to ensure PNG Traditional Inhabitants properly comply with their entitlements. 	<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>	<p>Compliance programs should be developed in conjunction with development of the management plan.</p>

A summary of recommendations and advice concerning the draft *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016* provided at public meetings held in Badu, Cairns, Iama, Thursday Island and Ugar and individual comments provided by meeting participants at public meetings held in Mer and Poruma

Community	Key issues raised
Overarching management approach – moving to quota management under plan of management	
<p>No support - Ugar</p> <ul style="list-style-type: none"> • 100% ownership first 	<ul style="list-style-type: none"> • support implementing an enforceable total allowable catch only and the continuation of other existing input controls for the Fishery; • priority is to achieve 100 per cent ownership of the Fishery before a quota management system is introduced. Options of utilisation of leasing-out can be supported. Revenue is important but must own entitlements first; • TSRA to investigate options for government funded buyout of the TVH sector; • Legal advice for Malu Lamar RNTBC on the draft management plan to be provided to Ugar community; and • AFMA to make catch and effort information for Torres Strait fisheries publically available.
<p>No support - Badu</p> <ul style="list-style-type: none"> • 100% ownership first. • Don't support proposed allocation. 	<ul style="list-style-type: none"> • the proposed management plan is not supported based on the sectoral catch shares of 56.2 per cent TIB sector and 43.8 per cent TVH sector; • the sectoral share of 56.2 per cent for the TIB sector is too small and will limit growth of the industry for future generations; • a government funded buyout is need to transfer ownership of the 12 TVH licences to Traditional Inhabitants and provide 100 per cent ownership of the fishery; and • there is no timeline to achieve 100 per cent ownership and there are concerns that the transition of ownership will take a long period of time.
<p>No support - Iama</p> <ul style="list-style-type: none"> • Don't support proposed allocation • Not aligned with Act and will not achieve 100% ownership. 	<ul style="list-style-type: none"> • do not agree with entering into a quota management system; • do not believe the 56.2 per cent share of the Australian portion of the TAC is viable for the TIB sector and there are concerns with historical data and that the number is incorrect; • do not agree that TVH licence holders can sell or lease quota units within the TVH sector, members agree that Traditional Inhabitant should own 100 per cent of the Fishery before leasing quota to the TVH sector is permitted; and • do not believe the management plan is aligned with the objectives of the <i>Torres Strait Fisheries Act 1984</i>. The management plan as currently drafted will not achieve 100 per cent ownership.
Setting a Total allowable catch	

Ugar	<ul style="list-style-type: none"> support implementing an enforceable total allowable catch only and the continuation of other existing input controls for the Fishery.
Quota unit allocation – sectoral shares (TIB and TVH shares)	
Thursday Island	<ul style="list-style-type: none"> TIB starting allocation across all sectors (PNG, TVH and TIB) should be 50%.
	<ul style="list-style-type: none"> Further to the key recommendations: <ul style="list-style-type: none"> Consider whether the TRL Harvest Strategy can be used set a TAC based a 48% biomass target (the Commonwealth default) and transfer 17% (difference between the current target 65% and 48%) to the TIB sector.
Quota unit allocation – TIB sector	
Thursday Island	<ul style="list-style-type: none"> Don't allocate TIB quota units to TSRA
	<ul style="list-style-type: none"> Preference is for TIB to fish under an Olympic pool. Need to work-out who should hold the quota units as part of the two year review.
	<ul style="list-style-type: none"> Further to the key recommendations: <ul style="list-style-type: none"> The TIB sector need direct control of the TIB quota units.
Quota trading (leasing and transfers (selling))	
Thursday Island	<ul style="list-style-type: none"> TVH quota units should only be traded as a full package (licence and quota), quota units should not be traded on their own.
	<ul style="list-style-type: none"> there should be no leasing of TIB quota units.
Cairns (TVH participants)	<ul style="list-style-type: none"> there should be no restrictions on the transferability of quota units or licences held by the TVH sector, the TVH sector should be able to sell and lease any amount of quota units.
Granting of new TVH licences (the number of quota units are fixed however number of Fishing Licences is uncapped)	
Thursday Island	<ul style="list-style-type: none"> there should be no new TVH licences (permanent or sunset)
Cairns (TVH participants)	<ul style="list-style-type: none"> agree there should be no increase in TVH licence (vessel) numbers.
Input controls	
Thursday Island	<ul style="list-style-type: none"> retain input controls (considerations: lack of confidence in TAC; reduce on-the-water competition; there is a lack of respect on the water for example, hookah diving on the reef tops).
	<ul style="list-style-type: none"> Further to the key recommendations: <ul style="list-style-type: none"> Cap primary vessels to a maximum of three tenders.
Cairns (TVH participants)	<ul style="list-style-type: none"> recognise that input controls would remain in place under a quota management system at least initially with some being reviewed overtime.

Other	
Thursday Island (domestic compliance)	<ul style="list-style-type: none"> • Further to the key recommendations: <ul style="list-style-type: none"> - Improved domestic fisheries compliance is needed in the Torres Strait.
Mer (public consultation)	<ul style="list-style-type: none"> • The public comment period was too short and should be extended. Legislative drafters should be present at consultative meetings and a follow-up meeting should be held at Mer to discuss the outcomes of the public comment period
Poruma (community management plans)	<ul style="list-style-type: none"> • There should be a management plan developed for each cluster that specifies the rules for that cluster and a separate management plan for the quota management system
Mer (revenue from leasing)	<ul style="list-style-type: none"> • the revenue raised from leasing quota should go directly to the community rather than being held by TSRA

Contents

Contents.....	2
1 Purpose.....	3
1.1 Information overview.....	3
1.2 The consultation process (as detailed in the stakeholder letter dated 27 June 2016)	3
1.3 How will the proposed quota system work? Frequently asked questions about the draft Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016.....	3
1.3.1 Total allowable catch	3
1.3.2 Quota units and allocation.....	4
1.3.3 Quota trading	4
1.4 TSRA additional elements	5
2 Summary of recommendations and advice	6
2.1 Erub – 8 August 2016	6
2.2 Mer – 9 August 2016.....	6
2.3 Masig – 10 August 2016	6
2.4 Saibai – 17 August 2016.....	7
2.5 Dauan – 22 August 2016.....	7
2.6 Warraber – 25 August 2016.....	7
2.7 Badu – 30 August 2016.....	7
2.8 Thursday Island – 31 August 2016.....	8
2.9 Cairns – 1 September 2016.....	8
2.10 Iama – 12 September 2016.....	9
2.11 Boigu – 12 October 2016	10
2.12 Poruma – 13 October 2016.....	10
2.13 Ugar – 21 October 2016	10
2.14 Mabuiag – 28 October 2016	11
Attachment A – Meeting Attendance	12

1 Purpose

Public meetings were convened across the Torres Strait to provide information to stakeholders on the draft *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016* (the Plan), and to assist stakeholders to understand the:

- consultation process for the draft plan, including how to make a submission to the Protected Zone Joint Authority (PZJA) on the Plan;
- management arrangements proposed under the Plan; and
- additional elements sought by TSRA.

Stakeholders were invited to ask questions and seek clarification of any details both during the meeting and subsequent to the meeting. AFMA contact details were provided to participants.

Meetings were held at communities upon request by the respective Prescribe Body Corporate Chairpersons.

1.1 Information overview

Information provided to meeting participants was based on the information released with the Plan including:

- Letter to stakeholders dated 27 June 2016 inviting submissions on the Plan and outlining how to make a submission and when submissions are due;
- Frequently asked questions about the draft *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016*; and
- TRL (Kaiar) Management Plan – exposure draft. TSRA's Comments, July 2016.

Discussions varied across meetings according to the particular interest and questions raised by stakeholders.

1.2 The consultation process (as detailed in the stakeholder letter dated 27 June 2016)

All submissions on the TRL Management Plan must be submitted by close of the public comment period. Initially the period closed on 26 September but was later extended to 31 October 2016 at the request of Malu Lamar (RNTBC). All submissions will be made publically available unless submissions are requested to be kept confidential. All submissions will be considered by the Torres Strait Tropical Rock Lobster Working Group (TRLWG) and the PZJA.

1.3 How will the proposed quota system work? Frequently asked questions about the draft Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016

1.3.1 Total allowable catch

The Plan proposes to implement an enforceable (binding) total allowable catch (TAC) to limit the amount of catch that can be taken in a fishing season.

Currently a notional (non-binding) total allowable catch (TAC) is determined each fishing season. The TAC provides information on the status of the stock but it is not used to control harvest. Instead the fishing effort is limited under a range of input controls that manage how fishers can go fishing (e.g. seasonal closures, gear restrictions and boat length restrictions). Once the Plan is determined the ongoing need for input controls will be reviewed.

1.3.2 Quota units and allocation

Under the plan quota units will be created. Quota units divide and share the TAC to particular licence holders and/or entities. The Plan will create 1 000 000 quota units, the number of units allows for trading of large or small amounts of quota (kilograms of catch). The value of quota units (the kilogram amount each unit is worth) varies each year according to the TAC.

Under the Plan quota units are allocated to the TIB and TVH sectors. Based on previous PZJA decisions on historical catch shares between sectors and subsequent Government funded buyouts, the sectoral quota unit allocation is for the TIB and TVH sectors to be allocated 56.2 per cent and 43.8 per cent of quota units respectively. There are two allocation models proposed for the different sectors:

- The TVH sector currently has 12 primary licences with 33 associated tender boat licences. Under the Plan the TVH share (43.8%) would be allocated to individual licences based on allocation formula already agreed by the PZJA (the formula takes into account the number of tenders and catch history).
- The TIB sector currently has approximately 290 licences and under the proposed draft plan the TIB share (56.2%) would be held in a single Olympic quota pool. Under the Plan TSRA hold and administer quota on behalf of the TIB sector for the first two years, while a review on the TIB sector allocation is undertaken. The review aims to identify the preferred longer term approach for allocation of quota within the TIB sector.

1.3.3 Quota trading

Under the Plan all quota units are fully transferrable and any amount of quota can be bought, sold or leased. The number of licences (TIB or TVH) in the fishery is not limited in the Plan, entry into the fishery is limited by available quota units. New entrants may enter the fishery if they have bought or leased quota units. As a result the number of vessels operating in the fishery may vary from time to time. Creating transferable quota units means that:

- the TIB sector will hold a tradable fishing entitlement (quota units) that may be traded with the broader economy. Current TIB licences cannot be traded with the broader economy as they must be owned and operated by Traditional Inhabitants;
- uncaught quota from the TIB sector could be leased to existing TVH licence holders or to new entrants. The revenue raised from leasing TRL quota could be used to buy back TVH fishing licences over time and move towards the 100 per cent ownership aspiration. Leasing out uncaught quota would be similar to current 'sunset licensing' arrangements in the Torres Strait Finfish Fishery;
- subject to quota trading the number of TVH operators in the fishery may vary overtime however the amount of TRL that may be caught by the sector would not change unless the TIB leased quota to the sector.

It is a policy position that quota units held by TSRA on behalf of Traditional Inhabitants will not be sold because it is inconsistent with the aspiration of 100 per cent ownership of Torres Strait commercial fisheries by Traditional Inhabitants.

1.4 TSRA additional elements

The TSRA are seeking to have three additional elements incorporated into the Plan:

- Introducing an economic development contribution from the holders of transferrable quota. The contribution could include training opportunities on TVH vessels or other fee contribution to the TIB sector.
- The TIB sector to be given the first right of refusal in the sale of TVH licences. This would require TVH licence holders to approach the TIB sector for the sale or lease of quota first.
- Transfers of licences are only to be made between existing licence holders in pursuit of 100 per cent ownership by traditional owners. Under this proposal TVH operators could only sell between existing TVH licence holders if the TIB sector is unable to buy the licences in the first instance.

TSRA is also seeking the following amendments to the Plan:

- Changing the current drafting of decision making powers from the Commonwealth Minister to the PZJA.
- If a TVH licence is cancelled the quota units attached to the licence are not cancelled, instead they are permanently transferred to the TIB sector.
- If PNG does not cross-endorse any fishing vessels the catch share is automatically transferred to the TIB sector for that fishing season.

2 Summary of recommendations and advice

2.1 Erub – 8 August 2016

1. Meeting participants advised they will have further discussion on the Plan at a community meeting and provide a written submission to AFMA before 26 September 2016.
2. The representative for Malu Lamar advised:
 - a. they do not support the Plan because it permits quota trading between licences in the TVH sector; and
 - b. they are seeking a review of the Plan and advice from Queens Council lawyers before providing support for the Plan.
3. It was noted that some meeting participants raised concern with allowing more TVH boats to operate in the fishery and increasing competition because the number of licences that can be granted is not limited under the Plan.

2.2 Mer – 9 August 2016

Some meeting participants advised:

1. there are concerns about vessels from other communities fishing in the waters surrounding Mer without requesting permission under cultural lore;
2. the revenue raised from leasing quota should go directly to the community rather than being held by TSRA;
3. TRL isn't fished by people from Mer and rather than providing recommendations they will support the position of the western and central clusters who predominantly fish for TRL; and
4. that public comment period was too short and should be extended. Legislative drafters should be present at consultative meetings and a follow-up meeting should be held at Mer to discuss the outcomes of the public comment period. AFMA advised that further face-to-face discussions may be possible alongside tentatively scheduled meetings relating to the Bech de mer Fishery otherwise AFMA could convene a teleconference with Mer stakeholders at a time convenient for them.

2.3 Masig – 10 August 2016

1. Meeting participants advised that they will hold another community meeting to discuss the proposed management plan and provide a written submission to AFMA.
2. The representative for Malu Lamar advised:
 - a. they are seeking a review of the Plan and advice from Queens Council lawyers before providing support for the Plan; and
 - b. the pathway towards 100 per cent ownership of the fisheries by traditional owners is an issue of high importance for Malu Lamar.
3. The following comments by some meeting participants was noted:
 - a. TIB licence holders should be directly consulted on the decision to lease out TIB quota before each fishing season. Some members also noted that the current process to gain access to finfish leasing revenue is too difficult;

- b. majority of Masig fishers are free-divers and if licence holders fish in the waters surrounding Masig they should use the free-dive method;
- c. there is a low level of domestic compliance in the Torres Strait and additional resources should be allocated to improve domestic fisheries compliance; and
- d. there should be training and employment of local fisheries compliance officers, a training program could be developed and offered to people through MyPathway.

2.4 Saibai – 17 August 2016

The representative for Malu Lamar RNTBC advised:

- 1. TIB quota should only be allocated to traditional owners rather than traditional inhabitants which includes PNG amnesty, Aboriginal and Torres Strait Islander people;
- 2. a private entity should be established to manage TIB sector quota rather than TSRA on behalf of Traditional Inhabitants;
- 3. each active TVH licence holder should provide 100 kgs of TRL per neap-tide back to traditional owners;
- 4. Indigenous Sea Use Agreement/s could be established with the four clusters Kulkalgal, Maluilgal, Gudumaluilgal and Kawalalgal to guide non-indigenous access to the Fishery; and
- 5. TIB licence holders are not adequately consulted in the sunset leasing arrangements for the Torres Strait Finfish Fishery. There needs to be greater involvement from the Traditional Inhabitants if TIB sector TRL quota is leased.

2.5 Dauan – 22 August 2016

At the request of the PBC Chairperson, AFMA and TSRA officers travelled to Dauan to hold a meeting organised for Monday 22 August 2016. The meeting was cancelled because participants were unable to attend on the day.

2.6 Warraber – 25 August 2016

- 1. Meeting participants advised they will have further discussion on the Plan at a community meeting and provide a written submission to AFMA.
- 2. It was noted by one meeting participant that the Plan does not have an explicit requirement to transition to 100 per cent ownership of the TRL Fishery to Traditional Inhabitants.

2.7 Badu – 30 August 2016

Meeting participants advised the following:

- 1. the proposed management plan is not supported based on the sectoral catch shares of 56.2 per cent TIB sector and 43.8 per cent TVH sector;
- 2. the sectoral share of 56.2 per cent for the TIB sector is too small and will limit growth of the industry for future generations;

3. a government funded buyout is need to transfer ownership of the 12 TVH licences to Traditional Inhabitants and provide 100 per cent ownership of the fishery; and
4. there is no timeline to achieve 100 per cent ownership and there are concerns that the transition of ownership will take a long period of time.

One meeting participant noted that:

1. the current TIB licence holders do not support the leasing of uncaught TIB quota; and
2. full time TIB fishers have concerns that if TIB quota can be leased by TSRA and if new licences are granted in the fishery it will increase competition and impact the existing full time TIB fishers.

2.8 Thursday Island – 31 August 2016

Meeting participants agreed the following recommendations:

1. retain input controls (considerations: lack of confidence in TAC; reduce on-the-water competition; there is a lack of respect on the water for example, hookah diving on the reef tops);
2. don't allocate TIB quota units to TSRA;
3. preference is for TIB to fish under an Olympic quota pool. Need to work-out who should hold the quota units as part of the two year review;
4. there should be no new TVH licences (permanent or sunset);
5. there should be no leasing of TIB quota units;
6. primary vessel and tenders should operate as a single operation;
7. TVH quota units should only be traded as a full package (licence and quota), quota units should not be traded on their own; and
8. TIB starting allocation across all sectors (PNG, TVH and TIB) should be 50%.

Further to the recommendations above meeting participants provided the following advice:

1. Improved domestic fisheries compliance is needed in the Torres Strait;
2. The TIB sector need direct control of the TIB quota units;
3. Consider whether the TRL Harvest Strategy can be used set a TAC based a 48% biomass target (the Commonwealth default) and transfer 17% (difference between the current target 65% and 48%) to the TIB sector;
4. Cap primary vessels to a maximum of three tenders; and
5. AFMA to accept comments on the Plan by video submission.

2.9 Cairns – 1 September 2016

1. One meeting participant requested AFMA provide more information on:
 - a. section 13 of the Plan, the section is about quota unit defeasibility; and

- b. section 32 of that Plan, the section is about the priority between quota unit interests and PPSA security interests.
- 2. Having regard for the outcomes of the Thursday Island meeting on 31 August meeting participants (the recommendations and comments from the Thursday Island meeting on 31 August 2016 were tabled at the meeting).
 - a. agreed there should be no increase in TVH licence (vessel) numbers; and
 - b. recognised that input controls would remain in place under a quota management system at least initially with some being reviewed overtime;
 - c. there should be no restrictions on the transferability of quota units or licences held by the TVH sector, the TVH sector should be able to sell and lease any amount of quota units.
- 3. The representative for Malu Lamar noted that Malu Lamar does not want the TVH sector to be removed from the Fishery, rather the TIB sector should work in collaboration with the TVH sector to build capacity within its sector.
- 4. Some meeting participants advised:
 - a. for planning purposes of TVH licence holders there needs to be clarification on whether or not there will be leasing of TIB sector quota to the TVH sector or new entrants;
 - b. the Plan does not include broader economic or social objectives that may be desirable for communities in the region and it does not address broad economic and social issues in the Fishery; and
 - c. the TAC should be set at the average catch of the last 10 years which is 617 tonnes and there should be no leasing of quota units from the TIB sector until there is 100 per cent ownership of the TRL Fishery by Traditional Inhabitants.

2.10 lama – 12 September 2016

Meeting participants agreed the following advice:

- 1. do not agree with entering into a quota management system;
- 2. do not believe the 56.2 per cent share of the Australian portion of the TAC is viable for the TIB sector and there are concerns with historical data and that the number is incorrect;
- 3. do not agree that TVH licence holders can sell or lease quota units within the TVH sector, members agree that Traditional Inhabitant should own 100 per cent of the Fishery before leasing quota to the TVH sector is permitted;
- 4. do not believe the management plan is aligned with the objectives of the *Torres Strait Fisheries Act 1984*. The management plan as currently drafted will not achieve 100 per cent ownership; and

One meeting participant advised consultation outcomes should be weighted higher for communities which have the higher numbers of TRL stock in their waters (that being the western and central cluster communities).

2.11 Boigu – 12 October 2016

One meeting participant advised that:

1. the TIB sector quota should be allocated to the PBC for each Torres Strait Island community, the PBC would hold and administer quota on behalf of fishers in that community; and
2. a single submission on the draft Plan should be sent by Malu Lamar RNTBC on behalf of all Torres Strait Islanders.

2.12 Poruma – 13 October 2016

1. The representative for Malu Lamar RNTBC advised:
 - a. TIB quota should only be allocated to traditional owners rather than traditional inhabitants which includes PNG amnesty, Aboriginal and Torres Strait Islander people;
 - b. the 56.2 per cent share of the Australian portion of the TAC is viable for the TIB sector;
 - c. Malu Lamar are seeking a review of the Plan and advice from Queens Council lawyers before providing support for the Plan;
 - d. there is concern the Plan is inconsistent with native title rights; and
 - e. Malu Lamar does not support TSRA to administer quota on behalf of Traditional Inhabitants, a private entity needs to be established to manage quota on behalf of traditional owners.
2. One meeting participant advised there should be a management plan developed for each cluster that specifies the rules for that cluster and a separate management plan for the quota management system; and
3. It was requested that AFMA provide a map of historical TRL catch taken by the TIB and TVH sector within the area of Kulgalgal.

2.13 Ugar – 21 October 2016

Meeting participants agreed the following recommendations:

1. support implementing an enforceable total allowable catch only and the continuation of other existing input controls for the Fishery;
2. priority is to achieve 100 per cent ownership of the Fishery before a quota management system is introduced. Options of utilisation of leasing-out can be supported. Revenue is important but must own entitlements first;
3. TSRA to investigate options for government funded buyout of the TVH sector;
4. Legal advice for Malu Lamar RNTBC on the draft management plan to be provided to Ugar community; and
5. AFMA to make catch and effort information for Torres Strait fisheries publically available.

2.14 Mabuiag – 28 October 2016

One meeting participant noted:

1. a community management plan is being developed for Mabuiag that outlines the sustainable management of resources within the Mabuiag traditional boundary and includes social, economic, traditional and environmental objectives;
2. environmental stewardship is important to the identity of traditional owners, the environmental sustainability is more important than economic gain;
3. acknowledge that 100 per cent ownership will not happen immediately and it needs to occur in stages to allow time for the TIB sector to build capacity; and
4. the community would provide a written submission on the draft Plan.

Attachment A – Meeting Attendance

Erub public meeting – 8 August 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
John Jones	AFMA
Mariana Nahas	TSRA
Harry Ghee	
Amina Ghee	
Joshua Brown	
Francis Ketchell	
Samuel Mye	
Chris Saylor	TIB licence holder
Tepeh Sailor	
Daniel Pau	
Geoffrey Sailor	
Joseph Saylor	
Aiden Pensio	
Lorenzo Ketchell	
Leslie Pitt	TRLRAG and TRLWG industry representative

Mer public meeting – 9 August 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
John Jones	AFMA
Mariana Nahas	TSRA
Johnny Kris	Representative Malu Lamar
William Berro	
Brian Tapau	
Allan Passi	
Kila Odo	
Gilmore Bo	
Koeba Wailu	
James Zaro	
Hayden Bradford	Export Sales Manager, Boat Harbour Fisheries

Masig public meeting – 10 August 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
John Jones	AFMA
Mariana Nahas	TSRA
John Morris	PBC Chair
John Mosby	TIB licence holder
Simon Naawi	
Willie Gamia	
William Mosby	
Michael Mosby	
Wyrui Nai	
Jimmy Elia	
Goodwill Billy	TIB licence holder
Mickey Morris	
Nigel Naawi	
Paul Lowatta	
Ned Mosby	
Julohn Wigness	

Saibai public meeting – 17 August 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
Lyndon Peddell	AFMA
Mariana Nahas	TSRA
Charles David	TSRA
Maluwap Nona	Malu Lamar, TIB licence holder
Fredson Akiba	
James Akiba	
Paul Kabai	Chair PBC Saibai

Dauan public meeting – 22 August 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
John Ramsay	TSRA
Charles David	TSRA

*Note AFMA and TSRA officers travelled to Dauan and the meeting was cancelled on the day.

Warraber public meeting – 25 August 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
John Ramsay	TSRA
Charles David	TSRA
Johnny Bob	
Mark David	TRLRAG and TRLWG representative, TIB licence holder
Harold Pearson	TIB licence holder
Donald Billy	TIB licence holder
Thomas R Mene	TIB licence holder
Ned David	Representative Malu Lamar
William Pearson	TIB licence holder
Benjamin Morseu	TIB licence holder
Nasona Bob	TIB licence holder
John Bowie	TIB licence holder
Tony Pearson	TIB licence holder
Alfie Sailor	TIB licence holder
Maka Mori	TIB licence holder

Badu public meeting – 30 August 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
John Mathews	TSRA
Charles David	TSRA
Maluwap Nona	Chair Malu Lamar
Samuel Guligo	
Bernie Joe	
Naboi Sabake	
Gibson Saub	
Kenny Banu	
Wusang Guligo	
Mudu Iga	
Ian David	
Tanu Laza	
Danny Mairu	
Iona Gaidan	
Richard Nona	
Bigi Garama	
Billy Scott	
James Ahmat	
Richard Bowie	
Dennis Richard	
Eccles Tamwoy	
Solomon Ahmat	
Benjamin T Nona	
Mark Garama	
George Asse	
Yathimo Kebisu	
Anthony Joseph	

Thursday Island public meeting – 31 August 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
Mariana Nahas	TSRA
Charles David	TSRA
Maluwap Nona	Chair Malu Lamar, TIB licence holder
Ray Moore	TVH licence holder
Sereako Stephen	
James Mills	TIB licence holder
Stan Lui	TIB licence holder
Luke Dillon	TVH licence holder
Harry Nona	TIB licence holder
Thomas Namoa	TIB licence holder
Patrick Masid	TIB licence holder
Francis Masid	TIB licence holder
Sam Nona	TIB licence holder
Kevin Sabatino	TIB licence holder
Graham Hirakawa	TIB licence holder
Kevin Takai	
Richard Takai	TIB licence holder
Rowan Hirakawa	
Kevin Sabatino (Jnr)	TIB licence holder

Cairns public meeting – 1 September 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
Mariana Nahas	TSRA
Charles David	TSRA
Maluwap Nona	Chair Malu Lamar, TIB licence holder
Brett Arlidge	General Manager MG Kailis Pty Ltd, company holder of TVH fishing licences
Di Wong	Diaken Pty Ltd, TVH operator
Trent Butcher	TVH operator
Mark Dean	TVH operator
Patrick Mills	Chairperson Torres Strait Fishers Association (TSFA)
Phillip Mills	Member TSFA
Phil Hughes*	TVH licence holder
Ray Moore*	TVH licence holder

*By phone

Iama public meeting – 12 September 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
Charles David	TSRA
Ned David	Malu Lamar
Mark David	TRL Working Group industry member
Manuel Kepa	TIB fisher
Bevan Mackie	Yam Island Seafood
David Ned David	TIB Fisher
Edward Kepa	TIB Fisher
Daniel Larry	TIB Fisher
David Baragud	TIB Fisher
John Baragud	TIB Fisher
Johnathan Kepa	Community Youth Representative
G. Samual	Community Elder
B. Songoro	Community Elder
P. David	Community Elder
W. Samuel	TIB Fisher
M. Gela	TIB Fisher
Roy Kepa	TIB Fisher
Eddie Baragud	TIB Fisher
Patrick Baragud	TIB Fisher
Uriah Bob	TIB Fisher

Boigu public meeting – 12 October 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
John Jones	AFMA
Charles David	TSRA
John Mathews	TSRA
Aaron Tom	TRLRAG and TRLWG Industry Representative
Timothy Gibuma	
Don Banu	
Richard Gibuma	
Wyrumai Dau	
Raymond Matthew	
Wasuru Wuruki	
Jeremy Tom	
Mark Mautie	
Keith Pabai	
Stanley Marama	
Billy Dau	
Makie Marama	

Poruma public meeting – 13 October 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
John Mathews	TSRA
Charles David	TSRA
Lyndon Peddell	AFMA
George Bigie	
Olandi pearson	
Nazareth Faud	Poruma PBC Chair
Maluwap Nona	TIB Licence Holder Chairperson Malu Lamar RNTBC
Joseph Pearson	TIB licence Holder
Joseph Billy	
Wrench Larry	
Patrick Billy	
Joseph Pearson Jnr	
Victor Billy	
Cedric Pearson	
Brian Pearson	
Yessie Pearson	
Mark Faud	
Andrew Billy	
Fransic Pearson	TIB Licence Holder

Ugar public meeting – 21 October 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
Sere Stephen	Ugar PBC Chair
William Stephen	TIB Fisher
Johnathon Stephen	TIB Fisher
Charlotte Stephen	
Dorathy Worante	
Robert Niodee	TIB Fisher
Denise Stephen	
Angela Ford	
Bob Modee	TIB Fisher
Christopher Saunders	TIB Fisher
Jerry Stephen	TIB Licence Holder
Daniel Stephen	TIB Licence Holder
Doug Stephen	TIB Fisher
Yoko Saylor	TIB Fisher

Mabuiag public meeting – 28 October 2016

Name	Representation
Dean Pease	AFMA
Selina Stoute	AFMA
Charles David	TSRA
Terrence Whap	TRLRAG and TRLWG Representative
Flora Warrior	Mabuiag Fishers Association

A summary of written submissions received on the draft *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016* released for public comment from 29 June 2016 to 31 October 2016

Part 1: Comments on the proposed quota management plan

Overarching management approach – Moving to quota management under a plan of management	
Mabuiag Traditional Owners	<ul style="list-style-type: none"> • General concern that under the TRL management plan commercial fishers will be allowed to focus more on catching their share at the least cost which can encourage excessive hookah and tender use on home reefs which can be detrimental to the local 'dinner plate' and local free divers, forcing them to go further afield. • In light of concerns over equity issues in the sectors and other issues, Traditional Owner groups should have the right to submit community TRL Management plans. Community plans would protect a community's right to practice Indigenous traditional sustainability and provide a platform for community level-decision making ownership. • A community management plan could be another input control in the fishery outlining controls for localised areas (traditional boundaries), these may include spatial and temporal closures, hookah restrictions, move-on provisions and community engagement protocols. • Support 100% move to TIB sector and a phasing out of the TVH sector in stages to reduce economic shock to the industry and allow time for capacity building, as long as there is no cost shifting to the TIB sector. • A move to 100% control TIB sector would need to include grass roots input and one way is through local area community management plans.
Kenneth McKenzie	<ul style="list-style-type: none"> • The introduction of quota will allow partial buyback of quota allocated. For example if an operator is allocated 3% of the fishery then they will have the option of selling 1% or 2%. TSRA would have the first right of refusal for such a transaction.
Phil Hughes	<ul style="list-style-type: none"> • In considering moving to a quota management system, the choice must be made between input controlled fishery where the resource is owned by the community and managed on behalf of that community by a PZJA that is responsive to the needs of community OR an output controlled fishery where the quota is held by the highest bidder; a fishery that is principally driven by market forces above any respect for social or community impact.
Torres Strait Seafood	<ul style="list-style-type: none"> • Under a quota management system one company will likely hold the monopoly of quota which could lead to that entity dictating lease arrangements and lower beach price of TRL for fishers. Do not believe the implementation of the quota system as it is will at all benefit the community.

Torres Strait Fisher's Association Inc	<ul style="list-style-type: none">Do not agree with the proposed plan on the grounds that some of its clauses may be contrary to the intent of the Torres Strait Treaty and the <i>Torres Strait Fisheries Act 1984</i> and therefore detrimental to the long-term interests of Traditional Inhabitants. Position informed by the report “a fair share of the catch”.The plan takes away the TIB's sector's capacity for future growth by granting quota to the TVH sector and then requiring the TIB sector to buy it back. This can only happen if the TVH sector wishes to sell. By allowing this the Minister may make decisions that over-rule the <i>prima-facie</i> priority ranking of community fishing ahead of commercial fishing (refer to <i>Fair Share of the Catch</i> report).The plan gives entitlements to TVH licences not allowed under the Act. The PZJA should use its power to not renew TVH licenses as the TIB sector grows (refer to <i>Fair Share of the Catch</i> report).Implying that a TVH license will be renewed annually creates a legal liability for the Commonwealth to the detriment of the TIB sector which is against the intention of the Act (refer to <i>Fair Share of the Catch</i> report).	
Assessing objectives of the Plan (section 6)		
Raymond Moore	<ul style="list-style-type: none">The allocation of quota units to the traditional inhabitant sector, deals with commercial fishing, not traditional fishing. The report “<i>A fair share of the catch</i>’ (Skehill and Young 2002) gives a legal interpretation that ‘livelihood’ refers to livelihood as derived from traditional activity.	
Setting a Total Allowable Catch		
Mabuiag community	<ul style="list-style-type: none">Support the idea of quota management system and capping catches to protect sustainability.	
Quota unit allocation – TIB sector		
Mabuiag community	<ul style="list-style-type: none">Support TSRA to hold quota in the interim as an entity on behalf of the TIB sector.	
Kenneth McKenzie	<ul style="list-style-type: none">Support TIB sector operating under an Olympic pool at the start as a quota system would be difficult to implement and police for the sector. As the quota system evolves this could be changed.	
Torres Strait Seafood	<ul style="list-style-type: none">Concerns regarding how and by whom the TIB quota could be managed. In the interests of transparency, fairness to TIB licence holders, recipients of any economic benefit and the ongoing viability of the fishery.	
Leasing of Quota Units		
TVH sector	Kenneth McKenzie Raymond Moore	<ul style="list-style-type: none">The TVH sector should be permitted to lease quota to any licence holder or the TSRA.

TIB sector	Kenneth McKenzie	<ul style="list-style-type: none">TIB sector catch could be assessed at the mid-point of the season (May) and with consultation quota that is likely to be uncaught can be leased to the TVH sector. Another assessment could be made at the end of July and leased quota amounts adjusted to suit.
	Raymond Moore	<ul style="list-style-type: none">Do not support leasing of TIB quota because it increases competition for the TIB sector. Whilst there is financial gain it comes at the expense of more competition for the TIB sector.
	Kenneth McKenzie	<ul style="list-style-type: none">Money raised by leasing could be held in trust for future buybacks or economic development.
Transferring (selling) Quota Units		
Kenneth McKenzie Raymond Moore	<ul style="list-style-type: none">TVH sector should be permitted to sell or lease only part of their quota to an existing licence holder or TSRA.	
Granting of new TVH licences (the number of quota units are fixed however number of Fishing Licences is uncapped)		
Raymond Moore	<ul style="list-style-type: none">Although the proportion of catch that the TVH sector could take would not increase (due to the limit on quota units), allowing new TVH licences to be created would increase the TVH effort. Existing TVH effort is one of the major factors limiting the expansion of the TIB sector.The granting of TVH sunset licences to lease unused TIB quota as done in the Finfish Fishery would add competition which would be detrimental to the TIB sector.	
Foreign Ownership of Quota Units and Fishing Licences		
Raymond Moore	<ul style="list-style-type: none">Quota units should only be able to be sold to Australian citizens. Foreign ownership of quota units would make it impossible to achieve 100% ownership.	
	<ul style="list-style-type: none">Quota units should only be held by a person who also holds a Fishing Licence. Under this arrangement quota could only be held by a traditional inhabitant or one of the existing 12 TVH licences. Allowing investors to hold quota units will make it more difficult to achieve 100% ownership.	

Part 2: Comments on the TSRA additional elements as detailed in the paper titled TSRA's comments TRL (Kaiar) management plan – exposure draft

Submission	Summary of issue raised
Economic Development Contribution	
Torres Strait Fisher's Association Inc.	<ul style="list-style-type: none"> Introducing an economic development contribution from the TVH sector is not necessarily a good thing if it ends up as just more revenue to be managed by the TSRA. Rather than a financial contribution, the TVH operators should be required to contribute by helping train Torres Strait Islander divers or by a partnership arrangement helpful to that cause.
Kenneth McKenzie	<ul style="list-style-type: none"> Do not support the TVH sector contributing anymore in the way of annual fees or similar, for the economic wellbeing of Torres Strait Islanders.
Torres Strait Seafood	<ul style="list-style-type: none"> Do not support. Introducing an economic development contribution would be an impost to make the fishery economically unviable. Introducing a 'contribution' after the fact.
Raymond Moore	<ul style="list-style-type: none"> There is confusion over the meaning of an economic development contribution. If this means a financial contribution then it is unrealistic considering there are only 8 TVH licence holders compared with about 300 TIB licence holders.
	<ul style="list-style-type: none"> TVH could work with TSRA in promoting economic development, the main value of the TVH being its expertise in the fishery. TVH are willing to increase employment and training of traditional inhabitants to improve employment and training opportunities for traditional inhabitants, the limiting factor in the past has always been trying to source willing applicants. Very difficult to include such factors into a management plan, there needs to be discussion on what exactly the TSRA is trying to include.
	<ul style="list-style-type: none"> TSRA should be more active in promoting development in the TRL Fishery. For example, including the development of infrastructure to support trade in live TRL rather than tailed product at outer islands.
Mabuiag Traditional Owners	<ul style="list-style-type: none"> Support.
First Right Refusal	
Kenneth McKenzie	<ul style="list-style-type: none"> Support TIB sector to have first right of refusal on TVH licence sales, but if a third party offered a higher price, the licence should be permitted to be sold to the third party.

Raymond Moore	<ul style="list-style-type: none"> Support, assuming first right of refusal means, the purchaser meets the value of other offers, their offer takes priority. There is general support for the traditional inhabitant aspiration to gain 100% ownership provided this is achieved in a fair and equitable manner. That is, it has to be voluntary and with fair compensation.
Mabuiag Traditional Owners	<ul style="list-style-type: none"> Support.
Torres Strait Seafood	<ul style="list-style-type: none"> Concerns with how this may be enforced.
Trading between existing licence holders only	
Raymond Moore	<ul style="list-style-type: none"> Some clarification is needed on this proposal however it infers that the sale of licences can only be between existing licence holders. Restricting the purchase of licences to existing licence holders is likely to result in a monopoly making it difficult for the TIB sector to achieve 100 per cent ownership. At present TVH licences can be purchased by anyone. TVH licence holders could not be expected to give up their right to a freely transferable licence.
Mabuiag Traditional Owners	<ul style="list-style-type: none"> Support.
Kenneth McKenzie	<ul style="list-style-type: none"> Subject to the first right of refusal proposal, TVH should be able to sell to persons other than existing licence holders.
Torres Strait Seafood	<ul style="list-style-type: none"> This statement needs clarification.
Other aspects of the draft management plan	
Powers	<ul style="list-style-type: none"> The Plan would be made by the Commonwealth Minister. This gives the Minister the power to set the Total Allowable Catch (TAC) and the length of the season. The TSRA is seeking clarification as this is different from the Finfish and Prawn fisheries management plans in which the PZJA has the authority to make the Plans.
Cancellation of quota	<ul style="list-style-type: none"> Currently the Plan will cancel quota if a licence is cancelled. The TSRA is seeking that the quota from a cancelled licence be transferred to the TIB sector.
Unused PNG catch allocation	<ul style="list-style-type: none"> The Plan is silent on the annual PNG allocation. The TSRA would like the Plan to state that any unutilised PNG allocation, should be allocated to the TIB sector.
Allocations under the plan	<ul style="list-style-type: none"> The TSRA is seeking it be made clearer that the current ownership of the fishery; 43.8% TVH and 56.2% TIB, are the initial allocations only.

Review	<ul style="list-style-type: none">• Following the two year review point after the allocation of quota to the TIB, the Plan presents only three options to the PZJA: the allocation of quota to individuals, allocation of quota to a non-government organisation or a combination of those two options. The TSRA believes that in the event there is no agreement from the TIB sector on a preferred quota holding model, it would be prudent to allow the PZJA the option of asking the TSRA to continue to hold the TIB quota until such time as the TIB sector has agreed on a preferred ownership model
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Part 3: Comments on other management arrangements and issues

Submission	Summary of issue raised
Input controls generally	
Kenneth McKenzie	<ul style="list-style-type: none"> The introduction of quota could allow current input controls to be relaxed. The 10m boat length restriction for example, has become very inefficient due to changing rules and regulations by other government departments such as AMSA and Queensland Transport.
Torres Strait Seafood	<ul style="list-style-type: none"> Additional controls (input controls) should not be required should quota be introduced. Alternatively why would quota be enforced if the fishery is operating successfully under the current controls?
Luke Dillion	<ul style="list-style-type: none"> Input controls and standards have to be applied equally to the industry, all sectors, so that the impact is the same on each of the operators.
Season Start Date	
Kenneth McKenzie	<ul style="list-style-type: none"> Season should start a fortnight earlier each year to capitalise on the Chinese New Year market. For example around 16 January however the exact date to determined annually depending on tidal conditions.
	<ul style="list-style-type: none"> Queensland East Coast TRL Fishery should start mid-January (eg 16 January.as proposed for the Torres Strait).
Torres Strait Seafood	<ul style="list-style-type: none"> Torres Strait season start date should be consistent with the East Coast TRL Fishery opening on 1 January so that the Torres Strait industry can also benefit in being able to access the high market demand period leading up to Chinese New Year. Alternatively the East Coast season should be changed to be consistent with Torres Strait hookah fishery opening of 1 February.
Temporal Closures	
Kenneth McKenzie	<ul style="list-style-type: none"> Upon introduction of the quota system the tidal closures (moon-tide closures) could be removed as quota catch becomes the new limitation (on effort).
	<ul style="list-style-type: none"> Total fishery closure be put in place for three weeks starting around 18 August (dependent on tidal movement) to allow the completion of the annual moulting process where live lobster are subject to higher mortality rates.
	<ul style="list-style-type: none"> Total fishery closure 1 October to 16 January be maintained (after adjusting for a recommended earlier hookah season start date) to protect juveniles stocks. This must apply to PNG cross endorsed vessels.

Kenneth McKenzie	<ul style="list-style-type: none"> Annual moulting season for the East Coast is mid-September so maybe the season could be bought back two weeks to allow for the higher mortality.
Spatial Closures	
Kenneth McKenzie	<ul style="list-style-type: none"> Recommend investigating areas for no-take zones on the East Coast to protect TRL spawning. For example in deeper drop-off zones.
Fishery Research	
Kenneth McKenzie	<ul style="list-style-type: none"> Recommend more research on the connectivity between Queensland east coast TRL spawning and recruitment for the Torres Strait TRL Fishery.
	<ul style="list-style-type: none"> Support current assessment process to recommend a total allowable catch annually.
Compliance	
Phil Hughes	<ul style="list-style-type: none"> There is inadequate monitoring, control and surveillance (MCS) to support a quota management system. Because a single company owns a significant proportion of the TVH sector licences and an even greater share of the product, there is a conflict of interest and potential for manipulating any TAC on paper.
Free Dive and Lamp Fishing	
Kenneth McKenzie	<ul style="list-style-type: none"> TIB and TVH sector should be allowed to night spear and free dive from December to 16 January since only large lobsters come to the shallows in this period. An effort to police this period is required (ie no use of hookah).
Ownership of TIB licences	
Torres Strait Seafood	<ul style="list-style-type: none"> There should be more transparent and a more rigorous test for owning a TIB licenced carrier/processing vessels, to prevent loophole entry in to the fishery.
Finfish leasing revenue	
Torres Strait Fisher's Association Inc	<ul style="list-style-type: none"> Many fishermen do not agree with the way money received from the lease of finfish quota has been spent in the past. TSRA's needs to improve its accountability by directly the funds towards a vision and strategies agreed to by the whole TIB sector, not just finfish representatives.

Attn Selina

K.J. MCKENZIE.

15, RIVERSIDE PARADE,
TRINITY PARK.
QLD. 4879.

To AFMA,

Submission re Torres Strait Rock lobster fishery.

- ① Torres Straits rock lobster fishery is a proven sustainable fishery. Because diving in strong currents and adverse conditions is the catch method fishery will always meet international ecology standards to meet export accreditation.
- ② The traditional inhabitants of Torres Straits want total ownership of fishery and will always be political in their endeavours to do so.
- ③ TVH licence holders such as myself wish to fish, hassle free, in a situation which was laid out ~~as~~ 8 years ago when a quota system was proposed.
- ④ Quota system for the TIB sector will be difficult to implement and police and for this reason, I think, at the start should be Olympic for ~~there~~ based on TAC allocated. As quota system evolves maybe this could be changed to suit.
- ⑤ On the completion of the month of May ie. Season $\frac{1}{2}$ way point, TIB sector catch could be assessed and with consultation with TSRA, decision could be made for them to lease quota to TVH sector at a tender \$ rate. \$ raised from this process could be held in trust for any future buybacks or economic development. Another catch assessment could be made at the end of July and leased quota amounts adjusted to suit.
- ⑥ I think season should be brought back into January by 1 fortnight. ie Start date approx 16/01 To capitalize on Chinese New Year prices. Exact date to be determined annually depending on tidal conditions.

⑦ On introduction of Quota System Tidal Closures could be removed as quota catch becomes the new limitation.

⑧ To balance the fish season I think a closure be put in place for 3 weeks starting approx August 28TH depending on tidal movement. This will allow the completion of the annual mating process where ^{live} lobster are subject to higher mortality rates.

⑨ I think period Oct 1ST → January 16TH should still be no take to allow protection of juvenile stocks. This should particularly apply to any New Guinea vessel which may take up their entitlement due to their total disregard for size limits.

⑩ TIB Sector & TVH Sector should be allowed to night spear and free dive from December to January 16TH since only larger size lobster come to the shallows in this period. An effort should be made to police this period. ie No Hockah

⑪ I am in favour of Islanders having first right of refusal on TVH licence sales.

⑫ Introduction of quota will allow partial buyback of quota allocation to TSRA. ie if I am allocated 3% of fishery I will be able to reduce down to 1% or 2%. TSRA would have 1ST right of refusal for such a transaction.

⑬ TVH quota holders, I think, should be able to lease their allocation to any registered licence holder whether it be from TIB or TVH Sectors. This could be in the interests of FAIR PLAY.

deny me ...
same right? I don't think so, rightly or wrongly I've paid money for the right to fish lobster in the Torres Straits and wish to do so in peace and goodwill to all.

⑭ Introduction of quota could allow current input controls to be relaxed. In my case the 10 metre restriction on ~~size~~ boat length has become very inefficient due to changing rules and regulations by other govt departments such as AMSA and Qld transport.

⑮ I think the TAC assessment by CSIRO should be kept. It seems to be reasonably accurate to date, and TAC can be lowered in bad years when stocks are scarce.

⑯ I think CSIRO needs to do some research regards East Coast Spawning, ie whether East Coast Spawning is responsible for Torres Straits lobster recruitment. Thinking back to period 1999 → 2001 when Torres Strait stocks were described as being on a knife edge, it seems ironic that followed a period of intensive fishing, no spawning closure, and no size limits for the East Coast.

At the moment East Coast fishery begins on January 1st to capitalize on Chinese New Year prices. East Coast lobster are still with eggs until mid February in certain areas. I think East Coast season start should be brought to mid January (same as I propose for Torres Straits) and CSIRO research could define no take zones for spawning, ie in the deeper drop off zones.

Annual Matting season for East ^{Coast} is Mid September so maybe season could be brought back 2 weeks to allow for the higher mortality count.

Running a fishing operation now is more costly and complicated than ever before. New AMSA compliance rules and the ever constant fear of litigation if things go wrong are deterrents for both TVH and TIB sectors. In a good season the Taxman is ever present.

Torres Strait islanders currently enjoy all the benefits of being Australian Citizens and a big % of Tax payers money provides for housing, health, infrastructure (airstrips port & mooring facilities), water supplies, welfare etc. I do not feel I should have to contribute anymore in the way of annual fees or similar, for islanders economic well being.

I feel that if I want to sell my TVH entitlement TIB sector would be given first option to buy, but if another party^{3rd party} offered more value to me, then I should be able to sell to that^{3rd} party. Also I don't think that 3rd party should have to be an existing licence holder.

On a more Sensitive Note .

Meetings I've been to over the years become political platforms. Lobster diving is competitive and participants wrongly lobby to reduce the competition rather than to increase their efforts, i.e. Their focus is on pulling people down instead of going to work and catching lobster.

The quota system was devised to reduce TVH Sector effort, and if it had of been implemented 7-8 years ago there would all ready have been a significant benefit to Torres Strait Islanders. The Political stirrers are, I think unknowingly working against their fishers best interests. I know TIB licence holders that in conversation with, have told me that they want quota to be introduced.

It should be noted that, originally, TVH Licences were granted to Traditional as well as Non Traditional inhabitants. All traditional inhabitants have sold their licences to Non traditional fishers for financial gain. (Fair enough). Is it now right that the politically minded now want to deny the current TVH licence holders that same right? I don't think so, rightly or wrongly I've paid money for the right to fish lobster in the Torres Straits and wish to do so in peace and goodwill to all.

Quota allocation for TVH licences has already been ascertained. - 9 years ago. All appeal processes have been done and dusted - finished. Each TVH licence holder has known its quota entitlement for 9 years. Why complicate life by offering a lifeline for fraudulent claims to more quota. Statutory declarations by current or previous licence holders may lead to a case of 'The biggest liar wins'.

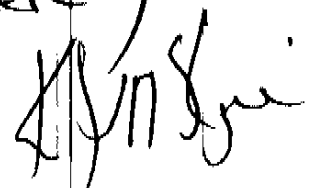
I think one unit of quota should be 1 Kg. To bring it down as fraction of 1,000,000 complicates things.

Exposure Draft Part 3 is Defensibility.

means that I can lose my quota allocation at anytime, without compensation, if legislation is changed at anytime in the future. I'd like to see this clause removed or wording changed and clarified before I can agree to the plan. I may have to seek legal opinion.

This submission is doing my head in but I think I've managed to convey some ideas to you. I was lobster fishing for 25 years but have been otherwise disposed for the last 8 years. 2017 will see me return with son in tow. Lobster fishing ~~for me~~ provides for my family ~~well~~ and I wish for that to continue.

Yours Sincerely



PO Box 16
Thursday Island
Queensland 4875
Saturday, October 22, 2016

AFMA Manager
Torres Strait Office
38 Victoria Parade
Thursday Island 8475

Dear Selina Stoute

The Torres Strait Rock Lobster fishery has its roots in community. It arose organically and has been commercially fished by both Indigenous people and migrants to this area who have stayed, intermarried and become part of the multicultural fabric of the Torres Straits. This fishery has always belonged to the community and this ownership is recognized by the establishment of a Treaty which prioritizes Indigenous inhabitants and the natural environment. Over the years, the Torres Strait Treaty has informed government agencies on how the resource should be licensed and accessed. Up until now, the lobster fishery has essentially belonged to us, the community members, and has been managed by the federal government via the issuing of a licence to access the resource. The move to a quota management system is a fundamental shift where the lobsters will be owned by commercial enterprises and essentially “belong” to the highest bidder before they are even taken from the ocean floor. This is a major shift from the status quo where a fishing license upholds the principle of free and equal access to a community owned fishery.

This may sound like splitting hairs, but the repercussions of this difference between management principles that limit input controls so as to preserve fishing stocks compared to a market based system that distributes fishing opportunity has significant ramifications for the communities that rely on and support the fishery. This is starkly illustrated by the Torres Strait and Queensland East Coast Lobster Fisheries. Originally, when licences were first issued in the 1970s, it was functionally a single fishery where a licence allowed access to the resource from the Torres Straits down the East Coast to 14°S. At that time, a number of boats fishing from the Port of Thursday Island fished flexibly between the two areas. At some time, the two fisheries became separate and the Torres Strait was managed by the PZJA (Protected Zone Joint Authority) whereas the East Coast was managed by the state of Queensland. In 2009 a catch quota system with individual ITQs (individual transferrable quotas) was introduced in the East Coast Fishery. Since that time, the East Coast fishery looks totally different from the Torres Strait fishery. The live product from the East Coast fishery is now functionally owned by one company and fished by only a few large vessels. In this sort of market based system, the distribution of fishing opportunity is a result of economic transactions in a market place instead of by a government agency that is answerable to social, environmental and indigenous sensitivities. Based on this evidence, we need to ask the question, *What sort of fishery do we want for our community?* and *What sort of fishery upholds the tenet of the Torres Strait Treaty?* Should it be an input controlled fishery where

governing bodies can respond to community sensitivity or an output controlled fishery that is wholly answerable to market forces?

Aside from this question of differing ideology is the very pragmatic question of monitoring control and surveillance (MCS). It is a simple statement of fact that a single company owns a significant proportion of the TVH sector licences in the Torres Strait and an even greater share of the product as a result of leasing arrangements and positioning in the marketplace. On the East Coast and in PNG, this company buys 100% of the live catch and has a significant influence over the licencees and those in lease arrangements. In this situation, where the principal buyer has a major stake in catching the product, there is an unquestionable conflict of interest and the potential for manipulating any TAC (total allowable catch) on paper is obvious. It has been my observation over the years that compliance has gone from a situation in the 80s and 90s where a policing presence has resulted in fishermen generally following the requirements of the Torres Strait Fisheries Act. Currently, however, there is virtually no MSC presence and anecdotally, breaches of the Fisheries Act are common place. It is a generally held perception in the fishing community that there will be no consequence for noncompliance. The commercial incentive for manipulating origin and quantity of product caught under a ITQ (individual transferrable quota) system is considerable. Given these circumstances, the consequences for our community based fishery are too sad to contemplate.

The implementation of a quota management system begs the question, *"What sort of fishery do we want for the Torres Straits?"* In my view, it is a choice between an input controlled fishery where the resource is owned by the community and managed on behalf of that community by a PZJA that is responsive to the needs of community OR an output controlled fishery where the quota is held by the highest bidder; a fishery that is principally driven by market forces above any respect for social or community impact. As a lifelong fisherman, husband, father and grandfather living, working, retiring and eventually dying in the Torres Straits, my investment in this issue has very little to do with money. Instead it is about ensuring the equitability and sustainability of a fishing industry for future generations.

Yours sincerely

Phillip Hughes

TORRES STRAIT FISHERY MANAGEMENT PLAN 2016

EXPOSURE DRAFT

Thank you for the opportunity to comment on the exposure draft, I would like to make the following points:-

PART 1 DIVISION 3:OBJECTIVES

To acknowledge and protect the traditional way of life and livelihood of traditional inhabitants

This very important objective is assessed in appendix 1 of the report commissioned by the PZJA

“A fair share of the catch”(ref 1) and the legal interpretation given is that in both the Treaty and the Act livelihood here refers to **livelihood as derived from traditional activity**. It is for this reason that both community and non-traditional inhabitant commercial fishing should be regulated so as not to impact on traditional fishing, as under the treaty traditional fishing takes priority.

In this regard item 3, the allocation of quota units to the traditional inhabitant sector, deals with commercial fishing, not traditional fishing. Item 2 is correct in that by implementing a quota unit system into the fishery as a whole this objective is met as it controls the commercial catch and hence protects traditional fishing.

Promoting economic development in the Torres Strait area and employment opportunities of traditional inhabitants

This objective refers to development of the Torres Strait area in general and certainly the TVH sector has contributed significantly to the economic development of the Torres Strait TRL fishery. They also provide employment opportunity for traditional inhabitants but more importantly provide the hands on training that enable traditional inhabitants to gain the necessary experience to be able to operate their own business.

PART 3 DIVISION 5

Transfer of quota units to another person

As written quota units could be sold to a foreign investor and I am sure there are many Chinese investors who would like to own this fishery. The PZJA has supported the aspirations of the traditional inhabitants to gain 100% ownership of this resource yet such a move would make it impossible for them to do so. **This is absolutely not acceptable, quota units must only be held by Australian citizens.**

There is also concern if quota units could be sold to Australian investors as this would also make it more difficult for the TIB sector to acquire more quota. In the Qld TRL fishery only licence holders can hold quota and to be a licence holder you have to be an Australian citizen.

While I understand that commonwealth and Queensland law differ, this section of the management plan is too open and needs to be revised. At present we have a secure fishery but this aspect of the plan allows the quota to be owned by investors and this will make it far more difficult for Traditional inhabitants to own a greater proportion of the resource. This is a step backwards. If quota had to be held with a TRL licence it could be held by a traditional inhabitant or one of the existing 12 TVH licences. To become involved in the fishery a non-traditional inhabitant would have to purchase one of the existing TVH licences, which is the situation at present.

Creation of new TVH licences

The example in Section 24 suggests that new TVH licences could be created to utilise the TVH quota and AFMA have confirmed this possibility during discussions on the exposure draft. Although this would not increase the proportion of the catch that the TVH could take it would increase the TVH effort, particularly in years when catch per unit of effort was low compared with allocated quota, 2015 being a good example. Increased TVH effort would impact on the ability of the TIB sector to take their quota. Existing TVH effort is one of the major factors limiting the expansion of the TIB sector.

It has been policy since about 1989 that no more TRL licences will be issued to non-traditional inhabitants and that all future expansion in the fishery be reserved for traditional inhabitants.

The TSRA have also suggested the possibility of giving new TVH entrants sunset licences to lease unused TIB quota as is done in the line fishery. The TRL fishery is very different in that the TIB sector are very active (taking 50% of the catch in 2015) and would expand if there was less competition from the TVH sector. Increasing the TVH effort would be detrimental to the TIB sector.

Leasing of quota units

Within the TVH sector quota units should be able to be leased to other TVH licences or to the TIB sector. As noted above, no new TVH licences should be created and quota units should not be held by a non-licence holder.

TSRA'S comments

a)Economic Development Contribution

As noted, the TVH sector has contributed significantly to the economic development of the TRL fishery and the employment of traditional inhabitants. We are certainly willing to increase the employment and training of Traditional Inhabitants, the limiting factor in the past has always been trying to source willing applicants.

There is some confusion over the meaning of an economic development contribution. Some interpret this to be a financial contribution. Considering there are only 8 TVH licence holders compared with about 300 TIB licence holders this is not very realistic.

The TSRA should be more active in promoting economic development in the TRL fishery. For example, at present much of the outer Island catch is processed as tails when the resource as live lobster has about 4 times the value. Obvious economic development here would be to provide infrastructure for live holding and transport.

Certainly the TVH could work with the TSRA in promoting economic development, the main value of the TVH being its expertise in the fishery.

It is very difficult to include such factors into a management plan, there needs to be discussion on what exactly the TSRA is trying to include.

b)TIB first right of refusal

First right of refusal is taken to mean that provided the purchaser meets the value of other offers, their offer takes priority.

There is general support for the Traditional inhabitants aspiration to gain 100% ownership of the TRL fishery provided this is achieved in a fair and equitable manner. That is, it has to be voluntary and with fair compensation.

With regard to the sale of licences and quota this is an acceptable proposal and would assist the TIB sector to increase their share of the resource.

With regard to TVH operators leasing extra quota this is a contentious issue in that if the TVH lease TIB quota, particularly before theirs is used up, this creates more TVH effort that will then disadvantage TIB fishermen. There is financial gain but at the expense of more competition for TIB fishermen.

c) Trade only between existing licence holders

Some clarification is needed on this proposal.

It is accepted that there should be no more TVH licences issued, this is the current policy. As noted above, this should also include the proposed sunset licences.

It is accepted that the lease of quota should only be between the existing 12 TVH licences and the TIB sector. As mentioned above, the best way to achieve this is to make it a condition that individual quota can only be held by a licence holder.

This proposal also infers that the **sale** of licences can only be between existing licence holders. At present TVH licences can be purchased by anyone but this does not increase effort as there are still only the same 12 licences. TVH licence holders could not be expected to give up their right to a freely transferable licence.

The 12 licences are presently owned by 8 licence holders. To restrict further purchases to these existing 8 would most likely end up with one licence holder owning all 12 licences. This would not be a good outcome and make it more difficult for the TIB sector to obtain a greater % .

A number of long term operators in the fishery own their vessels but are not licence holders. Such a condition would prevent them from owning a licence.

Raymond Moore (TVH licence holder)

21/09/2016

To Afma. Re Submission.

① Input controls have to be applied equally to the industry so that the impact is the same on each of the operators.

② The industry has to have all the same standards applied to all sectors

③ One set of Rules and Standards for everyone. Regards Luke Dillon
TVA Rep. Licence Owner.

Torres Straits Seafood

2-8 Douglas St, Thursday Island, Qld, 4875
208 Hartley St, Bungalow, Qld, 4870

P 07 4035 4100
F 07 4035 4200



AFMA
TORRES STRAIT OFFICE
38 Victoria Parade,
Thursday Island, QLD, 4875
By email: trlinfo@afma.gov.au / fax: 07 4069 1277

RE DRAFT TRL MANAGEMENT PLAN

Dear Sir/Madam,

It might be of interest to outline Torres Straits Seafood particular place in the lobster industry over the last 27 years. Torres Straits Seafood commenced operations in 1990, purchasing lobster from TIB and TVH vessels. Our commitment has been to provide the best buying prices and competitive prices for fuel and dive gear to fishermen. We firmly believe we have made a huge impact towards educating best handling, catching and holding practices on vessels and dinghies, so that together with fishermen we produce a quality product for our Torres Strait branded product.

Torres Straits Seafood for many years helped CSIRO in catchment data, and we have always strictly adhered to regulations governing the fishery. We commenced commercial supply of live lobster to China in 1996. We are independent buyers, and do not hold any TVH licences. Torres Straits Seafood rarely get involved in the management of the fishery, as we believe that to date it has worked well.

We support the comments outlined by Phil Hughes as a TVH licence holder. (letter submitted by Phil Hughes to AFMA). Phil has outlined very clearly the changes that have occurred over the years and the situation the Torres Strait lobster industry finds itself in now.

We believe the dangers that the Torres Strait lobster fishery faces in the future will become reality once a quota system is put in place without proper input from TVH and TIB fishermen. The race to get a plan in place when the TIB fishermen have no concrete plan themselves will be at a cost to all. Of course there is an obvious benefit to the highest bidder at this point and that will of course, lead to a monopoly situation that will see businesses that operate and contribute to the community close.

Unfortunately we are becoming alarmed at the push for quota to be adopted. It is our opinion that the quota system will result to benefit only one company, MG Kailis. It seems that the TIB holders do not want Kailis as the sole beneficiary of the Torres Strait lobster fishery.

Kailis now operate the East Coast fishery as a Monopoly controlling some 89% of the East Coast TRL fishery, and Torres Strait Fishers do not want this to happen, in the Torres Strait Fishery, by default, or any other way. The TIB fishers voice this in the meetings we have attended and the TVH licence holders, of which there are five other than Kailis, do not want this to happen either.

The case against this has been clearly shown by the fact that Kailis had several years of a monopoly, 2008 to 2011, when our company, (nor any other Thursday Island last based operator) did not buy lobster, live or frozen. Kailis's buying prices fell to lows not previously experienced and they paid these prices consistently over the whole of the fishing season in the years of no competition. As you will of course be aware, lobster prices are rather volatile and they vary between lows of, as an example \$23/kg and highs of \$68/kg. A difference of approximately \$45/kg during a season. This differential was not reflected at all in the prices paid to fishermen during the period of only one buyer operating. Indeed prices were lower than what was to be expected over the entire year/s.

Fishers concerns are that freedoms would be lost if Kailis was to push the quota system in place and sew up the fishery by owning the majority TVH licences which also hold the most quota. This could lead to dictating leasing for TIB quota and transferable TVH quota. If TVH quota is transferrable between these licences, then those few independent licensees who do not hold enough quota on their licences to viably fish for the season, will have no choice other than to lease quota from Kailis licences and thus be made to sell to Kailis. Creating the exact same situation as has happened on the East Coast.

The east coast TRL fishery has, for 2 years, been opened one month early. Our understanding of this, is that Kailis lobbied CSIRO and Fisheries to the season opening earlier to be able to take advantage of high prices in the market, due to the demand caused by Chinese New Year, typically at the end of January or beginning of February. We would like to know why this earlier opening has not been reflected for the Torres Strait fishery, and what scientific data was offered to support the EXTENSION of the east coast fishery. Was this a commercial decision reached, due to the lobbying of the majority owner of east coast quota? Why have Torres Strait fishermen not been afforded the same benefit in being able to access the high demand period leading up to Chinese New Year. We believe this should be changed immediately to reflect the opening of the Torres Strait TRL fishery, to be in line with the east coast TRL fishery, alternatively the east coast should return to the February 1st opening.

There is ostensibly only one company benefiting from the decision to extend the east coast fishing season.

East Coast fishery this year was 195 TAC, apparently 193.8 tonne was caught. It is a well known fact that Kailis owns approximately 62% of the east coast fishery and leases at least another 18%, making them basically a monopoly.

East Coast Trout fishery was limited with one fisherman who owned close to 40% of the quota, and was ordered by ACCC to sell some quota as he was considered a majority holder, and therefore could create a monopoly.

The East Coast Lobster Fishery with Kailis having double what ACCC believe is a dangerous percentage in the trout fishery. The implementation of the quota system and allowable quota trading between TVH will create a monopoly.

We believe the government does not have the right to affect an industry that will have deleterious effect on businesses operating in the Torres Strait without compensation. (eg McLeod Engineering-Prawn Trawlers).

Should the Torres Strait TRL industry be "overhauled" to the extent that operation and control of the fishery was effectively handed to a single buyer / operator (as in the case of east coast TRL) the substantial financial investment and effort that we have made should be adequately compensated.

As in the case of numerous businesses affected (indeed shut down or substantially reduced) by the rezoning of the Great Barrier Reef, whilst the reasons are different the cause and effect is the same.

Our understanding of the current proposals will only lead to an outcome where a monopoly is created and this will have a large effect, on not only ourselves and others as a business operating within the industry, but also a direct impact on the livelihoods of all fishers across both TIB and TVH sectors, as the monopoly will lead to a large reduction in the prices offered for product, as past history has shown.

Our Concerns:

1. Assuming quota is introduced and the TIB sector can lease quota to Kailis (the Company) (which has made no secret of the fact they want to control the whole TRL Torres Strait Fishery, and who already own the East Coast Fishery) approximately 50% of our TVH business will be consumed by Kailis, thus making our business unviable. If our business became unviable, and we exited the market, Kailis would have minimal competition in purchasing TRL and as history has shown, would likely significantly drop their prices.
2. We believe there should be more transparency and a more rigorous test for owning TIB licenced carrier/processing vessels, to prevent loophole entry into the fishery. The operating examples are: Sainarm, Seafari and Venture 3, which have all entered the fishery through various loopholes, as they are owned by non TIB and operate under TIB licences. The concern we have is that companies are investing in vessels against the regulations that have been put in place.
3. The introduction of enforceable quota should also take into account that there are already stringent effort controls in place, for example, size of vessels, number of tenders, moon tide closures, to name a few, will these be removed should quota be enforced? These additional controls should not be required should quota be introduced. Alternatively why should quota be enforced if the fishery is operating successfully under the current controls?

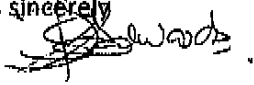
In response to TSRA's comment on the draft TRL Management Plan, which is seeking to introduce additional elements including:

- a) "Introducing an economic development contribution from the holders of transferable quota" - We think this is unconscionable and an impost to make the fishery economically unviable. Introducing a "contribution" after the fact.
- b) "The traditional inhabitant sector (TIB) to be given first right of refusal in the sale of TVH licences" - How could this even be enforced? Who would be offering to buy the TVH license/s? the TIB sector pays a minimal fee for a licence, and in terms of quota there is a "pool" allocated to the whole TIB sector. Why would any TIB holder consider buying a TVH licence at a substantially higher investment than they would otherwise be required to pay? Does this mean that the TIB sector would be asking the government to buy back TVH licences and therefore increasing the TIB ownership in the fishery?
- c) "Transfers are only to be made between existing license holders in pursuit of 100% ownership by traditional owners" - This statement needs clarification.

We have concerns regarding how and by whom TIB quota could be managed. In the interests of transparency, fairness to TIB holders, recipients of any economic benefit and the ongoing viability of such an important fishery. We can envisage some scenarios that could conceivably put an end to the commercial viability of the fishery, which as outlined would have a huge impact on not only buyers, TIB and TVH licence holders, but also the whole of the Torres Strait region. Whilst we support and understand the pursuit of 100% ownership of the fishery by traditional owners, we believe it is a complex and fraught process, that must be approached with due caution to all possible outcomes.

Torres Straits Seafood has many ties to the Torres Strait and we do not believe the implementation of the quota system as it is will at all benefit the community.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Edwards', written over the printed name.

Sandra Edwards
Director



**RESPONSE TO THE DRAFT TORRES STRAIT FISHERY
Quotas for Tropical Rock Lobster (Kaiar)
MANAGEMENT PLAN 2016**

AFMA – TORRES STRAIT OFFICE

(This paper replaces our previous submission dated 20th August 2016)

Members of the Torres Strait Fisheries Association (TSFA) do not agree with the proposed plan on the grounds that some of its clauses may be contrary to the intent of the Torres Strait Treaty and the Torres Strait Fisheries Act 1984 and therefore detrimental to the long-term interests of Traditional Inhabitants. We have come to this conclusion after receiving a copy of "A fair share of the catch", a report prepared by a Torres Strait Fisheries Independent Advisory Panel in 2002 to inform the PZJA.

Our concerns are:

1. The plan takes away the TIB sector's capacity for future growth, grants it to the TVH sector, and then requires the TIB sector to buy it back but this can only happen if the TVH sector wishes to sell. (See the Legal Context, page 22 and 23, A fair share of the catch). This raises the possibility of Traditional Inhabitants claiming against the Commonwealth for breach of obligation under the Treaty.
2. The plan gives entitlements to TVH licenses not allowed under the Act. The most powerful tool the PZJA has to carry out its obligation to retire TVH licenses as the TIB sector grows is the power to not renew a TVH license at the end of its one-year term without having to pay compensation. The plan appears to give the TVH sector immunity from this authority as it more or less guarantees an ongoing right to a share of the quota past the one-year term of the license. (This argument is supported by pages 22 and 23, A fair share of the catch)
3. The plan, by implying that a TVH license will be renewed from year to year to carry its ongoing quota allocation, creates a legal liability for the Commonwealth to the detriment of the TIB sector. This situation is clearly against the intention of the Act. (See the bottom half of page 7, Appendix 1, A fair share of the catch)
4. The Plan, by approving a secondary market for the trading of quota entitlements at prices in excess of the worth of that quota when valued only by reference to the remaining period of the 1 year for which the license can be issued under the Act, creates a legal liability for the Commonwealth to the detriment of the TIB sector. (See the bottom half of page 7, Appendix 1, A fair share of the catch)

5. Any TVH operator not wanting to sell his quota can permanently block the TIB sector's aspiration for 100% ownership.
6. The plan, by providing a way for the TVH sector to block growth in the TIB sector by not selling quota, potentially paves the way for the Minister to make decisions that over-rule the "prima-facie priority ranking of community fishing ahead of commercial fishing. (See page 5, Appendix 1, A fair share of the catch) This would set a precedent totally unacceptable to Traditional Inhabitants.
7. Many fishermen do not agree with the way money received from the lease of finfish quota has been spent in the past. TSRA needs to improve its accountability by directing the funds towards a vision and strategies agreed to by the whole TIB sector, not just the finfish representatives.
8. Introducing an economic development contribution from the TVH sector, as proposed by the TSRA, is not necessarily a good thing if it ends up as just more revenue to be managed by the TSRA (See point 7 above). Our long-term vision is for the TRL fishery to be 100% operated by Traditional Inhabitants and this may be different from the concept of 100% ownership that the PZJA parties are working on. Rather than a financial contribution, the TVH operators should be required to contribute by helping train TSI divers or by some other type of partnership arrangement helpful to the cause.

It seems odd that this draft plan has been eleven years in the making and yet it appears to lack appreciation of the analysis expressed in a "Fair share of the catch" a report obtained by the PZJA fourteen years ago.

We are fishermen, not legal experts, and may have misinterpreted some of the finer points of discussion. We respectfully request TSRA to provide independent professional legal counsel to advise us on the concerns we have raised. Mr Stephen Skehill, the Special Counsel who contributed to "A fair share of the catch" would be ideal if he is available.

We have decided that it would be helpful for our members, and hopefully for AFMA and TSRA also, if we developed an outline of an alternative TRL management plan for consideration of the PZJA, one that gives the TIB fishermen's perspective and using "A fair share of the catch" as a reference guide. We aim to have this outline drafted in time to seek the TSRA's endorsement at its March 2017 meeting.

Yours Sincerely



Patrick Mills

PRESIDENT

20th October 2016



SUBMISSION

In response to Torres Strait Fishery (Quotas for
Tropical Rock Lobster (Kaiar)) Management Plan
Consultation Oct 2016

Flora J. Warrior, Cygnet Repu, Terrence Whap, Sophie Luffman,
John Allan Repu

Our Mandate

We write this response as traditional owners directly to the consulting body in the TRL Management Plan without the need for a collective to speak on our behalf as is our right as an identified Indigenous people (Goemulgal). We also note that Goemulgal aspirations projected through a broader collective can only be done so with full traditional owner *group* consultation in full transparency of agenda, and full disclosure of aims and outcomes of consultation. We consider that without the completion of the process of a Goemulgal group consultation and resolution *prior* to a major collective decision, then collectives do not have the mandate to speak on our behalf on that issue.

Our Values

We as Indigenous peoples hold environmental stewardship value higher than monetary value. If we do not look after our reefs and marine environment as our cultural protocols dictate, then we are no longer Indigenous. If we cannot culturally enforce the boundaries of our responsibilities then we are no longer Goemulgal. If we cannot sustain and manage our marine food basket for our future generations by exercising our cultural sovereignty and environmental stewardship then we cease to exist as Indigenous people.

Our Aspiration

We support 100% move to TIB sector and a phasing out of the TVH sector in stages to reduce economic shock to the industry and allow time for capacity building, as long as there is no cost-shifting to the TIB sector. We agree with the idea of a quota management system and capping to protect sustainability. We agree with the TSRA over the three additional elements in the plan and also support TSRA to hold quota in the interim as an entity on behalf of the TIB sector. We also aspire to have our own community management plan, not just as an input tool, but a blueprint for future Goemulgal around cultural sovereignty and environmental and economic sustainability. We propose to include in this management plan that traditional owner groups have right of submitting a Community TRL Management Plan as another form of input control in the fishery outlining local area spatial closures, localised hookah restrictions, move-on provisions and community engagement protocols, in the interest of practicing traditional sustainability through environmental cultural stewardship.

Our concerns

Our concerns under the TRL management plan is allowing commercial fishers to focus more on catching their share at the least cost can encourage excessive hookah and tender use on home reefs which can be detrimental to the local 'dinnerplate' and local free divers, forcing them to go further afield. A community TRL Management plan would protect a community's right to practice Indigenous traditional sustainability and provide a platform for community-level decision-making ownership. Local fleet profitability is low as the community currently does not have the asset base to be able to fish competitively yet suffer the indignity of not being able to provide for our dinnerplate from our home reefs because of overfishing through use of hookah diving gear. We are a community that have mainly free-divers and for a reason. We aspire to empower our fishers to obtain the assets required to make a sustainable living of our marine resources but are also concerned over equity issues in the sectors. It is for these reasons and many others that we need to implement a Community TRL Management plan of our own. We are mindful that any sharing would be considered under the realms and restrictions of a community plan under the guidance of our principles. A move to 100% control TIB sector would need to include grass roots input and one way is through local area community management plans. We aspire to make a local TRL management plan regardless of broader discussions as we see it as our right to make our own decisions and exist as an Indigenous people.

This response document has come from a group of individual traditional owners from Mabuiag Island.

Although respondents are responding as traditional owners, they are also declaring their other community roles and responsibilities.

Flora Warrior	Director, Goemulgaw TSI Corp for Native Title RNTBC
	Chair, Mabuiag Community TRL Enterprise Working Group

Cygnnet Repu	President, Goemulgau Kwod Association
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Terrence Whap	TRL Representative Western Cluster
	President, Bari Dhabu Fishers Association, Mabuiag
	Director, Goemulgau Kwod Association

Sophie Luffman	Director, Goemulgaw TSI Corp for Native Title RNTBC
	Director, Goemulgau Kwod Association

John Allan Repu	Elder Fisherman
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Summary of recommended changes on the draft *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016* detailed in the Malu Lamar (Torres Strait Islander) Corporation RNTBC response to native title notification under the *Native Title Act 1993*

Paragraph	Category	Description
4.11	Separate rights an interest between native title holders and traditional inhabitants	<p>Provisions should be included in the TRL Management Plan, or in any other subsidiary management arrangements of the kind provided for in Article 22 of the Torres Strait Treaty, to ensure the following outcomes:-</p> <ul style="list-style-type: none"> a) Persons who are not Native Title Holders (Torres Strait Islanders) should not be granted TIB licences, particularly if their Traditional Inhabitant identity is derived from the amnesty list provisions, for areas subject to the Part A Sea Determination. b) Growth in the TRL Fishery in the Part A Sea Determination area should be limited to Traditional Inhabitants who are recognised Native Title Holders to reflect the native title rights they hold, including the right to take the TRL and other resources of the sea for commercial purposes. c) Malu Lamar is best placed to identify those Traditional Inhabitants who are Native Title Holders. It should be involved in the identification process at the application stage for TIB licences and in endorsing the grant of TIB licences. d) The proposed TRL Management Plan should in all other respects embrace, facilitate and implement the position in relation to Native Title Holder identity set out in this paragraph.
6.1	Objectives	<p>The TRL Management Plan should include the following objectives:</p> <ul style="list-style-type: none"> (a) To avoid or otherwise minimise the direct and indirect effects of the plan on the exercise and enjoyment of native title rights and interests, particularly the right of Native Title Holders to access and to take tropical rock lobsters for any purpose, including commercial purposes. (b) To help achieve 100% ownership of all fishing entitlements involving the TRL Fishery by Native Title Holders and other Traditional Inhabitants.
6.8	Formally recognise Malu Lamar	<p>The TRL Management Plan should specifically recognise Malu Lamar's functions and roles as an RNTBC. Having regard to that and the other points contained in this submission, the plan should operationally provide for the following:-</p> <ul style="list-style-type: none"> a) A relationship framework between agencies responsible for TRL management (including AFMA) and Malu Lamar. This should extend to the following:-

		<ul style="list-style-type: none"> i. The way in which agencies will address their obligations under Part 2 Division 3 of the <i>Native Title Act 1993</i> for purposes of any future acts constituted by, or done pursuant to, the TRL Management Plan. ii. Provision for Malu Lamar to input a program of ongoing assessment of the operation of the TRL Management Plan once it commences. iii. Specific Malu Lamar input into any implementation of the TRL Management Plan and associated decision making that is likely to have particular impacts on native title. For example, Malu Lamar should input decisions about the granting of TIB licences to ensure that proposed licensees are appropriate having regard to the points made in paragraph 4 of this submission. <p>b) A protocol for the ongoing exchange of information between agencies responsible for TRL management (including AFMA) and Malu Lamar. This should extend not just to implementation of the TRL Management Plan but also include all other relevant aspects of Torres Strait fisheries management in the Part A Sea Determination area.</p>
6.5 6.6	100 per cent ownership	<p>A media release stated that relevant agencies were to focus from August 2015 on finalising the roadmap to 100% ownership over the next 6 to 12 months. That is to say, the roadmap should have been completed by now.</p> <p>The 100 per cent ownership was set by Malu Lamar as its strategic priority.</p> <p>The management plan does not sufficiently contribute to the objective of 100% ownership. The road map and the Proposed TRL Management Plan should be developed in conjunction with each other.</p>
7.14(b)	Sectoral allocation (TIB Vs TVH shares)	The number (and proportion) of quota units proposed to be allocated to persons who are not Traditional Inhabitants is far too high.
7.14(b)	TIB quota unit allocation	<p>It is not fair or just to Native Title Holders and other Traditional Inhabitants that 562,000 quota units be allocated to the TIB sector in the way proposed.</p> <p>The TSRA is a statutory authority of the Australian Government. It is discriminatory that, from the time the proposed TRL Management Plan is made, that proportion of quota units for the TVH sector will be provided directly to TVH sector fishers (in their own capacity), but all of the quota units for the TIB sector will be allocated to a government authority on behalf of Native Title Holders and other Traditional Inhabitant fishers.</p> <p>Given the number of years already involved in developing the proposed TRL Management Plan, direct allocation arrangements to Native Title Holders and other Traditional Inhabitants or to an entity owned and operated by them should have been developed in conjunction with the proposed plan.</p>

7.14 (c), 7.4, 7.5, 7.13, 7.9, 7.10	Inadequacies in quota unit trading arrangements.	<p>The arrangements in Division 5 for the trading of quota units raise several concerns:</p> <ol style="list-style-type: none"> I. In relation to quota units allocated to the TSRA on behalf of Native Title Holders and other Traditional Inhabitants, there are no limitations on the TSRA selling or leasing some or all of the quota units it holds to the TVH sector. Given that the allocation of quota units substantially affects native title, Native Title Holders must always have direct involvement in any decisions about sale or lease. II. The Proposed TRL Management Plan contains no arrangements about how the sale or leasing of quota units allocated for the benefit of Native Title Holders and other Traditional Inhabitants will be used in a way that protects and advances their livelihood. III. The complete absence of controls about how quota units are sold or transferred combined with the points made in paragraphs 7.1 to 7.9 of this submission, creates a substantial risk that ownership or control of the tropical rock lobster resource will trend to the TVH sector over time rather than advance the objective of 100% ownership
7.12, 7.14(c)	Lack of independent review mechanisms	<p>There is no provision in the Plan that allows the TIB sector to be allocated quota units to the individual, there is no provision about how the TSRA will make units available, there is no appeal rights to a TSRA decision. Although Division 3 Subdivision C of the Proposed TRL Management Plan contains a system for independent (AAT) review of the allocation of quota units to persons in the TVH sector, there are no similar review provisions about who and how Native Title Holders and other Traditional Inhabitant fishers would be able to access quota units from the TSRA.</p>

31 October 2016

Cate Coddington
PZJA Secretariat
Canberra Business Centre
CANBERRA, ACT, 2610

By email: cate.coddington@afma.gov.au

Re: Exposure Draft – Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016

1. Background

- 1.1 Malu Lamar is a registered native title body corporate (“RNTBC”). It holds on trust for relevant Torres Strait Islanders (“Native Title Holders”) the native title in the determination area for Part A of the Torres Strait Regional Seas Claim (“Part A Sea Determination”).
- 1.2 Subject to the traditional laws and customs of the Native Title Holders and Commonwealth and State laws, the Part A Sea Determination recognises that the Native Title Holders possess native title in the areas covered by the determination (“native title areas”).
- 1.3 The native title includes the right of Native Title Holders under their traditional laws and customs, to take resources in the nature of fish for trading and commercial purposes (i.e fish commercially). The native title rights are protected by the *Native Title Act 1993* (Cth) (“NTA”).
- 1.4 The native title areas include Torres Strait seas where the proposed *Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar) Management Plan 2016* (“Proposed TRL Management Plan”) will operate.
- 1.5 The Proposed TRL Management Plan relates to the fishing of tropical rock lobsters. All tropical rock lobsters in the native title areas are a resource. The whole of that resource is subject to native title rights, particularly the right of Native Title Holders to take that resource for all purposes, including any commercial purposes.
- 1.6 The Proposed TRL Management Plan is to be made under the *Torres Strait Fisheries Act 1984* (Cth) (“TSFA”) and relates to fishing for tropical rock lobsters. Fishing is defined in section 3 of the TSFA to include the taking of fish. Tropical rock lobsters fall within the TSFA definition of fish.

- 1.7 The Proposed TRL Management Plan contains arrangements which will render unlawful the taking of tropical rock lobsters for commercial purposes by Native Title Holders, despite their native title right to do so, unless they have both relevant fishing licences and quota units. Such arrangements are inconsistent with the exercise and enjoyment of the native title right.

2. Consultation and Input

- 2.1 Malu Lamar had an involvement in some aspects of the development of a draft tropical rock lobster management plan released in 2015. There are significant differences between the 2015 draft plan and the Proposed TRL Management Plan (released on 28 April 2016). Malu Lamar has not been afforded proper opportunities for consultation and input in relation to the current Proposed TRL Management Plan.

- 2.2 Malu Lamar's previous communications with AFMA and the former Parliamentary Secretary to the responsible Minister, included the following:-

- (a) **4 November 2014** - Representatives of Malu Lamar met with the former Parliamentary Secretary. Given impacts of existing TVH sector fishing licences on native title and on economic opportunity and livelihoods of Native Title Holders and other Traditional Inhabitants, Malu Lamar reiterated earlier requests for an interim tropical rock lobster catch limit on the TVH sector.

The Parliamentary Secretary indicated that he was reluctant to impose an interim catch limit at that time, but said the proposal would be considered in the proposed new management plan.

The Parliamentary Secretary requested that Malu Lamar submit a submission dealing with catch limit and other issues for inclusion in the plan. Malu Lamar indicated the need for resourcing to enable it to engage an independent fisheries expert to help prepare its technical input.

- (b) **30 January 2015** – Malu Lamar wrote to the former Parliamentary Secretary enclosing a preliminary submission. Malu Lamar had made separate application to the Australian Government for resourcing under the Indigenous Advancement Strategy ('IAS'), to develop a broader Torres Strait fisheries reform proposal as discussed between Malu Lamar and the Minister for Indigenous Affairs, Minister Scullion.

The letter sought to expedite the funding application to enable Malu Lamar to procure the independent expertise necessary to provide its technical input to the proposed plan.

The submission set out Malu Lamar's suggestions for the broad contents of the management plan. The submission was made subject to it receiving expert technical advice.

- (c) **5 March 2015** – The Parliamentary Secretary wrote to Malu Lamar including the following comments:-

"I have asked the Australian Fisheries Management Authority ("AFMA") as Manager of the Fishery, to ensure that you have a full understanding of the fundamental elements of the plan and why the PZJA has agreed on a certain approach for at least some of these fundamentals. AFMA can explain the detail of

these elements and discuss directly with you the broad range of matters raised in your submission”.

AFMA has not done this in relation to the Proposed TRL Management Plan currently on the table.

“You also asked about government resourcing for Malu Lamar to participate in the development of the draft plan and you mentioned that you have lodged an application for funding with the Department of Prime Minister and Cabinet under the government’s new Indigenous Advancement Strategy (“IAS”). I agree that properly resourcing Malu Lamar through the IAS would be a positive step and I look forward to hearing the outcome”.

Malu Lamar’s IAS application was for a sum of \$833,193.90 to cover the costs of developing a full Torres Strait fisheries reform proposal dealing with all aspects of Torres Strait fisheries, not just input into the proposed management plan. In the event, the government offered funding of \$30,000 for the entire process. The amount was completely inadequate. Malu Lamar has not received the necessary resourcing to enable it to engage independent fisheries expertise.

- (d) **28 April 2015** – Malu Lamar wrote directly to AFMA expressing its concern about the lack of adequate consultation with Malu Lamar in the ongoing development of the proposed management plan. It reiterated the request for resourcing to enable it to engage an independent fisheries expert in the process.
- (e) **6 May 2015** – Malu Lamar wrote to the Minister for Indigenous Affairs about the lack of adequate resourcing both in relation to the broader Torres Strait fisheries reform proposal and development of the proposed management plan. Malu Lamar sought a response from the government about how it proposed to meet the resourcing commitments previously made to Malu Lamar. There was no answer to the question.
- (f) **8 July 2015** – Malu Lamar representatives met with AFMA representatives to consider Malu Lamar’s submission to the 2015 draft of the management plan. Most of Malu Lamar’s specific requests and suggestions in relation to that draft plan were rejected (see further details in paragraph 8 of this submission). There has been no similar opportunity for consideration in respect of the current Proposed Management Plan.

3. Native Title Holders and Traditional Inhabitants

- 3.1 Tropical Rock Lobsters are a vital cultural, social and economic resource for Native Title Holders.
- 3.2 The traditional laws and customs of Native Title Holders place a cultural and social significance on tropical rock lobsters that differs from, and is additional to, their economic value.
- 3.3 The relationship between tropical rock lobsters and Native Title Holders has a spiritual and totemic dimension. The taking, sharing and trading of tropical rock lobsters is integral to dealings between Torres Strait Islander families, clans and

nations. The tropical rock lobster resource is also important to intra-community and inter-community relationships.

- 3.4 The traditional laws and customs of Native Title Holders include important provisions about the rights, interests and interactions between neighbouring Native Title Holder communities. Although the Part A Sea Determination recognises Torres Strait Islanders as a single native title holding group, the traditional laws and customs provide for separate areas of sea country belonging to particular Island communities and, in other places, shared sea use rights.
- 3.5 Important work has been commenced by Malu Lamar on mapping traditional sea boundaries in that regard. There should be close liaison between Malu Lamar and AFMA as that work unfolds. Outcomes from the work may help inform decisions about the identity of persons to be granted TIB licences and localised input into a variety of TRL Fishery management decisions.
- 3.6 From an economic perspective, tropical rock lobsters are a primary economic resource for Native Title Holders. Under traditional laws and customs, tropical rock lobsters have long been used by Native Title Holders in trade and commerce both within the region and in commercial dealings with others outside the region.
- 3.7 Although the exclusivity of any right to take marine resources, such as tropical rock lobsters, may have been eroded by past acts, the traditional laws and customs of Native Title Holders included the right to prevent non-native title holders from taking marine resources from their sea country without their permission.
- 3.8 Section 15A(2) of the TSFA requires that a management plan set out the objectives of the plan and the measures by which the objectives are to be attained.
- 3.9 Paragraph (6)(1) of the proposed TRL management plan contains no objective that involves avoiding or otherwise minimising the impacts of proposed management arrangements on native title. In fact native title is not referred to, or addressed by, the Proposed TRL Management Plan at all.
- 3.10 Although there is some overlap, Native Title Holders and Traditional Inhabitants are different groups of people. Native Title Holders are a group of Torres Strait Islanders defined specifically in the Part A Sea Determination. Traditional Inhabitants are a much broader group of people drawn from a definition contained in the Torres Strait Treaty that is imported into the TSFA.
- 3.11 All Native Title Holders will be Traditional Inhabitants, but not all Traditional Inhabitants will be Native Title Holders.
- 3.12 The rights and interests of Native Title Holders and Traditional Inhabitants are of different kinds and are protected in different ways. Native Title Holders have native title rights and interests derived from their traditional laws and customs and are protected by the NTA. Traditional Inhabitants have rights and interests, including in relation to the recognition and protection of their livelihoods. Those rights and interests are protected by the Torres Strait Treaty and the TSFA both in relation to Traditional Inhabitants and Native Title Holders as a sub-set.
- 3.13 The Proposed TRL Management Plan should separately make appropriate provision for *both* sets of rights and interests. However, it does not.
- 3.14 The objectives of the Proposed TRL Management Plan are said to include the following:

“to acknowledge and protect the traditional way of life and livelihood of Traditional Inhabitants.”

- 3.15 This does not equate to an acknowledgement or protection of native title.
- 3.16 The TSFA enacts Australia's obligations in relation to Torres Strait fisheries under the Torres Strait Treaty. Section 8 of the TSFA requires that, in the administration of the legislation, regard must be had to the rights and obligations conferred on Australia by the Torres Strait Treaty. That includes the provisions of the Torres Strait Treaty in relation to the Protected Zone which covers the native title areas and areas to which the proposed TRL Management Plan will apply.

- 3.17 Article 10(3) of the Torres Strait Treaty provides as follows:-

*“The principal purpose of the parties in establishing the Protected Zone, and in determining its Northern, Southern, Eastern and Western boundaries is to **acknowledge and protect** the traditional way of life and **livelihood of the Traditional Inhabitants** including their traditional fishing and free movement”.*

- 3.18 The measures in the Proposed TRL Management Plan for attaining this objective in the plan are not sufficient for that objective.
- 3.19 There are also important distinctions between Native Title Holders and those persons who may be eligible to hold a TIB licence. Not every TIB licence holder will be a Native Title Holder. For example, some TIB licence holders will be PNG citizens or non-native title holding Australian citizens. Under the Part A Sea Determination, only Torres Strait Islanders are currently determined Native Title Holders.

4. **Torres Strait Treaty**

- 4.1 Section 8 of the *Torres Strait Fisheries Act 1984* is as follows:-

“Section 8. In the administration of this Act, regard shall be had to the rights and obligations conferred on Australia by the Torres Strait Treaty and in particular to the following management priorities:-

- a) to acknowledge and protect the traditional way of life and livelihood of Traditional Inhabitants, including their rights in relation to traditional fishing;*
- (b) to protect and preserve the marine environment and Indigenous fauna and flora in and in the vicinity of the protected zone;*
- (c) to adopt conservation measures necessary for the conservation of a species in such a way as to minimise any restrictive effects of the measures on traditional fishing;*
- (d) to administer the provisions of Part 5 of the Torres Strait Treaty (relating to commercial fisheries) so as not to prejudice the achievement of the purposes of Part 4 of the Torres Strait Treaty in regard to traditional fishing;*
- (e) to manage commercial fisheries for optimum utilisation;*

(f) to show the allowable catch of relevant protected zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty;

(g) to have regard, in developing and implementing licencing policy, to the desirability of promising economic development in the Torres Strait area and employment opportunities for Traditional Inhabitants”.

4.2 The references to Traditional Inhabitants incorporate the following definition in paragraph (m) in Article 1 of the Torres Strait Treaty:-

“Traditional Inhabitants” means, in relation to Australia, persons who:-

(i) are Torres Strait Islanders who live in the Protected Zone or the adjacent coastal area of Australia,

(ii) are citizens of Australia, and

(iii) 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; and

in relation to Papua New Guinea, persons who:-

(i) live in the Protected Zone or the adjacent coastal area of Papua New Guinea,

(ii) are citizens of Papua New Guinea, and

(iii) 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”.

4.3 Paragraph 3 in Article 10 of the Torres Strait Treaty, provides as follows:-

“3. The principal purpose of the Parties in establishing the Protected Zone, and in determining its northern, southern, eastern and western boundaries, is to acknowledge and protect the traditional way of life and livelihood of the Traditional Inhabitants including their traditional fishing and free movement”.

4.4 Article 22 of the Torres Strait Treaty is as follows:-

“1. The Parties shall, where appropriate, negotiate subsidiary conservation and management arrangements in respect of any individual Protected Zone commercial fishery.

2. If either party notifies the other in writing that it regards one of the Protected Zone commercial fisheries as one to which common conservation and management arrangements should apply, the Parties shall within ninety days from the date of the notification enter into consultations with a view to concluding arrangements specifying the measures to be applied by them with respect to that fishery.

3. The Parties shall, where appropriate, also negotiate supplementary conservation and management arrangements in respect of resources directly related to a fishery referred to in paragraph 1 of this Article,

including resources involving stocks occurring in the Protected Zone where such stocks are not otherwise subject to the provisions of this Treaty”.

- 4.5 The PZJA Annual Report for financial years 2012 to 2014 says as follows:-

“Only Traditional Inhabitants are eligible for Traditional Inhabitant Fishing Boat (TIB) licences.

.....

Papua New Guineans who are on the amnesty list under the Torres Strait Treaty are also eligible for a Traditional Inhabitant licence.

All capacity building in Torres Strait commercial fisheries is reserved for Traditional Inhabitants only and no new licences are issued to non-Traditional Inhabitants. Additionally, some fisheries only have Traditional Inhabitant fishers” (see page 27).

- 4.6 In applying for a TIB licence, a person claiming to be a Traditional Inhabitant completes a “Traditional Inhabitant identification form”. The form provides for applicants to submit evidence of their Traditional Inhabitant status to the Mayor and Councillor of the relevant Torres Strait local government. The Mayor and Councillor sign declarations within the form as first and second identifying persons regarding the applicant’s Traditional Inhabitant identity.

- 4.7 The Traditional Inhabitant identification form includes the following instructions:-

“This identification form is used to verify the “Traditional Inhabitant” status as defined in the Torres Strait Fisheries Act 1984 (the Act, the Torres Strait Treaty and decisions of the Protected Zone Joint Authority) of the individual named above in relation to application submitted in relation to authorities granted under the Act. Traditional inhabitants are eligible for authorities granted under the Act that are not available to, or have limited availability to, people who are not Traditional Inhabitants. Some of these authorities may provide access in fisheries that are reserved exclusively for Traditional Inhabitants.

By completing this identification form, you are verifying that you have ensured the applicant meets all of the criteria described beside the type of “Traditional Inhabitants” which you have ticked, and that any required attachments have been provided with the identification form.

The PZJA may also utilise other information (in addition to this identification form) to determine or review an applicant’s (Traditional Inhabitant) status”.

- 4.8 The form contains three options for persons identifying as, and qualifying for, Traditional Inhabitant status. They are as follows:-

- (a) *A Torres Strait Islander who lives in the Protected Zone or adjacent coastal area of Australia and is an Australian citizen who maintains traditional customary associations with the area in relation to subsistence or livelihood or social, cultural or religious activities. Only Torres Strait Islanders will be Native Title Holders under the Part A Sea Determination in relation to the sea determination area.*
- (b) *An Aboriginal Traditional Inhabitant of the Torres Strait or the Northern Peninsula area as defined under the Torres Strait Treaty and who is*

resident of that area. Such persons will not be Native Title Holders under the Part A Sea Determination for the determination area. Aboriginal Traditional Inhabitants may be recognised as native title holders for their own areas of sea country outside of the Part A Sea Determination area. Various sea claims by Aboriginal people of the Torres Strait and Northern Peninsula areas are ongoing.

- (c) *A Papua New Guinea Traditional Inhabitant from the PNG area of jurisdiction of the Protected Zone who is now an Australian citizen and resides in the Protected Zone or adjacent coastal area of Australia who was granted permanent residency status under the 1978/79 Immigration Taskforce Amnesty List or is a descendent of such a person.* Such persons will not be Native Title Holders under the Part A Sea Determination for the determination area. Indeed such persons, or their descendants, can never be Native Title Holders for any sea country – only Australian Aboriginal and Torres Strait Islanders will qualify as Native Title Holders for their own sea country anywhere around the Australian coastline.

- 4.9 AFMA's call for comment on the draft TRL Management Plan contains the following statement:-

"Growth in the Torres Strait TRL Fishery is limited to Traditional Inhabitants of the Torres Strait so as to maximise their economic development and employment opportunities. In support of this, PZJA has introduced licencing restrictions that prevent growth within the non-Islander sector, both in terms of fishing capacity (boat replacement policy) and the containment of licences numbers.....".

- 4.10 More needs to be done to ensure that it is those Traditional Inhabitants who are Native Title Holders benefit from their native title rights and interests, particularly in the Part A Sea Determination area.

- 4.11 Provisions should be included in the TRL Management Plan, or in any other subsidiary management arrangements of the kind provided for in Article 22 of the Torres Strait Treaty, to ensure the following outcomes:-

- (a) Persons who are not Native Title Holders (Torres Strait Islanders) should not be granted TIB licences, particularly if their Traditional Inhabitant identity is derived from the amnesty list provisions, for areas subject to the Part A Sea Determination.
- (b) Growth in the TRL Fishery in the Part A Sea Determination area should be limited to Traditional Inhabitants who are recognised Native Title Holders to reflect the native title rights they hold, including the right to take the TRL and other resources of the sea for commercial purposes.
- (c) Malu Lamar is best placed to identify those Traditional Inhabitants who are Native Title Holders. It should be involved in the identification process at the application stage for TIB licences and in endorsing the grant of TIB licences.
- (d) The proposed TRL Management Plan should in all other respects embrace, facilitate and implement the position in relation to Native Title Holder identity set out in this paragraph.

5. Summary of deficiencies in Proposed TRL Management Plan

- 5.1 The Proposed TRL Management Plan is deficient in the following respects:-
- (a) It does not include adequate objectives.
 - (b) The measures in the Proposed TRL Management Plan are inadequate to achieve the currently stated plan objective and the principal Treaty purpose of protecting the traditional way of life and livelihood of Traditional Inhabitants.
 - (c) The measures in the Proposed TRL Management Plan create and entrench adverse effects on native title rights and interests.
 - (d) The Proposed TRL Management Plan fails to properly take account or address the submissions contained in Malu Lamar's preliminary response to the initial draft TRL management plan.
 - (e) All further management and regulation of the tropical rock lobster fishery should be undertaken as part of an overall resolution between the Australian Government, the Queensland Government and Malu Lamar about Torres Strait fisheries resources and native title. The resolution should address the compensation entitlements Native Title Holders have in relation to the past, current and future effects of fisheries legislation and regulation on native title. Government should properly communicate with Malu Lamar about its proposal for a Torres Strait Fisheries Indigenous land use agreement in which such a resolution could be recorded.
- 5.2 To emphasise, Malu Lamar cannot make a submission about the technical changes necessary to the Proposed TRL Management Plan without assistance from an independent fisheries expert. Fisheries management is a highly technical and specialised field. Malu Lamar has previously identified MRAG Asia Pacific as its preferred expert advisor, but requires the resourcing repeatedly requested, to be able to engage them.
- 5.3 Relevant agencies and the Australian Government have failed to provide the reasonable resourcing needed by Malu Lamar to enable it to engage an independent fisheries expert necessary to assist Malu Lamar with technical submissions about how the Proposed TRL Management Plan should be changed.
- 5.4 The content of this submission is without prejudice to Malu Lamar's right to make changes upon receiving expert fisheries advice.
- 5.5 This submission is also without prejudice to Malu Lamar's rights and remedies regarding the Proposed TRL Management Plan under the NTA and other laws.

6. TRL Management Plan Objectives

- 6.1 The TRL Management Plan should include the following objectives:
- (a) To avoid or otherwise minimise the direct and indirect effects of the plan on the exercise and enjoyment of native title rights and interests, particularly the right of Native Title Holders to access and to take tropical rock lobsters for any purpose, including commercial purposes.
 - (b) To help achieve 100% ownership of all fishing entitlements involving the TRL Fishery by Native Title Holders and other Traditional Inhabitants.

6.2 The 100% ownership aspiration was set by Malu Lamar as its strategic priority shortly after it became an RNTBC.

6.3 On 9 April 2014, the PZJA resolved to support the 100% ownership objective. The former Parliamentary Secretary, as then Chair of the PZJA, said in a media release on 9 April 2014:

"I am encouraged by the positive outcomes of this meeting, such as committing to more regular meetings of the PZJA and importantly, recognising and supporting the 100% ownership aspirations of Aboriginal and Torres Strait Islanders".

6.4 The TSRA has commenced the development of a road map for achieving the 100% ownership aspiration. In a media release on 10 August 2015, the Chair of the TSRA said:

"Consultation to date has shown there is strong community support for developing the road map to achieve 100% ownership of remaining Torres Strait fisheries as soon as possible.....we already have full ownership of the Finfish and Beche-de-Mer fisheries, but we need to keep working on Kaia (tropical rock lobster) and the prawn fisheries".

6.5 The media release states that relevant agencies were to focus from August 2015 on finalising the roadmap to 100% ownership over the next 6 to 12 months. That is to say, the roadmap should have been completed by now.

6.6 The management plan does not sufficiently contribute to the objective of 100% ownership. The road map and the Proposed TRL Management Plan should be developed in conjunction with each other.

6.7 Contrary to advancing the objective of 100% ownership, the proposed TRL Management Plan arrangements for allocation of quota and the trading (selling and leasing) of quota units between TIB and TVH sectors, runs the risk of further entrenching and potentially even expanding TVH ownership. We explain why below.

6.8 In addition to the broadly stated plan objectives, the TRL Management Plan should specifically recognise Malu Lamar's functions and roles as an RNTBC. Having regard to that and the other points contained in this submission, the plan should operationally provide for the following:-

(a) A relationship framework between agencies responsible for TRL management (including AFMA) and Malu Lamar. This should extend to the following:-

- i) The way in which agencies will address their obligations under Part 2 Division 3 of the *Native Title Act 1993* for purposes of any future acts constituted by, or done pursuant to, the TRL Management Plan.
- ii) Provision for Malu Lamar to input a program of ongoing assessment of the operation of the TRL Management Plan once it commences.
- iii) Specific Malu Lamar input into any implementation of the TRL Management Plan and associated decision making that is likely to have particular impacts on native title. For example, Malu Lamar

should input decisions about the granting of TIB licences to ensure that proposed licensees are appropriate having regard to the points made in paragraph 4 of this submission.

- (b) A protocol for the ongoing exchange of information between agencies responsible for TRL management (including AFMA) and Malu Lamar. This should extend not just to implementation of the TRL Management Plan but also include all other relevant aspects of Torres Strait fisheries management in the Part A Sea Determination area.

7. Adverse Affect on Native Title and Traditional Inhabitant Livelihoods

- 7.1 Tropical rock lobsters are a high value fisheries resource. It is a resource that provides the greatest scope for Native Title Holders to exercise and enjoy their native title right to take resources within their native title areas for commercial purposes.
- 7.2 Tropical rock lobsters are also a vital resource for Traditional Inhabitants in terms of meeting the principal purpose of the Torres Strait Treaty involving the protection of their livelihoods.
- 7.3 The primary management tool contained in the Proposed TRL Management Plan involves output controls using an allocation of quota units to the TIB and TVH sectors. A total allowable catch ("TAC") is to be determined for each fishing season and the allocated quota units will then determine the proportion of the TAC able to be taken by each licenced fisher who holds, or is covered by, quota units.
- 7.4 It is proposed that each quota unit entitle the holder, whether from the TVH sector or the TIB sector, to an equal share of the TAC. The Proposed TRL Management Plan allows for the selling and leasing of quota units. TIB fishers will be able to purchase or lease quota units from TVH unit holders, but TVH fishers will also be able to purchase or lease quota units from the TIB sector.
- 7.5 Without specific arrangements in place to help facilitate acquisition of quota units by the TIB sector, however, there is an unacceptable risk that the TVH sector will use its greater financial resources, business capabilities and market power to acquire quota units from TIB holders. This would lead to the very opposite of what the 100% ownership strategy aims to achieve and would entrench the dominance of the TVH sector.
- 7.6 The TVH sector's capacity and capability advantages over the TIB sector are summarised in the strategic assessment report for the tropical rock lobster fishery prepared by AFMA in July 2016. It states:

"The TVH sector generally uses primary boats in conjunction with smaller fishing tenders and fishes 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". [page 7].

- 7.7 Although there are considerably more TIB licenced fishers than TVH licenced fishers, catch records show that in the great majority of past years the TVH sector

catch substantially exceeded the TIB sector catch, often by hundreds of tonnes in live weight.

- 7.8 The reason for the disparity is that TVH fishers have greater financial resources, larger and more sophisticated fishing vessels, equipment and supply chain systems and greater business management experience and capabilities. This means that they simply out-compete the TIB sector. The TIB sector, with rare exceptions, does not have access to the larger and faster primary vessels that enable their TVH competitors to reach fishing grounds faster, stay longer and take larger catches.
- 7.9 Given these facts, the prospect of a purchase price or lease payments assisting the TIB sector through the trading of quota units does not ameliorate the risks to the TIB sector. There are no systems in place to ensure that trading transactions will result in fair and just terms for a TIB sector seller or lessor.
- 7.10 In AFMA's record of its meeting with Malu Lamar on 8 July 2015, it contended that the leasing of quota units by the TIB sector to the TVH sector may provide a source of revenue that could be used to purchase TVH licences and quota units over time. There are, however, no strategies or arrangements to help ensure that outcome or to provide for how it will be achieved. Given the competitive advantages of the TVH sector, there is a greater risk that the acquisition of quota units, over time, would flow the other way.
- 7.11 The Proposed TRL Management Plan is, from the perspective of Native Title Holders and other Traditional Inhabitants, retrograde when compared to the 2015 draft of the proposed plan. In the 2015 draft, "units of fishing capacity" were to be allocated to TIB fishers by any of the following:
- "1. Allocating pooled units of fishing capacity to an entity that represents Traditional Inhabitant fishers (e.g the Torres Strait Regional Authority ("TSRA")).*
 - 2. Allocating individual fisher 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".*
- 7.12 Under the Proposed TRL Management Plan, however, there is no way in which Native Title Holders and other Traditional Inhabitant fishers can be directly allocated quota units once the plan is made. Nor is there is any provision about how the TSRA will make its quota units available to individual Native Title Holders and other Traditional Inhabitant fishers. There is no oversight about how individual fishers are able to be covered by TSRA quota units. There are, moreover, no rights of appeal where the TSRA's decisions in that regard are challenged.
- 7.13 Quota unit transfers from the TIB sector to the TVH sector will further diminish the opportunities for economic development by Native Title Holders and other Traditional Inhabitants. Any loss of quota units will diminish the TIB sector's capacity to establish fishing businesses on the scale necessary to generate local jobs, value add through local processing and generate wealth in local communities.

7.14 This is not the only problem with the quota unit system in the Proposed TRL Management Plan. Others are these:

(a) *Additional restriction on the native title right to fish commercially for tropical rock lobsters:*

Section 7(2) will effectively make it unlawful for Native Title Holders and other Traditional Inhabitants to fish for tropical rock lobster unless they satisfy two regulatory requirements:

- i) they hold a commercial fishing licence under the TSFA authorising them to fish for tropical rock lobsters; and
- ii) they have available quota units or are covered by quota units held for them by the TSRA.

Native Title Holders already have a legally recognised and protected right to fish commercially for tropical rock lobsters under native title. The requirement in section 7(2), effectively denies Native Title Holders the right to exercise and enjoy their native title rights. The proposed regulatory limitations are additional to those that applied at the time the native title rights were recognised in the Part A Seas Determination.

Given the substantial detrimental effect of the proposed new limitation on the exercise and enjoyment of native title rights, appropriate compensation arrangements should have been negotiated in conjunction with the development of the proposed TRL Management Plan.

(b) *Government agency to hold quota units for Native Title Holders and other Traditional Inhabitants:*

Given the effect on native title, and the primary purpose under the Torres Strait Treaty of protecting the livelihood of Traditional Inhabitants, the proposed 438,000 quota units to be allocated to persons other than Traditional Inhabitants is unfair and unjust. The number (and proportion) of quota units proposed to be allocated to persons who are not Traditional Inhabitants is far too high.

Nor is it fair or just to Native Title Holders and other Traditional Inhabitants, that 562,000 quota units be allocated to the TIB sector in the way proposed.

The TSRA is a statutory authority of the Australian Government. It is discriminatory that, from the time the proposed TRL Management Plan is made, that proportion of quota units for the TVH sector will be provided directly to TVH sector fishers (in their own capacity), but all of the quota units for the TIB sector will be allocated to a government authority on behalf of Native Title Holders and other Traditional Inhabitant fishers.

Given the number of years already involved in developing the proposed TRL Management Plan, direct allocation arrangements to Native Title Holders and other Traditional Inhabitants or to an entity owned and operated by them should have been developed in conjunction with the proposed plan.

(c) *Lack of independent review mechanisms:*

Although Division 3 Subdivision C of the Proposed TRL Management Plan contains a system for independent (AAT) review of the allocation of quota units to persons in the TVH sector, there are no similar review provisions about who and how Native Title Holders and other Traditional Inhabitant fishers would be able to access quota units from the TSRA.

(d) *Inadequacies in quota unit trading arrangements:*

The arrangements in Division 5 for the trading of quota units raise several concerns:

- i) In relation to quota units allocated to the TSRA on behalf of Native Title Holders and other Traditional Inhabitants, there are no limitations on the TSRA selling or leasing some or all of the quota units it holds to the TVH sector. Given that the allocation of quota units substantially affects native title, Native Title Holders must always have direct involvement in any decisions about sale or lease.
- ii) The Proposed TRL Management Plan contains no arrangements about how the sale or leasing of quota units allocated for the benefit of Native Title Holders and other Traditional Inhabitants will be used in a way that protects and advances their livelihood.
- iii) The complete absence of controls about how quota units are sold or transferred combined with the points made in paragraphs 7.1 to 7.9 of this submission, creates a substantial risk that ownership or control of the tropical rock lobster resource will trend to the TVH sector over time rather than advance the objective of 100% ownership by Native Title Holders and other Traditional Inhabitants.

8. Need for Independent Fisheries Expert Advice

- 8.1 From its first contact with AFMA and the former Parliamentary Secretary about the proposed management plan, Malu Lamar has stressed that it needs access to independent expert fisheries advice.
- 8.2 At no time have government agencies or officials contested that need. In fact the Parliamentary Secretary acknowledged, as early as 5 March 2015, that proper resourcing for Malu Lamar was a positive and appropriate step.
- 8.3 The resourcing sought by Malu Lamar has, however, never been provided. After being advised by the Minister for Indigenous Affairs to apply for funding under the IAS, the ultimate funding offer involved a substantial “short-changing”. After pointing this out to AFMA, Malu Lamar was advised that the necessary resourcing could only be considered after the (2015/16) federal budget was handed down. Two federal budgets later the resourcing has still not been provided.
- 8.4 Malu Lamar can not put forward the technical changes to the Proposed Management Plan necessary to address the current deficiencies, until it has assistance from a suitable independent technical fisheries expert.

9. Previous Submission

- 9.1 At the request of the former Parliamentary Secretary, Malu Lamar went to great lengths early in 2015, to prepare a submission on management of the tropical

rock lobster fishery, albeit without the assistance of a technical expert. Malu Lamar made numerous suggestions about how a plan should manage the fishery from the perspective of Native Title Holders.

- 9.2 The following is a summary of the issues raised by Malu Lamar, AFMA's response and Malu Lamar's position regarding that response:

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
Management plan objectives		
Must address 100% ownership objective	As stated by Sen. Colbeck when he met with the Torres Strait Regional Authority Board Executive, Malu Lamar representatives and industry 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 plan does not contain adequate means for achieving the objective. The quota unit system runs the risk of entrenching and expanding the TVH sector as set out in this submission.
Objective 5 as drafted is not specific enough.	Further clarification is required regarding specific changes recommended for objective 5.	Refer to paragraph 5 in this submission.
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.	If it is beyond the scope of the plan, this issue should have been addressed through a separate process in conjunction with development of the plan. It is not acceptable for the plan to be finalised <i>before</i> this issue is resolved using whatever means are appropriate. Some two years have passed since Malu

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
		Lamar first raised the issue.
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).	TVH sector catch limits and the proposed quota system are not the same thing. There has not been any detailed assessment of TVH catch limits (interim or otherwise), despite the former Parliamentary Secretary's assurance that TVH catch limits would be addressed in the final management plan.
Suggested measures to achieve the 100% ownership objective		
Buy back of TVH licenses 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.	It is not clear why this issue should be beyond the scope of the plan. If not addressed through the plan, it should have been addressed through the roadmap in conjunction with the plan. The TSRA's media release of 10 August 2015 said the roadmap was being developed towards the objective of full ownership of the tropical rock lobster fishery. It was to have been completed in the next 6 to 12 months (i.e by August 2016).
All new licenses (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</i>	For the TIB sector, the proposed plan involves all quota units being initially granted to the TSRA. It is an Australian Government agency. This clearly does not involve quota units being granted to Native Title

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
	<i>Strait Fisheries Act 1984</i> . 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> .	Holders or other Traditional Inhabitants. The TRL Management Plan should require Malu Lamar to endorse the grant of all new TIB licences that are granted.
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.	If this issue is beyond the scope of the plan, it should be addressed by the roadmap or through other appropriate arrangements in conjunction with the plan.
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.	If this issue is beyond the scope of the plan, it should be addressed by the roadmap or through other appropriate arrangements in conjunction with the plan.
Other measures		
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.	If a quota unit system is to be introduced in the plan, it is absolutely vital that there be effective monitoring of catch records. The quota unit system will be abused without effective monitoring.
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	Any form of quota unit system or other catch limits must be developed in conjunction with an effective catch monitoring system. It is inappropriate and counter-productive for

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
	Group is to introduce a Fish Receiver system. Catch monitoring systems can be developed and continually improved overtime independent of the management plan.	catch monitoring systems to be developed 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.	Management of the tropical rock lobster fishery should be holistic. However the issue of catch shifting is addressed, it should be done in conjunction with 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.	This should be integral to the development of the management plan.
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	This should be integral to development 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.	This should be integral to development of the management plan.
Rubbish disposal on both islands and in seas should be addressed.	Noted there is existing legislation that regulates pollution at sea.	If there is existing legislation, it is not being properly enforced. This issue should be addressed in conjunction with the development of the management plan.

Summary of issues raised in Malu Lamar's submission	AFMA Response	Malu Lamar's Position
<p>Maybe in the plan or elsewhere – measures to improve compliance.</p> <ul style="list-style-type: none"> - Better arrangements for surveillance and enforcement action in respect to illegal fishing of TRL and other species; - More effective policing by AFMA; it must make much better use of native title holders; - Measures to ensure PNG Traditional Inhabitants properly comply with their entitlements. 	<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>	<p>Compliance programs should be developed in conjunction with development of the management plan.</p>

10. Torres Strait Fisheries Reform

- 10.1 Since its appointment as an RNTBC, Malu Lamar has argued strongly for holistic reform of Torres Strait fisheries with a view to addressing the full range of native title implications arising from the Part A Sea Determination. Malu Lamar's continuous emphasis is on the objective of 100% ownership.
- 10.2 Malu Lamar does not support piecemeal reforms which are likely to be ineffective, and, as outlined in this submission, have the potential to actually be counter-productive.
- 10.3 Malu Lamar has taken the reform proposal as far as it can including the following steps:
 - (a) Detailed briefings to the Minister for Indigenous Affairs and the former Parliamentary Secretary. The Minister for Indigenous Affairs encouraged Malu Lamar to apply for an IAS grant to further develop the proposal. The grant was then not forthcoming.
 - (b) Developed and circulated synopsis for fisheries reform.
 - (c) Obtained an indication from the National Native Title Tribunal that it will help facilitate development of a Torres Strait Fisheries Indigenous land use agreement under which negotiated reform outcomes with the Australian Government and the Queensland Government can be recorded.

- (d) Taken as far forward as it can, through its own very limited resources, ideas for fisheries reform outcomes.

- 10.4 There has been a lack of engagement in furthering the proposal from either the Australian Government or the Queensland Government. By declining Malu Lamar's resourcing requests, government has effectively frustrated this initiative.
- 10.5 In conclusion, Malu Lamar reiterates its particular disappointment that the draft TRL Management Plan does not refer to, or in any other way acknowledge, the fundamentally important native title rights and interests that Native Title Holders have in relation to the TRL resource. Given the immense struggle undertaken by Native Title Holders over many decades to achieve recognition of those rights, it is deeply concerning that there is no mention of them, or effective engagement with the holders of those rights, when it comes to the formulation of critical regulatory measures impacting the rights such as the proposed TRL Management Plan.

Contents

Contents.....	2
Meeting participants	3
Action items and recommendations.....	4
Agenda Item 1 - preliminaries	6
1.1 & 1.2 Apologies / adoption of agenda / declaration of interest	6
1.3 Action items from previous meetings	6
Agenda Item 2 - updates.....	7
2.1 Industry	7
2.2 AFMA	8
2.3 QDAF	9
2.4 TSRA	9
2.5 Malu Lamar (RNTBC)	10
Agenda Item 3 - TRL Harvest Strategy.....	11
Agenda Item 4 – TRL Management Plan	15
4.1 Revised Sectoral Provisional Allocations.....	15
4.2 TRL Plan Public Meeting Outcomes	16
4.3 TRL Plan Written Submissions	16
4.4 Native Title Notification – Malu Lamar (RNTBC) Submission.....	16
4.5 Consideration of the draft management plan following public consultation.....	16
Other business – Malu Lamar reform proposal	17
Section 5 – Proposed Future Management Arrangements.....	18

Meeting participants

Members

Name	Position	Declaration of interest
Alexander Morison	Chair	Nil Member of other MAC's and RAG's.
Dean Pease	AFMA Executive Officer	Nil
Selina Stoute	AFMA Member	Nil
John Ramsay ¹	TSRA Member	Nil
Tom Roberts	Queensland Fisheries	Nil
Darren Dennis	Independent Scientific Member	Nil Previously involved in research projects
Aaron Tom	Industry Member	Wishes to own his own fishing boat and employ crew.
Mark David	Industry Member	TIB licence holder
Terrence Whap	Industry Member	Nil
Luke Dillon ²	Industry Member	TVH licence holder
Mark Dean ³	Industry Member	TVH operator
Daniel Takai ⁴	Industry Member	Pearl Island Seafood, Tanala Seafood and TIB licence holder
Ian Liviko	(PNG NFA)	Nil
Sevaly Sen	Fisheries Economist	Conducts various FRDC research projects relevant to AFMA fisheries.

1: not in attendance for Agenda Item 4.

2: attended day one only.

3: attended day one and until 11am on day two.

4: attended day two only.

Observers

Name	Position	Declaration of interest
Jerry Stephen	TSRA Deputy Chair TSRA Fisheries Portfolio	TIB licence holder, Native title holder of Ugar.
Charles David	TSRA	Nil
Mariana Nahas	TSRA	Nil
Thomas Namoa	Industry	TIB licence holder
Graham Hirakawa	Industry	TIB licence holder
Maluwap Nona	Chairperson Malu Lamar	TIB licence holder
Harry Nona	Industry	TIB licence holder
Phil Hughes	Industry	TVH licence holder
Brett Arlidge	Industry	General Manager M G Kailis Pty Ltd, holder of TVH licences

¹ Attended the meeting on day two only.

Action items and recommendations

Action Items

Number	Action
1.	Malu Lamar (RNTBC) to provide the Working Group with maps of home reefs for Torres Strait Island communities.
2.	AFMA to provide the objectives of the <i>Fisheries Management Act 1991</i> and the <i>Torres Strait Fisheries Act 1984</i> to Working Group members and observers.
3.	Malu Lamar (RNTBC) to provide AFMA with a written proposal for any further proposed amendments to the <i>Torres Strait Fisheries Act 1984</i> .
4.	The following be presented at the next TRLWG meeting: a) an overview of the current understanding of stock connectivity between the Queensland East Coast and the Torres Strait TRL Fisheries; and b) the basis for the Queensland east coast TAC.

Recommendations

Number	Action
1.	Work should continue to examine whether there are cost-effective options for improving estimates of recreational catches in the region
2.	The PZJA work closely with both the Queensland and PNG Governments to ensure complimentary management arrangements are adopted in the event that the TRL stock biomass falls below the limit reference point.
3.	Further work be undertaken by the TRLWG and TRLRAG to examine possible options for applying a management trigger under the harvest strategy as the stock approaches the limit reference point to minimise the impacts on traditional inhabitant commercial fishers.

Agenda Item 1 - preliminaries

1.1 & 1.2 Apologies / adoption of agenda / declaration of interest

Apologies were received from two industry members. Phillip Ketchell was an apology for the entire meeting and Daniel Takai for day one only. The Working Group also noted an apology from Patrick Mills, Chairperson of the Torres Strait Fisher's Association who was planning to attend the meeting as an Observer.

The Working Group adopted the agenda with no changes and noted written advice from Phillip Ketchell would be tabled at Agenda Item 4.

The Chair noted that there could be potential conflicts of interest for members and observers when providing information and advice on some agenda items. These conflicts should be tabled by members and observers. The Chair noted that the Working Group is a consultative forum of the PZJA that provides advice on the management of the TRL Fishery. The Working Group is not a decision making body.

Representation at meetings

One industry observer noted that the representative for Kaiwalagal (the inner cluster of islands including Thursday Island and Horn Island) had been absent from a number of TRL Resource Assessment Group (RAG) and Working Group meetings. As a result, local industry feel they are not being adequately represented at TRLRAG and Working Group meetings. Preferably proxies should attend if a members cannot.

The AFMA member noted that members are expected to attend meetings and that every effort is made to ensure meeting dates correspond with the availability of members. AFMA will continue to work with members to ensure they can participate and where necessary, confirm whether they are able to continue in the role. Proxies are not used however observers are welcome to attend meetings.

The AFMA member noted the consultative forum representatives were nominated at a meeting on Horn Island in 2015 comprising over 60 stakeholders from across the region. With current appointments due to end this financial year, AFMA welcomes advice on alternative processes for nominating members.

One member raised concern with being referred to as an industry member rather than an island cluster representative. The AFMA member noted that future records can make clear the cluster group from which each member was nominated.

The Chair noted that representatives are bound by Fisheries Management Paper Number One (**Attachment A**) and the role of members is to act in the best interest of the Fishery rather than to advocate for a specific sector of the Fishery. The Chair noted that if there are different views of members they are recorded in the meeting record.

1.3 Action items from previous meetings

The Working Group noted progress against action items from previous meetings. The list of action items and progress is provided in **Attachment B**.

Recreational fishing rules

The Working Group noted an update on the recreational fishing rules for TRL that apply in the Torres Strait Protected Zone as detailed in the paper provided (**Action Item 9**).

Some members noted that the amount of recreational catch is unknown and that work should be undertaken to estimate the recreational take of TRL. The QDAF member noted that a Queensland recreational fishing survey had been undertaken, however there was only one respondent for the Torres Strait and therefore the data provided could not be considered sufficient to be representative of all recreational fishing in the region.

Working Group membership

The Chairperson for Malu Lamar (RNTBC) stated that Malu Lamar will not support any recommendation from the Working Group unless Malu Lamar (RNTBC) is recognised as a formal member of the group.

The Working Group noted advice that AFMA was progressing both Malu Lamar's and the TSRA Fisheries Portfolio member's request to become a member on all PZJA consultative forums.

Agenda Item 2 - updates

2.1 Industry

The Working Group noted the following updates provided by industry members and observers:

- Catches have been generally down however there has been some improvement in the months of June and July. The sand inundation of reefs surrounding Mabuiag including Beka Reef have started to clear and seagrass coverage around this area is increasing. The average size of TRL is slightly larger compared to last year.
- Catches around the inner cluster (Thursday Island) have been poor all season. It has not been worthwhile to use a big boat (primary/tender operation). Instead it has been more feasible to fish locally by dinghy.
- It is difficult for members to pass on the information of the RAG and Working Group meetings because the information is complex and the language used in meetings can be difficult to translate to something that is easy to understand and can be shared with fishers.
- Fishers from Lama are again reporting that hookah diving on top of the reef at Warrior and Dungeness reefs is continuing and this has an impact on the local Lama free dive fishers.

Fishing community home reefs

The Working Group noted advice from some industry members that communities continue to see transferrable vessel holder (TVH) operators diving their home reefs. This is of great concern to the communities and shows that the 'gentlemen's agreements' are not effective.

The Malu Lamar (RNTBC) Chairperson stated that home reefs should not be dived by the TVH sector and should be left for the local TIB fishers of that community. Malu Lamar (RNTBC) is currently undertaking a project to map the home reefs of Torres Strait communities and will work with the TVH sector to develop new agreements.

The Working Group noted and welcomed advice from both the Malu Lamar Chairperson and TVH industry members that they will work collaboratively with each other to develop agreements to address community concerns. It was noted that any such agreements could be the basis for an industry code of practice.

The AFMA member noted that upon request, AFMA could support future industry discussions by adjusting industry member travel arrangements alongside PZJA consultative forum meetings.

Action Item 1: Malu Lamar (RNTBC) to provide the Working Group with maps of home reefs for Torres Strait Island communities once finalised.

2.2 AFMA

The Working Group noted the updates provide by the AFMA member as detailed the agenda paper provided. The Working Group discussed the following updates:

Legislative amendments – Torres Strait Fisheries Act 1984

The PZJA has approved for AFMA to request legislative drafters to prepare draft amendments to the *Torres Strait Fisheries Act 1984*, including to allow for mandatory reporting by the TIB sector in the form of a daily fishing log. The drafting will provide the basis for consultation with the communities, industry members and the PZJA consultative forums.

- One industry observer noted that daily fishing logs may not be supported by the TIB sector, and it is preferred for reporting to be mandatory for seafood buyers and processors. TIB fishers don't want complicated rules, they just want to go fishing.
- One industry member suggested that a survey should be sent to each TIB licence holder questioning whether they support or do not support the introduction of mandatory daily fishing logs for the TIB sector.
- The Chairperson for Malu Lamar (RNTBC) noted that mandatory daily fishing logs for the Hand Collectable Fishery targeting bech de mer (BDM) would help support industry to develop the fishery. The Chairperson noted that some species are at risk of overfishing and that accurate catch reporting will be important for the sustainable management of the Fishery.
- The Fisheries Portfolio Member advised that the TIB sector will be discussing these issues in the near future, the sector should create another forum to consider these issues as a collective group and take relevant matters to the PZJA for consideration.

Amendment to the Commonwealth Fisheries Management Act 1991

Amendments to the Commonwealth *Fisheries Management Act 1991* have been proposed to require AFMA to have regard to interests of indigenous and recreational fishers.

The Chairperson for Malu Lamar (RNTBC) requested that a similar review be undertaken of the *Torres Strait Fisheries Act 1984* to check that the interests and recognition of indigenous fishers in the Torres Strait is consistent with the *Fisheries Management Act 1991*.

Action Item 2: AFMA to provide the objectives of the *Fisheries Management Act 1991* and the *Torres Strait Fisheries Act 1984* to Working Group members and observers.

Action Item 3: Malu Lamar (RNTBC) to provide AFMA with a written proposal for any further proposed amendments to the *Torres Strait Fisheries Act 1984*.

2.3 QDAF

The Working Group noted the Queensland Governments *Sustainable Fisheries Strategy* as detailed in the agenda paper and the following updates from the QDAF member:

- Queensland Boating and Fisheries Patrol has undertaken a recruitment round for 20 more fisheries patrol officers for Queensland;
- the Queensland East Coast Tropical Rock Lobster Working Group is likely to be re-established; and
- the Queensland East Coast TRL Fishery has had a very good season with the total allowable catch (195 tonnes) likely to be fully caught by 1 August 2017. Note on 7 September 2017 193.6 t of the 195 t TAC was taken.

2.4 TSRA

The Working Group noted the updates below provided by the TSRA member.

TSRA New Zealand study tour

- The TSRA recently visited New Zealand to learn about the Maori experiences with managing their traditional and commercial fishing interests;
- The TSRA Board will be briefed on the outcomes of the study tour at its meeting in September 2017;
- TSRA is planning to convene a Fisheries Symposium with stakeholders following the TSRA Board meeting to discuss both the study tour and how the TIB may benefit from the Maori experience. The TSRA Portfolio Member noted October or November would be suitable for industry members because it is during the Fishery closure;
- The TSRA can provide resources to establish community economic zones throughout the Torres Strait but ultimately it is up to Traditional Owners to determine how long this process will take.

Additional Government funding for TSRA

- The TSRA has been successful with recent funding bids for the region. The TSRA will receive \$16.75 million in new funding this financial year. Of that amount \$6 million is to be used for a landing jetty on Prince of Wales with the remainder (\$10.75 million) to be used to buyback fishing licences and invest in fisheries infrastructure.
- TSRA has commissioned an audit of fisheries infrastructure across all Torres Strait Island communities. The audit will identify what infrastructure is needed and how money should be invested to support development of fisheries in the region. Infrastructure needs will be considered broadly and could be anything including fuel bowsers, upgrading or building processing facilities and live holding tanks.

Expression on interest to lease TRL TVH licence held by TSRA

- The TSRA Board has agreed to lease-out one of the TVH primary/tender licence packages recently purchased by the TSRA for the 2017/18 fishing season. Expressions of interest will be sought with only Traditional Inhabitants being eligible to apply in the first instance.
- In making its decision the TSRA Board considered three options: (1). lease back to the TVH sector; (2). lease only to the traditional Inhabitants; and (3): retire the licence package. Leasing to a traditional inhabitant would give the licence holder the flexibility to crew the fishing boat with non-traditional inhabitants.
- One industry observer advised that he did not support the leasing-out of the TVH licence. Instead, in his view, the TVH licence should be retired.

2.5 Malu Lamar (RNTBC)

The Working Group noted the following updates from the Malu Lamar (RNTBC) Chairperson:

- in his capacity as Malu Lamar Chairperson, he had also been invited by the TSRA to attend the New Zealand study tour to meet with the Maori and learn from their fisheries experiences. The Maori agreed to provide assistance to Torres Strait Islanders in developing Torres Strait Fisheries;
- Malu lamar is aiming to establish a company two months from now;
- it is Malu Lamar's aim to empower TIB fishers across the board; and
- Malu lamar is looking forward to engaging with MG Kalis Pty Ltd and others and noted how the New Zealand Iwi work collaboratively across all sectors.

Agenda Item 3 - TRL Harvest Strategy

The Working Group noted the final draft TRL Harvest Strategy recommended by the TRL Resource Assessment Group (TRLRAG) as detailed in the Agenda Item paper and presented by the AFMA Executive Officer. A summary of the presentation is provided below.

Draft TRL harvest strategy recommended by the TRLRAG

- The draft Harvest Strategy (HS) sets out the pre-agreed management actions needed to achieve the Fishery objectives. The HS uses an empirical harvest control rule (eHCR) to determine a recommended biological catch (RBC).
- The major differences between the draft HS compared to the current interim Harvest Strategy are:
 - The draft HS uses an eHCR to calculate the RBC, while the interim HS uses an annual stock assessment to calculate the RBC. The draft HS applies a stock assessment on a three year cycle to review and evaluate performance of the eHCR and check the status of the resource.
 - The draft HS has a suite of pre-agreed decision rules that are designed to maintain the stock on average at the target biomass reference point (B_{TARG}) and to rebuild the stock if it breaches the biomass limit reference point (B_{LIM}) in two successive years. The draft HS B_{TARG} and B_{LIM} are more precautionary than the default Commonwealth Harvest Strategy Policy reference points.
 - The draft HS objectives have been developed to (a) place greater emphasis on the importance of the Fishery to the traditional way of life and livelihood of traditional inhabitants; and (b) maintain the stock on average at a target biomass level equal to recent years (2005-2015).
- The eHCR uses a regression of the 5 last year's data for the pre-season survey index of abundance of juvenile 1+ TRL (weighting 70%); newly recruited 0+ TRL (weighting 10%); the catch per unit effort (CPUE) indices for the TIB sector (weighting 10%) and CPUE indices for the TVH sector (weighting 10%).
- The draft HS decision rules are:
 - **Maximum catch limit** - The eHCR includes a maximum catch limit of 1000 t. Once the HS is implemented the cap will be reviewed after three years using MSE testing with the updated stock assessment model.
 - **Pre-season survey trigger** - If in any year the pre-season survey +1 indices is 1.25 or lower (average number of +1 age lobsters per survey transect) it triggers a stock assessment.
 - **Biomass limit reference point triggered** - If the eHCR limit reference point is triggered in the first year, a stock assessment update must be conducted in March.

- ❖ If after the first year the stock is assessed below the biomass limit reference point, it is optional to conduct a mid-season survey, the pre-season survey must continue annually.
- ❖ If the eHCR limit reference point is triggered two years in a row, a stock assessment must be conducted in December (of the second year).
- **Fishery closure rules** - If the stock assessment determines the stock to be below the biomass limit reference point in two successive years, the Fishery will be closed to commercial fishing.
 - ❖ Management strategy evaluation (MSE) testing of the eHCR has shown that it is extremely unlikely (<1%) for the Fishery to be closed based on its current performance.
- **Re-opening the Fishery** - Following closure of the Fishery, fishery-independent mid-season and pre-season surveys are mandatory. The Fishery can only be re-opened when a stock assessment determines the Fishery to be above the biomass limit reference point.
- Based on the decision rules, there are four alternative possible scenarios that may occur under the application of the eHCR. Graphic representations of the four scenarios were presented to the Working Group (**Attachment C**).

Comments and advice from Working Group members

1. Impacts of the East Coast TRL Fishery on the robustness of the harvest strategy

- Concerns were raised by some members that the impacts of the east coast fishery are not properly taken into account in the harvest strategy. Specifically the impact from how much is caught and when. With the east coast fishery season opening a month earlier (January) concerns were raised that the fishery may be having a bigger impact on spawning by catching berried females.
- Some members raised concerns that if the Torres Strait TRL Fishery is closed because it breaches the limit reference point (B_{LIM}) in two successive years then the Queensland East Coast TRL Fishery and the Papua New Guinea TRL Fishery should also be closed. It was recommended by some member that the PZJA write to the Queensland Minister requesting that they close the east coast fishery in the event that the Torres Strait fishery has to be closed.
- Some members noted that the Torres Strait Fishery is the only fishery conducting fishery independent surveys to determine the status of the resource and estimate a TAC. Some members remain concerned that the East Coast TAC is not based on good science.

- The QDAF member advised that an East Coast TRL Harvest Strategy will be developed as part of the Queensland Government's recently announced reform process.
- The AFMA member noted that the PZJA works with both the PNG Government and QDAF to develop complementary arrangements including Harvest Strategies. For the purposes of the Protected Zone, AFMA will formally seek support from the PNG-National Fisheries Authority on the Harvest Strategy through the Australia and PNG Fisheries Bilateral process under the Treaty.
- The Working Group noted that TRL is a shared stock with the QLD East Coast Fishery however the level of connectivity is uncertain. Irrespective of this uncertainty however the Working Group noted that the pre-season survey provides good data on the level of recruitment to the Torres Strait TRL Fishery and that the Harvest Strategy is designed to use these data to inform the management of the TRL Fishery.
- The Working Group further noted that the recently AFMA funded CSIRO larval advection project is aimed at providing updated information on TRL larval recruitment patterns for the Torres Strait.

2. *Potential for measures to be added as Limit Reference Point is approached to limit impacts on the TIB sector.*

- Some Working Group members recommended that the reduction of catch under the draft harvest strategy as the stock biomass move towards the limit reference point should not be uniform across the TIB and TVH sectors. Rather, a trigger point should be included in the draft HS before B_{LIM} at which point priority is given for fishing to the TIB sector over the TVH sector the TVH sector.
- The Fisheries Economist noted: (1) that there would need to be an agreed HS objective if the TVH sector were to take a larger reduction in the TAC compared to the TIB sector; (2) another option might be to restrict the Fishery to free dive only if a certain trigger point was reached; (3) and that the objective of any triggers would need to be agreed.
- The Malu Lamar Chairperson noted that the report titled 'A fair share of the catch' interprets the order of priority for Torres Strait Fisheries as (1) traditional fishing; (2) community fishing and (3) commercial fishing. The Chairperson noted the report should be considered when developing management arrangements for the Fishery including the draft HS and a legal interpretation of the report and its findings is required.
- The Industry Member from the TVH sector advised they could not agree to any proposal to have different measures applied to the TVH sector until more detail could be provided. The industry member noted that they too needed to make a living.

- Some TIB representatives and observers noted that TVH operators have the option of operating under a dual licence with the East Coast while TIB operators are unlikely to be able to secure endorsement to operate on the East Coast should the TS fishery close.
- An industry observer commented that industry should be left to work through these issues directly with each other.
- The AFMA member noted that the draft harvest strategy takes into account importance of TRL as an important shared resource. Having regard for importance of the resource for traditional fishing the harvest strategy is set to maintain a relative large stock size (target biomass is B_{65}). If the stock size reduces towards the limit reference point, then the harvest strategy process will recommend that the total catch be reduced so that the stock may build.

3. *Taking into account recreational catches*

- Some members questioned whether or not recreational catches were properly accounted for under the harvest strategy and sought advice on any plans to collect reliable estimates of recreational catches.
- The Working Group noted advice that TRLRAG did not recommend accounting for recreational catches at this time because overall catches are likely to be relatively low. One industry member did not support this assumption and considered recreational catches to be higher.
- The Working Group further noted advice that the FinFish Working Group has identified the need to examine whether there are cost-effective options for developing improved estimates of recreational catches in the future.
- The AFMA member noted that it is generally very costly to collect recreational catch data and so a risk based approach is generally required when accounting catches by that sector.

Recommendation

Having regard for the comments by members the Working Group:

1. **Recognised** that the draft harvest strategy is:
 - designed to inform management decisions for the Torres Strait TRL Fishery;
 - is based on robust fishery independent survey data and stock assessment process;
 - treats the TRL Fishery as a single stock;
 - does not take into account recreational catches on the basis of TRLRAG advice that catches are likely low; and
 - has been subject to rigorous performance testing by the TRLRAG.

2. **Recognised** that whilst there may be uncertainty in the level of connectivity between the east coast and Torres Strait TRL stocks, the draft TRL harvest strategy uses the best available data including annual fishery independent survey data, to recommend annual total allowable catches. Future work such as the recently funded larval advection modelling project is likely to improve our understanding of stock connectivity overtime.
3. **Requested (Action Item 4)** the following be presented at the next TRLWG meeting:
a) an overview of the current understanding of stock connectivity between the east coast and the Torres Strait TRL Fishery; and b) the basis for the Queensland east coast TAC.
4. **Recommends** that work should continue to examine whether there are cost-effective options for improving estimates of recreational catches in the region;
5. **Recommends** that the PZJA work closely with both the Queensland and PNG Governments to ensure complementary management arrangements are adopted in the event that the TRL stock biomass falls below the limit reference point.
6. **Recommends** that further work be undertaken by the TRLWG and TRLRAG to examine possible options for including social and/or economic objective in the draft Harvest Strategy and applying a management trigger under the harvest strategy as the stock approaches the limit reference point to minimise the impacts on traditional inhabitant commercial fishers.

Agenda Item 4 – TRL Management Plan

The Working Group noted advice from the TSRA Fisheries Portfolio Member and Malu Lamar Chairperson that outcomes of the recent TSRA study tour to New Zealand needs to be shared and considered by the TIB sector before proceeding with a plan of management for the fishery. The Working Group however agreed for public consultation outcomes on the draft management plan to be tabled (Agenda Items 4.2, 4.3 and 4.4).

A further summary table was circulated at the meeting which was intended to aid discussion among members on the key issues raised in the public consultation process (**Attachment D**).

4.1 Revised Sectoral Provisional Allocations

The Working Group noted that the TSRA had purchased two TVH primary/tender licence applications. Based on the provisional allocations assigned to those licences, the revised sectoral allocations that could be made under a quota management plan if they were to be combined with the TIB quota unit allocation is: TIB sector 62.54 per cent and TVH sector 37.46 per cent.

4.2 TRL Plan Public Meeting Outcomes

The Working Group noted the outcomes of public consultation meetings on the proposed TRL Management Plan as detailed in the Agenda Item paper.

One industry member noted that some communities, for example Masig, have not been provided an opportunity to meet with the industry representative for that cluster, to discuss and formulate a position on the management plan to allow them to provide a formal submission.

4.3 TRL Plan Written Submissions

The AFMA member read out the apology letter from the industry member Phillip Ketchell, the letter states that the Torres Strait Fishers Association (TSFA) does not support the proposed draft TRL Management Plan (**Attachment E**).

The Working Group noted the written submissions received on the draft plan as detailed in the Agenda item paper.

4.4 Native Title Notification – Malu Lamar (RNTBC) Submission

The Working Group noted the native title notification response on the draft plan from Malu Lamar (RNTBC) based on the Agenda Item paper.

The Working Group did not review the full summary on issues raised in the Malu lamar submission noting advice from the Chairperson for Malu Lamar (RNTBC) that the TIB sector and industry members first need to reflect on the recent meetings held with the Maori's before progressing development of the proposed draft management plan.

A single Malu lamar recommendation was noted. That is for the draft plan to provide separate rights and interest between native title holders and traditional inhabitants. Persons who are not native title holders, particularly if their traditional inhabitant identity is derived from the amnesty list, should not be granted TIB licences.

The Chairperson of Malu Lamar (RNTBC) noted the approval process for the grant of traditional inhabitant boat (TIB) licence is out of date and needs to be reviewed. The approval to grant a TIB licence needs to be based on genealogy to determine if a person is eligible to hold the licence. The Chairperson noted that PNG 'amnesty people' and aboriginal people from Cape York are not defined as a Torres Strait Islander under Article 1 of the Torres Strait Treaty.

4.5 Consideration of the draft management plan following public consultation

The Working Group noted advice from the TSRA Fisheries Portfolio Member and Malu Lamar Chairperson that the recent New Zealand study tour provided attendees with greater insight to the benefits and opportunities of quota management and how Maori manage their quota entitlements.

In light of what was learnt from meetings with the Maori and concerns raised about the draft plan through the public consultation, the Fisheries Portfolio Member and Malu Lamar

Chairperson did not support any further discussion on the draft Plan until the TIB sector and native holders more broadly, first meet to consider how their quota entitlements might be managed in order to meet their aspirations from the fishery.

The Fisheries Portfolio Member advised that the TSRA Board will be considering the outcomes of the NZ study tour at its meeting in September and that a work plan will be devised for leading the further consultation with the TIB sector and Malu Lamar. The Fisheries Portfolio Member further advised that the additional consultation may be a two year process with the first TIB meeting possibly occurring in beginning in October to coincide with the TRL Fishery closure. The aim of the TIB sector meeting will be for the sector to gather an understanding of the benefits of the Maori model and to agree on a preferred TRL Fishery management approach for the TIB sector. Additionally the consultation process may also cover issues across all fisheries such as restrictive rules in the Beche de Mer Fishery (7m boat length limit, free dive only).

Some industry members noted that the TVH sector should be included in the discussions about the Maori fisheries model to facilitate their understanding of how it could benefit the Torres Strait and fishery as a whole.

Industry members (TVH included) supported setting aside further development of the draft TRL Management Plan until the Traditional Inhabitant sector has developed preferred options for managing their quota allocation.

Other business – Malu Lamar reform proposal

The Chairperson of Malu Lamar circulated a paper titled 'Torres Strait Fisheries Reform Proposal – Australian Government and Queensland Government Assistance Request, June 2014 (**Attachment F**) to Working Group members at the end of the first meeting day and requested that he be able to present the paper on day two. The Malu Lamar Chairperson sought that it be tabled as it was relevant to the TIB sector in considering future options for managing fishing entitlements, such as TRL quota units.

The Malu Lamar Chairperson did not describe the detail of the paper but instead sought general comment from the Working Group.

The AFMA member advised that the paper is likely to be of some assistance for discussions being planned for the traditional inhabitant sector and Malu Lamar (as advised under Agenda Item 4). The AFMA member noted that the stated Malu Lamar vision includes working in partnership with industry, including the TVH sector and initiatives being progressed such as leasing-back arrangements and drawing on the Maori experience.

The AFMA member further advised that whilst it is helpful to be informed of the Malu Lamar reform proposal it was beyond the terms of reference of the Working Group to provide advice on the steps recommended in the paper as they relate to agreements and funding arrangements requested between Governments.

The Malu Lamar Chairperson advised that native title owners have commercial rights and interest prior to colonisation and that these rights have been recognised by the High Court. Their understanding of the *Akiba Decision* is that native title owners own the resources and this must be recognised. Malu Lamar has no interest in continuing to participate in future working groups and instead will take the Government to court.

The TSRA Fisheries Portfolio member noted that it has been requested on number of occasions for Malu Lamar to become a member of the PZJA. The AFMA member advised that the PZJA has previously requested Malu Lamar to put its proposal in writing but has not yet received response.

Some industry members and observers confirmed their support for the Malu Lamar Chairpersons position, including Malu Lamar becoming a member of the PZJA.

The TSRA member recommended that a legal synopsis of the *Akiba Decision* be formally considered by the PZJA and the precise nature of native title rights determined by the decision be explain to the working groups.

The Malu Lamar Chairperson reiterated his disappointment with the Working Group failing to properly recognise their native title rights and left the meeting.

Section 5 – Proposed Future Management Arrangements

Agenda items under section 5 *Proposed future management arrangements* were not discussed.

The Chair closed the meeting around 11am due to a lack of a quorum following the early departure of another industry member.

Section 5 agenda items were deferred to the next Working Group meeting. The Working Group noted that arrangements would be made out-of-session to reconvene as soon as possible.

This Torres Strait Fisheries Summit resolves that:

1. PZJA be requested to implement as a matter of priority before the commencement of 2018-2019 TRL season an enforceable recognition of a guaranteed share not less than 66.18% of the Total Allowable Catch of TRL as determined for the said 2018-2019 season to be held exclusively by or on behalf of TIB license holders.

Mover: Thomas Mooka

Seconded: Cygnet Repu

Fully supported by the floor

This Torres Strait Fisheries Summit further resolves without derogating from resolution one above that:

2. The long held aspirations of the Torres Strait Traditional Owners to achieve 100% ownership of the TRL fishery which has previously been acknowledged by the PZJA be affirmed and given a prominent place in the development of any management plan for the fishery.

Mover: Phillip Ketchell

Seconded: Mark David

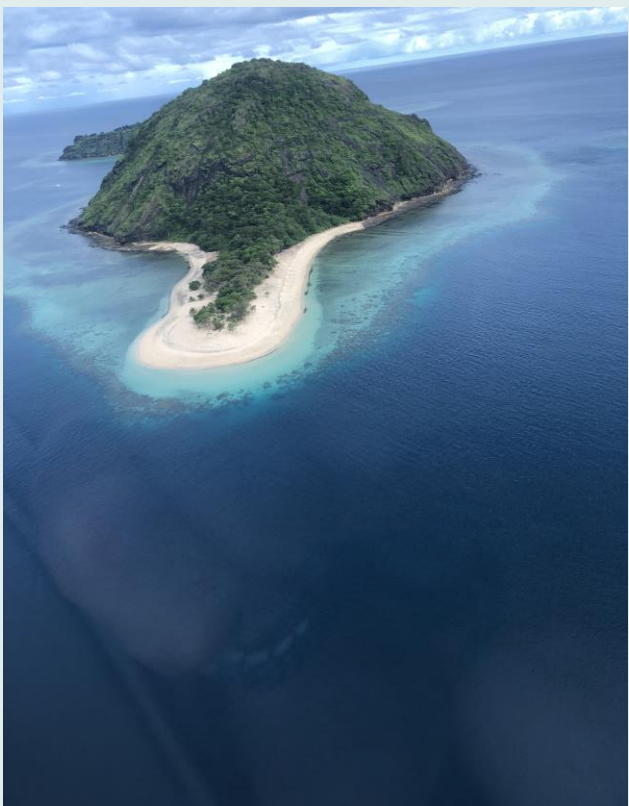
Fully supported by the floor

3. Resolution two above has been formulated and carried with the full support of Malu Lamar RNTBC the Trustee of Native Title rights determined by the Akiba determination.

Mover: James Ahmat

Seconded: William Stephen

Fully supported by the floor



TERRA MOANA
natural capital coaching

Torres Strait Islands

Pathway to Economic, Social & Cultural Wellbeing

Tony Craig - Aug 2018

Recap

➤ July 2017

➤ Managed visit to New Zealand

- To understand how NZ Iwi/Maori dealt with their Fisheries Settlement.

➤ Jan – Feb 2018

➤ Support consultations in Torres Strait

- Part of a community wide briefing to Island communities on the observations from the New Zealand Experience
- Improve the understanding of:
 - Asset ownership (Fisheries).
 - Asset value through asset revenue and asset wealth.

➤ July 2018

- Contracted to review AFMA Kaiar Fisheries Plan against TSI's aspirations



Why move to a quota system

It's administratively simpler.

It will officially confirm your rights interests (through a register).

Means you will finally be in control of your share of the TAC.

Means the TVH sector will need your permission and to formally lease it.

Reduces potential for legal challenge by TVH sector. Easier transfer to you over time.

Provides a simpler means for buying out the remaining TVH interests.

Provides a robust means to establish fair value for future government buy-outs or TSI purchases.

Provides modern fisheries management options to improve resource health.

Your choice “Today” or “Tomorrow”?

TODAY

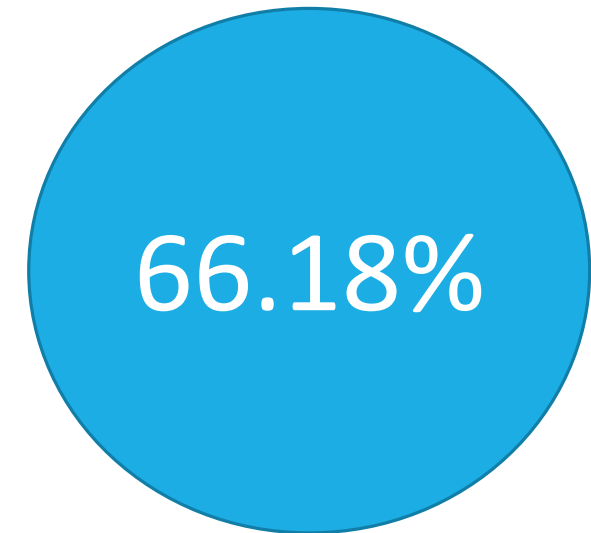
- Your rights not fully recognised.
- They are held in trust by TSRA.
- Your access is by way of TIB Licences and input controls.
- Complex input system licencing, fishing restrictions i.e. hooka, boat size, dory numbers etc hold you back.
- It's an Olympic fishery where the TVH sector can catch your fish if you don't.
- You get no payment for the use of your rights.
- Nothing going back to the collective owners.

TOMORROW?

- Rights are in your name on an official register recognised by government.
- Your new ownership entity holds, administers and manages your rights for the good of all TSIs.
- Quota becomes the “currency” for access, licencing is for admin only.
- People can no longer fish without quota.
- People can no longer catch your fish without your permission and lease arrangements.
- You choose if, who, when, how and where fishing occurs.
- People pay a fee to the new entity for use of your rights (assets).
- New entity pays dividends back to collective owners.

Focus on controlling what you can

- Separate the arguments ie “taking control” vs “gaining control”.
- You don’t need 100% of a fishery to be in control.
- Focusing on the remaining 33.82% at this stage is a distraction:
 - It is a government problem with legal ramifications – let them solve it.
 - Develop a model that shows just what you can do and apply pressure that way.
- What you will need to do with the 66.18% is the same as if you had 100% anyway.
- There are a lot of big questions to still consider / debate internally.



Recommendations: embrace this opportunity for control

➤ Embrace the Plan (with the changes recommended).

Support quota introduction.

Set up a new entity to hold, administer and manage those collective quota assets.

Allocate shares in the new entity based on a sub area, island or community basis.

Set up an electoral college.

Role of the Electoral College

- Appoint an expertise **(not political)** based board to run the entity.
- Define the formal purpose of the entity.
- Describe what restrictions it may operate under.
 - E.g. debt to equity ratios.
- Consider underlying internal policy issues for TSIs .

Parallel Processes Can Take Place (Electoral College)

Get The Entity Up And Running

- Establish entity.
- Issue interim shares.
- Appoint the Board.
- Confirm the purposes of the entity.
- Define financial boundaries.
- Establish dividend/growth targets.
- Confirm operating expectations.
- Embrace underlying policy issues once confirmed.

Consider Underlying Policy Issues

- Who are the rights holders/actual beneficiaries?
- How & to whom will shares be allocated (next slide)
- What important factors might influence shareholding
 - Population?
 - Boundary?
 - Resource position & volume?
- New entity **dividend** & **growth** policies.
- Customary/fisheries management objectives.
- Commercial operating imperatives (TIB Sector):
 - Reporting
 - Balancing catch with quota
 - Payment for use/access

Potential shareholders in the new entity:

Kemer Kemer Meriam(Eastern Custom)	
	Mer Erub Ugar
Kulkaigal (Central)	
	Masig (Yorke Island) Poruma (Coconut Island) Iama (Yam IS) Warraber (Sue Is)
Maluilgal (Near Western)	
	Mabuyag Badu Moa (Kubin & St Pauls)
Gudamalugal (Top Western)	
	Boigu Duaan Saibe
Kaiwalagal (Inner Islands)	
	Waiben (Trawq & Port Kennedy) Ngurupai Muralag Kirriri
Mainland Communities?	
	Bamaga Saesei Mew Mapoon Alau Injinoo

Focus on the future (i.e. grow wealth)

➤ Wealth =

- The value of your assets less what you owe on those assets (debt to the bank).
- Good thing isyou owe nothing on your assets.

➤ Asset value =

- what someone is prepared to pay for them or
- a factor of what they earn (revenue less costs) each year.

➤ Question

- If someone asked to borrow your car for a month and then ran a taxi business with it making \$2000.00 what would you ask of them? Some sort of payment for its use/share of the \$2000.00 would be fair right?

➤ Quota use is no different

- You own it as a people – anyone who uses it and makes money from it therefore should pay you something for the privilege of its use.



Comparative “Wealth” valuations

NEW ZEALAND Rock Lobster Region	Port Price Per KG	Lease Price to Quota Owner Per Kg	Quota Price to Buy per Kg	Quota Value (Wealth) per mt	TACC (MT)	Capital Value (Wealth)
Hawkes Bay / Wairarapa CRA4	NZ\$95- \$100	NZ \$48-\$52	NZ \$950	NZ\$950,000	467	\$ 443,650,000.00
Fiordland CRA8	NZ\$100- \$120	NZ \$65-\$75	NZ \$1,200	NZ\$1,200,000	962	\$ 1,154,400,000.00
Torres Strait (Current)	AU\$60	AU\$0	AU\$0	AU\$0	TAC	\$ -
Torres Strait (Under new model)	AU\$61	AU\$30	AU\$360	AU\$360,000	299	\$ 107,640,000.00
			TSI Component	66.18%	198	\$ 71,236,152.00



CRA8



CRA4

Leveraging from Wealth

	Your new entity	"Capital Value"	Annual Cash Flow	Comment
1	You own 198mt of Kaiar	\$ 71,236,152.00		Why is it worth that much - you can show 2
2	Each year you lease it out to fishers		\$5,970,000.00	People pay you \$30.00 per kg to lease it
	You want to leverage your "Wealth"			
	Approach Bank Manager			
3	You want to buy \$10m property Cairns	\$ 10,000,000.00		You have done due diligence has a long term tennant
4	Rent from the property 8.5%		\$850,000.00	
5	Cost of Borrowing 6.7%		-\$670,000.00	
	New Total	\$ 81,236,152.00	\$ 6,150,000.00	
	Debt to equity ratio	12%		Amount of debt versus Total Assets

Possible Challenges

- The new fisheries management arrangements:
 - possible finer scale management.
 - TIB sector reporting and management data requirements.
 - E.g. training required?
 - Catch management and annual TIB sector allocation through annual quota units.
- The new economic framework:
 - TIB quota owned and controlled by the new entity.
 - Focus on maximising community economic return for TIB quota use.
 - This does not mean fishers are paid less but rather through control we identify a return to the quota owners within the value chain.

Summary

- Focus on what you can control. Leave the TVH sector to Government.
- Get control of your share through the plan.
- Embrace quota as the means to do this.
- Set up the new entity and allow it to get functional whilst you sort out the finer policy details.
- Open dialogue with indigenous partners to help you avoid some of the more painful lessons that they had to learn (particularly in the market place).
- Create a process for discussing, developing and confirming the finer policy positions.
 - E.g. how traditional practices can support a more sustainable fishery.
 - E.g. shareholding and dividend distribution.



Senator the Hon. Anne Ruston
Assistant Minister for Agriculture and Water Resources

M E D I A R E L E A S E

Tropical Rock Lobster Fishery Management Plan to be considered by the Protected Zone Joint Authority

After listening to the concerns of the Torres Strait community and commercial fishers, the Protected Zone Joint Authority (PZJA) will consider implementing a Tropical Rock Lobster (TRL) Fishery Management Plan by 1 December 2018.

The Chair of the Torres Strait Regional Authority (TSRA), Pedro Stephen, said the proposed Management Plan will ensure the Traditional Inhabitant share of the TRL resource is protected into the future.

“This means that the sectoral split of the Australian TRL share in the Torres Strait Protected Zone between the Traditional Inhabitant Boat (TIB) sector and the Transferrable Vessel Holder (TVH) sector can be enforced,” Mr Stephen said.

“Consultation on the Management Plan will be sought from late August, and the PZJA will then consider approving the plan in October 2018.”

Assistant Minister for Agriculture and Water Resources, and Chair of the PZJA, Anne Ruston, said the proposed start date of the management plan will coincide with the start of the new season.

“We will be respecting the ownership aspiration of Torres Strait Islanders and Aboriginal people of the Torres Strait by introducing quota allocations for TRL,” Minister Ruston said.

“With a proper allocation system in place and rights able to be traded, we believe the Tropical Rock Lobster Fishery Management Plan will better serve those whose livelihoods rely on the fishery.”

Queensland Minister for Agricultural Industry Development and Fisheries Mark Furner said he supported the views of his fellow PZJA members.

“Moving ahead with the Plan will provide certainty for future management of the TRL fishery which is so vital to the community of the Torres Strait.”

The PZJA is comprised of the Chair of the Torres Strait Regional Authority, the Commonwealth Assistant Minister for Agriculture and Water Resources and the Queensland Minister for Minister for Agricultural Industry Development and Fisheries.

Media contacts:

Torres Strait Regional Authority: Bruce Nelson 0423 403 449

Minister Anne Ruston: Tom Edwards 0438 791 913

Minister Mark Furner: Brock Taylor 0427 018 178

Guide to proposed TRL quota management plan

Quota unit allocation process for the TVH sector

Cumulative days	Step
0	The PZJA determines the Plan.
	In late November 2018 the PZJA will meet to consider determining the draft <i>Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018</i> . At the meeting, the PZJA will consider the outcomes from the 2016 public consultation period and the changes that have been proposed.
1	The Plan commences on 1 December 2018.
	The commencement of the Plan begins the process to the final allocation. Until the final allocation occurs, licence holders are allowed to continue fishing in line with their permit conditions and any existing management arrangements.
61	Snapshot day
	Any person who owns (the principal holder) a transferable vessel licence for either a primary boat or a tender boat on this day, will be eligible for a quota unit allocation under the Plan.
122	Provisional catch history notices issued
	<p>Within 60 days of the snapshot day, the Assistant Minister will issue provisional catch history notices to all person who were eligible on the snapshot day. These notices will:</p> <ul style="list-style-type: none"> - Outline the provisional boat catch history (the average of the three highest years of catch between 1997-2001 for that licence); - Outline the provisional total catch history, the sum of all the provisional boat catch history totals for all the TVH licences that were enforce on the snapshot day; - State the number of tender boat licences the licence holder owns; - State the total number of tender boat licences that were enforce on the snapshot day; - Provide details on how a person may provide an objection to the provisional catch history. <p>These notices notify licence holders of the amount of quota units the licence holder will receive, subject to any objections. The allocation is a combination of the number of tender boats owner and the catch history of that licence. The formula for calculating the quota units was recommended by an Independent Allocation Advisory Panel and accepted by the PZJA.</p>
143	Objection period
	<p>Licence holders have 21 days from the date of the catch history notice to submit an objection to the provisional catch history notice or to request further time to submit an objection.</p> <p>During this period, licence holders are able to object to their provisional boat catch history or the number of tender boat licences. Licence holders must supply evidence that support why they are objecting to their provisional boat catch history.</p>
203	Provisional allocation

	Within 3 months of the objection period ending, the Minister will notify licence holders of their provisional quota allocation. The Minister will consider any objections and evidence presented during the objection period before determining the provisional allocation.
231	AAT review
	People who receive a provisional allocation may apply to the Administrative Appeals Tribunal to review the provisional allocation within 28 days of the provisional allocation notice.
291	Final allocation
	Once the appeals process is complete, the Minister will make the final allocation, taking into consideration the outcomes of the appeals processes within 60 days. Eligible licence holders will be notified in writing how many quota units they have received through the allocation. Quota units will be granted to TVH licences holder and the TSRA (TSRA are to hold the traditional inhabitant quota units on behalf of traditional inhabitants).
1 Dec after final allocation	Quota system active
	From the first fishing season after the quota units have been granted the quota system will commence. From this point onwards the quota system, as described in the Plan, will be active. Licence holders will be able to sell and lease quota.

Leasing and transferring

Fishing Licences
The leasing and transferring of fishing licences are not covered in the Plan. Leasing and trading of transferable vessel licences is provided for under the <i>Torres Strait Fisheries Act</i> (the Act) (s25).
Quota units
<p>The plan provides for the both the permanent transfer (selling) and temporary transfer (leasing) of quota units, as described in s24 and s25 of the 2018 draft Plan (to be tabled with working group).</p> <p>Licence holders wishing to sell or lease quota units must apply to AFMA to register the sale or lease on the quota register. The sale or lease of quota units is effective once it has been registered.</p> <p>To be clear, the TSRA is not required to transfer units to individual TIB licence holders. TIB licence holders will continue to fish to a competitive TIB TAC.</p> <p>The following restrictions apply.</p> <ul style="list-style-type: none"> ➤ TSRA cannot permanently transfer (sell) the quota it holds. ➤ Quota units cannot be sold or leased to a trust or trustee ➤ Quota units that have been suspended are unable to be transferred.

Cancellation and suspension

Fishing Licences
The plan does not provide any further provisions on the cancellation and suspension of fishing licences. This is because it is covered by the Act (s 26).
Quota units
<p><i>Suspension</i></p> <p>A provision to suspend quota units has been included in the 2018 draft Plan. As drafted the Plan allows for the suspension of quota units in two circumstances.</p> <ol style="list-style-type: none">1. If a TRL licence is suspended, the quota units that they person holds will be automatically suspended; and2. If the Minister reasonable believes that a TRL licence would be suspended, the Minister may suspended the held quota units for a period of one month. This situation may occur if the TRL licence holder is undergoing prosecution for a compliance breach. <p>The suspension provisions will not impact on the TIB quota pool. Individual TIB licence holders do not hold quota. Therefore, if a TIB licence is suspended, there is no held quota that can be suspended.</p> <p><i>Cancellation</i></p> <p>Quota units may be cancelled by the Minister in two circumstances.</p> <ol style="list-style-type: none">1. If the person is convicted of an offence against the Act, the Regulations or any Commonwealth laws relating to fishing or against a law of Papua New Guinea or of a State or Territory relating to fishing; or2. If the person owes money payable under the Act or<ol style="list-style-type: none">a. Payments are not made, orb. The person does not make an agreement to make the payments. <p>Note: Suspension and cancellation of quota units may apply to all quota units a person holds, whether as the owned or leased, and units the person may have leased to another person.</p>

Registers

Fishing Licences
A public register of licences holders in the Torres Strait fisheries has already been established under s10 of the Act.
Quota units
<p>The plan requires the establishment and maintenance of a Register for Quota units (s22 of the 2018 draft Plan).</p> <p>The plan specifies the information to be kept on the Register (s23).</p>

The Register will be used as an official record of leases and sales (permanent transfer) of quota units. For a sale or lease to be effective, it must be included in the Register.

Requirement to nominate quota to a boat

There is no requirement to nominate quota units to a boat.

Who may take TRL?

To commercially fish for TRL in the fishery a non-traditional inhabitant must:

- (a) Hold a TRL licence; and
- (b) Hold unused quota.

To commercially fish TRL, a traditional inhabitant must:

- (a) Hold a traditional inhabitant TRL licence; and
- (b) The TIB allocation has not been reached. Under s11 of the 2018 draft, the Minister must issue a notice that the TIB allocation has been reached and that commercial fishing for traditional inhabitants is closed for that fishing season.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
PROPOSED SECTORAL CATCH SHARES	Agenda Item 5 For Discussion and Advice

RECOMMENDATIONS

1. That the Working Group **DISCUSS** and **PROVIDE ADVICE** on proposed amendments to the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018* to enable the implementation of sectoral catch shares in the Torres Strait Tropical Rock Lobster Fishery (TRL Fishery) for the 2018/19 fishing season.

KEY ISSUES

2. On 26 October 2018 the Protected Zone Joint Authority (PZJA) agreed to reaffirm its previous decision to determine a *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan* (the draft Plan) by 1 December 2018.
3. The PZJA also agreed to consult with stakeholders on amendments to the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018* (the Management Instrument) that would implement catch share splits between Traditional Inhabitant and non-Traditional Inhabitant sectors for the 2018/19 fishing season.
4. The PZJA noted that the sectoral catch shares would equal the expected sectoral proportions that would be applied when the draft Plan comes into force and once the quota allocation process under the Plan has been finalised.
5. The Plan will not give immediate effect to the sectoral allocation during the 2018/19 fishing season as the allocation process involves several administrative steps and is dependent on any appeals. Based on experience in other fisheries these could take anything from a few months to one year to resolve.
6. Enforcing the sectoral catch share in the 2018/19 fishing season will provide greater fishing access certainty for both the TIB and TVH sectors whilst the allocation process for TVH licences progresses. Having more certain fishing access arrangements is consistent with the objectives of the *Torres Strait Fisheries Act 1984* as it supports optimum utilisation and promotes economic development in the Torres Strait area and employment opportunities for Traditional Inhabitants.
7. The proposed amendment to the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018* enables the implementation of the sectoral catch shares for the 2018/19 fishing season. A copy of the proposed amendment will be provided to members before the meeting.

BACKGROUND

8. The proposed amendment repeals and substitutes section 7 with sections that enable the AFMA CEO to determine a TIB Total Allowable Catch (TAC) Day and TVH TAC Day. Following a TAC Day, licence holders of the relevant sector are prohibited to fish for the remainder of the fishing season.
9. Consistent with allocation provisions of the draft Plan, the TAC for the TIB sector means 56.2% of the TAC for the season and that part of the TAC that the CEO reasonably believes would be represented by the quota units allocated to the TSRA under the draft Plan. The TAC for the TVH sector means the part of the TAC that is not the TAC for the TIB sector.
10. Based on the provisional allocation attached to the three TVH licences held by the TSRA, the expected shares are 66.17 per cent for the TIB sector, to be held by TSRA in trust and

33.83 per cent for the TVH sector. The TSRA have undertaken to not lease the three TVH licences it holds in 2018/19 fishing season.

11. Before making a determination of a TAC Day, the AFMA CEO must notify the Queensland Department of Agriculture and Fisheries and the TSRA of his or her intention to make the determination.
12. AFMA will write to all TRL licence holders inviting comment on the proposed amendment. Comments will be due within two weeks.
13. The PZJA will consider Working Group advice together with any submissions made during public consultation at its meeting tentatively scheduled for 26 November 2018.
14. **Attachment 5a** provides a copy of the current *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018*, for reference.



Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018

The Protected Zone Joint Authority makes the following instrument.

Dated 19 July 2018

Senator the Hon. Anne Ruston
Assistant Minister for Agriculture and Water Resources
for and on behalf of the Protected Zone Joint Authority

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
5 Schedules	2
6 Prohibition on taking, processing or carrying Tropical Rock Lobster.....	2
7 Licence holders within a Fishing Season	3
8 Treaty endorsements	3
9 Prohibition on taking, processing or carrying undersize Tropical Rock Lobster	4
10 Prohibition on the use of certain methods	4
11 Prohibition on the use of certain equipment.....	4
12 Prohibition on the use, possession or control of hookah gear	5
14 Prohibition on carrying Tropical Rock Lobster that has been processed	5
15 Prohibition on the use, possession or control of diving equipment	5
16 Permission to use, possess or control diving equipment	6
Schedule 1—Repeals	7
<i>Torres Strait Fisheries Management Instrument No. 9 (26/08/2011)</i>	<i>7</i>

1 Name

This instrument is the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018*.

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 Provisions	Column 2 Commencement	Column 3 Date/Details
1. The whole of this Instrument	A single day to be fixed by the Minister by notifiable instrument. However, if the instrument does not commence within the period of 6 months beginning on the day this instrument is registered, the instrument is repealed on the day after then end of that period.	

- (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 16 of the Act.

4 Definitions

- Note: A number of expressions used in this instrument are defined in section 3 of the Act, including the following:
- (a) boat;
 - (b) fish;
 - (c) Torres Strait Treaty;
 - (d) Treaty endorsement.

In this instrument:

Act means the *Torres Strait Fisheries Act 1984*.

Administration Act means the *Fisheries Administration Act 1991*

AFMA staff member means a member of staff assisting the CEO as described in section 68 of the Administration Act.

boat means a boat licenced under the Act to operate in the Torres Strait Tropical Rock Lobster Fishery.

CEO means the Chief Executive Officer of the Australian Fisheries Management Authority appointed under section 10B of the Administration Act.

diving equipment means a face mask and fins.

hookah gear means equipment to enable a person to breathe underwater where the air is supplied from either an air compressor or one or more air cylinders above the surface of the water, and includes equipment which may be described as surface supplied breathing equipment or surface supplied breathing apparatus.

implement means a tool or utensil, including lobster scissors and forceps, but not including nets, explosives and poisons.

officer means:

- (a) an AFMA staff member who is responsible for management of fisheries in the Torres Strait; or
- (b) a person appointed as an officer under subsection 83(1) of the *Fisheries Management Act 1991*.

PZJA means the Protected Zone Joint Authority established under section 30 of the Act.

PZJA Arrangement means the *Arrangement between the Commonwealth and the State of Queensland under section 31 of the Torres Strait Fisheries Act 1984*.

Regulations means the *Torres Strait Fisheries Regulations 1985*.

scoop net means a net not more than 1.5 metres in any dimension having a handle or shaft not longer than 3 metres.

Torres Strait Tropical Rock Lobster Fishery means the area of waters described as the 'area of the tropical rock lobster fishery' in item 9 of Schedule 2 of the Regulations.

Total Allowable Catch means Australia's share of the allowable catch of Tropical Rock Lobster which is apportioned to Australian boats under article 23 of the Torres Strait Treaty.

Tropical Rock Lobster means fish of the species *Panulirus* spp.

TSRA has the meaning given by subsection 28(1) of the Act.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Prohibition on taking, processing or carrying Tropical Rock Lobster

Subject to sections 7 and 8, the taking, processing or carrying of Tropical Rock Lobster in the area of the Torres Strait Tropical Rock Lobster Fishery is prohibited.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to application of the PZJA Arrangement.

7 Licence holders within a Fishing Season

- (1) A person is exempt from the prohibition in section 6 where:
 - (a) the person holds a licence granted under subsections 19(2) or 19(3) of the Act; and
 - (b) the licence authorises the person to take, process or carry Tropical Rock Lobster; and
 - (c) the licence is not suspended under section 26 of the Act; and
 - (d) the person takes, processes or carries Tropical Rock Lobster within the period described in subsection (2) (**Fishing Season**).
- (2) The Fishing Season is from 1 December in any given year until the earlier of:
 - (a) 30 September in the following year; or
 - (b) the Total Allowable Catch Date.
- (3) The **Total Allowable Catch Date** is a date determined by the CEO in respect of a Fishing Season.
- (4) The CEO must not make a determination under subsection (3) in respect of a Fishing Season unless:
 - (a) the CEO reasonably believes the Total Allowable Catch for the Fishing Season will be reached on or before the date to be determined as the Total Allowable Catch Date; and
 - (b) before the determination is made, the CEO notified the Queensland Department of Agriculture and Fisheries and the TSRA of his or her intention to make the determination.
- (5) If the CEO determines the Total Allowable Catch Date in respect of a Fishing Season, the CEO must send written notice (**TAC Notice**) of the determination to all persons granted a licence under section 19 of the Act which authorise the person to take, process or carry Tropical Rock Lobster (**TAC Notice**).
- (6) In the event that a TAC Notice is not sent at least 5 days before the Total Allowable Catch Date, the Total Allowable Catch Date is 5 days after the day on which the notice is sent.

8 Treaty endorsements

A person is exempt from section 6 where:

- (a) he or she takes, carries or processes Tropical Rock Lobster on a boat for which a Treaty endorsement is in force;
- (b) the person takes, processes or carries Tropical Rock Lobster between 1 December in any given year and 30 September of the following year; and
- (c) the Tropical Rock Lobster is taken, processed or carried in accordance with conditions specified by the PZJA on the Treaty endorsement under section 22 of the Act.

9 Prohibition on taking, processing or carrying undersize Tropical Rock Lobster

- (1) The taking, processing or carrying of Tropical Rock Lobster that have a dimension less than those specified in subsection (2) in the Torres Strait Tropical Rock Lobster Fishery is prohibited.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to application of the PZJA Arrangement.

- (2) For the purpose of subsection (1), the dimensions are that:
 - (a) the length of the carapace of the Tropical Rock Lobster is 90 millimetres when measured in accordance with subsection (3); and
 - (b) the length of the tail of the Tropical Rock Lobster is 115 millimetres when measured in accordance with subsection (4).
- (3) For the purpose of paragraph (2)(a), the length of the carapace of a Tropical Rock Lobster is to be measured along the dorsal surface from the anterior mid-dorsal margin to the posterior mid-dorsal margin of the carapace.
- (4) For the purpose of paragraph (2)(b), the length of the tail of a Tropical Rock Lobster is to be measured:
 - (a) in a straight line along the dorsal surface from the anterior margin of the first abdominal somite to the posterior margin of the sixth abdominal somite when the tail is laid flat on a horizontal surface; and
 - (b) with firm downward pressure placed on the third abdominal somite.

10 Prohibition on the use of certain methods

- (1) The taking, processing or carrying of Tropical Rock Lobster in the Torres Strait Tropical Rock Lobster Fishery using methods to which subsection (2) applies is prohibited.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to application of the PZJA Arrangement.

- (2) This subsection applies to all fishing methods apart from collecting by hand or with the use of a spear, scoop net or other implement held in the person's hand at all times.

11 Prohibition on the use of certain equipment

- (1) The taking, processing or carrying of Tropical Rock Lobster in the Torres Strait Tropical Rock Lobster Fishery with the use of equipment to which subsection (2) applies is prohibited.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to application of the PZJA Arrangement.

- (2) This subsection applies to:
 - (a) any kind of mechanical equipment that provides underwater propulsion; and
 - (b) any kind of equipment that provides for breathing underwater, excluding hookah gear.

12 Prohibition on the use, possession or control of hookah gear

- (1) Subject to section 13, a person is prohibited from using, having in his or her possession, or having under his or her control, on a boat, in the Torres Strait Tropical Rock Lobster Fishery, any quantity of hookah gear.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to application of the PZJA Arrangement.

13 Hookah gear

- (1) A person is exempt from section 12 where:
 - (a) the person uses, possesses or has under his or her control, on a boat, hookah gear to take, process or carry Tropical Rock Lobster between 1 February and 30 September in any one year (*Hookah Season*); and
 - (b) the CEO has not sent the person a notice under subsection (2).
- (2) The CEO may send notice to a person that the use, possession or control, on a boat, of hookah gear to take, process or carry Tropical Rock Lobster is not permitted during a specified period, or specified periods, within the Hookah Season (*Hookah Moontide Notice*).
- (3) Before sending a Hookah Moontide Notice to a person under subsection (2), the CEO must provide a copy of the notice to the Queensland Department of Agriculture and Fisheries and the TSRA.
- (4) The specified period, or first specified period, in which the use, possession, or control, on a boat, of hookah gear is not permitted in a Hookah Moontide Notice must not be earlier than 5 days after the date the CEO sends the notice to the person.

14 Prohibition on carrying Tropical Rock Lobster that has been processed

The carrying on a boat in the area of the Torres Strait Tropical Rock Lobster Fishery of any part of a Tropical Rock Lobster that has been processed by removing the meat from the shell is prohibited.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to application of the PZJA Arrangement.

15 Prohibition on the use, possession or control of diving equipment

Subject to section 16, a person is prohibited from using, having in his or her possession, or having under his or her control, on a boat, any quantity of diving equipment for taking, processing or carrying Tropical Rock Lobster in the Torres Strait Tropical Rock Lobster Fishery between 1900 hours and 0600 hours (Australian Eastern Standard Time) unless the diving equipment is stowed and secured.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to application of the PZJA Arrangement.

16 Permission to use, possess or control diving equipment

A person is exempt from section 15 where an officer has given written permission to a person to use or to have in his or her possession, or under his or her control on a boat, diving equipment between 1900 hours and 0600 hours in the following day (Australian Eastern Standard Time).

Schedule 1—Repeals

Torres Strait Fisheries Management Instrument No. 9 (26/08/2011)

1 The whole of the instrument

Repeal the instrument.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
BETTER ALIGNING THE TAC SETTING PROCESS WITH THE FISHING SEASON	Agenda Item 6 For Discussion and Advice

RECOMMENDATIONS

1. That the Working Group:

- a. **NOTE** the timing of the survey and stock assessment and decision making processes means a TAC based on the latest survey results cannot be determined before the current season start date (1 December);
- b. **NOTE** that under the proposed management plan a TAC must be determined before the season start;
- c. **NOTE** that at the RAG meeting held on 18-19 October 2018¹, the RAG considered a number of options and recommended that once the Management Plan comes into force:
 - i. a start of season catch limit of 200 tonnes be determined prior to 1 December each year covering the period 1 December through to the end of February, at which point a final TAC will be able to be determined; and
 - ii. a provision for the start of season catch limit to be overridden in seasons where the TRL stock abundance is exceptionally low and the final RBC is likely to fall below the start of season catch limit or where overridden by the Harvest Strategy decision rules. In such cases, the use of the start of season catch limit should not be used in subsequent seasons until reviewed by the RAG.
- d. **DISCUSS** and **PROVIDE ADVICE** on any management considerations concerning this proposal.

KEY ISSUES

2. The current TRL Fishery fishing season starts on 1 December each year. The timing of the survey and stock assessment process means that a TAC based on the latest survey results cannot be finalised before the season starts. Historically the notional TAC has not been finalised until 4-5 months into the 10 month fishing season.
3. The proposed draft management plan, requires a TAC to be set prior to the start of a fishing season but also allows for the TAC to be increased within a fishing season. Under the proposed draft management plan, in setting a TAC the PZJA must consult with any group it has established to give advice relating to the area of the TRL Fishery.
4. Although it will be possible to finalise a RBC more quickly through the application of the proposed empirical Harvest Control Rule (eHCR) administratively, a TAC could still not be finalised by 1 December. Further, the draft Harvest Strategy requires annual RBCs to be set using the integrated stock assessment model if the data, analyses or other conditions indicates the eHCR recommended RBCs are outside the ranges tested by the Management Strategy Evaluation process conducted. Under this scenario the eHCR should be revised and annual RBCs need to be set using the integrated stock assessment model until a revised eHCR is agreed.

¹ The outcomes of the RAG are taken from the draft record of the meeting and is still pending member consideration and comment.

5. At the RAG meeting held on 18-19 October 2018, the RAG considered two approaches:
 - a. Delayed season start - delaying the fishing season start date so that it occurs after the TAC setting process is able to be finalised (e.g. 1 February, 1 March). This may require timeframes for some components of the TAC setting process to be completed earlier or compressed.
 - b. Interim conservative TAC - setting a conservative TAC that could be determined before the start of the season and increased when the TAC setting process is finalised. The conservative TAC would need to be determined before the results of the pre-season survey become available in December.
6. With regards to delaying the fishing season start date, the RAG discussed the following considerations:
 - a. Inputs to the eHCR – the eHCR uses the pre-season survey 1+ and 0+ indices and both standardised CPUE indices (TVH and TIB) to calculate the RBC. CPUE data would be needed to the end of September. It usually takes until the end of October to chase up outstanding records and compile the data ready for analysis. CSIRO then conduct analyses and prepare the standardised CPUE indices in November. The pre-season survey is generally conducted between 5-20 November each year. At least two weeks are needed following the survey to compile and analyse the survey data and run the eHCR calculations.
 - b. Administrative decision making – the recommended RBC needs to be considered by the RAG and Working Group before the PZJA is asked to make a decision. The PZJA process can take up to 3 months, however, AFMA is working to streamline PZJA decision making processes to enable more timely decision making. The RBC and associated catch shares also need to be agreed with PNG.
7. Noting the above constraints, the RAG considered the interim conservative TAC approach a more viable approach. The RAG noted that other fisheries have adopted this approach and it can work well if formulated correctly. This approach will require timeframes for some components of the TAC setting process to be completed earlier or compressed. The RAG discussed a range of options for setting a conservative TAC, to be described as the start of season catch limit:
 - a. Constant catch limit – in developing the draft Harvest Strategy, MSE testing was conducted on a HCR whereby a constant TAC was set from year to year. The testing showed that 360 tonnes is a safe level to set the TAC in such a scenario. The RAG noted that this testing only showed that this is a safe level if it is set over a number of years, not in the context of a variable TAC.
 - b. Cumulative catch from December-February – the RAG noted the following cumulative catches for December-February for the period 2005-2018.

	December-February Total (kg)	December-March Total (kg)
Maximum	201,715	366,212
Minimum	57,441	99,425
Mean (average across years)	93,723	165,292

- c. Start of season catch limit – the RAG agreed that the start of season catch limit should cover 1 December through to the end of February, and be based on the maximum annual catch amount for the period 2005-2018, being 200 tonnes. This is to minimise the risk that the limit could artificially constrain fishing effort, particularly in a good year. The RAG noted that the use of hookah gear is not permitted during December-January.

- d. PNG catch – the RAG further agreed that, if needed, an additional 100 tonnes be added to the start of season catch limit amount, to account for catches from PNG.
- e. Exceptional circumstances – the RAG agreed the start of season catch limit should be overridden in seasons where the TRL stock abundance is exceptionally low and the final RBC is likely to fall below the start of season catch limit or where overridden by the Harvest Strategy decision rules. In such cases, the use of the start of season catch limit should not be used in subsequent seasons until reviewed by the RAG.
- f. An industry observer advised that, considering the limits that were applied during 2017/18, the concept of a start of season catch limit could be confusing for, or misconstrued by industry if not communicated clearly. AFMA agreed to prepare some explanatory material and a diagram for members to use in any discussion they may have with industry. This is provided at **Attachment 6a**.

BACKGROUND

- 8. To assist the Working Group information on the potential timeline for setting a final TAC using the eHCR or integrated stock assessment model is provided at **Attachment 6b**.

TRL Fishery closed		TRL Fishery open									
Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
	Pre-season survey conducted	Season opens 1-Dec									
		PZJA determines a start of season catch limit of 200 tonnes which applies from 1-Dec to 28-Feb. Each of the 1 million quota units is worth 200 grams									
		TRL RAG recommend a preliminary RBC	TRL RAG and Working Group recommend final RBC. Australia and PNG agree on shares of the RBC		PZJA determines a final TAC by 1-Mar						

Definitions

Start of season catch limit is set at the start of the season to

Recommended biological catch (RBC) is the total catch of TRL that can be sustainably taken across all fishing sectors (e.g. commercial, traditional, recreational) – derived from the application of the empirical harvest control rule.

Total allowable catch (TAC) is Australia's share of the RBC as agreed with PNG each season.

Potential process and timeline for setting a final TAC using the proposed empirical Harvest Control Rule OR integrated stock assessment

Steps	Description	Timeline
Pre-season survey	Generally conducted between 5 and 20 November.	November
Assessment	Empirical Harvest Control Rule (eHCR) within 2-3 weeks of the pre-season survey.	Late November- early Dec
	Preliminary stock assessment results within 4-5 weeks of the pre-season survey.	Mid-late December
TRLRAG and TRLWG advice	If applying the eHCR. TRLRAG and TRLWG to convene on consecutive days.	Mid-late December
	If applying the stock assessment model. TRLRAG to meet mid-late December to consider preliminary stock assessment results, then the TRLRAG and TRLWG to convene in Early February on consecutive days to consider final stock assessment results.	Preliminary - mid-late Dec Final – Early February
Treaty obligations (agree global TAC and catch shares)	If applying the eHCR.	Mid-late January
	If applying the stock assessment model.	Mid-February
PZJA decision (within 4 weeks of TRLRAG/WG meetings)	If applying the eHCR.	End- January
	If applying the stock assessment model.	End of February

Notes:

- Timeline does not include determining an initial TAC.
- PZJA out-of-session decisions ordinarily take three months.

- Historically final TRLRAG advice on the season RBC/TAC is settled in March.
- Seeking administrative decisions (and systems implementation of those decisions) carries some risk over the Christmas period due to the availability of staff and decision makers. This risk was a primary driver for moving fishing season start dates for some Commonwealth fisheries from 1 January to later in the year.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
MANAGEMENT ARRANGEMENTS FOR THE 2018/19 FISHING SEASON	Agenda Item 7 For Discussion and Advice

RECOMMENDATIONS

1. That the Working Group:

- a. **NOTE** that in the 2017/18 fishing season, additional moon-tide hookah closures and a prohibition on hookah (which was later overturned by the Federal Court) were implemented to manage the Torres Strait Tropical Rock Lobster (TRL Fishery) to a low recommended biological catch (RBC).
- b. **NOTE** that while there is some data from the 2018 mid-year survey to suggest that the RBC may be higher for the 2018/19 fishing season, a preliminary RBC won't be known until early December, following analysis of the November 2018 pre-season survey.
- c. **NOTE** in December 2015, the PZJA agreed to continue implementation of seven day moon-tide hookah closures in the TRL Fishery, until a Management Plan for the Fishery is implemented.
- d. **NOTE** on 26 October 2018 the Protected Zone Joint Authority (PZJA) agreed to reaffirm its previous decision to determine a *Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan* (the draft Plan) by 1 December 2018.
- e. **NOTE** the PZJA also agreed to consult with stakeholders on amendments to the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018* (the Management Instrument) that would implement separate Traditional Inhabitant and non-Traditional Inhabitant catch shares for the 2018/19 fishing season.
- f. **DISCUSS** and **PROVIDE ADVICE** on whether any changes should be made to existing management arrangements for the Torres Strait Tropical Rock Lobster Fishery (TRL Fishery) for the 2018/19 fishing season, in particular moon-tide hookah closures between February and September each year – the proposed closures for the 2018/19 fishing season are provided at **Attachment 7a**;
 - i. while the PZJA intends to determine a Management Plan for the TRL Fishery by 1 December 2018, full implementation of the quota system under Management Plan will take longer (as the allocation process and associated legal appeals will need to be concluded prior to quota being allocated);
 - ii. AFMA proposes moon-tide hookah closures continue for the 2018/19 fishing season with their application reviewed once a quota system is in place.
- g. **NOTE** that should the preliminary RBC for the 2018/19 fishing season be low, similar to the RBC for the 2017/18 season (299t), and the PZJA does not implement the draft Plan and sectoral catch shares for the 2018/19 fishing season AFMA will look to reconvene the Working Group.

KEY ISSUES

2. The Working Group is asked to provide advice on whether any changes should be made to existing management arrangements for the TRL Fishery. Proposed management measures must have regard to the objectives under section 8 of *Torres Strait Fisheries Act 1984* (the Act) (see table 1) and be administratively feasible, cost effective and efficient.

3. AFMA proposes that management arrangements remain unchanged for the coming season and only be reconsidered if the
 - a. the preliminary RBC is at a low level similar to the RBC for this season (299t); and
 - b. the PZJA does not determine a management plan and implement sectoral catch shares.
4. In seeking comment of the draft Plan in 2016 AFMA advised stakeholders that existing input controls would remain in place and be periodically reviewed once the plan commences (Frequently asked questions about the draft Torres Strait Fishery (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2016). This approach was widely supported by stakeholders during public consultation.

Moon-tide hookah closures

5. Proposed moon-tide hookah closures for the 2018/19 fishing season are provided at **Attachment 7a** for discussion and advice.
6. Industry has previously proposed changes to the method for setting moon-tide hookah closures:
 - a. AFMA have received anecdotal reports from industry that a greater number of lobsters moult just before or during the full moon compared to the new moon. Lobsters that have just moulted have a soft carapace and are susceptible to damage during capture and by handling which results in higher mortality rates of caught lobster;
 - b. Some industry noted their preference would be for moon-tide hookah closures to occur each year on the three days either side of the full moon to coincide with the moult cycle. Allowing fishing to occur during the new moon (when lobsters generally have a hard carapace) would reduce the volume of caught lobsters that are damaged and subsequently tailed.

BACKGROUND

7. Input controls, such as moon-tide hookah closures, limit catches by placing restrictions on fishing method. Input controls can lower catch rates by making fishers less efficient. In doing so input controls can prolong the fishing season for all licence holders. Input controls however are likely to increase fishing costs but may be beneficial from other perspectives, such as maintaining markets.

Setting of moon-tide hookah closures

8. Moon-tide hookah closures were first implemented in 2005 as a way to reduce fishing effort to levels recorded in 2002. In 2013 the closures were removed following a buy-out of TVH licences however the moon-tide closures were reintroduced in 2014 following agreement from both the TIB and TVH sectors, and have been implemented since.
9. Up until, and including, the 2017/18 fishing season moon-tide hookah closures were implemented through conditions on TRL licences, under section 22 of the *Torres Strait Fisheries Act 1984*. For the 2018/19 fishing season, moon-tide hookah closures will be implemented under section 13 of the Management Instrument, details follow:
 - a. subsection 13(1) of the Management Instrument states a person is permitted to use and have in their possession or control, hookah gear between 1 February and 30 September, which is referred to as the Hookah Season, unless the CEO of AFMA has issued a notice under subsection 13(2) to the person that the use, possession or control of hookah gear for a period, or periods, within the Hookah Season is not permitted.
 - b. the CEO will notify the other members of the PZJA Standing Committee prior to issuing a notice (subsection 13(3)).
 - c. a notice issued to a licence holder under subsection 13(2) will be given at least 5 days before the closure period (subsection 13(4)).

10. The agreed method for setting the moon-tide hookah closures is:

- a. Closures are set for three days either side of the full moon or the new moon and are based on when the largest difference between high and low water occurs.
- b. The times and heights of high and low waters is based on the Bureau of Meteorology (BoM) tide predictions for Thursday Island (latitude 10°35'S and longitude 142°13'E) (the 2019 tide chart is provided at **Attachment 7b**).
- c. Because the closures are based on the largest difference between high and low waters, the closures can change between occurring on the full moon or the new moon across different years.

Table 1. *Torres Strait Fisheries Act 1984* objectives

	Objective
a)	to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing
b)	to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone
c)	to adopt conservation measures necessary for the conservation of a species in such a way as to minimise any restrictive effects of the measures on traditional fishing
d)	to administer the provisions of Part 5 of the Torres Strait Treaty (relating to commercial fisheries) so as not to prejudice the achievement of the purposes of Part 4 of the Torres Strait Treaty in regard to traditional fishing
e)	to manage commercial fisheries for optimum utilisation
f)	to share the allowable catch of relevant Protected Zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty
g)	to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants

Proposed moon-tide hookah closures for the TRL Fishery for the 2018/19 fishing season

Torres Strait Tropical Rock Lobster Fishery Moon-Tide Hookah Closures for the 2018/19 Fishing Season* (as at 29 October 2018)

Dec-18	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon
	1	2	3	4	5	6	●	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Jan-19	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu
	1	2	3	4	5	●	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Feb-19	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu			
	1	2	3	4	●	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28			
Mar-19	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3	4	5	6	●	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Apr-19	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	
	1	2	3	4	●	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
May-19	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
	1	2	3	4	●	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Jun-19	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	
	1	2	●	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Jul-19	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed
	1	2	●	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Aug-19	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	●	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	●	31
Sep-19	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	●	30	
Oct-19	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	●	29	30	31
Nov-19	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	●	27	28	29	30	

* The 2018/19 fishing season rund from 1 December 2018 through to 30 September 2019

KEY

- New moon
- Full moon
- Fishery closed
- Hookah closure (use of hookah gear not permitted)

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THURSDAY ISLAND – QUEENSLAND

LAT 10° 35' S LONG 142° 13' E

Times and Heights of High and Low Waters

2019

Local Time

JANUARY				FEBRUARY				MARCH				APRIL			
Time	m	Time	m	Time	m	Time	m	Time	m	Time	m	Time	m	Time	m
1 0445 0.83 1137 3.18 TU 1744 1.37 2244 2.10		16 0359 1.10 1107 3.04 WE 1714 1.56 2211 2.03		1 0000 1.95 0531 1.40 FR 1146 3.43 1857 0.88		16 0447 1.37 1059 3.50 SA 1813 0.81 2322 2.07		1 0454 1.48 1058 3.36 FR 1800 0.65		16 0403 1.60 1004 3.31 SA 1717 0.69 2332 2.24		1 0004 2.28 0523 1.67 MO 1103 3.05 1821 0.81		16 0510 1.48 1035 3.34 TU 1801 0.55 2332 2.42	
2 0516 1.03 1148 3.25 WE 1830 1.23 2315 1.92		17 0426 1.15 1111 3.18 TH 1748 1.33 2234 1.99		2 0007 1.84 0546 1.53 SA 1209 3.40 1931 0.93		17 0525 1.35 1129 3.66 SU 1851 0.70 2348 2.10		2 0013 2.18 0520 1.55 SA 1117 3.34 1829 0.71		17 0439 1.51 1028 3.48 SU 1751 0.58 2325 2.23		2 0002 2.22 0542 1.67 TU 1122 2.98 1843 1.01		17 0552 1.40 1115 3.27 WE 1837 0.69 2358 2.51	
3 0541 1.23 1205 3.30 TH 1913 1.14 2344 1.77		18 0458 1.21 1123 3.36 FR 1828 1.11 2307 1.97		3 0020 1.78 0319 1.58 SU 1233 3.33 2003 1.04		18 0605 1.34 1206 3.76 MO 1931 0.68		3 0012 2.07 0540 1.61 SU 1139 3.29 1859 0.84		18 0519 1.42 1103 3.60 MO 1827 0.57 2341 2.27		3 0003 2.21 0600 1.67 WE 1140 2.88 1902 1.20		18 0636 1.37 1153 3.11 TH 1911 0.89	
4 0551 1.41 1228 3.32 FR 1954 1.11		19 0532 1.27 1149 3.54 SA 1909 0.94 2346 1.95		4 0031 1.76 0319 1.49 MO 1257 3.23 2036 1.19		19 0024 2.12 0645 1.35 TU 1247 3.77 2013 0.74		4 0014 2.01 0552 1.64 MO 1202 3.22 1925 1.03		19 0600 1.36 1141 3.63 TU 1905 0.64		4 0010 2.25 0619 1.67 TH 1157 2.77 1917 1.36		19 0031 2.60 0720 1.40 FR 1230 2.85 1944 1.13	
5 1255 3.28 2034 1.13 SA		20 0608 1.33 1225 3.67 SU 1953 0.83		5 0040 1.76 0337 1.42 TU 1317 3.11 2107 1.35		20 0102 2.11 0723 1.42 WE 1327 3.67 2056 0.87		5 0019 2.00 0546 1.65 TU 1222 3.12 1949 1.22		20 0011 2.32 0640 1.35 WE 1220 3.55 1943 0.79		5 0026 2.31 0643 1.69 FR 1210 2.65 1931 1.48		20 0107 2.65 0808 1.47 SA 1302 2.52 2013 1.39	
6 0025 1.59 0314 1.32 SU 1323 3.20 2117 1.18		21 0029 1.92 0642 1.40 MO 1306 3.72 2038 0.79		6 0056 1.76 0358 1.37 WE 1329 2.98 2140 1.50		21 0142 2.07 0803 1.56 TH 1406 3.44 2143 1.06		6 0027 2.02 0340 1.60 WE 1238 3.00 2010 1.40		21 0045 2.36 0722 1.40 TH 1258 3.36 2022 1.00		6 0047 2.38 0713 1.74 SA 1221 2.52 1942 1.60		21 0144 2.66 0905 1.57 SU 1328 2.14 1629 1.62	
7 0040 1.54 0336 1.26 MO 1347 3.08 2205 1.26		22 0114 1.87 0359 1.40 TU 1350 3.69 2126 0.82		7 0116 1.73 0420 1.34 TH 1309 2.85 2229 1.62		22 0224 2.00 0440 1.66 FR 1444 3.08 2239 1.26		7 0043 2.05 0356 1.54 TH 1248 2.88 2029 1.56		22 0123 2.37 0806 1.52 FR 1334 3.06 2101 1.25		7 0112 2.42 0440 1.85 SU 1214 2.35 1638 1.52		22 0225 2.61 1036 1.61 MO 1341 1.74 1635 1.43	
8 0102 1.48 0357 1.22 TU 1404 2.93 2311 1.32		23 0159 1.78 0422 1.41 WE 1434 3.56 2220 0.90		8 0132 1.69 0439 1.35 FR 1231 2.75		23 0803 2.13 1021 2.03 SA 1838 2.38		8 0102 2.06 0417 1.53 FR 1240 2.76 2047 1.68		23 0201 2.35 0900 1.71 SA 1405 2.65 2144 1.52		8 0140 2.43 0456 1.96 MO 1139 2.16 1651 1.39		23 0648 2.49 1629 1.22 TU 2357 2.22	
9 0123 1.41 0416 1.19 WE 1310 2.79		24 0249 1.67 0442 1.46 TH 1520 3.31 2325 0.99		9 0451 1.40 1216 2.64 SA 1753 2.05 1938 2.11		24 0007 1.41 0848 2.49 SU 1330 2.02 2023 2.34		9 0123 2.06 0436 1.58 SA 1207 2.63 2107 1.81		24 0245 2.28 1021 1.88 SU 1427 2.17 2247 1.78		9 0215 2.39 0509 2.10 TU 0707 2.20 1706 1.28		24 0046 2.22 0743 2.63 WE 1559 0.94 2222 2.42	
10 0430 1.17 1221 2.71 TH		25 1610 2.95 FR		10 0454 1.47 1134 2.54 SU 1755 1.92 2042 2.12		25 0151 1.42 0925 2.84 MO 1557 1.60 2142 2.38		10 0147 2.04 0451 1.66 SU 1159 2.49 1718 1.72		25 0756 2.50 1656 1.57 MO 2059 2.21		10 0735 2.41 1713 1.20 WE 2256 2.29		25 0232 2.11 0827 2.73 TH 1555 0.69 2246 2.57	
11 0432 1.16 1158 2.66 FR		26 0054 1.02 0933 2.47 SA 1303 2.17 1932 2.59		11 0233 1.49 1022 2.63 MO 1802 1.78 2140 2.15		26 0258 1.39 0957 3.11 TU 1635 1.18 2238 2.42		11 1133 2.32 1729 1.57 MO 2205 2.08		26 0128 1.87 0842 2.78 TU 1617 1.19 2201 2.40		11 0206 2.17 0804 2.64 TH 1625 1.06 2254 2.38		26 0319 1.98 0859 2.78 FR 1612 0.53 2311 2.62	
12 0337 1.15 1115 2.65 SA		27 0214 0.99 0959 2.80 SU 1503 1.90 2105 2.47		12 0253 1.44 1012 2.79 TU 1800 1.63 2225 2.17		27 0345 1.38 1023 3.27 WE 1703 0.87 2322 2.39		12 0204 1.91 0902 2.48 TU 1739 1.44 2227 2.21		27 0246 1.80 0919 2.98 WE 1621 0.84 2244 2.53		12 0239 2.04 0831 2.85 FR 1606 0.82 2300 2.42		27 0351 1.89 0923 2.80 SA 1635 0.49 2333 2.58	
13 0307 1.10 1056 2.72 SU 1807 2.08 2105 2.22		28 0312 0.97 1028 3.08 MO 1619 1.56 2216 2.36		13 0314 1.41 1020 2.96 WE 1733 1.46 2257 2.15		28 0422 1.41 1042 3.34 TH 1731 0.70 2355 2.30		13 0235 1.84 0914 2.70 WE 1724 1.31 2249 2.29		28 0333 1.72 0946 3.08 TH 1639 0.60 2319 2.56		13 0313 1.89 0856 3.05 SA 1623 0.61 2315 2.41		28 0418 1.82 0944 2.80 SU 1659 0.53 2348 2.50	
14 0317 1.07 1055 2.82 MO 1806 1.95 2141 2.16		29 0356 1.01 1054 3.27 TU 1710 1.25 2308 2.24		14 0341 1.40 1030 3.13 TH 1716 1.22 2317 2.10		15 0412 1.38 1041 3.31 FR 1739 0.99 2316 2.06		14 0301 1.77 0930 2.92 TH 1651 1.10 2308 2.32		29 0409 1.68 1005 3.12 FR 1704 0.50 2346 2.50		14 0350 1.73 0924 3.21 SU 1652 0.50 2329 2.37		29 0440 1.77 1002 2.78 MO 1722 0.65 2355 2.42	
15 0336 1.07 1101 2.92 TU 1703 1.78 2201 2.09		30 0433 1.12 1113 3.37 WE 1748 1.03 2346 2.09						15 0330 1.69 0946 3.12 FR 1653 0.87 2324 2.29		30 0437 1.67 1023 3.12 SA 1731 0.52		15 0429 1.59 0957 3.31 MO 1726 0.48 2324 2.36		30 0502 1.73 1019 2.73 TU 1741 0.81 2355 2.36	
		31 0504 1.26 1127 3.41 TH 1824 0.91						31 0002 2.39 0503 1.67 SU 1042 3.10 1757 0.63							

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Datum of Predictions is Lowest Astronomical Tide

Times are in local standard time (Time Zone UTC +10:00)

Moon Phase Symbols

● New Moon

◐ First Quarter

○ Full Moon

◑ Last Quarter

THURSDAY ISLAND – QUEENSLAND

LAT 10° 35' S LONG 142° 13' E

Times and Heights of High and Low Waters

2019

Local Time

MAY				JUNE				JULY				AUGUST			
Time	m	Time	m	Time	m	Time	m	Time	m	Time	m	Time	m	Time	m
1 0525 1.69 1039 2.66 WE 1758 0.98 2352 2.37		16 0549 1.40 1053 2.75 TH 1809 0.80 2353 2.69		1 0618 1.49 1100 2.11 SA 1754 1.18 2358 2.77		16 0021 3.00 0732 1.07 SU 1159 1.81 1828 1.31		1 0659 1.07 1128 1.81 MO 1500 1.29		16 0043 3.12 0808 0.79 TU 1237 1.55 1512 1.29		1 0043 3.41 0810 0.60 TH 1251 1.79 ● 1902 1.24		16 0109 2.88 0845 1.08 FR 1254 1.64 1554 1.24	
2 0551 1.66 1100 2.56 TH 1814 1.13 2355 2.44		17 0636 1.34 1132 2.53 FR 1839 1.01		2 0658 1.39 1132 2.02 SU 1817 1.27		17 0054 3.04 0820 1.03 MO 1231 1.65 ○ 1523 1.28		2 0016 3.12 0742 0.94 TU 1208 1.77 1827 1.29		17 0113 3.05 0847 0.88 WE 1256 1.50 ○ 1536 1.22		2 0125 3.43 0855 0.64 FR 1333 1.76 1623 1.25		17 0125 2.74 0914 1.26 SA 1311 1.64 1616 1.21	
3 0620 1.63 1122 2.46 FR 1830 1.25		18 0024 2.81 0723 1.31 SA 1207 2.27 1904 1.23		3 0024 2.90 0742 1.30 MO 1207 1.91 ● 1833 1.37		18 0128 3.02 0909 1.03 TU 1255 1.50 1543 1.21		3 0054 3.22 0827 0.85 WE 1252 1.71 ● 1552 1.19		18 0142 2.94 0927 1.01 TH 1311 1.46 1559 1.18		3 0208 3.35 0942 0.72 SA 1418 1.69 1644 1.30		18 0124 2.59 0945 1.42 SU 1329 1.61 1636 1.22	
4 0012 2.55 0654 1.60 SA 1145 2.34 1846 1.36		19 0058 2.88 0814 1.30 SU 1238 2.00 ○ 1919 1.44		4 0057 2.99 0832 1.23 TU 1245 1.78 1556 1.17		19 0203 2.93 1004 1.06 WE 1317 1.37 1602 1.15		4 0139 3.26 0916 0.81 TH 1338 1.63 1621 1.19		19 0206 2.79 1013 1.14 FR 1330 1.41 1621 1.14		4 0250 3.16 1037 0.84 SU 2020 1.67 2117 1.67		19 0035 2.47 1652 1.27 MO	
5 0034 2.66 0733 1.59 SU 1212 2.20 ● 1857 1.47		20 0135 2.89 0912 1.31 MO 1302 1.72 1601 1.31		5 0139 3.02 0928 1.16 WE 1328 1.61 1620 1.16		20 0237 2.78 1108 1.09 TH 1341 1.24 1616 1.10		5 0226 3.23 1009 0.81 FR 1430 1.50 1645 1.23		20 0222 2.62 1121 1.24 SA 1351 1.34 1640 1.12		5 0333 2.84 1149 0.95 MO 2052 1.99 2329 1.86		20 0016 2.37 1659 1.35 TU 2348 2.27	
6 0102 2.74 0820 1.59 MO 1240 2.02 1612 1.27		21 0214 2.83 1034 1.28 TU 1321 1.45 1612 1.20		6 0231 3.00 1035 1.08 TH 1420 1.41 1642 1.17		21 0313 2.61 1621 1.05 FR		6 0315 3.13 1111 0.82 SA		21 0132 2.46 1652 1.12 SU		6 0425 2.41 1321 0.97 TU 2126 2.34		21 0546 1.57 0857 1.85 WE 1647 1.43 2218 2.30	
7 0136 2.76 0922 1.58 TU 1311 1.79 1630 1.19		22 0300 2.71 1613 1.08 WE		7 0332 2.94 1154 0.96 FR		22 0353 2.44 1550 0.98 SA 2332 2.38		7 0409 2.95 1228 0.80 SU		22 0033 2.37 1646 1.14 MO 2340 2.33		7 0206 1.74 0839 2.21 WE 1433 0.96 2158 2.66		22 0553 1.42 1003 1.92 TH 1449 1.42 2157 2.45	
8 0221 2.72 1648 1.15 WE		23 0406 2.56 1545 0.93 TH 2310 2.40		8 0439 2.87 1318 0.81 SA 2225 2.15		23 1526 0.90 2314 2.42 SU		8 0513 2.70 1350 0.75 MO 2159 2.26		23 1521 1.13 2257 2.38 TU		8 0351 1.38 0959 2.16 TH 1528 0.97 ● 2228 2.92		23 0558 1.27 1043 1.97 FR 1506 1.40 2204 2.62	
9 0334 2.66 1651 1.13 TH		24 0212 2.30 0704 2.48 FR 1531 0.77 2254 2.50		9 0026 2.07 0604 2.81 SU 1429 0.65 2223 2.30		24 0343 2.12 0811 2.20 MO 1539 0.86 2313 2.46		9 0149 1.87 0739 2.49 TU 1453 0.70 ● 2225 2.51		24 0608 1.77 0921 1.96 WE 1512 1.11 2247 2.48		9 0451 1.01 1057 2.10 FR 1611 1.03 2254 3.07		24 0543 1.13 1113 1.97 SA 1527 1.38 ● 2213 2.78	
10 0532 2.67 1446 0.91 FR 2244 2.32		25 0302 2.15 0801 2.48 SA 1545 0.66 2307 2.55		10 0208 1.93 0735 2.78 MO 1520 0.55 ● 2244 2.44		25 0411 1.99 0855 2.17 TU 1550 0.86 ● 2317 2.50		10 0320 1.65 0900 2.34 WE 1542 0.72 2253 2.73		25 0610 1.62 1009 1.93 TH 1526 1.11 ● 2250 2.59		10 0530 0.73 1141 1.99 SA 1649 1.13 2312 3.15		25 0524 0.96 1132 1.92 SU 1554 1.35 2222 2.95	
11 0145 2.15 0723 2.83 SA 1517 0.67 2242 2.39		26 0334 2.03 0839 2.48 SU 1606 0.63 2322 2.55		11 0317 1.75 0834 2.70 TU 1602 0.54 2310 2.56		26 0426 1.86 0923 2.12 WE 1602 0.89 2324 2.55		11 0427 1.39 1006 2.18 TH 1623 0.80 2317 2.89		26 0605 1.47 1046 1.87 FR 1546 1.13 2256 2.70		11 0604 0.57 1211 1.85 SU 1720 1.24 2329 3.17		26 0529 0.76 1134 1.86 MO 1626 1.32 2237 3.13	
12 0243 1.96 0808 2.95 SU 1552 0.51 ● 2300 2.44		27 0359 1.94 0905 2.47 MO 1626 0.66 ● 2334 2.52		12 0414 1.57 0922 2.57 WE 1639 0.62 2332 2.66		27 0442 1.71 0937 2.04 TH 1617 0.95 2330 2.60		12 0522 1.15 1050 2.00 FR 1658 0.94 2334 3.00		27 0539 1.29 1104 1.80 SA 1610 1.16 2300 2.84		12 0638 0.52 1212 1.73 MO 1748 1.35 2353 3.16		27 0555 0.60 1120 1.84 TU 1703 1.27 2305 3.30	
13 0331 1.78 0850 3.01 MO 1626 0.45 2321 2.46		28 0420 1.85 0922 2.44 TU 1643 0.74 2344 2.49		13 0506 1.41 1005 2.40 TH 1714 0.76 2340 2.77		28 0509 1.56 0956 1.96 FR 1637 1.02 2330 2.69		13 0608 0.95 1118 1.83 SA 1730 1.10 2349 3.09		28 0545 1.09 1051 1.74 SU 1639 1.18 2308 3.00		13 0711 0.58 1218 1.66 TU 1805 1.43		28 0629 0.50 1134 1.88 WE 1743 1.21 2341 3.42	
14 0418 1.62 0931 3.00 TU 1701 0.50 2332 2.48		29 0443 1.76 0941 2.38 WE 1658 0.85 2349 2.49		14 0556 1.27 1046 2.20 FR 1746 0.94 2355 2.90		29 0541 1.39 1022 1.89 SA 1701 1.09 2331 2.82		14 0650 0.82 1144 1.70 SU 1756 1.25		29 0614 0.90 1103 1.74 MO 1713 1.20 2330 3.17		14 0020 3.10 0744 0.71 WE 1231 1.64 1514 1.39		29 0707 0.47 1203 1.93 TH 1824 1.18	
15 0503 1.49 1012 2.91 WE 1736 0.62 2331 2.56		30 0510 1.67 1005 2.30 TH 1714 0.97 2346 2.52		15 0644 1.15 1124 2.00 SA 1812 1.14		30 0619 1.23 1052 1.84 SU 1729 1.16 2347 2.98		15 0014 3.13 0730 0.77 MO 1212 1.61 1807 1.38		30 0650 0.74 1133 1.77 TU 1750 1.21		15 0047 3.00 0815 0.89 TH 1243 1.64 ○ 1532 1.30		30 0021 3.47 0747 0.52 FR 1239 1.96 ● 1904 1.19	
		31 0542 1.58 1032 2.21 FR 1733 1.08 2343 2.63								31 0003 3.32 0729 0.64 WE 1210 1.79 1826 1.22				31 0102 3.43 0827 0.64 SA 1318 1.97 1946 1.27	

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Datum of Predictions is Lowest Astronomical Tide

Times are in local standard time (Time Zone UTC +10:00)

Moon Phase Symbols

● New Moon

○ First Quarter

○ Full Moon

● Last Quarter

THURSDAY ISLAND – QUEENSLAND

LAT 10° 35' S LONG 142° 13' E

Times and Heights of High and Low Waters

2019

Local Time

SEPTEMBER				OCTOBER				NOVEMBER				DECEMBER			
Time	m	Time	m	Time	m	Time	m	Time	m	Time	m	Time	m	Time	m
1 0140 3.26 0911 0.82 SU 1400 1.93 1635 1.48		16 0026 2.49 1625 1.45 MO 2341 2.37		1 0144 2.53 0914 1.29 TU 1427 2.25 2153 1.59		16 0419 1.28 1316 2.34 WE 1639 1.90 2302 1.99		1 0417 1.11 1901 2.67 FR		16 0428 0.99 1455 2.68 SA		1 0251 0.88 1122 2.46 SU 1321 2.44 1722 2.69		16 0256 1.22 0439 1.14 MO 1604 3.01	
2 0218 2.95 1000 1.03 MO 1446 1.87 1649 1.63		17 0458 1.56 1325 1.92 TU 1642 1.53 2336 2.25		2 0213 2.05 1005 1.57 WE 1911 2.34		17 0432 1.14 1153 2.32 TH 1653 2.02 1850 2.11		2 0327 0.82 1006 2.36 SA 1353 2.13 1951 2.76		17 0441 0.98 1637 2.66 SU		2 0258 0.70 1039 2.59 MO 1436 2.28 1929 2.64		17 0104 0.90 1715 2.94 TU	
3 0254 2.51 1105 1.23 TU 2000 2.13 2341 1.77		18 0504 1.40 1141 1.93 WE 1653 1.64 2321 2.11		3 0450 1.41 0834 2.00 TH 1225 1.78 2001 2.61		18 0448 1.02 1200 2.31 FR 1703 2.15 1916 2.28		3 0333 0.54 1028 2.54 SU 1452 1.99 2032 2.80		18 0256 0.89 1053 2.40 MO 1343 2.31 1854 2.78		3 0324 0.59 1054 2.70 TU 1519 2.14 2016 2.60		18 0206 0.73 1032 2.46 WE 1337 2.23 1857 2.88	
4 0755 2.06 1257 1.33 WE 2046 2.49		19 0515 1.24 1124 1.97 TH 1656 1.76 2039 2.24		4 0359 1.03 0940 2.22 FR 1408 1.74 2045 2.83		19 0501 0.95 1128 2.28 SA 1417 2.17 1942 2.47		4 0354 0.37 1055 2.64 MO 1532 1.87 2102 2.80		19 0302 0.66 1047 2.45 TU 1424 2.12 1939 2.90		4 0350 0.55 1112 2.74 WE 1552 2.04 2051 2.54		19 0255 0.61 1037 2.62 TH 1451 2.03 2004 2.80	
5 0325 1.44 0919 2.13 TH 1419 1.32 2125 2.80		20 0527 1.11 1044 2.07 FR 1439 1.79 2053 2.44		5 0402 0.63 1025 2.39 SA 1506 1.65 2120 2.96		20 0443 0.88 1057 2.33 SU 1436 2.05 2007 2.67		5 0419 0.31 1120 2.63 TU 1604 1.80 2126 2.76		20 0330 0.50 1054 2.51 WE 1507 1.93 2021 2.97		5 0414 0.58 1128 2.74 TH 1622 1.95 2115 2.46		20 0336 0.57 1058 2.78 FR 1550 1.83 2055 2.66	
6 0419 0.96 1020 2.22 FR 1517 1.30 2157 3.01		21 0527 1.01 1058 2.15 SA 1456 1.73 2109 2.63		6 0423 0.37 1101 2.47 SU 1547 1.58 2146 3.00		21 0402 0.71 1101 2.37 MO 1458 1.91 2031 2.86		6 0445 0.37 1141 2.57 WE 1632 1.76 2147 2.70		21 0402 0.42 1111 2.55 TH 1552 1.76 2102 2.96		6 0434 0.68 1139 2.74 FR 1650 1.87 2133 2.37		21 0413 0.62 1120 2.92 SA 1646 1.63 2141 2.48	
7 0447 0.60 1106 2.25 SA 1601 1.30 2223 3.11		22 0458 0.87 1113 2.18 SU 1517 1.66 2124 2.82		7 0448 0.25 1132 2.43 MO 1621 1.56 2206 2.98		22 0408 0.52 1108 2.36 TU 1527 1.76 2056 3.02		7 0509 0.50 1151 2.49 TH 1657 1.74 2205 2.62		22 0436 0.43 1128 2.59 FR 1639 1.62 2144 2.87		7 0449 0.82 1147 2.75 SA 1719 1.80 2153 2.24		22 0449 0.75 1136 3.05 SU 1738 1.44 2224 2.27	
8 0514 0.39 1143 2.19 SU 1637 1.33 2242 3.13		23 0447 0.68 1124 2.15 MO 1543 1.57 2140 3.01		8 0515 0.26 1155 2.33 TU 1650 1.56 2226 2.94		23 0432 0.40 1122 2.32 WE 1603 1.62 2128 3.13		8 0530 0.68 1154 2.43 FR 1722 1.72 2223 2.52		23 0510 0.54 1129 2.66 SA 1727 1.50 2225 2.71		8 0502 0.96 1153 2.78 SU 1751 1.72 2218 2.11		23 0521 0.93 1146 3.19 MO 1829 1.26 2306 2.05	
9 0543 0.32 1209 2.07 MO 1708 1.39 2301 3.11		24 0502 0.52 1132 2.08 TU 1616 1.46 2202 3.18		9 0543 0.39 1201 2.21 WE 1715 1.57 2247 2.87		24 0503 0.36 1124 2.29 TH 1644 1.49 2206 3.17		9 0546 0.88 1156 2.43 SA 1749 1.71 2242 2.40		24 0543 0.71 1141 2.80 SU 1817 1.40 2307 2.49		9 0515 1.10 1154 2.84 MO 1826 1.63 2244 1.99		24 0551 1.13 1209 3.32 TU 1918 1.12 2346 1.86	
10 0613 0.38 1212 1.94 TU 1734 1.44 2324 3.06		25 0530 0.42 1122 2.04 WE 1654 1.36 2235 3.31		10 0609 0.59 1158 2.13 TH 1737 1.59 2308 2.78		25 0536 0.41 1120 2.33 FR 1728 1.40 2247 3.12		10 0559 1.07 1158 2.48 SU 1819 1.69 2303 2.26		25 0615 0.93 1209 2.95 MO 1907 1.32 2347 2.23		10 0529 1.23 1159 2.95 TU 1904 1.54 2313 1.88		25 0612 1.33 1240 3.39 WE 2007 1.03	
11 0643 0.53 1209 1.86 WE 1754 1.49 2348 2.98		26 0604 0.40 1125 2.08 TH 1735 1.28 2314 3.37		11 0631 0.82 1201 2.10 FR 1756 1.61 2325 2.66		26 0612 0.54 1141 2.44 SA 1814 1.35 2327 2.98		11 0608 1.22 1206 2.57 MO 1852 1.68 2324 2.12		26 0643 1.16 1243 3.06 TU 2001 1.26		11 0254 1.31 1216 3.05 WE 1945 1.45 2346 1.78		26 0024 1.69 0307 1.37 TH 1316 3.38 2055 1.00	
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Datum of Predictions is Lowest Astronomical Tide

Times are in local standard time (Time Zone UTC +10:00)

Moon Phase Symbols

● New Moon

◐ First Quarter

○ Full Moon

◑ Last Quarter

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
DRAFT FIVE-YEAR RESEARCH PLAN FOR 2019/20 TO 2022/23	Agenda Item 8 For Discussion and Advice

RECOMMENDATIONS

1. That the Working Group:

- a. **NOTE** that at the RAG meeting held on 18-19 October 2018, the RAG considered the draft Rolling Five Year Research Plan for 2019/20-2022/23 for the Torres Strait Tropical Rock Lobster (TRL) Fishery. A copy of the draft Plan, incorporating the recommendations of the RAG is provided at **Attachment 8a**;
- b. **DISCUSS** and **PROVIDE ADVICE** on the draft Plan provided at **Attachment 8a**; and
- c. **NOTE** that the Rolling Five Year Research Plan will be used to inform the Torres Strait Scientific Advisory Committee's (TSSAC) annual call for research funding proposals.

KEY ISSUES

2. Research needs for the TRL Fishery have been previously identified in the TSSAC Annual Operational Plan (2015) (AOP). The AOP and research that has been more recently conducted against those needs is shown at **Attachment 8b**. The RAG has also provided advice on research and data needs over the last few years. This advice is summarised in **Attachment 8c**.
3. The AOP has now been replaced by Rolling Five Year Research Plans (Further detail in Background section). A draft Rolling Five Year Research Plan for the TRL Fishery was considered by the RAG at a meeting held on 18-19 October 2018. A revised draft, incorporating the RAG's comments, is provided at **Attachment 8a**.
4. Having regard for Working Group advice a final Rolling Five Year Research Plan will be prepared and provided to TSSAC for consideration. TSSAC will consider the plan at its meeting in December.

Climate change

5. Understanding the impacts of climate change and having adaptable management arrangements is a priority for fisheries management. At its meeting on 4-5 April 2017 the RAG considered updates on climate change initiatives and needs relevant to Torres Strait Fisheries. Since that meeting the CSIRO led *Decadal-Scale Forecasting of Australian Fish and Fisheries* project has been completed and the AFMA led project on the adaption of *Commonwealth fisheries management to climate change* has commenced. A non-technical summary of the decadal-scale forecasting project is provided at **Attachment 8d**.
6. In terms of assessing the likely impacts of climate change on Torres Strait Fisheries the following has been undertaken:
 - a. Qualitative Sensitivity Analysis: Assessing the vulnerability of Torres Strait fisheries and supporting habitats to climate change (Welch and Johnson 2013);
 - b. Management Strategy Evaluation to integrate climate changes into the TRL Stock Assessment: An Integrated Management Strategy Evaluation (MSE) for the Torres Strait Rock Lobster *Panulirus ornatus* fishery (Plaganyi et al 2012);

- c. System Modelling: Models of Intermediate Complexity of Ecosystems (MICE) – applied to TRL in the Torres Strait. Used in the following projects:
 - i. AFMA project 2017/0816 – Environmental drivers of variability and climate projections for the Torres Strait tropical lobster *Panulirus ornatus*. (Plaganyi *et al* 2018).
 - ii. Decadal-Scale Forecasting of Australian Fish and Fisheries (Fulton *et al* 2018).
- 7. In June 2018 the TSRA and National Environmental Science Programs (NESP) Earth Systems and Climate Change Hub convened a workshop on climate change implications for fisheries and marine ecosystems in the Torres Strait. The workshop identified initial thoughts on priority areas for research that may help fisheries and marine ecosystem management in the Torres Strait.
- 8. AFMA's adaption project is due for completion in 2020. The objectives are:
 - a) How well does existing Commonwealth fisheries management framework cope with climate change impacts (i.e. Risk Assessment);
 - b) Develop methodology and approach for AFMA (and other fisheries) to adapt regulatory environment to climate change impacts;
 - c) Develop strategies and priorities to account for effects of climate change in management of fisheries.
- 9. Whilst the AFMA adaption project is likely to give some guidance around future research investment into possible management responses to the impacts of climate change on Torres Strait Fisheries, RAG advice was sought on other priorities, in particular to address any gaps in assessing vulnerability. This advice has been incorporated into the draft Rolling Five Year Research Plan for the TRL Fishery.

BACKGROUND

- 10. Over the past 12 months, AFMA and the TSSAC have been drafting a new five year SRP for Torres Strait research. The SRP is the overarching document providing the TSSAC's strategic themes which guide priority setting for research in the Torres Strait fisheries over a five year period. The document identifies three research themes, and under these, strategies and possible research activities against these themes. The document also provides guidance to researchers on research application development and the TSSAC and PZJA forums in assessing applications through the assessment criteria in the SRPs appendices. The SRP was finalised by the TSSAC in mid-July. A copy of the SRP is provided at **Attachment 8e**.
- 11. The TSSAC now requires each fishery to develop a rolling five year research plan, which fits into the themes identified in this SRP.

Torres Strait Fisheries Strategic Research Plan 2018-2023

- 12. The SRP specifies the research priorities and strategies that the PZJA intend to pursue in Torres Strait fisheries, and provides background to the processes used to call for, and assess, research proposals. The research priorities can be broad, covering all topics within the SRP, some of which may be funded by AFMA, and some of which may require funding from other funding bodies.
- 13. There are 3 research themes, under which research priorities for the TRL Fishery can be identified – refer to pages 4-6 of the SRP (**Attachment 8e**). There are several strategies under each theme and suggested ideas to help members consider the sorts of projects which may go under these themes and strategies.

Rolling five year research plans

14. In the past, fishery specific research planning was undertaken through fishery specific research priorities being included in the SRP and each Torres Strait fishery completing a list of annual research priorities, which fed into the TSSAC annual research statement. This process has now been simplified by combining individual fishery planning into one rolling five year research plan per fishery. The plans are written by the relevant Torres Strait forum (Working group, MAC or RAG) based on the themes and strategies identified in the 5 year SRP. These plans are then used by AFMA and the TSSAC to create an annual research statement (ARS), listing annual priorities for Torres Strait research across all fisheries. The new plan should simplify this process.
15. The rolling five year research plans will be updated annually, thus always having a five year projection for research. It is possible that these plans will not be finalised in time for the development of the TSSAC 2019-20 ARS. In this case, fisheries will be asked to submit a one year list of research priorities for 2019-20, and the rolling five year research plan will be applied to the following year (2020-2021 and beyond).

TSSAC Annual Research Statement

16. In the past, the TSSAC has had an Annual Operational Plan (AOP) which detailed its annual research priorities, in addition to the fishery specific annual priorities. The AOP has been changed to the Annual Research Statement (ARS). The ARS includes only the limited number of priority projects selected by the TSSAC to progress to funding application stage through a ranking process.
17. It is developed based on the project ideas and priorities identified in each rolling five year research plan. The number of projects in the ARS will vary each year depending on the available funding. The ARS details:
 - a. Current research project ideas identified by the TSSAC, as priority areas for research. The TSSAC will prioritise the projects based on the evaluation criteria and develop project scopes for the chosen priorities. This document will then be sent to researchers in a call for research each year.
 - b. The operational aspects of assessment and evaluation of research proposals considered by the TSSAC including:
 - i. How the TSSAC prioritise research projects;
 - ii. The criteria used for assessing research proposals.
18. The TSSAC has an annual research cycle, which fits with the AFMA budgeting cycle (**Attachment 8f**).

Rolling Five Year Research Plan

2019/20-2022/23

DRAFT Torres Strait Tropical Rock Lobster Fishery



Compiled by AFMA

October 2018

ABOUT THIS PLAN

The Torres Strait Scientific Advisory Committee (TSSAC) seeks input from each fishery advisory body (Resource Assessment Group (RAG), Management Advisory Committee (MAC) or Working Group (WG)) to identify research priorities over five year periods from 2019/2020 to 2022/23. This template is to be used by the relevant advisory body to complete their five-year plan. The plans are to be developed in conjunction with the TSSAC Five-year Strategic Research Plan (SRP) with a focus on the three research themes and associated strategies within the SRP.

All fishery five-year plans will be assessed by the TSSAC using a set of criteria, and used to produce an Annual Research Statement for all Torres Strait fisheries.

The TSSAC then develop scopes for the highest ranking projects in order to publish its annual call for research proposals. There are likely to be more scopes that funding will provide for so TSSAC can consider a number of proposals before deciding where to commit funding.

The fishery five-year plans are to be reviewed and updated annually by the Torres Strait forums to add an additional year onto the end to ensure the plans maintain a five year projection for priority research. Priorities may also change during the review if needed.

RESEARCH PRIORITIES

Table 1. Five year Torres Strait Tropical Rock Lobster Fishery research plan for 2018/19 – 2022/23.

Proposed Project	Objectives and component tasks	Year project to be carried out and indicative cost*						Other funding bodies ¹	Evaluation		
		2018/19	2019/20	2020/21	2021/22	2022/23	Notes on project timings		Priority essential /desirable	Priority ranking (1-5 – 1 being highest priority)	Theme
Fishery surveys, stock assessment, harvest control rules and recommended biological catch (RBC)	Monitor ongoing changes in the fishery and update or develop fishery performance indicators as required; Recommend a recommended biological catch (RBC) annually for each season; Every third year update and implement the long-term stock assessment; Conduct a pre-season survey in November each year, including seabed habitat monitoring; Continue development of a harvest	277,477 (funded under 2016/0822)	260,000	240,000	240,000	240,000	Nil	AFMA CSIRO PNG NFA Industry	Essential	1	1

	strategy for the TRL Fishery including an empirical harvest control rule. Facilitate data sharing with PNG. Development of a tiered harvest strategy for the TRL Fishery.										
Mid-year survey	Conduct mid-year survey, as required under the Harvest Strategy for the TRL Fishery	0	0	0	0	0	To be conducted on an as needs basis – indicative cost \$110,000 with in-kind contribution from CSIRO	AFMA CSIRO PNG NFA Industry	Essential (when required)	1	1
Science peer review	Consistent with best practice Guidelines for quality assurance of Australian fisheries research and science information (the Guidelines), a peer review be conducted of the TRL Fishery survey design, stock assessment	0	60,000-80,000 (dependent on final scope)	0	0	0	Terms of reference to be developed and considered by the RAG in first quarter of 2019	AFMA	Essential	1	1

	and draft Harvest Strategy.										
Ecological risk assessment (ERA)	Conduct an update to the 2007 ERA for the TRL Fishery.	0	20,400	0	0	0	To be conducted in the next three years	AFMA CSIRO	Essential	1	1
Improvement of data collection	Improved monitoring of commercial catch and effort in all sectors of the fishery; Estimate of non-commercial take of TRL; Alternative monitoring techniques of effort, for example GPS tracking.	0	20,000	0	0	0	Sub-group of the RAG to progress alongside upcoming RAG meetings – funding for sub-group meetings to be sourced from RAG budget	AFMA PNG NFA	Essential	1	1,3
Understanding connectivity, environmental drivers and adaptation strategies	Understanding of migration of lobster between, and within, jurisdictions.; Understanding of recruitment connectivity between, and within, jurisdictions; Management implications of movement and recruitment connectivity	0	0	TBA	TBA	TBA	Nil	AFMA PNG NFA CSIRO	Essential	2	1

	between, and within, jurisdictions.										
Understanding changes to fishing power through time	Understanding changes in fishing behaviour and power over time (e.g. changes to the size of engines, use of GPS, gear, areas fished, time fished, experience of divers), to inform the standardisation of CPUE data.	0	0	TBA	TBA	TBA	Sub-group of the RAG to progress once progress on improving data collection has been made – funding for sub-group meetings to be sourced from RAG budget	AFMA CSIRO	Desirable	2	1
Understanding fishing behaviour	Understanding the drivers and incentives in determining fishing behaviour in all sectors; Understanding fishing behaviour under output controls: the impact of ITQs or competitive quota on the fishery; the extent and impact of discard mortality; the effect of changing market	0	TBA	TBA	TBA	TBA	Timing of project to be considered once a Management Plan has been fully implemented in the TRL Fishery	AFMA	Desirable	3	1

[illegible]

2015 Annual Operational Plan – research priorities for the TRL Fishery and research projects conducted

AOP 2015		Research project
Research area	Research need	
1. Providing advice for fisheries management	<ul style="list-style-type: none"> a. Evaluation of alternative management strategies including harvest control rules and spatial and seasonal management controls b. Development of simulation operating models of the fishery to be used for the evaluation of management strategies c. Regular updates of stock assessments to provide estimates of stock status and reference points d. Improved monitoring of catch and effort in all sectors of the fishery e. Understanding the effect of the use of hookah on recruitment of stock on shallow reefs 	Needs 1a-1d pursued by AFMA project 2016/0822 – Torres Strait Tropical Rock Lobster fishery surveys, stock assessment, harvest control rules and RBC. This is an ongoing project for the TRL Fishery.
2. Continuation and improvement of data collection	<ul style="list-style-type: none"> a. Fishery independent surveys of resource abundance b. Improved monitoring of commercial catch and effort in all sectors of the fishery c. Estimate of non-commercial take of rock lobsters d. Alternative monitoring techniques of stock status, for example GPS tracking 	<p>Need 2a pursued by AFMA project 2016/1201 – Torres Strait Tropical Rock Lobster fishery surveys, stock assessment, harvest control rules and RBC. This is an ongoing project for the TRL Fishery.</p> <p>Need 2b pursued through implementation of the Fish Receiver System and proposed amendments to the <i>Torres Strait Fisheries Act 1984</i>.</p>
3. Understanding fishing behaviour	<ul style="list-style-type: none"> a. Understanding the drivers and incentives in determining fishing behaviour in all sectors b. Understanding fishing behaviour under output controls: <ul style="list-style-type: none"> i. the impact of ITQs or competitive quota on the fishery; ii. the extent and impact of discard mortality; iii. the effect of changing market preferences on fishing behaviour under 	

	<p>output controls;</p> <p>iv. the extent of value adding e.g. moving to live product, targeting different sizes;</p> <p>v. the extent of high grading under output controls.</p>	
4. Movement and recruitment connectivity between areas within Torres Strait and between Torres Strait and neighbouring jurisdictions, including QLD and PNG	<p>a. Understanding of migration of settled lobster between, and within, jurisdictions. e.g. linkages between deep and shallow and among reefs;</p> <p>b. Understanding of recruitment connectivity between, and within, jurisdictions;</p> <p>c. Management implications of movement and recruitment connectivity between, and within, jurisdictions.</p>	<p>Needs 4a-4c pursued by AFMA project 2017/0816 – Environmental drivers of variability and climate projections for the Torres Strait tropical lobster <i>Panulirus ornatus</i>.</p> <p>Project has been completed but the oceanographic model underlying CONNIE 3 does not resolve the complex tides in Torres Strait and ongoing work is needed on the complex system dynamics of the Coral Sea and Torres Strait.</p>
5. Environmental impacts	<p>a. Collect relevant baseline information to assess environmental change impacts on lobster populations</p> <p>b. Analyse the impact of environmental change on the fishery</p>	<p>Need 5a pursued through collection of data through TRL surveys. Some habitat monitoring is also undertaken by the TSRA.</p> <p>Need 5b has been pursued through a number of projects investigating the impacts of climate change – as discussed above.</p>

Advice from the TRL Resource Assessment Group on research and data needs

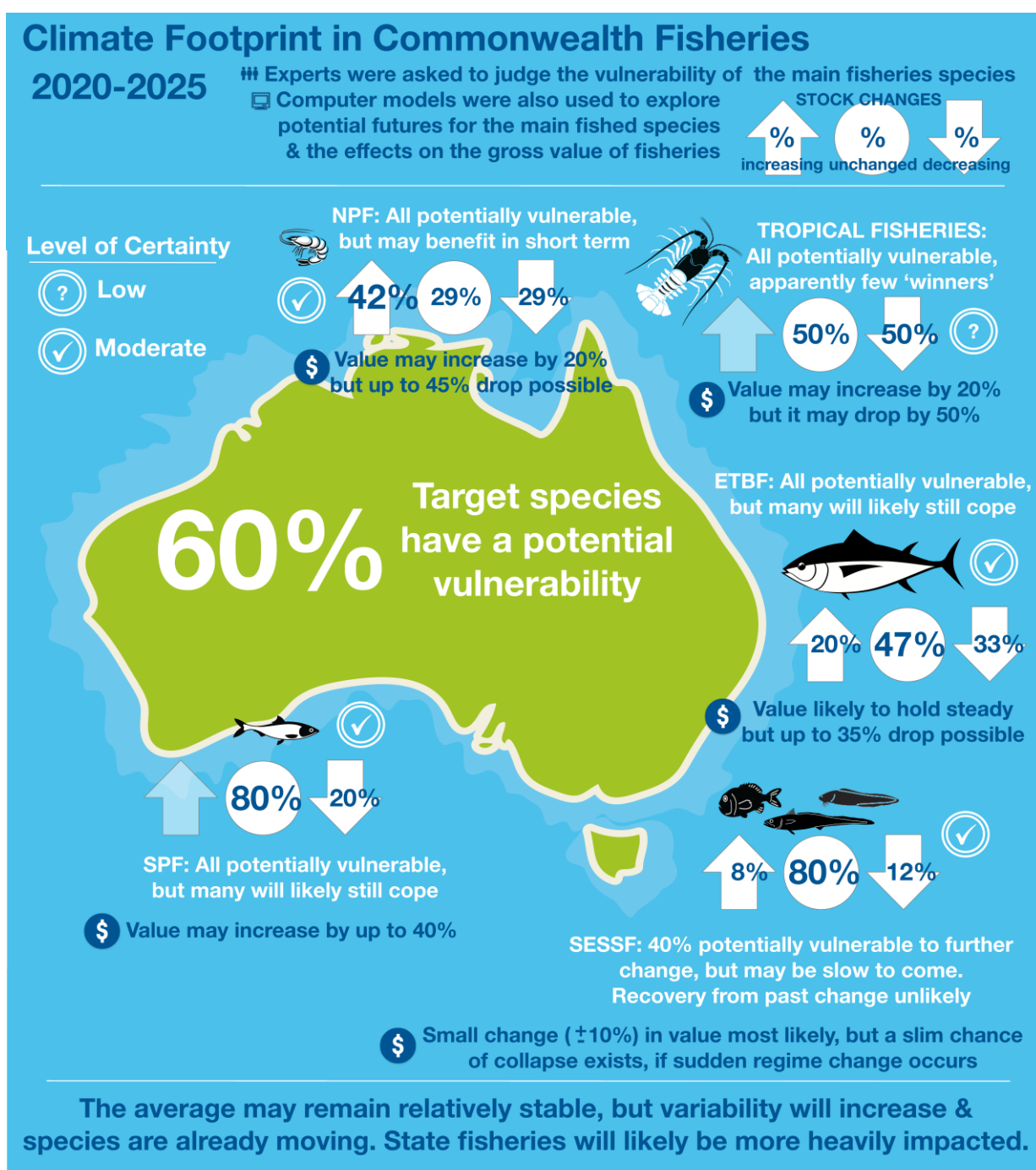
Meeting	Description	Member discussion
TRLRAG19 (13 Dec 16)	Discard data Data on discards, an important source of mortality for the TRL stock, is not currently collected.	The RAG agreed that AFMA look into incorporating discards into the Torres Strait Fisheries Catch Disposal Record (TDB02).
TRLRAG19 (13 Dec 16)	Tiered harvest strategy The amount and quality of data and surveys available to inform assessments of the TRL stock has varied over time. A tiered harvest strategy approach would be better able to accommodate potential changes in the amount of monitoring information available as well as number and timing of surveys and hence changes in the associated level of confidence in the scientific advice for decision making	The RAG noted that further work is required to develop a tiered approach for the TRL Harvest Strategy and that development of a tiered approach will be considered by the RAG in the future.
TRLRAG23 (23 May 18)	Fishery-dependent data A range of improvements are needed to the catch and effort data used in assessments of the TRL stock.	The RAG recommended that the accuracy of catch and effort data for the TRL Fishery be improved as a matter of priority, with a particular focus on: <ul style="list-style-type: none"> a. improving the accuracy of the spatial information on catch and effort data (e.g. point of capture as opposed to point of anchoring or landing) and providing further guidance to fishers on how this data should be recorded; b. developing a finer scale measure of effort for the TDB02 catch disposal record (e.g. 'hours fished' as opposed to 'days fished') and providing further guidance to all fishers on how effort should be recorded in both the TDB02 catch disposal record and TRL04 logbook (e.g. to include time spent travelling, searching and actively fishing); c. developing a better understanding on changes in fishing behaviour and power over time (e.g. changes to the size of engines, use of GPS, gear, areas fished, time fished, experience of divers), to inform the standardisation of CPUE data. This should be done through close consultation with industry; d. in the longer term, consider the inclusion of travelling time, searching time and fishing time as separate effort fields in the logbooks.

TSSAC annual research cycle

	TSSAC Process
February	<p>Research providers submit pre-proposals for assessment, which meet the scopes provided by TSSAC in November.</p> <p>EOIs submitted are circulated to fisheries managers/ RAGs & MACs for comment; Fisheries Managers, RAGs/MACs identify any additional research priorities for potential FRDC funding.</p>
March	<p>TSSAC meets via teleconference to assess pre-proposals and Management/RAG/MAC comments.</p> <p>Applicants notified of TSSAC comments on their pre-proposals and asked to develop the consultation package (for review by AFMA by end of March) for use during full proposal development.</p>
April	<p>Researchers to complete full proposal (6 weeks total with consultation period)</p>
May	<p>Late May/ early June. TSSAC meet face to face to review full proposals and endorse final applications, or suggest necessary changes before endorsement.</p> <p>Applicants advised of the TSSAC's final evaluation.</p>
June	
July (START)	<p>TSSAC confirm the research budget for the new financial year (it doesn't generally change from year to year - \$410 000).</p> <p>New contracts and variations for essential research projects prepared and put in place, confirming forward budgets.</p> <p>RAGs, WGs and MACs to identify THEIR PRIORITY RESEARCH NEEDS for funding in the next financial year by updating their <i>five year rolling fisheries research plan</i>. This should be framed around strategies in the 5 year strategic research plan. Provide to TSSAC EO by end August.</p>
August	<p>RAGs/MACs submit their five year rolling fishery research plan to the TSSAC Executive Officer, currently lisa.cocking@afma.gov.au, by end August.</p>
September	<p>TSSAC EO drafts the TSSAC Annual Research Statement (ARS) with each fisheries priorities for the current year.</p>
October	<p>TSSAC meets (face to face or via teleconference) to finalise the PZJA ARS and agree on priorities for the TSSACs call for applications in November.</p> <p>AFMA develop scopes for the priority research projects and send to TSSAC out of session for consideration.</p>
November	<p>The annual research call opens in November. Scopes sent to researchers seeking pre-proposals.</p>

Australian fisheries stocks under climate change

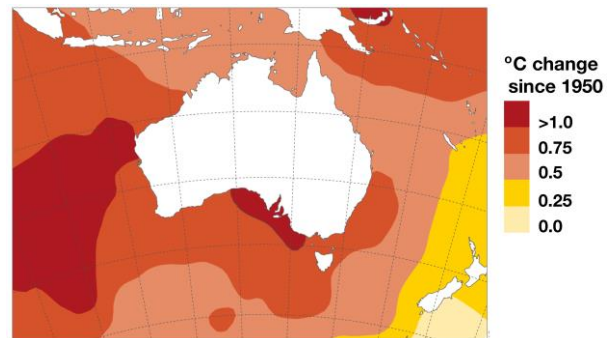
Over the next twenty years Australia's marine ecosystems are expected to exhibit some of the largest climate-driven changes in the Southern Hemisphere. These changes will extend from the ecosystems to the local communities and businesses of the Australian fisheries sector. The CSIRO and its collaborators have pulled together all available information on how climate may affect fished species in Australia – identifying those most sensitive to climate. This information helps highlight those species that may be at risk and those that might benefit, allowing fisheries to be better prepared.



Climate change in Australian Waters

Australia's oceans are undergoing rapid change. The waters off south-east and south-west Australia are hotspots, warming much more rapidly than most of the world's oceans. Australia's tropical ocean is also warming rapidly, almost twice as fast as average for the rest of the world. It is important to understand what this means for the ecosystems in these warming waters if we are to continue to be sustainably manage Australian fisheries. Understanding the changes and being climate ready is important for both industry and management, because it allows them to plan their operations to avoid or mitigate negative impacts and to make the most of new opportunities that arise.

Australian fish species have already begun to move. Over 100 Australian species have already started migrating south towards cooler southern waters. There have also been a series of marine heatwaves and other extreme events that have harmed Australia's seagrass, kelp forests, mangroves and coral reefs. These changes in the distribution, abundance and species composition in Australia's marine ecosystems mean that Australia's commercial fisheries are being affected by climate change. It is unavoidable. The ocean also has a long memory, which means that the effects of past and present human activities have already locked the world in to a further 0.5-1 °C warming. This is why fisheries managers (e.g. at AFMA) have asked for a rapid and thorough update of information so that they can base their strategic planning on the latest and best information.



Water temperature change around Australia since 1950.

Image updated from BOM data. These temperature increases mean water temperatures often record breaking.

Sensitivity of Australian Fisheries Target Species

Australian fisheries catch more than 100 species. There is not enough data or resources available to perform fine scale assessments for each species. Instead experts on the fisheries and target species were asked identify the key target species in State and Commonwealth fisheries. The experts then had to rank each species in terms of how sensitive it was to climate change. This sensitivity was judged in terms of factors that affect:

- abundance (how old they are when they mature, how often they reproduce, number of eggs, diet and habitat needs);
- movement and spatial distributions (distance they can move, how widely spread they are already, available habitats);
- behaviour (needing special triggers for reproduction or migration, having special behaviours that only happen for short periods)

Across all Australia 70% of all key target species have moderate to high sensitivity in one of these factors. Within the AFMA managed fisheries at least 50% of the target species per fishery are moderately to highly sensitive and in many AFMA managed fisheries all the target species are sensitive in one way or another.

Most species were sensitive to factors determining their distribution or behaviour, while only about 25% were sensitive in terms of factors that directly influence abundance. The greatest sensitivity to the timing of key behaviours was along the coastline of eastern Australia (north and south), while shifts in distribution are the most likely responses in the west and in the tropical north. Invertebrates had higher sensitivity scores than other species. As a consequence, dive – and other gears targeting invertebrate – show the highest sensitivities. Purse seine fisheries for small pelagic species has the lowest sensitivities.

The sensitivity analysis suggests that fisheries should first consider how changes in distribution and the timing of key events affect them and their management and then consider potential than changes in abundance.

Sensitivity of Species Targeted by Australian Fisheries

Summary of sensitivity per fishery. Low sensitivity is for those species with a low rating across all 3 factors – abundance, distribution and behaviour. Moderate sensitivity indicates that a species had 1 factor that was scored as being moderately sensitive to climate change. High sensitivity covered both the case where a species was rated as having a factor that was highly sensitive to climate change or they had multiple factors rated as moderately sensitive. Sensitivity does not automatically indicate a likely decline it indicates the potential for change (including possible increases)

Commonwealth Fishery	Low	Moderate	High
Bass Strait Scallop			Scallops: behaviour and distribution
Coral Sea			Coral trout: distribution and abundance
Eastern Tuna and Billfish		Behaviour of all target species	
Northern Prawn			Behaviour and distribution of all target species
South and Eastern Scalefish and Shark	Species already showing shifts (warehou, morwong, redfish, ling) show low sensitivity to further climate driven change	Gemfish: abundance. Trevalla, flatheads, and whiting behaviour.	All/majority of properties of squids, sharks, blue grenadier and orange roughy.
Small Pelagics		Behaviour of sardine and blue mackerel	Jack mackerel and red bait behaviour and distribution
Torres Strait			All properties of tropical rock lobster
State Fisheries			
New South Wales, Victoria, South Australia		Behaviour of snapper, tuna and some small pelagics.	Many small pelagic, estuarine and invertebrate species (mainly via behaviour and distribution). All properties of sharks and blue grenadier.
Queensland		Behaviour of estuarine and shelf fish, as well as Spanish mackerel and billfish.	Behaviour and distribution of all reef fish. All properties of the majority of invertebrates and sharks.
Gulf of Carpentaria (Queensland and Northern Territory)	Bream and sharks	Majority of mackerels, estuarine fish and mangrove associated species (due to a mix of factors).	All/majority of properties of snappers, emperors and all valuable invertebrate species (prawns, lobster, sandfish).
Northern Territory and Western Australia	Many sharks, estuarine and large pelagic fish	Large sharks: abundance. Behaviour or distribution of fish non-reef shelf fish	All/majority of properties of reef associated fish and all invertebrates.
Western Australia		Distribution or behaviour of herring, reef associated predators, some abalone, octopus and sandfish.	All/majority of properties of prawns, crabs, many small pelagics, some abalone, oysters, bream and dhufish.

Fisheries projections

The other approach to consider the future climate change effects on Australia's fisheries was to take existing models of Australian marine ecosystems (which together cover the entire EEZ) and run them under the conditions that might exist over the next 40 years. The results of these models were then used to see how species abundance and distribution might change and how ecosystems might restructure.

The modelling work found that the different ecosystems around Australia face different types and levels of climate change – including temperature changes, changes in rainfall patterns, ocean acidification, shifting ocean oxygen levels. For fisheries as large as the SESSF different parts of a fishery will be undergoing different levels of change. In most instances, larger changes in the climate led to larger model responses. The tropics, however, might see some large changes despite only small shifts because those shifts will influence the productivity of phytoplankton that supports the entire food web.

Those models that only look at the physical environments preferred by species predicted there would be reasonably large declines for the majority of fish populations around Australia. However, once all the other processes that occur in ecosystems (e.g. feeding, movement, habitat use) were included in the models the picture is more complicated – some species decline, but others benefit and grow in abundance, though perhaps living in new locations.

The models also predict that the ecosystems will become more variable. The Tasman Sea, for example, could have strings of very productive years interspersed by series of years with exceptionally low production. This variability is reflected across the entire food web, with many of the species shifting their distributions in response – seeking out desirable habitats and food sources.

For many species the different models are in agreement, increasing confidence in the robustness of results. When the models disagree this highlights uncertainty and where more information is needed. Many of the species ranking highly in the sensitivity analysis also show enhanced responses to climate change in the models. In the short term many of the models predict little further change for most species (noting that this means that already depleted species do not show signs of recovery). Further in to the future (30-40 years) things become more uncertain, with the different models not always agreeing on whether species will increase or decrease in abundance. This is because simple physical responses alone may not dictate a species response to climate change. As abundances change, predation and competition within food webs will also change. This means that new or novel food webs may form, changing ecosystems unexpected ways. In some regions (such as south eastern Australia) the ecosystem may eventually shift into a new state that is quite different to today, though this will be dependent on exactly how the physical climate drivers interact with the many different responses of all the species making up the food web and habitats in that region.

Implications of Climate Change

It is clear from the changes that have already occurred, and what the sensitivity and models predict, that there will be strong differences in the level of effects and responses across different species and food webs. Demersal food webs, those species that live near to or amongst habitats on the seabed, appear to be more strongly affected by climate change. Invertebrates, who are amongst Australia's most valuable target species, are particularly sensitive. Pelagic food webs, where species live up in the water column, appear less sensitive and may even benefit from the environmental changes.

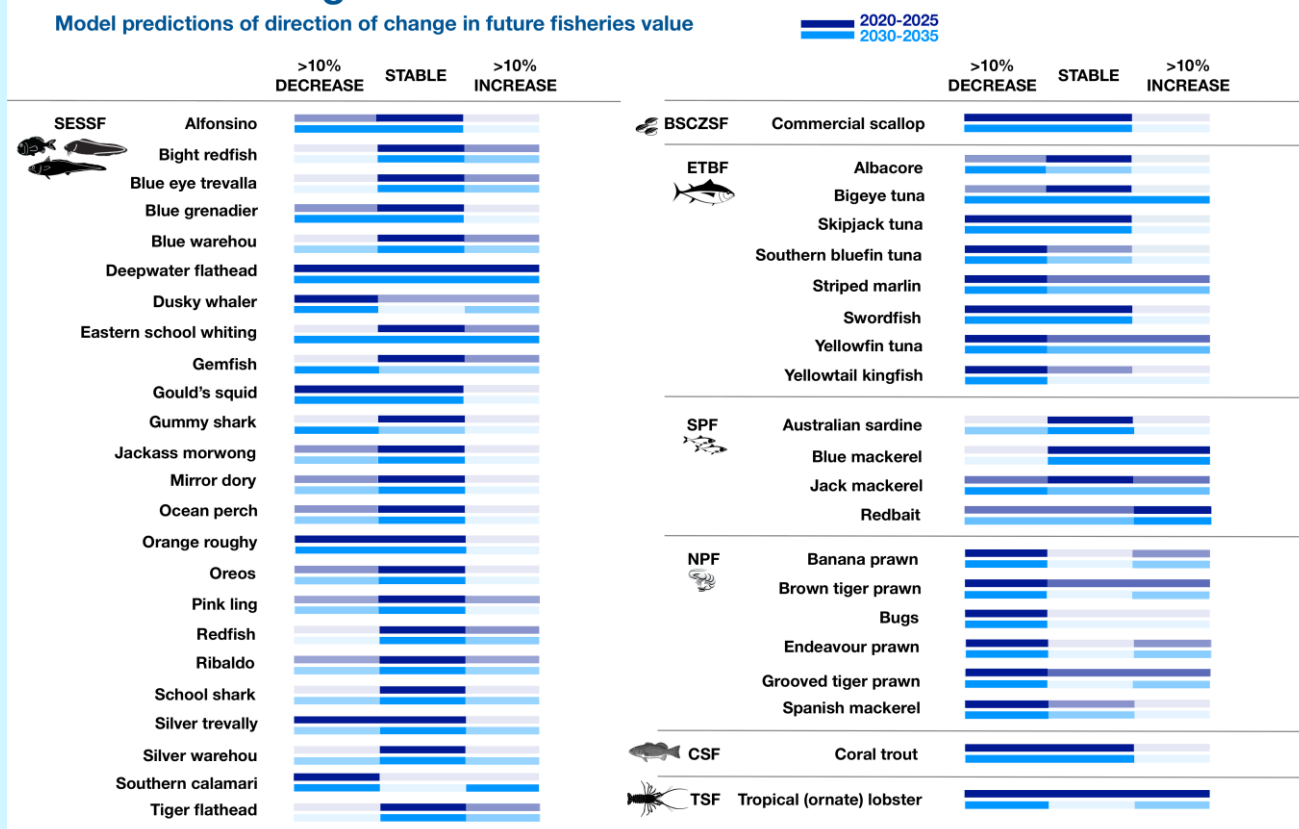
This is a concerning finding as much of Australia's seafood is sourced from species that are members of demersal food webs or reliant upon them. Individuals in shallower (more effected) waters, or already living on the edge of what they can tolerate, will be the first to respond and will show the greatest magnitude of response. Some of these changes have already begun. The decline of species such as abalone associated with marine heatwaves and tens of species already observed to be moving south (e.g. into Tasmania and other places where they have not previously been recorded).

Invertebrates may be among the most heavily impacted species. They are often highly productive, but with relatively short life spans; meaning they can respond quickly, but often have little buffering capacity (they cannot ride out many poor years before suffering significant decline at the population level). Many invertebrates also have specific habitat requirements. Altogether these characteristics mean that invertebrates are more volatile and are quite sensitive to variation in climate and extreme events.

Both Commonwealth and State fisheries will face changes in gross value as a result of climate change effecting both the fish stocks and (potentially) the behaviour of the fishers. While the majority of the model results suggest little change in the short term, some simulations did suggest that larger changes (both positive and negative) were possible.

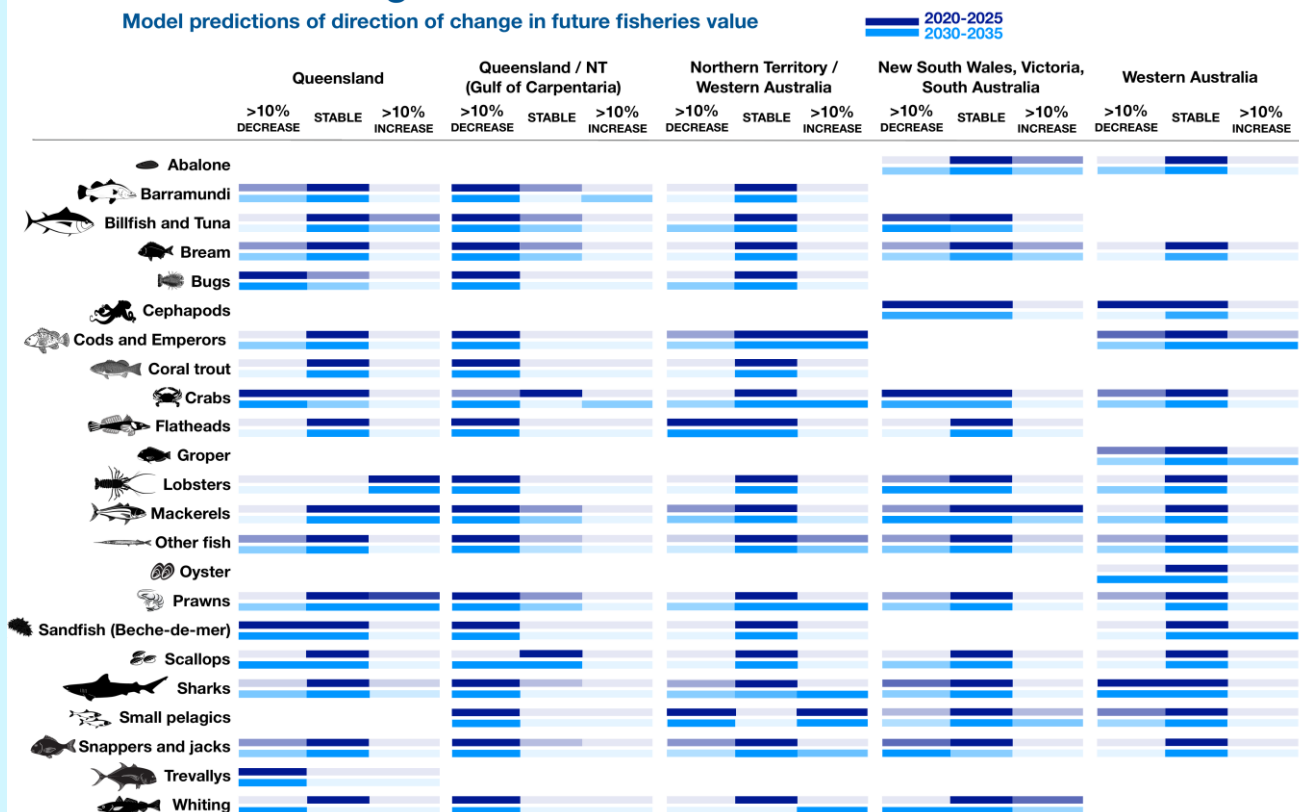
Potential Changes in Value of Commonwealth Fisheries

Model predictions of direction of change in future fisheries value



Potential Changes in Value of State Fisheries

Model predictions of direction of change in future fisheries value



Ecosystem responses will not only respond to changes in temperature, precipitation or to ocean acidification. Variability in primary production (i.e. production by the plants and algae at the bottom of the food web) will also be important. For instance, if there is little change in primary production then ecosystems will likely show little change (so long as temperatures do not shift beyond what may species can physically tolerate). Unfortunately, it is not yet clear what future primary productivity will look like around Australia – as some important processes are still not completely understood. This means that understanding and predicting future changes in primary production remains an active area of research and updates will be provided as rapidly as possible.

Many mechanisms can lead to changes in ecosystems – whether through behaviour, distribution or abundance of the species and habitats in them. The drivers causing the changes can be different species to species. For some it will be due to changes in environmental conditions, this can cause the timing of seasonal events (like spawning) to move which can affect the success of those behaviours. If environmental conditions move beyond preferred ranges species will move to more favourable conditions or dwindle in abundance. For many species change will result from a loss (or shift) in habitat but for others changes will occur because the availability of their prey changes. For still other species it could be due to a shift in what their predator(s) are doing – if a predator moves away the prey abundance might grow, whereas if a predator starts to eat more of the prey (due to a shift in diet) then the prey population might decline. As frustrating as it may be for managers, industry and researchers looking for simple explanations and a way to make things more straight forward, it will likely come down to a case-by-case basis (which may even vary spatially across a species' geographic range).

Human responses to all these changes could also complicate things. Well informed decisions are one of the best ways of avoiding negative outcomes and maximising opportunities. A nested approach – where models and vulnerability assessments are used to identify the most at risk species and locations – appears to be the best way of targeting monitoring and management responses.

Given existing understanding of ecosystems, climate change and the sensitivities highlighted in this project a small set of management recommendations can be made:

- i. A staged response might be necessary, where fishing activities are first adjusted due to shifts in behaviour (e.g. changing the timing of seasonal closures to make sure they continue to line up with seasonal behaviours like spawning or migrations), before looking to respond to changes in spatial distributions.
- ii. Not all fisheries and operators will be exposed to the same level of change. Likewise, not everyone will have the same capacity to adapt. This will compound the differential outcomes seen across species and fisheries. One option is to simply accept uneven social and economic consequences. A more attractive alternative is to have information services (websites, newsletters, radio updates) to help explain what is going on, what the options are and the need for change as well as to provide support mechanisms to help those that are struggling to adjust.
- iii. Successful management will require a diverse set of good scientific tools. No single approach will be sufficient due to existing uncertainty and the interplay of climate and fishing with the ecosystem components and processes. New management and assessment tools will also be needed. The complexity of possible species responses and the increasing importance of environmental drivers means that current models used in stock assessments to advise on acceptable catch levels maybe insufficient for understanding stock patterns under climate change. Key interactions and dependencies may need to be included to better reflect how the species is responding. This means that models used in fisheries assessments will likely need to be extended along the lines of the approach known as "MICE", which are models that not only include the target species but also the most important environmental (and other) drivers that set the context for the species' responses.
- iv. Existing management strategies and objectives must be reviewed in terms of whether they help or hinder long term ecological and resources management objectives. Are they likely to deliver as desired into the future, if a stock is depleted can they rebuild it or help to recover degraded ecosystems? These considerations must go beyond focusing on fisheries to think about the structure of the whole ecosystem and which species are needed to maintain ore rebuild them. Such a rethink will require a greater coordination between conservation and fisheries management.
- v. Fisheries policy, management and assessment methods need to allow for the concept of regime shifts and extreme events and for contextual management decision making. Taking lessons from locations that have already faced such challenges suggests that indicators that can track what state the environment is in can be used to let managers know when they need to adjust acceptable levels of fishing pressure and protection.
- vi. Fisheries management methods should be made as flexible as possible, so they can change as rapidly as need to respond to changing system state. The speed of change means a no (or at least minimal) regrets approach to management needs to be taken, with updates as new information comes to light. Management instruments may also need to be adapted. Reference points defining an overfished state or a desirable state for target species might need to be modified if there is a regime shift in ecosystem state or stock productivity. Fisheries closures may need to be based on water bodies (large areas of water of a specific temperature) rather than simply relying on the protection of fixed geographic locations.

- vii. Management decision making will need to (i) more explicitly prioritize resources and awareness around vulnerable/ sensitive species and fisheries or (ii) have a clear discussion around whether some species are beyond management (as the environment has made it impossible for the species to recover). Such decisions can't be taken lightly but might be necessary if large environmental changes occur.
- viii. Australia-wide coordination of management will be imperative as species shift or environmental changes span State and Commonwealth boundaries. Without such coordination (or centralised management) local stress for fishing communities could become significant and new opportunities will likely be missed.
- ix. Fisheries management will need to interlink with the management of other uses of the marine environment – that is Australia will need to use **integrated marine management**. The number of uses of the marine environment is rapidly expanding and growing to a scale not seen before in the oceans. Mining, energy generation, transport, aquaculture (farming), recreation etc. are now all competing for space and resources in the oceans and along increasingly crowded coastlines. It is important for fisheries to see themselves in the context of all of this activity so they respond appropriately given that bigger picture.

Providing information to industry operators and managers so they can address all these changes will require good data sources. There are still many things we do not know about Australia's ecosystems and how they respond. Fishers and managers (and the scientists helping them) will require as much information as possible if they are to understand what is happening and act wisely to mitigate undesirable outcomes and make the most of any new opportunities. Such a climate robust approach to fisheries will require the combination of a number of different sources of information, including:

- Measurements and forecasts of the physical environment (temperature, salinity, rainfall, storm patterns) extending what is already provided by the Bureau of Meteorology. Sharing the data from net net sensors (for example) can help provide a more accurate picture of the current conditions and the conditions fish prefer.
- Satellite images of ocean colour (which can be used to estimate how much plankton is in the water) can help predict where fish will be and can also forewarn of coming issues with stock productivity and recruitment. Plankton recorders voluntarily mounted on ships (e.g. tankers) can also help collect very useful information about what is happening at the bottom of the food web (this can help us understand how that effects the rest of the food web including those fish that are targeted by fisheries).
- Good quality catch and effort data is the longest and one of the best sources of information on target species in Australia.
- Survey data is also important as it helps give a more complete picture of what is going on. Catch data is very useful but having a second set of information from surveys helps to be sure about what is going on – catches don't always reflect what the fish are doing, especially if the fishers have changed their behaviour in response to markets (for example).
- Citizen science data collected by Australians using smart phones and cameras represents a new source of potential data. Nearly every Australian citizen now owns a 'smart phone' which has sensors and an on-board computer that is more powerful than what was available to scientists as little as a decade ago. Data collected via photographs and voluntary reporting can be a very valuable source of information once it has been processed and scientifically collated. Australians see themselves as an ocean loving people so we shouldn't turn down any help they are eager to provide.

Looking Forward

Australian fisheries are in the midst of a period of rapid environmental change. This change is going to continue into the future and will differ place to place around Australia. Fishers and managers will need to be flexible if they are to cope with these changes. A failure to do so will bring economic (and likely social) hardship. Management will need to allow for spatial shifts and potentially for shifts in targeting and relevant management reference points. Management that is coordinated across State and Commonwealth fisheries and that links with the other users of marine waters is likely to do better than if those links are ignored. Healthy fisheries will also require good information services that are updated regularly with the latest understanding of what Australia's climate, fish, ecosystems and fisheries are doing. This is the summary of the latest (2018) update. If you would like more information please contact us (details below) or check out the websites listed below.

Useful Websites

Redmap (Range Extension Database & Mapping project) – www.redmap.org.au – this website invites the Australian community to spot, log and map marine species that are uncommon in Australia, or along particular parts of our coast. This helps keep everybody up to date on how Australia's species are moving. The website includes useful summarise on what climate change is and what it means for Australia's oceans.

BOM – www.bom.gov.au/climate – this website has a long list of climate time series and updates, including annual reports on what Australia's climate is doing.



Images: Shutterstock.com

Torres Strait Fisheries Strategic Research Plan 2018-2023

TORRES STRAIT
PZJA
PROTECTED ZONE
JOINT AUTHORITY



Australian Government
Australian Fisheries
Management Authority



CONTENTS

Torres Strait Scientific Advisory Committee	2
--	----------

About this plan	3
------------------------	----------

Part 1 Research planning and priorities	4
--	----------

1.1 Role of five year fishery research plans and link to the TSSAC Strategic Research Plan	4
1.2 Torres Strait Fisheries Research Themes, Strategies and Research Activities.....	4
Theme 1: Protecting the Torres Strait marine environment for the benefit of Traditional Inhabitants	5
Theme 2: Social and Economic Benefits	6
Theme 3: Technology and Innovation	6

Part 2 Research management and administration	7
--	----------

2.1 Research Funding Environment.....	7
2.2 AFMA research funds.....	8
2.3 Other funding bodies	9
2.4 MACs, RAGs and Working Groups	11
2.4 Confidentiality of community fishing data and intellectual property	12

TSSAC's annual research cycle	14
--------------------------------------	-----------

Appendix A: TSSAC Terms of Reference	16
---	-----------

Appendix B: Key factors influencing Torres Strait fisheries research needs	17
---	-----------

Appendix C: Criteria for assessing research investment in Torres Strait fisheries	20
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Torres Strait Scientific Advisory Committee

The Torres Strait Scientific Advisory Committee (TSSAC) includes members from each of the three main Protected Zone Joint Authority (PZJA) agencies (the Australian Fisheries Management Authority, the Torres Strait Regional Authority and Fisheries Queensland), industry members and scientific research members. TSSAC is responsible for providing advice to the Australian Fisheries Management Authority (AFMA) Executive on the use of AFMA research funds for Torres Strait fisheries research. This Torres Strait research provides critical information to the Minister and the Protected Zone Joint Authority (PZJA) for the management of Torres Strait commercial fisheries.

As part of its role the TSSAC:

- develops research priorities for PZJA fisheries in conjunction with the Resource Assessment Groups (RAGs) (or Management Advisory Committees (MACs) and Working Groups (WG)) and addresses PZJA's management needs and objectives as specified in the *Torres Strait Fisheries Act 1984* (the Act) and this plan;
- reviews and advises (where required) on individual fishery research plans for PZJA managed fisheries;
- advises the AFMA Executive on the allocation of research funds, and provides milestone reports and accounts against the use of funds.
- informs Torres Strait communities of project outcomes.

AFMA provides the TSSAC secretariat duties, including organising meetings and managing research contracts and projects milestones.

The TSSAC relies on the assistance of the various PZJA advisory groups (MACs, RAGs and Working Groups) to develop fishery-specific research plans and priorities based on this Strategic Research Plan (SRP). These groups provide current and up to date scientific and operational advice to the TSSAC as it relates to research proposals and fishery. More information about the advisory groups is provided at section 2.4 below.

The Terms of Reference for the TSSAC is at ([Appendix A](#))

About this plan

This plan specifies the research priorities and strategies that the PZJA intend to pursue in Torres Strait fisheries, and provides background to the processes used to call for, and assess, research proposals.

This SRP has been developed by AFMA in consultation with TSSAC to assist the PZJA to pursue the objectives of the *Torres Strait Fisheries Act 1984* (the Act) through research.

This document sets out the five year strategic plan (2018-2023) for research in Torres Strait fisheries to support a framework for fishery-specific, five-year research plans, and a TSSAC annual research statement.

1. Part one sets out the research planning and priorities, including the current research themes, strategies and possible research activities (Part 1 and [Appendix B](#)). It also provides guidance to researchers developing applications for research funding.
2. Part two provides guidance for the TSSAC and PZJA advisory groups when assessing research applications (see [Appendix C](#)).

Supporting information for the TSSAC and researchers can be found in appendices and referenced documents, which are useful when developing research applications.

It is intended that the SRP be a living document that responds to a changing environment. In line with this intent, this plan will be reviewed by the TSSAC as needed, but not later than 2022.

Part 1 Research planning and priorities

1.1 Role of five year fishery research plans and link to the TSSAC Strategic Research Plan

The three research themes described in this section are strategic priorities for Torres Strait and provide a basis for advisory forums (RAGs, MACs and working groups) when developing their five-year fishery research plans (see section 2.3.2).

The five year fishery research plans will vary between fisheries depending on the status of the fishery, its information requirements and particular knowledge gaps. Although it is a five year plan, the advisory forums are required to review and update the fishery plan annually so the plan will always have a five year projection.

The TSSAC uses both the strategic priorities in the SRP and the specific priorities within individual fisheries research plans to compile the TSSAC Annual Research Statement (ARS). The ARS is the list of priority research for a given year that researchers will focus on when developing research proposals. The ARS is also the key document for RAGs, MACs and WGs in their prioritisation of research applications for TSSAC funding consideration. All groups including TSSAC and researchers should refer to the 'criteria for assessing research investment' ([Appendix C](#)) when developing, assessing and ranking research proposals.

1.2 Torres Strait Fisheries Research Themes, Strategies and Research Activities

The TSSAC has identified three research themes, related strategies and possible research activities (basis for proposals) for the next five years that will help the PZJA to pursue the objectives of the *Torres Strait Fisheries Act 1984* (Appendix A) and improve fisheries management in the Torres Strait.

Researchers are encouraged to use this SRP and the five year fishery plans when considering and planning their proposed research in the Torres Strait, regardless of where they may seek funding. The TSSAC process ensures

robust consultation with a broad range of stakeholders regarding funding priorities through the PZJA advisory forums.

Theme 1: Protecting the Torres Strait marine environment for the benefit of Traditional Inhabitants

Aim

Effective management of fishery stocks based on understanding species and their biology and ecological dependencies so it can support Traditional Inhabitant social and economic needs.

Strategy 1a - Fishery stocks, biology and marine environment

Possible research activities under this theme may include:

- Stock assessment and fishery harvest strategies for key commercial species.
- Ecological risk assessments and management strategies for fisheries.
- Minimising marine debris in the Torres Strait.
- Addressing the effects of climate change on Torres Strait fisheries through adaptation pathways for management, the fishing industry and communities.
- Incorporating Traditional Ecological Knowledge into fisheries management.
- Methods for estimating traditional and recreational catch to improve fisheries sustainability.

Strategy 1b – Catch sharing with Papua New Guinea

Possible research activities under this theme may include:

- Status of commercial stocks and catches by all sectors within PNG jurisdiction of the TSPZ.
- Good cross-jurisdictional fisheries management through better monitoring and use of technology.

Theme 2: Social and Economic Benefits

Aim

Increase social and economic benefits to Traditional Inhabitants from Torres Strait Fisheries.

Strategy 2a - Promoting social benefits and economic development in the Torres Strait, including employment opportunities for Traditional Inhabitants

Possible research activities under this theme may include:

- Models for managing/administering Traditional Inhabitant quota
- Understanding what influences participation in commercial fishing by Traditional Inhabitants.
- Understanding the role and contribution of women in fisheries.
- Capacity building for the governance of industry representative bodies
- Methods for valuing social outcomes for participation in Torres Strait fisheries.
- Identifying opportunities and take-up strategies to increase economic benefits from Torres Strait fisheries.

Theme 3: Technology and Innovation

Aim

To have policies and technology that promote economic, environmental and social benefits from the fishing sector.

Strategy 3a – Develop technology to support the management of Torres Strait fisheries.

Possible research activities under this theme may include:

- Electronic reporting and monitoring in the Torres Strait, including for small craft.
- Technologies or systems that support more efficient and effective fisheries management and fishing industry operations.

Part 2 Research management and administration

The PZJA, established under the Act, is responsible for the management of fisheries in the Australian Jurisdiction of the Torres Strait Protected Zone (Figure 1). The PZJA members comprise the Commonwealth and Queensland Ministers responsible for fisheries, and the Chair of the Torres Strait Regional Authority.

Fisheries research findings are critical to the PZJA exercising its functions, and in particular, for monitoring the condition of the Torres Strait fisheries. Good research more broadly assists the PZJA to pursue the legislated objectives. For more information about the PZJA or the PZJA agencies responsible for the day to day management of Torres Strait fisheries see annual reports on the PZJA website (www.pzja.gov.au).

The TSSAC is the only committee that is solely focused on Torres Strait fisheries research, although other committees or agencies (see below) may sometimes fund and manage research projects relevant to Torres Strait fisheries. The different funding sources and management are discussed below.

Research in the Torres Strait comes with a unique set of challenges. The traditional way of life and Torres Strait Island culture are critically important to the communities residing across the many remote islands in the Protected Zone. Consequently, research needs to pay special attention to the social and economic contexts which are unique to the region. This includes consideration of the potential impacts that research may have on Torres Strait communities, both overt through direct interaction with communities and the more subtle emotional or psychological impacts of research activities taking place in and around culturally significant places.

2.1 Research Funding Environment

Torres Strait fisheries operate in a complex management environment with social, economic and cultural objectives being pursued alongside contemporary environmental and fisheries management objectives.

Therefore, the scope of potential fisheries research is necessarily broad. Research ranges from assisting Traditional Inhabitants to pursue their aspirations within local fisheries, undertaking routine science stock assessments and surveys, adaptation to the effects of climate change and ways to improve sustainability of, and economic and social benefits from the Torres Strait fisheries.

2.2 AFMA research funds

The TSSAC primarily funds research through AFMA's annual research contribution (currently at \$410 000 annually).

These funds are allocated at the discretion of the AFMA executive, based on recommendations of the TSSAC. The TSSAC considers research proposals based on the priorities set in this SRP and the ARS. When the TSSAC is unable to recommend funding for a project due to funding constraint, it may recommend that researchers go to other funding bodies. Depending on the priority and degree of funding constraint the TSSAC may support the project but ask the researcher to seek co-funding from another body.

Research priorities identified by the TSSAC in its SRP are also intended to implicitly influence other funding agencies in the research they may fund as it relates to Torres Strait fisheries. Equally, the TSSAC should be mindful of research being funded by other bodies, particularly where it may overlap with TSSAC priorities.

It is not possible to meet all Torres Strait research needs through the AFMA funds. Funding constraints are not likely to change and it would be beneficial for the TSSAC to play a greater role in supporting researchers to find other funding opportunities in order to broaden research delivery in the Torres Strait. This could be achieved through improved collaboration among research providers with an interest in the Torres Strait region. AFMA will actively engage in seeking greater collaboration between the TSSAC and other bodies.

2.3 Other funding bodies

Funding for Torres Strait fisheries related projects is sometimes provided by other government agencies or external funding bodies for Torres Strait research. This can take the form of contributions towards AFMA funded TSSAC projects, or be completely funded external to TSSAC and AFMA. In these cases, the funding body will manage the project themselves with little or no TSSAC comment. Information on some of these funding bodies and agencies is provided below. Further information about their role and research programs can be found on the agency websites.

2.3.1 Government Agencies

The Department of Agriculture and Water Resources, along with the Torres Strait Regional Authority and the Queensland Government may provide funding support for certain Torres Strait fisheries projects based on the relevance to their jurisdiction and their current priorities. Sometimes these projects and funds are managed by the TSSAC. TSRA in particular inject significant funds for Torres Strait fisheries research on a regular basis. TSRA funded projects generally have a focus on capacity building and traditional fisheries, or commercial fisheries with an indigenous interest, and generally compliment the TSRA core program work.

2.3.2 The Fisheries Research and Development Corporation (FRDC)

The FRDC is a statutory authority within the portfolio of the Federal Minister for Agriculture and Water Resources, jointly funded by the Australian Government and the commercial fishing industry. The FRDC may fund projects in the Torres Strait if such projects fit within the FRDC's Research, Development and Extension (RD&E) plan. The FRDC uses Commonwealth, State and Territory research advisory committees to assess and recommend projects for funding in line with the RD&E Plan.

The Indigenous Reference Group (IRG), FRDC

The IRG is the FRDC's Indigenous Fishing sub-program advisory partner. The IRG was established by the FRDC in 2012 to assist in working towards a

RD&E plan for indigenous Australians to improve economic, environmental and social benefits to Australia's indigenous people. The current priorities for the IRG, can be found at the FRDC website (www.frdc.com.au) Some of these priorities are highly relevant to Torres Strait fisheries, including;

- Primacy for Indigenous People
- Acknowledgement of Indigenous Cultural Practices
- Self-determination of indigenous rights to use and manage cultural assets and resources
- Economic development opportunities arising from Indigenous peoples cultural assets and associated rights
- Capacity building opportunities for Indigenous people are enhanced.

Human Dimensions Program, FRDC

The FRDC also has a new Human Dimensions Program, focusing on social-science and economic research related to fisheries. Information on this program can also be found on the FRDC website (www.frdc.com.au).

2.3.4 The Commonwealth Scientific and Industrial Research Organisation (CSIRO)

The CSIRO has a long history of contributing funding support for CSIRO-led Torres Strait research. This generally occurs as a co-funding of project managed through the TSSAC.

2.3.6 Collaboration among research providers

There are both formal and informal links between staff from many of these external funding bodies and agencies that contributes to successful funding of research in the Torres Strait. Improved collaboration among research providers may lead to more efficient use of research funds.

AFMA, as a key funding agency for Torres Strait fisheries research, will consult with external research providers and key research stakeholders in an

effort to improve collaboration among these groups and transparency about proposed Torres Strait fisheries research.

2.4 MACs, RAGs and Working Groups

MACs, RAGs and WGs are actively involved in the PZJA's research planning process for the Torres Strait.

The roles of these different groups are less distinct than in the AFMA Commonwealth fisheries forums, as the working groups and MAC (there is currently only one MAC operating in Torres Strait) have a very similar function. There are now two RAGs within Torres Strait fisheries. Both Torres Prawn MAC and the hand collectible working group also perform RAG functions (primarily scientific advice).

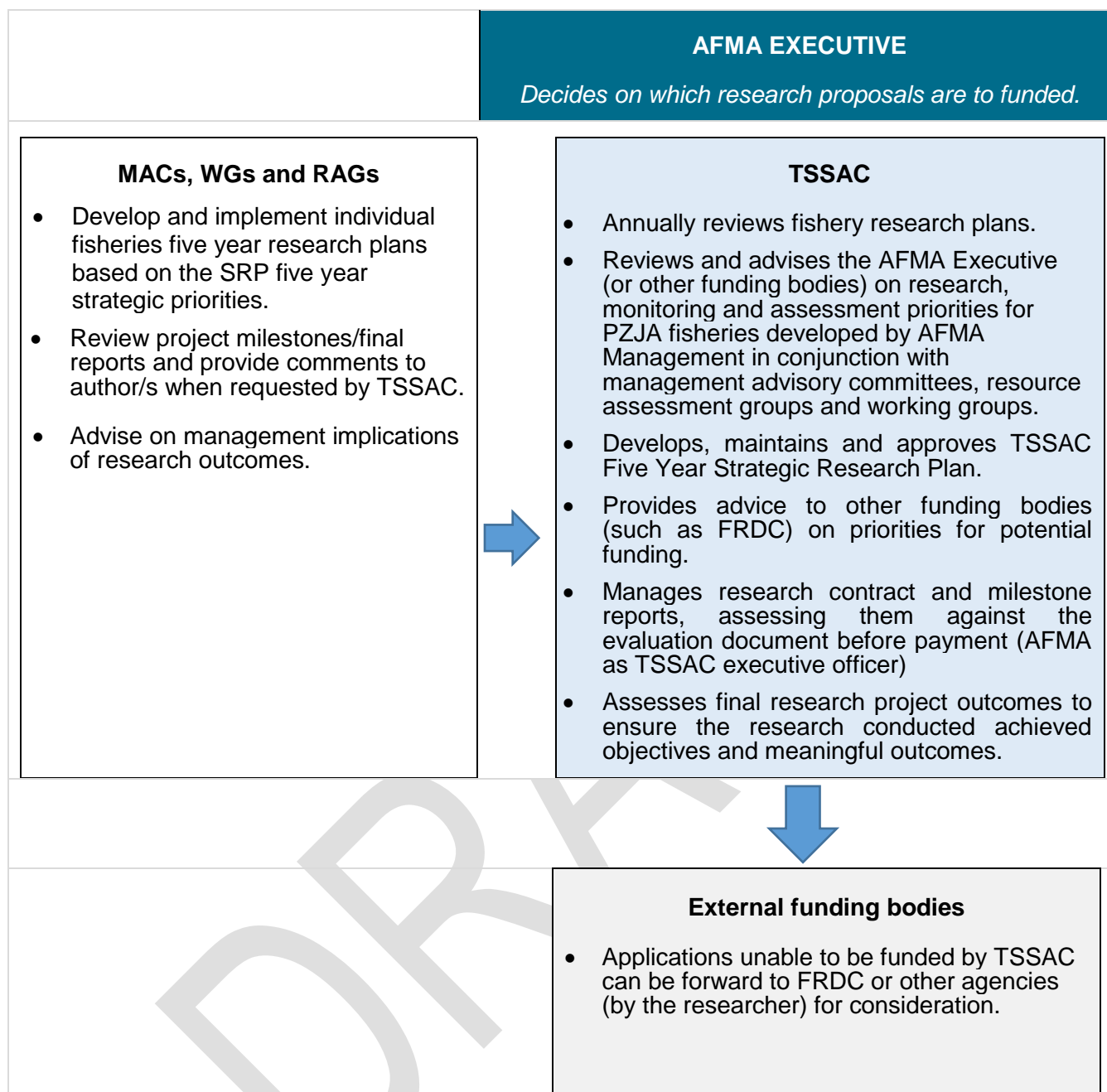
The collective scientific functions of these groups are to review scientific data and information and provide advice to the PZJA on the status of fish stocks, sub-stocks, species (target and non-target species) and the impact of fishing on the marine environment. This advice assists the Minister and PZJA in the role of managing commercial fishing within PZJA fisheries, particularly in relation to monitoring the condition of the Torres Strait fisheries.

The collective management advisory function is to provide advice on fishery-specific management policies and plans to assist the Minister and PZJA in the role of managing commercial fishing across the PZJA fisheries.

In relation to the TSSAC function, each of these groups will lead the preparation of the rolling five year, fishery-specific research plans which are underpinned by the SRP. See Figure 2 below for a map of roles and responsibilities during the TSSAC funding application process.

Figure 2. Roles and responsibilities of key participants in the PZJA's annual research cycle for Torres Strait fisheries





2.4 Confidentiality of community fishing data and intellectual property

Data collected during research projects can be regarded as confidential to local communities, or non-indigenous fishers. Confidentiality requirements should be considered for all research projects that may generate intellectual property related to traditional knowledge, or contain data, such as fishing grounds or catch data, of individual communities or fisheries. This data should be treated in the same way as commercial in confidence commercial fishing data. Researchers should consider the types of data they will be

collecting, and gain prior agreement from each community or relevant stakeholder/s as to how the data will be used for example. only for decision making or to be published in the public domain.

DRAFT

TSSAC's annual research cycle

Table 1. TSSAC funding Cycle

	TSSAC PROCESS
February	<p>Research providers submit pre-proposals for assessment, which meet the scopes provided by TSSAC in November.</p> <p>EOIs submitted are circulated to fisheries managers/ RAGs & MACs for comment; Fisheries Managers, RAGs/MACs identify any additional research priorities for potential FRDC funding.</p>
March	<p>TSSAC meets via teleconference to assess pre-proposals and Management/RAG/MAC comments.</p> <p>Applicants notified of TSSAC comments on their pre-proposals and asked to develop the consultation package (for review by AFMA by end of March) for use during full proposal development.</p>
April	<p>Researchers to complete full proposal (6 weeks total with consultation period)</p>
May	<p>Late May/ early June. TSSAC meet face to face to review full proposals and endorse final applications, or suggest necessary changes before endorsement.</p> <p>Applicants advised of the TSSAC's final evaluation.</p>
June	
July (START)	<p>TSSAC confirm the research budget for the new financial year (it doesn't generally change from year to year - \$410 000).</p> <p>New contracts and variations for essential research projects prepared and put in place, confirming forward budgets.</p> <p>RAGs, WGs and MACs to identify THEIR PRIORITY RESEARCH NEEDS for funding in the next financial year by updating their <i>five year rolling fisheries research plan</i>. This should be framed around strategies in the 5 year strategic research plan. Provide to TSSAC EO by end August.</p>
August	<p>RAGs/MACs submit their five year rolling fishery research plan to the TSSAC</p>

	Executive Officer, currently lisa.cocking@afma.gov.au, by end August.
September	TSSAC EO drafts the TSSAC Annual Research Statement (ARS) with each fisheries priorities for the current year.
October	<p>TSSAC meets (face to face or via teleconference) to finalise the PZJA ARS and agree on priorities for the TSSACs call for applications in November.</p> <p>AFMA develop scopes for the priority research projects and send to TSSAC out of session for consideration.</p>
November	The annual research call opens in November. Scopes sent to researchers seeking pre-proposals.

Appendix A: TSSAC Terms of Reference

Terms Of Reference

- i. Identify and document research gaps, needs and priorities for fisheries in the Torres Strait in conjunction with the PZJA advisory groups.
- ii. develop, maintain and approve the Torres Strait Five Year Strategic Research Plan. This includes balancing tactical short term needs and strategic needs to identify research gaps and priorities.
- iii. review rolling five (5) year research plans for Torres Strait fisheries
- iv. provide advice to the AFMA executive on priorities for the allocation of AFMA research funds and potential risks to achieving intended outcomes.
- v. Provide advice on effective consultation strategies with communities regarding research projects to ensure engagement throughout the project.
- vi. Consider the level of community support for research proposals and advise researchers on any actions needed to improve community consultation before a project is supported.
- vii. ensure research outcomes are communicated to community stakeholders.
- viii. provide advice to FRDC or other research providers on Torres Strait research priorities for potential funding consideration.
- ix. assess research investment and outcomes for the Torres Strait fisheries to measure the extent to which intended sustainability, social and economic needs are being met.
- x. provide a forum for expert consideration of scientific issues referred to the TSSAC by the Torres Strait advisory groups.
- xi. provide other advice to the Torres Strait advisory groups on matters consistent with TSSAC functions.
- xii. review research / consultancies, stock assessments, and other reports and outputs relevant to Torres Strait fisheries and advise the Torres Strait advisory groups on their technical merit.
- xiii. convene Fisheries Assessment workshops as appropriate to review and address assessment needs for Torres Strait fisheries.

Appendix B: Key factors influencing Torres Strait fisheries research needs

In developing this plan and the drivers for research in the Torres Strait, there are a number of factors which have been taken into account. This includes whole of Government policies and objectives relevant to the Torres Strait. These are explained in some detail below.

The Torres Strait Fisheries Act 1984 (the Act)

The PZJA is created under the Act; the legislation used by the Australian and Queensland Governments when managing Torres Strait fisheries.

The Act makes the PZJA responsible for monitoring the condition of the fisheries under its control and formulating policies and plans for their good management. In performing these functions, the Act requires the PZJA to have regard to the rights and obligations conferred on Australia by the Torres Strait Treaty' (<https://www.legislation.gov.au/Details/C2016C00677>), and in particular, the following management priorities:

- (a) to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing;
- (b) to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone;
- (c) to adopt conservation measures necessary for the conservation of a species in such a way as to minimise any restrictive effects of the measures on traditional fishing;
- (d) to administer the provisions of Part 5 of the Torres Strait Treaty (relating to commercial fisheries) so as not to prejudice the achievement of the purposes of Part 4 of the Torres Strait Treaty in regard to traditional fishing;
- (e) to manage commercial fisheries for optimum utilisation;
- (f) to share the allowable catch of relevant Protected Zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty;
- (g) to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants.

Australian Government priorities

The Australian Government has identified priorities for research that are significant in shaping fisheries research effort and its reporting, namely:

- Global trends
- National Research Priorities
- Rural Research and Development Priorities

Global Trends

The five major trends that are expected to influence primary industries globally during the next 20 years, as identified by the Rural Industries Research and Development Corporation in its report *Rural Industry Futures – Megatrends impacting Australian agriculture over the coming twenty years*, include:

A hungrier world: Population growth will drive demand for food and fibre

A bumpier ride: Globalisation, climate change and environmental change will reshape the risk profile for agriculture

A wealthier world: A new middle class will increase food consumption, diversify diets and eat more protein

Transformative technologies: Advances in digital technology, genetic science and synthetics will change the way food and fibre products are made and transported

Choosy customers: Information-empowered customers of the future will have expectations for health, provenance, sustainability and ethics

National RD&E Strategy for Fishing and Aquaculture

The National Fishing and Aquaculture RD&E Strategy 2015-20 provides direction to improve the focus, efficiency and effectiveness of RD&E to support Australia's fishing and aquaculture industry.

The identified goals and key strategies are:

- Australia's fisheries and aquaculture sectors are managed, and acknowledged, to be ecologically sustainable.
- Security of access and resource allocation.
- Maximising benefits and value from fisheries and aquaculture resources.
- Streamlining governance and regulatory systems.
- Maintain the health of habitats and environments upon which fisheries and aquaculture rely.
- Aquatic animal health, and biosecurity (inclusive of pests) Aquaplan 2015-2019.

[FRDC Research Development and Extension Plan 2015-20](#)

The FRDC's RD&E Plan 2015-20¹ is focused on maximising impacts by concentrating on knowledge development around three national priorities:

1. Ensuring that Australian fishing and aquaculture products are sustainable and acknowledged to be so.
2. Improving productivity and profitability of fishing and aquaculture.
3. Developing new and emerging aquaculture growth opportunities.

¹ http://frdc.com.au/research/Documents/FRDC_RDE-Plan_2015-20.pdf

Appendix C: Criteria for assessing research investment in Torres Strait fisheries

The TSSAC will apply these criteria in assessing and ranking research proposals. Researchers should use the criteria as a guide when developing research applications and RAGs, MACs and WGs should also use these criteria when assessing proposals.

[illegible]

[illegible]

<p>14. Research will be most effective when there is effective engagement with fishery stakeholders, particularly Traditional Inhabitants of the Torres Strait, and where the research has widespread stakeholder support (refer to procedural framework for undertaking research in the Torres Strait and the TSSAC research proposal application).</p> <p>Does the project identify the key stakeholders and how they will be engaged regarding the project in a culturally appropriate way?</p>												
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DRAFT

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
OTHER BUSINESS	Agenda Item 9 For Discussion

RECOMMENDATIONS

1. That the Working Group **NOMINATE** any further business for discussion.

TROPICAL ROCK LOBSTER WORKING GROUP (TRLWG)	MEETING 8 8 November 2018
DATE AND VENUE FOR NEXT MEETING	Agenda Item 10 For Decision

RECOMMENDATIONS

1. That the Working Group **NOMINATE** a date and a venue for the next meeting.

BACKGROUND

2. The next meeting is proposed for early February 2019 on Thursday Island.