



Australian Government  
Australian Fisheries Management Authority



Queensland  
Government



TORRES STRAIT  
**PZJA**  
PROTECTED ZONE  
JOINT AUTHORITY



# Torres Strait Fisheries Management Advisory Committee (TSFMAC)

MINUTES  
TSFMAC 10  
18-19 MARCH 2008

THURSDAY ISLAND

Acting CHAIR: Mr John Pollock

Prepared by AFMA on behalf of the PZJA.  
These minutes were ratified at TSFMAC #11 held on Thursday Island 11-12 November  
2009

## TSFMAC Meeting #10 Minutes



**TORRES STRAIT FISHERIES  
MANAGEMENT ADVISORY COMMITTEE MEETING No. 10  
18-19 MARCH 2008: Commencing at 1pm on 18 March and 8.30am on 19 March  
2008  
Venue: P.K. Hall, Thursday Island (18 March 2008); TSRA Office, Thursday Island (19  
March 2008)**

**Preliminaries – Chairs opening remarks/Apologies/Adoption of Agenda/Disclosure of Interests**

### AGENDA

- 1 Meeting Administration**
  - 1.1 Ratification of TSFMAC #9 meeting record (AFMA)
  - 1.2 Actions and/or business arising from previous TSFMAC meetings (AFMA)
  - 1.3 PZJA 21 and Out-of-Session decisions (AFMA/DAFF)
  
- 2 Tropical Rock Lobster Fishery (TS TRLF)**
  - 2.1 Outcomes from the TRL Working Group November meeting (AFMA)
  - 2.2 Outstanding issues for the TRL Management Plan (AFMA)
  - 2.3 Spring tide hookah closure/Final 5 day closure (QDPI&F)
  - 2.4 Recommendations from the TRL RAG (AFMA)
  - 2.5 TRL Wildlife Trade Operation (WTO) Reassessment Outcome (AFMA)
  
- 3 Finfish Fisheries (Spanish Mackerel and Reef Line – TSFF)**
  - 3.1 Update on Finfish buyout (DAFF)
  - 3.2 Update on Leasing Arrangements (DAFF/TSRA)
  - 3.3 Management Plan Update (AFMA)
  
- 4 Hand Collectible Fisheries (TSHCF)**
  - 4.1 Outcomes of the Torres Strait Hand Collectible Working Group and Strategic Assessment Process (AFMA)
  
- 5 Turtle and Dugong Fisheries (TSTDF)**
  - 5.1 Turtle and dugong community based management plans (NAILSMA)
  - 5.2 Strategic Assessment update (AFMA)
  
- 6 Prawn Fishery (TSPF)**
  - 6.1 Outcomes of TSPMAC #5 (4-5 December 2007), and Management Plan update (AFMA)
  
- 7 Compliance**
  - 7.1 Compliance Plan (QDPI&F – QB&FP)
  
- 8 Committee Membership**
  - 8.1 PZJA Consultative Committees and Groups (AFMA)
  
- 9 Other Business**
  - 9.1 Dates for next meeting (Chair)

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### Attendance

The following members and observers were in attendance at TSFMAC #10:

#### Day 1

Mr John Pollock	Acting Chair
Dr David Wilson	A/g AFMA Senior Manager Torres Strait Fisheries
Dr Annabel Jones	A/g AFMA Manager Torres Strait Fisheries
Mr Shane Fava	QDPI&F Fisheries Management officer
Mr Toshi Nakata	TSRA Torres Strait Fisheries Coordinator
Mr Lota Warri	Masig Island CFG Representative
Mr Francis Pearson	Poruma Island CFG Representative
Mr Terrence Whap	Mabuiag Island CFG Representative
Mr Charles David	Iama Island CFG Representative
Mr Willie Lui	Warraber Island CFG Representative
Mr Dimas Toby	Boigu Island CFG Representative
Mr Kenny Bedford	Erub Island CFG Representative
Mr Graham Hirakawa	WNM Port Kennedy CFG Representative
Mr Yen Loban	WNM Muralag CFG Representative
Mr William Stephen	Ugar Island CFG Representative
Mr Carl D'Aguiar	TVH - QSIA Reef line Representative
Mr Shaun Hansen	TVH - QSIA Mackerel Representative
Dr Ray Moore	TVH - TRL Industry Representative
Ms Yvonne Zunic	Executive Officer (AFMA)

#### Observers

Dr Donna Kwan	DEWHA
Ms Tia Stevens	DEWHA
Dr Nicole Flint	DEWHA
Mr Lachlan Sutherland	TSRA
Mr Frank Loban	TSRA
Mr Erik Raudzens	AFMA
Dr Ana Lara-Lopez	AFMA
Ms Samantha Emerick	AFMA
Mr Brendan Nerdal	DAFF
Mr Stan Lui	DAFF
Ms Justine Cain	DAFF
Mr Brett Arlidge	TRL Industry representative
Mr Thomas Reuben	SEISA Fishery
Mr James Woodhams	BRS

#### Day 2

##### Observers

Attendance as on the previous day except for Ana Lara-Lopez and the following additional observer who attended:

Mr John Marrington	AFMA Foreign Compliance
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### DECISION RECORD FROM TSFMAC #10

#### Ratification of TSFMAC #9 Meeting Record

1.1 The TSFMAC **AGREED** to adopt the minutes from TSFMAC #9 meeting held on 11-12 July 2007 with suggested changes.

#### Action Arising

1.2 The TSFMAC **NOTED** the information updates provided regarding the action items from previous meetings.

#### Report on Outcomes of TRL Tender Process

2. The TSFMAC **NOTED** the report on the outcomes of the TRL voluntary tender process.

#### Outcomes from the TRL Working Group November 2007 Meeting

2.1 TSFMAC **RECOMMENDED** DAFF prepare a report on the outcomes of the TRL tender process for submission to the next TS TRLWG and TSFMAC.

TSFMAC **ENDORSED** the TRL WG recommendation that the 30% tender reduction be applied for the 2008 season as in previous years to all operators except for those with two tender packages. Two tender operations will nominate a block of continuous months they will fish using two tenders

TSFMAC **RECOMMENDED** the PZJA **AGREE** to implement the 30% tender reduction for the 2008 season except for the two tender packages which will have the same tender months but will be able to nominate a block of continuous months they will fish using both tenders.

TSFMAC **RECOMMENDED** the moon/tide closure of 27-30 September 2008 remain in place.

The TSFMAC **ENDORSED** the Working Group's recommendation that the TS licensing system be simplified, in line with the Queensland East Coast licensing system, through removal of requirements on individual licensing of tenders and the requirement for carrier licences in order to receive product from associated tender vessels.

#### Outstanding Issues for the TRL Management Plan

2.2 The TSFMAC **AGREED** that:

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- (1) CFG representatives could submit a formal position paper on the unresolved TRL Management Plan issues to the PZJA agencies via the TSRA outside of the meeting; and
- (2) that the TVH sector could submit their views on the unresolved TRL Management Plan issues to TSFMAC in an out-of-session paper for submission to the PZJA.

### **Recommendations from the TRL RAG**

2.4 The TSFMAC **ENDORSED** the TRL RAG's recommendation that relevant agencies ensure accurate data for stock assessment purposes is provided to CSIRO in a timely manner.

### **TRL Wildlife Trade Operation (WTO) Reassessment Outcome**

2.5 TSFMAC **AGREED** to the recommendations arising from the strategic reassessment of the Torres Strait Tropical Rock Lobster fishery for continued export approval for the fishery.

TSFMAC recommended that the PZJA **AGREE** to the WTO recommendations.

### **Update on Finfish buyout**

3.1 The TSFMAC **NOTED** that:

- DAFF has now fully completed the voluntary surrender process of all TVH entitlements in the Finfish fisheries; and
- the TSRA is now working with stakeholders and agencies to prepare options for leasing of quota.

### **Update on Leasing Arrangements**

3.2 TSFMAC:

- (1) commended the CFG & TVH representatives on their participation in the development of Finfish leasing arrangements; and
- (2) **RECOMMENDED** the PZJA be **INFORMED** of progress with the leasing arrangements and of TSFMAC's support for information sharing, Community Fisher Group training and capacity building in developing these leasing arrangements.

### **Finfish Management Plan**

3.3 TSFMAC **NOTED**:

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- (1) the revised timelines for the development of the Finfish Management Plan with the Plan not expected to be implemented until mid-end 2009; and
- (2) the cost of implementing a quota management system for the fishery.

### **Outcomes of the TS Hand Collectable Working Group and Strategic Assessment Progress**

4.1 TSFMAC **NOTED** concerns raised by the CFG in relation to the status of beche-de-mer stocks and referred this matter back to the Hand Collectables Working Group; and

TSFMAC **RECOMMENDED** the PZJA **NOTE**:

- (1) the outcomes of the Torres Strait Hand Collectables Working Group;
- (2) the Hand Collectables Working Group's concerns regarding significant illegal fishing on the Warrior Reef complex for beche-de-mer and the need to commit further AFMA and Queensland compliance resources to these fisheries;
- (3) the Working Group's recommendation that research to address uncertainties regarding trochus stocks and the recovery of beche-de-mer be given priority by the Torres Strait Scientific Advisory Committee.

### **Turtle and Dugong community based management plans**

5.1 The TSFMAC **NOTED**:

- 1) the progress to date with the development of community based management plans for turtle and dugong in six communities and commended the TSRA and Community Groups on their efforts;
- 2) the urgency in ensuring the planning process is extended to other communities and the collective risks in losing momentum;
- 3) the importance of further reporting on the finalisation and implementation of the plans, monitoring and compliance; and
- 4) the need for further funding to extend the planning process to other Torres Strait Communities and implement compliance and monitoring.

TSFMAC **RECOMMENDED** that the PZJA:

- 1) **COMMEND** the TSRA and Community Groups on progress to date with the development of community based management plans;
- 2) **URGE** further reporting on the finalisation and implementation of the plans, monitoring and compliance; and
- 3) **SUPPORT** extension of the planning process to other communities and support funding for this extension as well as for the implementation of monitoring and compliance programs

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### **Outcomes of TSPMAC#5 (4-5 December 2007) and Management Plan update**

#### 6.1 TSFMAC **NOTED**:

- (1) the verbal update on the outcomes of TSPMAC#5 held in December 2007;
- (2) the formal outcomes of the fourth meeting of the TSPMAC#4 held on 14 June 2007;
- (3) the update provided in respect to progress of the TSPF Management Plan;

#### TSFMAC **AGREED** to:

- (1) urge the capacity for research liaison with Torres Strait Communities prior to a research vessel undertaking survey work; and
- (2) refer the issue of discarded rubbish around the Islands to TSPMAC.

### **Membership – PZJA Consultative Committees and Groups**

8.1 TSFMAC **NOTED** progress in the appointment of new members/Chairperson of the TSFMAC, TSSAC and TRL RAG.

### **Dates for next meeting**

9.1 TSFMAC **AGREED** to set a tentative date of mid-August 2008 for their next meeting to consider the outcomes of the TIB & TVH Stakeholders Workshop and the TRL Working Group and Finfish Working Group meetings.

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### DAY 1 – RECORD

#### Preliminaries

The meeting commenced at 1.10pm on 18 March 2008 and opened with a prayer by Mr Francis Pearson.

In his capacity as acting Chair, John Pollock welcomed everyone and acknowledged:

- Dr Russell Reichelt's contribution as the previous Chair of the TSFMAC;
- progress achieved to date particularly in regard to the Finfish (Reef line and Spanish Mackerel) fishery with the 100% buyback of licences and the intended move to a quota management system;
- progress with the community based management plan arrangements for turtle and dugong although they are still in preliminary stages of development;
- that TSFMAC can only provide advice/recommendations to the PZJA and that if the MAC experiences difficulty in agreeing on an issue well researched options should be provided to the PZJA.

**ACTION:** AFMA to coordinate the preparation of a letter to Dr Russell Reichelt on behalf of the TSFMAC thanking him for his contribution as Chair of TSFMAC.

#### 1. MEETING ADMINISTRATION

##### Apologies

There were no apologies.

##### Adoption of Agenda

The Chair called for proposed changes to the draft agenda and noted the following changes:

- that DAFF report on the outcomes of the voluntary tender process for the removal of licences from the TS TRL Fishery at beginning of discussions on Agenda Item 2; and
- that Agenda Item 2.4 (Recommendations from the TRL RAG) be considered following Agenda Item 2.1 for context.

Members agreed to the proposed changes.

##### Disclosure of Interest

The TSFMAC members agreed to raise any conflicts of interest that arose throughout the meeting.



## TSFMAC Meeting #10 Minutes

### 1.1 Ratification of TSFMAC #9 meeting record

Dr David Wilson from AFMA reported that the draft minutes of the TSFMAC #9 meeting held on 11-12 July 2007 had been circulated to members for comment in September 2007. The Chair called for any additional comments regarding the minutes. The following changes were requested:

Page 1- Day 1 list of attendees:

- “Mr Andrew Thwaiks” should read “Mr Andrew Thwaites”;
- Mr Thwaites’ correct title is “QDPI&F Trawl Manager”.

***The TSFMAC AGREED to adopt the minutes from TSFMAC #9 meeting held on 11-12 July 2007 with the suggested changes.***

### 1.2 Action Arising

Dr Wilson provided an update of the progress of actions arising from previous meetings:

**Table 1.** Actions and/or business arising from previous TSFMAC meetings.

<b>TSFMAC#9 - 11-12 July 2007</b>				
<b>Agenda Item</b>	<b>Action</b>	<b>Date item was added</b>	<b>Responsibility</b>	<b>Status</b>
3.2.6	AFMA to review the records of the previous MAC meetings to verify decisions about TVH landing places and buyer boats	TSFMAC#9 – 11-12 July 2007	AFMA	<b>Complete</b> – This issue is addressed in Agenda Item 2.2 plus attachments
3.5	TVH TRL representatives to consult with TVH operators on whether to recommend proceeding with the 30% tender reduction and moon closures as interim measures for next season and inform the MAC on their position.	TSFMAC#9 – 11-12 July 2007	TVH reps	<b>Complete</b> – Dr Ray Moore reported that this item had been discussed at the TRL Working Group meeting.
4.1 – Finfish MP	AFMA to verify and provide a documented process (timeline) to the TSFMAC on the process involved with progressing the final decisions from the working group on	TSFMAC#9 – 11-12 July 2007	AFMA	<b>Ongoing</b> – Agenda Item 3.3 outlines the current status and suggested pathways to progress the Finfish Management Plan and QMS

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	management instructions.			
5.2 – HC Data Summary	The next HCWG meeting to undertake practical exercises to assist them in understanding abundance issues in the fishery.	TSFMAC#9 – 11-12 July 2007	AFMA	<b>Complete</b>
6.2 – T&D status of community management plans	TSRA to give AFMA's senior manager an update on the progress of the community based management plan project.	TSFMAC#9 – 11-12 July 2007	TSRA	<b>Complete – discussed in Agenda Item 5.1</b>
7.1 – Timeline for implementation of the new management systems	AFMA to prepare a letter from the Minister to the community Councils outlining the importance of continued representation from the Community at both Working Group and TSFMAC meetings.	TSFMAC#9 – 11-12 July 2007	AFMA	<b>Incomplete – pending</b>
10.1 – Reestablishment of the TSSAC	AFMA to progress the SAC by formalising appointments and undertaking recruitment for SAC membership.	TSFMAC#9 – 11-12 July 2007	AFMA	<b>Ongoing – discussed in Agenda Item 8.1.</b>
10.2 – Research priorities from working groups	The SAC to consider the provision of scientific advice on turtle and dugong issues.	TSFMAC#9 – 11-12 July 2007	AFMA	<b>Ongoing - pending</b> the establishment of the TSSAC
11 – Membership	EO to identify an appropriate process to seek nominations for the vacant Non-Traditional Member on the TSFMAC	TSFMAC#9 – 11-12 July 2007	AFMA	<b>Ongoing – discussed in Agenda Item 8.1.</b>
12 – Issues to be raised at the bilateral fisheries talks between Australia and PNG	DAFF to write a paper on the biosecurity proposal for the bilateral meeting	TSFMAC#9 – 11-12 July 2007	DAFF	<b>Ongoing</b>

***The TSFMAC NOTED the updates provided regarding the action items from previous meetings.***

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### **1.3 PZJA 21 and Out-of-Session decisions**

Dr Annabel Jones from AFMA recommended that relevant PZJA decisions be outlined under each of the upcoming agenda items and that a compiled list of decisions would be tabled the next day.

## **2. TROPICAL ROCK LOBSTER FISHERY**

### **Report on outcomes of tender process**

Mr Nerdal informed members that the Commonwealth had successfully completed a voluntary surrender of entitlements in the Torres Strait Tropical Rock Lobster fishery and expressed his appreciation for everyone's efforts.

He reported that the tender process had purchased 30.1% of the provisional allocation and that of this 25% would be held in trust for PNG and 5.1% allocated to the TIB sector thereby giving the TIB sector 40.1% of the Australian share of the fishery in Australian jurisdiction (53% of the Australian share of the fishery).

He reported that the tender process had thus accomplished the target of a 50:50 split between the Australian TIB and TVH sectors.

Mr Brett Arlidge (TRL industry representative) questioned the status of PNG access to the Australian jurisdiction. Mr Nerdal informed the TSFMAC that PNG has not had access to date and if that was likely to occur, PNG fishing effort transferred to the Australian area of jurisdiction would potentially be offset by a proportionate reduction in fishing effort in the PNG area of jurisdiction. He added that these issues would be discussed at the bilateral meeting between Australia and PNG.

Dr Ray Moore (TRL industry representative) suggested that such an offset be sought. Mr Stan Lui from DAFF confirmed that last year's arrangements would apply for this year and that such an arrangement had to be formalised through the annual bilateral meeting process with PNG.

Dr Moore also questioned if the 25% share for PNG in Australian jurisdiction, under the catch sharing arrangements of the treaty, refers to the Protected Zone only or the protected Zone plus the "outside but near".. Dr Moore indicated that the TVH sector had requested this be established at a previous TSFMAC meeting.

Dr Wilson indicated that the Torres Strait Treaty does not include the 'outside-but-near' area and as such, didn't believe any stocks in that area would be included in catch-sharing arrangements. Dr Wilson indicated that for the Prawn fishery, stocks in the outside-but-near area were not included in catch-sharing arrangements with PNG, thus setting a precedent.

Dr Moore requested that DAFF seek legal clarification on the whether the out-side-but near area should be included in catch-sharing arrangements with PNG. If PNG is not

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entitled to a share of the stocks in the "outside but near" area then stock assessment will have to differentiate between stocks in the Protected Zone and those in the "outside but near" area.

***The TSFMAC NOTED the report on the outcomes of the TRL voluntary tender process.***

**ACTION:** DAFF to seek:

- formalisation of the process for offsetting future PNG fishing effort in the Australian jurisdiction through a proportionate reduction in fishing effort by Australian fishers in the PNG area of jurisdiction; and
- a legal opinion on whether PNG would be entitled to operate in the outside but near area of Australian jurisdiction as part of catch sharing arrangements with PNG.

Mr Charles David (CFG representative) highlighted the need to ensure PNG endorsements are cleared through appropriate native title processes. Dr Annabel Jones (AFMA) advised members that PNG endorsement applications undergo a comprehensive Native title process. Mr Stan Lui advised that DAFF have considered the associated licence conditions in terms of the future process and how these will be monitored but stated that the discussions are at an early stage and that applicants will be required to meet stringent conditions. Mr Charles David commented on the need for proper consultation on this issue. Mr Toshio Nakata (TSRA) advised that consultation is not a requirement in this process.

**ACTION:** QDPI&F/DAFF to provide an outline of the process involved with Native Title approval for CFG information by 30 April 2008.

### **2.1 Outcomes from the TRL Working Group November 2007 meeting**

Dr Ana Lara-Lopez (AFMA) briefed the TSFMAC on the following key recommendations from the TRL Working Group's November 2007 meeting:

- (1) DAFF prepare a report on the outcomes of the tender process

Dr Lara-Lopez reported that in discussing the outcomes of the tender process, including the TIB share of the fishery post-tender, the CFG had raised concerns over the revised TIB allocation. As a result of the CFG's concerns, the Working Group recommended that DAFF prepare a report explaining what the future operating environment will be and how the TIB sector will be affected.

Mr Brendan Nerdal from DAFF informed the TSFMAC that this issue is ongoing and that a paper assessing the current status of the fishery particularly focussing on the allocation between TIB and TVH sectors will be provided to PZJA 22. He added that DAFF had met with the CFG and discussed their concerns.

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Dr Lara-Lopez confirmed that the Working Group had discussions with Mr Paul Pak Poy from DAFF and the CFG and that a series of questions had been raised by the CFG which had been sent to DAFF for inclusion in the report from DAFF to the TRL WG. A written report has not been submitted by DAFF.

The acting Chair asked whether the CFG felt all their concerns had been addressed and Mr Charles David (CFG) responded that they were seeking a formal report from DAFF on what the future operating environment will be in particular for the TIB sector and outlining a way forward to address TIB concerns.

Mr Nerdal advised members that this is not part of DAFF's role and at this stage could not commit DAFF resources to developing such a report. He agreed, however, to develop a report in consultation with other relevant agencies if required.

***TSFMAC RECOMMENDED DAFF prepare a report on the outcomes of the TRL tender process for submission to the next TS TRLWG and TSFMAC.***

- (2) Apply the 30% tender reduction as in previous years except for the two tender packages

Dr Lara-Lopez reported that the Working Group had discussed several options and recommended that the 30% tender reduction be applied as in previous years to all operators except for those with two tender packages. She added that the two tender packages would have the same tender months they are entitled to following the 30% reduction (11 tender months in total when excluding the hookah closure). Two tender operations will be nominate a block of continuous months they will fish using two tenders (i.e. a total of 5 months where they will be able to use both tenders and months when they will operate with one tender).

***The TSFMAC ENDORSED the TRL WG recommendation and recommended the PZJA NOTE that the 30% tender reduction was applied for the 2008 season as in previous years to all operators except for those with two tender packages. Two tender operations nominated a block of continuous months they will fish using two tenders.***

- (3) Remove the 27-30 September 2008 moon/tide closure

Mr Shane Fava (QDPI&F) informed members that the TRL WG had recommended removing the moon/tide closure on 27-30 September 2008 to bring the total closures for 2008 in line with closures for 2007. Mr Fava expressed concern that such a recommendation was in breach of the intent of the PZJA decision on the method of setting the moon/tide closures and if pursued could set a precedent.

Dr Ray Moore (TRL industry representative) advised that he opposed the increase in the number of moon/tide closure days in 2008 compared to 2007 as he felt this set a precedent for increasing the number of days closed in any season. He also stressed that the TVH sector opposed the continuation of moon/tide hookah closures under the quota system for the TRL Fishery.

Mr Charles David (CFG) advised he preferred to see these moon/tide closures continue for sustainability reasons and that they remain in the long term.

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Both sectors (TVH and TIB) indicated that in 2008 that they were unlikely to fish for TRL between 27-30 September due to bad tides at that time if the closure was removed. They agreed that this fact reduced the benefit from removing the closure and based on information on the resources required to remove this closure the TSFMAC agreed to not endorse the TRL WG's recommendation.

***TSFMAC RECOMMENDED the moon/tide closure of 27-30 September 2008 remain in place.***

### (4) Simplify the current licensing system

Mr Fava informed the group that currently each tender must be individually licensed as well as the main vessel in a fishing operation, and that each main vessel must also hold a carrier boat licence to carry product from the tenders. These requirements unnecessarily complicate the licensing system increasing administration (and associated costs).

To simplify the system the management agencies were seeking removal of the requirement for tenders to be licensed individually, but be associated to a main vessel, and remove the requirement for carrier boat licences to carry product from associated tenders.

***The TSFMAC ENDORSED the Working Group's recommendation that the TS licensing system be simplified, in line with the Queensland East Coast licensing system, through removal of requirements on individual licensing of tenders and the requirement for carrier licences to receive product from associated tender vessels.***

## 2.4 Recommendations from the TRL RAG

Dr Lara-Lopez briefed the TSFMAC on the two surveys (mid-season survey and pre-season) undertaken by CSIRO for the TRL fishery as part of the TRL stock assessment and setting of a TAC. She advised members that the RAG had met on 4-5 March 2008 to discuss the stock assessment and work through the TAC setting process in training for when a TAC is in place for the fishery.

She reported on the TRL RAG's concerns over the accuracy of data collected for the TRL Fishery with some catch records not being received in time to ensure the availability of a complete data set for stock assessment and the TAC setting process.

She informed members that the TRL RAG had recommended that all agencies ensure the provision of accurate and timely data to CSIRO for stock assessment.

Dr Lara-Lopez advised that the TRL RAG had calculated the following TACs for 2008, if a TAC were in place:

- an overall TAC for 2008 of 749 tonnes (whole weight); and
- the Australian TAC component – 505 tonnes which would be split between TIB competitive quota and TVH ITQs.

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Dr Annabel Jones highlighted the importance of the TRL RAG process and encouraged TRL operators to participate.

***The TSFMAC ENDORSED the TRL RAGs recommendation that relevant agencies ensure that accurate data for stock assessment is provided to CSIRO in a timely manner.***

### **2.2 Outstanding issues for the TRL Management Plan**

Dr Lara-Lopez reported that TIB sector dissatisfaction with the outcomes of the tender process had resulted in limited or no discussion of the outstanding issues at the November 2007 TRLWG meeting. She called on the TSFMAC to make a decision in relation to the start of the season as this issue was one that was of little concern to the TVH sector, and therefore could be resolved by the CFG representatives at the meeting for recommendation to the PZJA.

Mr Toshio Nakata (TSRA) commented that this issue, in conjunction with the other outstanding issues, related to the Management Plan. The CFG representatives were unwilling to discuss the start of season or the other outstanding issues due to related to the outcomes of the tender process. He indicated that the CFG representatives would not progress any decisions on the Management Plan until they had received advice on the future operating environment.

The Chair asked whether the CFG would be prepared to progress any of the outstanding issues through the inclusion of caveats when discussing each of these issues. Mr Nakata reiterated the CFG sector's position that they were dissatisfied with the outcome of the tender process and that they were undertaking parallel discussions with DAFF in relation to this matter. He further advised their intention to present their formal position through the next TSFMAC meeting and then the PZJA but that CFG representatives would not discuss the outstanding issues at this meeting.

The Chair noted that the TSFMAC could consider the CFG's position on outstanding issues out-of-session and provide this information to PZJA 22 for consideration. The TSFMAC agreed that the CFG submit their formal position paper to the PZJA directly through the TSRA.

The Chair questioned whether the two sectors would be prepared to provide separate comments on the pros and cons of each of the outstanding issues and have these comments recorded. The Chair stopped the meeting for ten minutes while the two sectors came to a decision.

In resuming the meeting, the Chair asked whether CFG representatives were prepared to provide comments if the TSFMAC noted the TIB sector's reluctance to progress any decisions on the Management Plan until notified of the outcomes of further discussions on the tender process. Mr Nakata asked the TSFMAC to note the CFG's position that they were not prepared to discuss the outstanding TRL options but were prepared to discuss the issues relating to finfish and other fisheries. Mr Nakata also noted that the details of the TRL options paper at Agenda Item 2.2 did not accurately reflect the views of the TIB sector but will not provide any feedback on the options paper.

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The Chair asked whether the TVH sector were ready to have their views recorded in relation to the outstanding issues. Mr Brett Arlidge advised members that while the TVH views were well recorded and captured in the TRL options paper, there were some concerns on how their views had been expressed. He undertook to draft a TVH sector position paper on the outstanding issues and provide this to the TSFMAC out-of-session for submission to the PZJA.

Mr Brett Arlidge made the following comments on the process to date:

- TRL is a valuable resource in a changing world with a decline in market for frozen tail due to the downturn of the US economy;
- the need to look at ways to move to a live lobster fishery and the requirement for larger boats to be able to do so;
- the need for both sectors to work together to take up business opportunities as only two large operators would potentially remain in the fishery vastly reducing the amount of product coming out of Torres Strait. There are potential implications on decreased market chains available to TIB fishers if this occurs; and
- the need to make the quota management system as efficient as possible through the removal of input controls as these impede the cost effectiveness of operations.

The TSFMAC discussed the TVH unloading issue because Mr David stated that he did not support TVH operators unloading at islands other than Thursday Island and Horn Island because communities did not want this to happen. Dr Lara-Lopez noted there were differing views by the various communities in relation to this issue. She read out an email from Mr Solomon Nona addressed to the TRL Working Group stating that the Mura Badulgal Fisherman's Association supported the landing of TVH primary vessel product at island freezers for the following reasons:

- landing of product would create employment opportunities with the likelihood that they could potentially export live product directly to overseas markets thereby benefiting the community.

She noted that the email had been tabled at the recent working group meeting but had not been discussed.

Schedule of approved landing places recorded in previous Minutes (discussed on Day 2)  
In resuming the meeting, the Chair asked the TSFMAC to revisit the meeting records from the previous TSFMAC meeting pertaining to the determination of a schedule of approved landing places outlined under Recommendation 3.2.6. He advised that Mr David had questioned the recorded outcome as this was not endorsed by all CFG representatives as they only supported unloading at Thursday and Horn Islands. Dr Moore considered that the TRL Working Group needed to consider whether the TIB sector wanted to have the option of selling product to TVH carrier/processor boats and recommended that this matter be referred back to the Working Group.

Mr Toshio Nakata (TSRA) advised that the issue of designated landing areas had been tabled at the last Working Group but had not been discussed. Mr David considered that consultation with individual Islander groups was necessary before this issue could be decided.



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The Chair suggested discussion of ongoing market trends in each of the Torres Strait fisheries would be useful to discussions at TSFMAC.

***The TSFMAC AGREED that:***

***(3) CFG representatives could submit a formal position paper on the TRL Management Plan outstanding issues to the PZJA agencies via the TSRA outside of the meeting; and***

***(4) that the TVH sector could submit their views on the outstanding TRL Management Plan issues to the TSFMAC in an out-of-session paper for submission to the PZJA.***

The CFG raised their concerns over those operators who had surrendered their licences as part of the voluntary tender process but were considered to be still operating in the fishery. The Chair recommended that specific details be provided to the QB&FP if the CFG believed a compliance issue existed. Mr Stan Lui (DAFF) clarified that all TRL licences bought back through the tender process had been surrendered and that dual endorsed boats were required to remove the 'T' from their distinguishing boat symbol. He added that licensees who had surrendered a fishing licence were able to lease another licence to operate in the fishery if they wished. CFG members expressed concern that fishers that have been bought out are still allowed to fish (with a leased license) as they felt that this resulted in the tender process having no effect on actual effort.

### **2.5 TRL Wildlife Trade Operation (WTO) Reassessment Outcome**

Ms Yvonne Zunic from AFMA briefed the TSFMAC on the reassessment process for continued export approval of product from the TRL fishery and sought the TSFMAC's support for the following draft recommendations arising from the reassessment and developed by DEWHA in consultation with AFMA:

1. The PZJA to develop and finalise an initial Harvest Strategy, incorporating target and limit reference points for the TSTRLF by 31 December 2008. In the interim, the PZJA to closely monitor effort and catch levels in the TSTRLF until the Total Allowable Catch and Harvest Strategy are formally established. The PZJA to initiate a management response if total catch is likely to be higher than the estimated catch at Maximum Sustainable Yield.
2. The PZJA to continue to pursue complementary management arrangements with other jurisdictions responsible for managing shared rock lobster stocks to ensure that all removals and other relevant impacts on stock are properly accounted for in stock assessments. In conjunction with the Queensland Department of Primary Industries and Fisheries, the Papua New Guinea National Fisheries Agency and other jurisdictions, the PZJA to continue to work towards developing a stock-wide resource assessment for the tropical rock lobster.
3. In the TSTRLF Ecological Risk Management Plan, AFMA to identify and implement appropriate management responses to address and mitigate risks and impacts identified in the Ecological Risk Assessment by 31 December 2008.

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4. The PZJA to undertake a Compliance Risk Assessment of the TSTRLF, once the new TSTRLF Management Plan is in place. In the interim, the PZJA to continue to manage the risk of illegal, unregulated and unreported fishing.
5. With the introduction of a quota management system, the PZJA to investigate methods to improve the current logbook and docket book system. The PZJA to implement comprehensive data collection and validation mechanisms to ensure adequate and reliable data on catch, effort, stock structure and abundance is collected.

***The TSFMAC AGREED to the recommendations arising from the export reassessment of the Torres Strait Tropical Rock Lobster fishery for continued export approval for the fishery.***

***The TSFMAC RECOMMENDED that the PZJA AGREE to the WTO recommendations.***

### **3. FINFISH FISHERIES (SPANISH MACKEREL AND REEF LINE)**

#### **3.1 Finfish Fishery - Update on Finfish buyout**

Mr Brendan Nerdal (DAFF) provided an update on the Spanish Mackerel and Reef Line (Finfish) fisheries buyout. He reported that the process had been completed with a 100% buy-out and that some of these commercial operators would remain active in the fishery until the end of June 2008 when they are required to surrender their licences.

***The TSFMAC NOTED that:***

- ***DAFF has now completed the voluntary surrender process of all TVH entitlements in the Finfish fisheries; and***
- ***the TSRA is working with stakeholders and agencies to prepare options for leasing of quota.***

#### **3.2 Update on Leasing Arrangements**

Mr Stan Lui (DAFF) provided members with an update regarding the development of leasing arrangements between the traditional inhabitant and non-traditional inhabitant sectors.

Mr Lui reported that the agreement by the Government to the 100% buy-out of TVH endorsements had included an in-principle agreement to allow for leasing of temporary licences and quota to non-islander fishers as an interim arrangement. He informed members that discussions associated with the conditions under proposed leasing arrangements had been initiated with respective stakeholder groups and that sufficient direction from this consultation has enabled the TSRA to develop a process and timeline detailing how successful lessees will be selected. He advised that this process involves

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the release of an Expression of Interest (EOI) document which has been drafted. The EOI will include such details as how much quota was to be requested, proposed area of operation, operating requirements, and training for TIB fishers. He added that the proposed inclusion of spatial closures around certain communities as a permanent leasing condition is an issue which needs to be finalised by the affected communities. The leasing conditions framework will be the same for Coral Trout and Spanish Mackerel.

Mr Kenny Bedford (CFG representative) was of the view that as the TIB sector had achieved 100% buyback, leasing should be undertaken under strict conditions that allow for benefits to flow to Islander fishers. However, he considered there was a window of opportunity for training Islander fishers to ensure the necessary transfer of knowledge between sectors and that the individual communities should develop their own leasing arrangements. He considered it important to find the right balance to ensure minimal impact on the TIB fishery. He envisaged that the process would need to allow for adequate consultation with communities.

Mr Carl D'Aguiar (QSIA Reef Line member) thanked the TS Islanders for their support of the 100% buy-out and that he was looking to leasing as a transition period to support the TIB sector utilising 100% of their allocation in the future. He acknowledged that leasing conditions were to be decided by TS Islanders but that they needed to recognize the time constraints and economic situation that non-Islanders were currently in and to provide non-Islanders with information on leasing soon. He highlighted the importance of working together to develop possible viable leasing conditions that allow for transfer of TVH experience to the TIB sector.

Mr Shaun Hansen (QSIA Mackerel member) informed members that the TIB sector would need to ensure their product is of a high quality for the market of the market chain is to be maintained. He considered training of Islander fishers would not be possible on TVH boats such as his as there was little likelihood of an economic return for having an extra person on board. He also highlighted the need for the TIB sector to take up the existing markets and demonstrate their ability to provide product to meet existing and long term demand. He added that the TIB sector could not expect to allow existing markets to be lost now and expect those same markets to be available in the future if needed.

TSFMAC members discussed a stakeholder workshop to develop capacity building arrangements between TVH and TIB fishers.

Mr Nakata (TSRA) advised the meeting that there was a need for consistency in leasing arrangements across all communities and that the non-negotiable conditions had not yet been decided. Dr Annabel Jones (AFMA) considered that the non-negotiable items needed to be developed by the TIB sector prior to conducting a stakeholders' workshop.

Mr Carl D'Aguiar highlighted that:

- the leasing process was a stepping stone for the TIB sector to meet the market requirements (quantity and quality) of on-shore processors;
- the proposed 10 nm closure around four communities would have an impact on some Coral Trout operators;

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- reef line operators would be looking for around 25-30 tonnes of quota to make leasing an economically viable option and would have to consider associated risks with leasing; and
- the social and psychological effects of decisions such as whether to allocate 30 tonnes of quota to 1 or 6 boats needed to be considered.

The Chair closed the meeting at 5 pm and agreed to reconvene at 8.30 am the next day.

### **DAY 2 – RECORD**

Day two of the meeting commenced at 8.30 am.

In revisiting the issue of future Finfish leasing arrangements, Mr Carl D'Aguiar confirmed that a stakeholder workshop was necessary to develop leasing arrangements.

Mr Kenny Bedford highlighted the importance of ensuring a workshop delivers outcomes given they only have until the end of June 2008 to ensure leasing arrangements were in place. Mr Nakata confirmed that a number of processes were underway to obtain the necessary information in terms of what conditions were negotiable.

Dr Annabel Jones expressed concerns over the concept, timing and logistics of the proposed workshop and reiterated the need to have the non-negotiable items developed to allow for leasing contracts to be offered in early May.

Mr Shane Fava (QDPI&F) considered it would be a good idea to review the indicative timeframes with a view meeting Islander needs for consultation and TVH business planning. Mr Stan Lui (DAFF) agreed to investigate the proposed timeline for leasing to determine where requirements could be amended to allow further time for consultation with communities while still allowing for leasing contracts to be released in time for fishing in July 2008.

**ACTION:** Stan Lui to review the current Finfish Leasing Arrangements Timelines to determine where requirements could be amended to allow further time for consultation with communities

In discussing the nature of possible future arrangements, the following comments were made:

- Mr D'Aguiar confirmed that a six month leasing arrangement for Coral Trout would be suitable for his operation and that he would be interested in participating in such an arrangement for a minimum period of time. He stated that no TVH fishers would consider leasing if there was potential disharmony with communities that could lead to conflict;
- Mr Lui (DAFF) advised that the TVH sector would need to come up with options of possible training for TIB fishers as part of their EOI for quota as this would form an important aspect considered by the Quota Committee when deciding which applications for quota to accept.

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- Dr Jones (AFMA) suggested there was scope for individual operations to stipulate the environment they preferred to work in;
- The Chair advised that it would be up to members to progress the leasing arrangements and workshop;
- Mr Nakata (TSRA) requested CFG representatives undertake the necessary consultation and provide the required information by Friday, 21 March 2008;
- Mr D'Aguiar expressed his concern over the lack of participation by Murray Island and the possible resulting friction within the Islands;
- Mr D'Aguiar advised he wanted to see the Island freezers become more productive with the possibility of value-adding for Coral Trout product and recommended a partnership approach as a way of stimulating real employment;
- Mr Hansen advised that:
  - while it would be costly, he could arrange to bring a boat to Torres Strait for training purposes;
  - Spanish Mackerel needs to be of a consistently high quality in order to ensure a better market price and market requirements;
- Mr Nakata saw value in the TS Islanders building on the TVH sector's reputation as well as ensuring value adding and branding of Torres Strait product;
- Mr D'Aguiar added that:
  - creating a relationship with buyers is essential to ensure survival of the industry;
  - while most reef fish (coral trout) is sold on the domestic market, this situation could change rapidly with the live fish trade now taking up a greater percentage of the market on the east coast.

The TSFMAC discussed the feasibility of arrangements for the use of a boat for training purposes and possible funding opportunities through research agencies such as Fisheries Research Development Corporation and Seafood Services Australia.

### ***The TSFMAC:***

- (1) commended the CFG & TVH representatives on their participation in the development of Finfish leasing arrangements;***
- (2) RECOMMENDED the PZJA be informed of progress with the leasing arrangements and TSFMAC's support for information sharing, CFG training and capacity building in developing these leasing arrangements.***

### **3.3 Finfish Management Plan**

Dr Annabel Jones informed the TSFMAC that following the finalisation of the 100% buy-out of TVH fishing licences and restructure of the finfish fishery some aspects of the drafting instructions will need to be amended as they are no longer relevant to the

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fishery in the absence of the TVH sector other than through leasing of temporary licences and quota.

She reported that a Finfish Working Group meeting in November 2007 failed to reach a quorum due to uncertainty surrounding the restructure of the fishery. Hence, further development of the management plan and quota monitoring system did not occur and no further progress was made towards finalising the drafting instructions. She advised the TSFMAC of the following revised timelines for development of the Management Plan:

### Finfish MP Timelines:

TVH licence surrender - first stage	Jan 2008
Finfish WG meeting	April 2008
Interim Leasing Arrangements developed	May 2008
TVH licence surrender - second stage	end June 2008
Drafting instructions finalised	July 2008
Draft MP released for public comment	end 2008
PZJA endorsement of final MP	Feb 2009
MP tabled In Parliament	May/June 2009
MP implemented	mid to end 2009

Mr Charles David (CFG) sought clarification on whether TIB boats could be dual endorsed allowing them to carry other product types on board. Mr Shane Fava (QDPI&F) advised that he would check as to whether that is possible.

**ACTION:** QDPI&F to clarify whether TIB boats can be dual endorsed and carry a variety of product on board.

Mr D'Aguiar raised the issue of whether TS Islanders welcomed the TVH sector's contribution to consultative groups such as the MAC and Working Group under the current restructure of the fishery. Mr Nakata thought it practical to have the TVH representatives at meetings of these groups to discuss the Management Plan and he could see advantages in their presence in the short term if leasing arrangements were successfully finalised.

Dr Jones pointed out the necessity of future leasing representatives participating on the MAC and the FFWG and Mr Nakata suggested they should have observer status in both forums

### ***The TSFMAC NOTED:***

- (1) the revised timelines for the development of the Finfish Management Plan with the Plan not expected to be implemented until mid-end 2009; and***
- (2) the cost of implementing a quota management system for the fishery.***

#### **4. HAND COLLECTABLES FISHERIES**

##### **4.1 Outcomes of the TS Hand Collectables Working Group and Strategic Assessment Process**

Mr Erik Raudzens from AFMA briefed the TSFMAC on the outcomes of the first Hand Collectables Fisheries Working Group held in October 2007. He reported that the main outcome was the high priority need for research on the trochus fishery due to the requirements by the Department of Environment, Water, Heritage and the Arts associated with Strategic Reassessment processes needed for export permits to be granted. He advised that AFMA would seek funding for habitat assessment for trochus using Indigenous Community knowledge and remote sensing data.

Mr Charles David (CFG representative) stated that he believed that research funding should also be sought for further beche-de-mer stock assessment research. Mr Raudzens advised that there was a pool of available funding for all Torres Strait fisheries which they would apply for to undertake that research. Mr David considered that beche-de-mer research was a higher priority given the current over fished status of the fishery.

Dr Annabel Jones outlined the Working Group's role in identifying research needs for the fishery and informed members that the Scientific Advisory Committee (SAC) has the mandate to prioritise and assess research needs against other fisheries.

Mr David expressed concerns over the content of the HCWG Minutes and Annabel Jones advised that these were yet to be ratified at the Working Group's next meeting.

Dr Jones outlined the need for more information on the trochus fishery so that a sensible catch limit could be set for the fishery. Mr David stated that he believed that trochus stocks were plentiful and therefore should not take priority for research funding from the beche-de-mer fishery. Dr Jones stated that such views needed to be supported with other scientific evidence.

Mr David expressed concerns on the effects of illegal fishing on the Hand Collectable Fisheries and the Chair recommended that the HCWG revisit the issue in relation to Mr David's concerns.

Mr David questioned why the 80 PNG nationals caught recently illegally fishing in the Torres Strait had not been prosecuted in Australia and had been returned to PNG. Dr Jones advised that the boats had been impounded but that she would seek clarification on the status of this issue.

Mr Marrington (AFMA Foreign Compliance) later addressed Mr David's question. He stated that the PNG national apprehended in the above mentioned event had been released to PNG officials and Australian officials were working with PNG officers to prosecute these fishers in PNG. It was considered logistically difficult to bring these fishers back to Australia given the number of offenders apprehended and available facilities to transport and hold these people. In addition, due to health concerns, it was considered to be unreasonably hazardous to potentially expose Australian citizens and compliance staff to any transmittable diseases that these fishers may have carried.

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Mr Raudzens provided a short update on the status of the WTO Strategic Reassessment for the Hand Collectables Fisheries. He advised members that export approval for the TS beche-de-mer and trochus fisheries is due to expire in June 2008 and November 2008 respectively. He advised that the draft beche-de-mer Strategic Assessment will be sent to DEWHA for comment in April and will be released for public comment in May 2008. Work on the trochus Strategic Assessment will commence next month.

### ***The TSFMAC:***

- (1) NOTED concerns raised by the CFG in relation to the status of beche-de-mer stocks and referred this matter back to the Hand Collectables Working Group; and***
- (2) recommended the PZJA NOTE the HC Working Group's concerns over significant illegal fishing on the Warrior Reef complex for beche-de-mer and the need to commit further compliance resources to these fisheries.***

### ***The TSFMAC RECOMMENDED the PZJA NOTE:***

- (a) the outcomes of the Torres Strait Hand Collectables Working Group;***
- (b) the Hand Collectables Working Group's concerns regarding significant illegal fishing on the Warrior Reef complex for beche-de-mer and the need to commit further AFMA and Queensland compliance resources to these fisheries;***
- (c) the Working Group's recommendation that research to address uncertainties regarding trochus stocks and the recovery of beche-de-mer be given priority by the Torres Strait Scientific Advisory Committee.***

## **5. TURTLE AND DUGONG FISHERIES**

### **5.1 Turtle and Dugong community based management plans**

Mr Lachlan Sutherland (TSRA) briefed the MAC on this item, advising that the TSRA had received Natural Heritage Trust funds through the North Australian Indigenous Land and Sea Management Alliance (NAILSMA) to implement the turtle and dugong regional activity plan for Torres Strait. He informed members that the four key components of the plan included:

- Community management plans for dugong and marine turtle;
- Monitoring programs;
- Catch sharing; and
- Education and awareness-raising.

He advised that:

- six draft dugong and turtle management plans had been developed to date utilising a variety of management arrangements such as traditional owner endorsed seasonal closures, gear restrictions, closed areas, effort reduction and limits on take;



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- the plans also describe research and development opportunities priorities, education and training needs as well as enforcement and compliance processes;
- the communities of St Pauls on Moa Island and Ngurupai (Horn Island) have been very late in becoming part of the project and are yet to develop a management plan;
- the TSRA has commenced a stakeholder consultation process on the draft plans with comments due by 14 March 2008;
- it is proposed that the consultation feedback be summarised and communicated back to the respective communities for their discussion;
- the outcomes of the negotiation process would be presented to the PZJA in May 2008;
- funding for this project would cease on 30 September 2008 and that the PZJA and other agencies need to consider a succession approach to both implementation and expansion to other areas including development of a Ranger Program; and
- that a meeting with representatives from the Community Fisher Groups and Traditional Owners planned for 11-12 March 2008 on Thursday Island had been postponed by DEWHA to allow more time to consider the development of a strong framework to deliver community based management and to ensure that adequate opportunities for funding were identified before proceeding.

Mr David (CFG) highlighted the need to seek additional funding for a future compliance presence in the area from the PZJA to ensure the plans are effective.

Dr Wilson (AFMA) advised members that AFMA was highly supportive of the process undertaken to date. Dr Wilson indicated that there was still work to be done in relation to compliance issues.

Mr David added that he had suggested setting up a Ranger program about 10 years ago and would now like to see such a compliance program implemented.

Mr Kenny Bedford (CFG) congratulated the work to date on the Plans and highlighted Ministers Abetz and Mulherin's support and commitment to the process and the need to seek a similar commitment from the new Federal Minister.

Mr Lui (DAFF) advised members that the Minister was considering the outcomes of current funding but supported the work undertaken to date.

Ms Emerick (AFMA) highlighted the need to establish whether the excessive take of turtle and dugong around Daru is commercial or illegal take. Dr Jones advised that simply having information that turtle and dugong has been sold at Daru doesn't allow the determination of whether it is (illegally) taken in Australian waters or not. Mr Bedford confirmed that the Community based Plans will allow for monitoring of catch by PNG nationals on traditional visits to be collected.

Dr Jones added that Foreign Compliance had previously requested the development of specific provisions for netting which would provide them with regulations allowing them greater powers to stop take of turtle and dugong using nets that were not considered to be for traditional use. .

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Dr Kwan (DEWHA) reminded members of their international obligations under the Torres Strait Treaty in terms of traditional fishing for turtle and dugong by PNG. She added that this issue will be addressed but it will take time. Mr Bedford advised that this issue had been raised at the last bilateral meeting with PNG and had involved discussion on ways the two countries could work together on this issue. Mr Lui (DAFF) undertook to distribute the draft Minutes from the last bilateral meeting once the Minister had approved them for release. He advised that in terms of the enforcement structure, turtle and dugong responsibility sits within the PNG Department of Conservation and advised that PNG are aware of the problems and that the community based management plans have received a lot of recognition by PNG.

Ms Emerick (AFMA) asked whether the legal advice in relation to the movement of turtle and dugong out of Australian waters which confirms this is not legal, includes the movement of turtle and dugong for traditional purposes as well. Dr Kwan (DEWHA) agreed to provide clarification on that issue noting that this was only one set of legal advice which was yet to be considered.

**ACTION:** DEWHA to clarify whether the intent of the legal advice in relation to the movement of turtle and dugong out of Australian waters, which is considered illegal, includes the movement of turtle and dugong for traditional purposes.

Dr Kwan advised that work towards the PNG Daru Stakeholder Engagement Project would continue and that a consortium will undertake the consultancy work in PNG. She informed members that a selection process would be undertaken over the next couple of weeks with the timeframe for completion of the project expected by September 2009.

Dr Kwan briefed members on progress with the Strategic Assessment Report reporting that the draft assessment recommendations had been with agencies for some time now. She advised that the meeting scheduled for March 2008 had been cancelled until the issue of funding has been clarified and announced in the May 2008 Budget.

### ***The TSFMAC NOTED:***

- 5) the progress to date with the development of community based management plans for turtle and dugong in six communities and commended the TSRA and Community Groups on their efforts;***
- 6) the urgency in ensuring the planning process is extended to other communities and the collective risks in losing momentum;***
- 7) the importance of further reporting on the finalisation and implementation of the plans, monitoring and compliance; and***
- 8) the need for further funding to extend the planning process to other Torres Strait Communities and implement compliance and monitoring..***

### ***The TSFMAC RECOMMENDED that the PZJA:***

- 1) COMMEND the Torres Strait Regional Authority and community groups on progress to date on the development of community based management plans for turtle and dugong; and***

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- 2) ***URGE further reporting on the finalisation and implementation of community-based plans, monitoring and compliance; and***
- 3) ***SUPPORT extension of the planning process to other communities and support funding for this extension as well as implementation, monitoring and compliance programs.***

## **6. TORRES STRAIT PRAWN FISHERY**

### **6.1 Outcomes of TSPMAC #5 (4-5 December 2007) and Management Plan Update**

Dr Wilson (AFMA) presented the formal outcomes of the December 2007 Prawn Management Advisory Committee meeting. He reported that the six key issues discussed at TSPMAC #5 included:

- **Trends in 2007 catch and effort data** – TSFMAC noted:
  - the general trends of the data from the annual catch and effort graph indicated an overall decrease in effort in 2007 which is likely a result of reduced fishing days, increased fuel prices and decreased product value;
  - the data showed a steady increase in tiger prawn catch rates since 2000 which indicates an increase in biomass and an increase in Endeavour prawn catch since 2003 but a decrease in 2007.
- **TSPF Management Plan** – TSFMAC noted that:
  - the draft Management Plan had been developed in close consultation with TSPMAC industry members;
  - introduction of the Management Plan for the 2008 fishing season had not been possible due to a number of reasons including the timing of the federal election, drafting delays and the change of the Australian Government;
  - TSPMAC members agreed at their December 2008 meeting that the development and implementation of an interim Harvest Strategy for 2008 should take precedence over the management plan development;
  - Once finalised, the draft Plan will be made available for public comment for a period of 30 days; and
  - The Management Plan is not expected to be finalised until mid-2008 at the earliest, with accreditation expected late in 2008.
- **Prohibition on the take of shark in the TSPF** – TSFMAC noted that while TSPF licence holders are currently allowed to take the lesser of 5 sharks or 30 kgs of shark, TSPMAC agreed to seek the PZJA's agreement to a total prohibition on the taking, processing or carrying of shark in any form in the Torres Strait Prawn Fishery under the Management Plan which is expected to take effect in March 2009.
- **Proposed area closures** – TSFMAC noted TSPMAC's recommendation to seek PZJA agreement to the incorporation of proposed area closures for the areas of

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Australian jurisdiction around Deliverance Island, Kerr Islet and Turu Cay in the TSPF Management Plan. The islands/Cays were recognised as important turtle nesting areas that support significant nesting populations of the vulnerable Green and Flatback turtles. The reefs and seagrass bed surrounding these islands are also an important inter-nesting habitat for breeding female turtles, during which time they are relatively inactive and therefore highly susceptible to trawling.

- **Harvest Strategy Update** – Mr Fava (QDPI&F) informed members that due to a few issues affecting the viability of prawn operators as a result of rising fuel costs and competition, industry had sought the development of an interim harvest strategy. He reported that TSPMAC at its meeting last year had agreed to develop an interim harvest strategy through a stakeholder workshop for introduction at the start of the 2008 season. He confirmed that this was only an interim measure to assist operators through difficult economic circumstances likely to be experienced during the 2008 season and that the ability to lease would potentially alleviate viability issues and until the management plan has been developed. He advised that an additional effort allocation resulting in a total allowable cap of 12,000 fishing days was proposed under the interim strategy but confirmed that this proposal requires PZJA out-of-session approval.

Mr Nakata (TSRA) highlighted TSRA concerns over the proposed change to the Minister's earlier decision with an additional 2,800 days allocated and asked whether the additional days were based on scientific information. Mr Fava advised that this figure was based on scientific data as the data indicated that tiger prawn stocks are healthy. He also said it was important to remember that the likelihood that that number of fishing days would be reached was very slim and that there are not a lot of operators able to fully utilize those days. He added that this was mainly a decision to service a few operators who were affected by the 30% sustainability cut. Dr Wilson reaffirmed that the uptake of the full 2,800 additional days was highly unlikely and pointed out that this would only be a one year temporary proposal.

Mr Nakata (TSRA) asked whether the additional effort would impact the other TS fisheries and suggested that it would be beneficial to review the outcomes of this temporary increase in effort at the end of the interim period. Dr Wilson advised that this would occur at the TSPMAC level.

The CFG representatives highlighted that discarded rubbish around York Island was becoming a problem as a result of prawn trawling activity around the Islands. TSFMAC agreed to refer the issue to TSPMAC.

Mr Bedford (CFG) raised the issue of research surveys undertaken in the TSPF highlighting that the community had been unaware of recent survey work being undertaken by the research trawler 'Gwendoline May'. Mr Nakata informed members that this was an opportunity to introduce a long term observer program for TS Islanders.

Dr Wilson agreed that the observer program had a lot of merit but that there were a number of issues that needed to be discussed such as the length of time of observer trips and the method of data collection. Mr Charles David (CFG) advised on the need to liaise with the Communities on this issue.

Mr Charles also expressed his frustration over the fact that he had raised the matter of introducing an indigenous observer on research surveys many times in

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the past. Specifically, Mr David requested that a local community member be permitted to board research cruises for short periods during each trip so as to keep the local communities informed of research activities. Dr Wilson replied that he would aim to include this as condition on scientific permits issued for the Torres Strait.

Dr Wilson advised that researchers usually have rigid timelines when carrying out field research. Dr Wilson indicated that researchers had previously been unable to spend an additional day during a research cruise to provide informal presentations to communities. Mr Stan Lui from DAFF agreed to include this as an agenda item on the next TS Prawn Research Steering Committee meeting.

- **Catch sharing arrangements** - Australia/PNG bilateral fisheries talks – TSFMAC noted that TSPMAC had recommended that the PZJA note that Australia and PNG have agreed, in principle, to continued preferential entitlement arrangements for the prawn fishery on the following basis:
  - (a) that preferential entitlement arrangements instituted in the 2007 season be carried forward for a period of five years (2008-2013); and
  - (b) Australia would need to consult with PNG annually on these arrangements so that PNG has the first call on the entitlements.

TSFMAC noted that TSPMAC had agreed that two rounds of offers should be made for the PNG days on a pro rata basis, one at the beginning of the season and one once the season is underway.

Mr Lui (DAFF) advised members that PNG had indicated they don't intend to use their entitlement for the next five years.

**ACTION:** DAFF to include as an agenda item for the next Torres Strait Prawn Research Steering Committee meeting the issue of introducing an indigenous observer on research surveys cruises for short periods during each trip so as to keep the local communities informed of research activities.

### **TSFMAC NOTED:**

- (1) *the verbal update on the outcomes of TSPMAC#5 held in December 2007;*
- (2) *the formal outcomes of the fourth meeting of the TSPMAC#4 held on 14 June 2007;*
- (3) *the update provided in respect to progress of the TSPF Management Plan;*

### **TSFMAC AGREED to:**

- (1) *urge the capacity for research liaison with TS Communities prior to a research vessel undertaking survey work; and*
- (2) *refer the issue of discarded rubbish around the Islands to TSPMAC.*

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### **7. COMPLIANCE**

#### **7.1 Domestic Compliance Report**

Mr Shane Fava from QDPI&F reported that the summary report provided an update on domestic compliance issues and that he would respond to any questions. Dr David Wilson from AFMA raised concerns regarding the reports which indicated that TSPF trawl crews were unaware of the no-take rules on tropical rock lobster. The Chair indicated that as there was no QB&FP member at the meeting, that any issues of concern regarding the Compliance report, be raised directly with QB&FP offices based on Thursday Island. The TSFMAC noted the contents of the compliance report.

#### **7.2 Foreign Compliance Report**

Mr Marrington (AFMA) provided an update in relation to foreign fishing compliance in Torres Strait. He advised that there had been an escalation in the number of illegal foreign fishing apprehensions of PNG nationals and that the majority of these had been dealt with by way of warnings, seizure of boat, gear and catch and returning illegal fishers home. While there has been a slow escalation in the number of apprehensions of illegal foreign fishing if this continues in future, PNG nationals caught illegally fishing in Australia may be prosecuted.

He advised members of PNG's intention to charge the 71 PNG nationals returned to PNG after they were caught poaching sea cucumber near Warrior Reef. He advised that the decision whether or not to prosecute was made at a higher level and the decision to currently not prosecute was as a result of the large cost to the Australian community of doing so.

Mr David (CFG) questioned when they were likely to know the outcome of the 71 illegal PNG fishers as he was concerned that illegal fishing was harming Torres Strait fisheries. Mr Marrington responded that he could not provide a timeframe in terms of what would happen to the PNG illegal fishers and that this issue should be raised at the bilateral negotiations with PNG.

Mr Nakata (TSRA) raised community concerns over the presence of the PNG illegal fishers in the community and their interaction with the Islanders on Thursday Island.

The TSFMAC requested that the MAC be briefed on the outcome of the recent PNG illegal fisher prosecutions.

**ACTION:** The MAC to be briefed on the outcome of the recent PNG illegal fisher prosecutions.

### **8. COMMITTEE MEMBERSHIP**

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### **8.1 Membership – PZJA Consultative Committees and Groups**

Dr Jones (AFMA) informed the TSFMAC of the following progress and changes in the TSFMAC, TSSAC and TRLRAG membership:

- the increase in the total number of traditional inhabitant members representing each of the communities on the TSFMAC from 23 to 24 to allow for the inclusion of a representative from Warraber as agreed at PZJA 21.
- amendment of the Fisheries Management Paper No. 1 on TS Committees and Associated Committees and Working Groups to reflect the increase in Traditional Inhabitant membership is in progress;
- replacement of the Prawn fishery non-traditional member on TSFMAC with a Processor Member and filling the non-traditional inhabitant member vacancy with a TRL Industry Representative is in progress;
- a selection process to fill the vacant TSFMAC Chairperson position following Dr Russel Reichelt's resignation is currently in progress.

Dr Jones advised members that a recruitment process for the Tropical Rock Lobster Resource Assessment Group (TRL RAG) membership had been undertaken as membership has never been formalised.

***TSFMAC NOTED progress in the appointment of new members/Chairperson of the TSFMAC, TSSAC and RAG.***

## **9. OTHER BUSINESS**

### **9.1 Date of the next meeting**

Members discussed a tentative date for the next meeting and agreed on mid-August recognising that the PZJA would meet in May 2008 and that the TRL WG and the FFWG would need to meet prior to that date.

Mr Nerdal (DAFF) reminded all those concerned that the April PZJA stakeholder meeting would involve stakeholders and that this is an important time with a new Minister and the importance of a constructive approach in submitting agenda papers for the PZJA's consideration.

Mr Pollock thanked members for the opportunity to act as Chair for this meeting and recommended that further meetings include a short standard item providing a short five minute overview on major issues facing each of the fisheries.

Mr Bedford informed members of the recent loss of Mr Phil Bigie, the CFG representative for Dauan Island and highlighted the work he had done on behalf of Dauan Island.

### **TSFMAC Meeting #10 Minutes**

Dr Jones thanked Mr Pollock for his role as acting TSFMAC Chair noting that he has a long history of involvement in Torres Strait fisheries and confirmed that it had been a very constructive meeting.

***TSFMAC AGREED to a tentative date of mid-August 2008 for the next TSFMAC meeting.***

Mr Terrence Whap ended the meeting with a prayer. The Chair closed the meeting at 2pm.



## TSFMAC Meeting #10 Minutes

### ACTIONS ARISING FROM TSFMAC #10

Action reference number	Action	Date item was added	Responsibility
TSFMAC - Preliminaries	AFMA to coordinate the preparation of a letter to Dr Russell Reichelt on behalf of the TSFMAC thanking him for his contribution as Chair of TSFMAC.	TSFMAC#10 18-19 March 2008	AFMA
TSFMAC Item 2	DAFF to seek: <ul style="list-style-type: none"> <li>• formalisation of the process for offsetting future PNG fishing effort transferred to the Australian area of jurisdiction through a proportionate reduction in fishing effort in the PNG area of jurisdiction at the bilateral meeting; and</li> <li>• a legal opinion on whether PNG's 25% of the Australian allowable catch refers to the Protected Zone only, or to the Protected Zone plus the "outside but near area"</li> </ul>	TSFMAC#10 18-19 March 2008	DAFF
TSFMAC Item 2	Prepare an outline of the process involved with Native Title approval for CFG information by 30 April 2008.	TSFMAC#10 18-19 March 2008	QDPI&F/DAFF
TSFMAC 3.2	Review the current Finfish Leasing Arrangements Timelines to determine where requirements could be amended to allow further time for consultation with communities.	TSFMAC#10 18-19 March 2008	DAFF
TSFMAC 3.3	Clarify whether TIB boats can be dual endorsed and carry additional product on board.	TSFMAC#10 18-19 March 2008	QDPI&F
TSFMAC 5.1	Clarify whether the intent of the legal advice in relation to the movement of turtle and dugong out of Australian waters, which is considered illegal, includes the movement of turtle and dugong for traditional purposes	TSFMAC#10 18-19 March 2008	DEWHA
TSFMAC 7.2	The MAC to be briefed on the outcome of the recent PNG illegal fisher prosecutions.	TSFMAC#10 18-19 March 2008	AFMA
TSFMAC 9.1	Future TSFMAC meetings to include a short standard item under each fishery which provides a short overview of major	TSFMAC#10 18-19 March 2008	AFMA

### TSFMAC Meeting #10 Minutes

Action reference number	Action	Date item was added	Responsibility
	issues facing that fishery.		