



Australian Government Australian Fisheries Management Authority



TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE

MEETING NO. 11

MINUTES

11-12 NOVEMBER 2009 BOWLS CLUB, THURSDAY ISLAND

CHAIR: MR JOHN POLLOCK

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

🏷 Protecting our fishing future

www.afma.gov.au



AGENDA

1. Meeting Administration

- 1.1. Ratification of TSFMAC No.10 meeting record (AFMA) For Decision
- 1.2. Actions and/or business arising from previous TSFMAC meetings (AFMA) For Discussion

2. Hand Collectables Fisheries (TSHCF)

- 2.1. Outcomes from Hand Collectables Working Group (AFMA). For Noting
- 2.2. Community based harvest strategies for hand collectibles (AFMA) For Decision
- 2.3. Fisheries declarations for sponge and coral collecting fisheries (AFMA) For Decision
- 2.4. Results from 2009 survey of eastern Torres Strait (CSIRO/AFMA) For Noting

3. Turtle and Dugong Fisheries (TSTDF)

- 3.1. Turtle and dugong community based management plans (TSRA) For Noting
- 3.2. Fisheries Management Instruments to support Community Management Plans (TSRA) For Noting

4. Wildlife Trade Operation (WTO) Reassessment Outcomes and Ecological Risk Management

- 4.1. Recommendations for Beche-de-mer Fishery (AFMA) For Noting
- 4.2. Recommendations for Trochus Fishery (AFMA) For Noting
- 4.3. Recommendations for Finfish Fishery (AFMA) For Noting
- 4.4. Ecological Risk Management for the TRL Fishery (AFMA) For Noting
- 4.5. Notification of upcoming assessment for TRL fishery (verbal AFMA) For Noting

5. Compliance

- 5.1. Domestic Compliance update (QB&FP) For Noting
- 5.2. Foreign Compliance update (AFMA) For Noting

6. Tropical Rock Lobster (TRL) Fishery

- 6.1. 2009 season summary (Jan July): Australia and PNG (AFMA) For Noting
- 6.2. PNG Cross endorsement (QPIF) For Noting
- 6.3. Use of Cages (QPIF) For Noting
- 6.4. Outcomes and recommendations from the TRL RAG (AFMA) For Noting
- 6.5. Results from the tail-clipping and conversion factor project (AFMA/CSIRO) For Noting
- 6.6. TRL Handbook (AFMA) For Noting

7. Finfish Fisheries (Spanish Mackerel and Reef Line)

- 7.1. Outcomes from Finfish Working Group (AFMA) For Noting
- 7.2. Outline of Finfish Management Plan (AFMA) For Decision
- 7.3. Enhancing leasing in the Finfish Fishery (QPIF/TSRA) For Discussion
 - 7.3.1. Update of leasing for 2009/2010
 - 7.3.2. Inhibitions to leasing

7.3.3. Proposed use of leasing income

8. Outcomes from other meetings

- 8.1. TSSAC (AFMA) For Noting
 - 8.1.1. TSSAC Strategic Research Plan and Operational Plan
 - 8.1.2. TSSAC Terms of Reference
 - 8.1.3. Requirements for PNG Nationals to work in the Torres Strait commercial fishing industry.
- 8.2. Bilateral fisheries talks between Australia and PNG (DAFF) For Noting
 - 8.2.1. Identification of home reefs (TSRA)
- 8.3. TSPMAC No.7 (QPIF) For Noting
 - 8.3.1. Prawn Fishery Management Plan. (Verbal AFMA) For Noting
- 8.4. CFG meeting (TSRA) For Noting
- 8.5. PZJZ Consultative Group Membership (AFMA) For Noting

9. Other Business

- 9.1. Kailag Enterprise Sponge Farm (G Mosby) For Noting
 - 9.1.1. Anchorages around Masig (QPIF/TSRA) For Discussion
- 9.2. 2009/10 PJZA Operating Budget (AFMA) For Noting
- 9.3. PZJA out of session decisions (DAFF) For Noting
- 9.4. Fishery Infringement Notices (QPIF) For Discussion
- 9.5. TSFMAC Membership (Verbal AFMA) For Discussion

PZJA Standing Committee Forum

THE PZJA STANDING COMMITTEE ATTENDED THE TSFMAC TO PROVIDED A FORUM IN WHICH THE STANDING COMMITTEE COULD PROVIDE INFORMATION TO TSFMAC MEMBERS AND MEMBERS COULD ASK QUESTIONS OF THE STANDING COMMITTEE. THE AGENDA FOR THE FORUM WAS:

- 1. Update on the 5-year TRL Business Plan and progress of TRL Management Plan (DAFF)
- 2. PZJA Administrative Review update (AFMA)

DECISION RECORD – TSFMAC No. 11 (11-12 November 2009)

Agenda item 1

1.1.1 The TSFMAC **AGREED** to accept the minutes from TSFMAC No. 10 as a true and accurate record of the meeting.

Agenda item 2.2 – Community Based Harvest Strategies for hand collectibles

2.2.1 The TSFMAC AGREED, in principle,

(a) to recommend to the PZJA the development of the community based harvest strategies; and(b) to the project plan for development of community based harvest strategies; for Torres Strait Hand Collectables Fisheries.

Agenda Item 2.3 – Fisheries declaration for sponge and coral collecting fisheries

2.3.1 The TSFMAC **AGREED** to recommend to the PZJA:

(a) that PZJA decision No 17.9.a.4 "prohibiting the harvesting of sponges unless an appropriate authorisation is held, providing for a maximum of one in possession" be revoked; and be replaced by

(b) a fisheries management instrument for the Sponge Fishery to prohibit the harvest of sponges unless an appropriate authorisation is held. Authorisation will only be issued for collection for Torres Strait Islander Sponge farms.

2.3.2 The TSFMAC **AGREED** to recommend to the PZJA that a fisheries management instrument be developed to prohibit harvest of coral (Cnidaria) and live rock in the Torres Strait Protected Zone.

Agenda Item 2.4 – Inclusion of Pteria in the Pearl Shell fishery

2.4.1 The TSFMAC AGREED to recommend to the PZJA that Fisheries Management Notice No. 069 be amended to include the genus *Pteria* by addition of the words "and genus Pteria" to 4.1 (a) of the FMN.

Agenda Item 6.3 – use of cages in TRL Fishery

- 6.3.1 The TSFMAC AGREED to recommend to the PZJA that:
 - (a) a relevant mechanism be developed to monitor and manage the use of lobster holding cages in the TSPZ (ie. a fisheries management instrument) and discuss the detail to be included; and
 - (b) a consistent short term approach be taken to monitoring the use of lobster holding cages across both the traditional (TIB) and non-traditional (TVH) sectors.

<u>Agenda item 7.2 – Outline of Finfish Management Plan</u>

7.2.1 The TSFMAC **AGREED** to recommend to the PZJA:

(a) the process undertaken to develop the Finfish Management Plan outline;

(b) the proposed timeline to implementation of a Finfish Management Plan for the Torres Strait;

(c) the draft management objectives, in principle, to be included in the draft Management Plan;(d) the outline of the management plan with the exception of clauses related to transfer of TIB licences, Units of Fishing Capacity and Annual Catch Entitlements; and

(e) to consider further feedback from Community Fisher Group members facilitated by TSRA on transfer of TIB licences, Units of Fishing Capacity and Annual Catch Entitlements prior to release of a Draft Management Plan for public comment.

Agenda Item 7.4 – Net restrictions in Finfish Fishery

7.4.1 The TSFMAC **AGREED** to recommend to the PZJA that a fisheries management instrument be develop for the Torres Strait Finfish fishery to implement a mesh net size restriction for traditional fishing for finfish to the size of 4 inch mesh, 2.5m drop and 100m total length.

Agenda Item 8.5 – PZJA Consultative Group Membership

- **8.5.1** The TSFMAC **AGREED** to recommend to the PZJA the following people be appointed as members of the Hand Collectables Working Group:
 - a) Maluwap Nona Badu Island representative
 - b) Rick Torelli buyer representative
 - c) Mika David Warraber Island representative
 - d) James Bon Mer (Murray) Island representative

Agenda Item 9.1 – PZJA Out of Session Decisions

9.3.1 The TSFMAC **AGREED** to recommend that the PZJA reconsider recommendation 22.1.1.2(b) regarding the requirement for Master Fishermen Licences under the proposed simpler licensing arrangements that would remove the need for tenders to be licensed, taking into account the following:

(i) that the TVH sector prefer to have a requirement for a Master Fisherman's Licence only for the primary vessel with no carrier boats licences or tender licences;

(ii) that if (i) is not possible, the TVH sector wish that the original requirements are implemented, requiring a carrier boat licence and each tender licensed, with a Master Fisherman's Licence required for all vessels (primary and tender), however, it was noted that this may not be the view of all TVH fishers¹.

(iii) the TIB sector would like a Master Fisherman's Licence to be required for all vessels (primary and tender) regardless of licensing requirements to maximise employment and capacity building for Torres Strait Islanders.

Subsequent to the meeting of TSFMAC #11, Ray Moore consulted with other TVH licence holders regarding this issue. The following views therefore take precedence over the previous views outlined in decisions 9.3.1:

(i) that the TVH sector would like the requirement for a Master Fisherman's Licence for tender vessels to be removed;

(ii) that if (i) is not possible, the TVH sector prefer the original requirements are implemented, requiring each tender to be individually licenced.

¹ This has been adopted as a draft recommendation contingent on further consultation with TVH stakeholders on (ii).

Agenda Item 9.5 – TSFMAC membership

- **9.5.1** The TSFMAC **AGREED** to recommend to the PZJA that the two TVH Finfish positions on the TSFMAC be replaced with one position for a lessee of a sunset licence with a Finfish endorsement or any other person with commercial interest in the Finfish Fishery.
- **9.5.2** The TSFMAC **AGREED** to recommend to the PZJA that the following people be appointed as members of the Torres Strait Fisheries Management Advisory Committee:
 - a) Maluwap Nona Badu Island representative
 - b) Les Pitt Darnley (Erub) Island representative
 - c) Thomas Mooka Dauan Island representative
 - d) Pearson Wigness Horn (Ngurapai) Island representative
 - e) James Bon Murray (Mer) Island representative
 - f) John Wigness St Pauls (Moa) representative
 - g) Mika David Warraber representative
 - h) Gavin Mosby Yorke (Masig/Kailag) Island representative
 - i) Fisheries Policy Officer TSRA
- **9.5.2** The TSFMAC **AGREED** to recommend that the PZJA **NOTE** resignations of the following people from the Torres Strait Fisheries Management Advisory Committee and that these positions will be vacant until appropriate replacements can be identified:
 - a) Seriako Dorante Hammond Island representative;
 - b) Terrence Whap Mabuiag Island representative;
 - c) Raily Gibia TRAWQ representative;
 - d) Connie Young Umagico representative

MAC recommendation resulting from the PZJA Standing Committee forum

- **9.6.1** The TSFMAC **AGREED** to recommend that the PZJA be advised through the TRL business planning process of:
 - a) The potential, financial and economic value to the Torres Strait community of Torres Strait fisheries;
 - b) The infrastructure and skills capacity needs for Torres Strait communities to optimise economic returns from Torres Strait fisheries;
 - c) The effect of the recent structural adjustment/TVH buy-out in the TRL fishery on the capacity of non-TVH sectors to expand fishing effort;
 - d) The financial and economic effects for Torres Strait communities of forthcoming changes to CDEP;
 - e) Opportunities for maximised value-adding through partnerships between TIB and commercial sectors;

and that in light of the above information, PZJA members consider an approach to PZJA Agencies and Governments seeking a comprehensive program of further structural adjustment in the TRL Fishery and provision of infrastructure and skills needs aimed at enhancing economic self sufficiency in Torres Strait communities.

Name	Representative organisation	Declaration of Interest
Mr John Pollock	Chairperson	Consultant
Dr Annabel Jones	AFMA	Manager, Thursday Island
Mr Malcolm Southwell	AFMA	Senior Manager, Northern Fisheries
Ms Samantha Emerick	AFMA – Executive Officer	Senior Fisheries Officer
Mr Neville Nakata	TSRA	Fisheries Co-ordinator
Mr Shane Fava	QDPI&F	Senior Fisheries Management Officer
Mr Phil Hughes	Proxy - TVH TRL Industry Representative	TRL Licence Holder
Mr Tony Vass	Proxy - TVH Finfish Industry Representative	Ex Mackerel Licence Holder
Dr Ray Moore	Industry TRL Representative	TRL Licence Holder
Mr Daniel Takai	Fish Receiver Representative	TRL Licence Holder Processor
Mr Les Pitt	CFG representative	TIB Licence holder
Mr Dennis Passi	CFG representative	TIB Licence holder
Mr William Stephen	CFG representative	TIB Licence holder
Mr Gavin Mosby	CFG representative	TIB Licence holder
Mr Francis Pearson	CFG representative	TIB Licence holder
Mr Mika David	CFG representative	
Mr Pearson Wigness	CFG representative	
Mr Yen Loban	CFG representative	TIB Licence holder
Mr Graham Hirakawa	CFG representative	
Mr Mica Newie	CFG representative	TIB Licence holder
Mr Jerry Babia	CFG representative	TIB Licence holder
Mr Dimas Toby	CFG representative	

The following members and observers were in attendance at TSFMAC No 11:

Observers:

Name	Role			
Mr Kenny Bedford	TSRA Fisheries Portfolio Member			
Mr Steve Hall	TSRA - Fisheries Policy Officer			
Ms Rebecca Williams	AFMA - supporting Executive Officer			
Mr Lyndon Peddell	QB&FP			
Mr Glenn Hurry ²	AFMA - PZJA Standing Committee			
Mr Wayne See Kee ²	TSRA - PZJA Standing Committee			
Mr Jim Groves ²	QDPI&F - PZJA Standing Committee			
Mr Roland Pittar ²	DAFF - PZJA Standing Committee			
Mr John Marrington ³	AFMA – Foreign Compliance			
Mr Paul PakPoy ³	DAFF			
Mr Damian Miley	TSRA Manager - Land and Sea Management Unit			
Mr Brett Young ³	DFAT			
Mr Adam Wade ⁴	AFMA - Fisheries Management Officer			
Ms Shalana Uta ⁵	Student – Tagai College			
Ms Stephina McKeown ⁵	Student – Tagai College			

Apologies:

Name	Role
Mr Brett Arlidge	TVH TRL Industry representative
Mr Carl D'Aguiar	TVH Finfish Industry representative
Mr Shaun Hansen	TVH Finfish Industry representative
Mr Ian Cartwright	Scientific member –TSSAC Chair

² PZJA standing committee members only present on the afternoon of the 11/12/09 and part of the afternoon on the 12/11/09.
³ Present on the afternoon of the 11/11/09 only
⁴ Present on 12/11/09 only.
⁵ Present on morning of 12/11/09 only.

Action Items

#	Action Item	Agenda item	Responsibility
1	DAFF to formalize through the bilaterals the process for offsetting unused Australian allocation in PNG by subtracting an equal amount of the resource from PNG allocation in Australia.	11.1.2 Carried over from TSFMAC No.10	DAFF AFMA
	In addition, for DAFF to investigate if cross endorsed vessels may access the outside but near areas of the Protected Zone when fishing under cross endorsements.		
2	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.	11.1.2 Carried over from TSFMAC No.10	DEWHA via AFMA
3	Further consultations to be carried out with CFG representatives to gain a consensus on the inclusion of the following items prior to release of the draft Finfish Management Plan for public comment: a) Transfer of TIB licences; b) Transfer of units of fishing capacity. c) Transfer of Annual Catch Entitlements TSRA will facilitate the consultation with the CFG, assisted by AFMA	11.7.2	AFMA TSRA CFG
4	A research proposal to be developed for consideration by the TSSAC to investigate the feasibility of a fresh (whole fish on ice) and/or live market for coral trout facilitated by TSRA.	11.7.3	TSRA
5	CFG representatives to discuss with PNG cross endorsed operators the request to avoid Torres Strait community reefs when fishing in Australian waters under cross-endorsement. Consultation will be facilitated by TSRA.	11.8.2	CFG representatives TSRA
6	Feedback to be provided to the TSFMAC regarding progress of protection of the Kailag Sponge Farm at Masig from damage from vessels.	11.9.1	CFG Masig representative

Agenda Item 1.1Ratification of TSFMAC No.10 meeting record

The TSFMAC members reviewed the minutes from the last TSFMAC meeting held in 2008 and agreed that they were an accurate record of the meeting.

1.1.1 The TSFMAC **AGREED** to accept the minutes from TSFMAC No.10 as a true and accurate record of the meeting.

Agenda Item 1.2 Actions and/or business arising from previous TSFMAC meetings

The TSFMAC noted the progress on action items and business arising from the TSFMAC No.10 and the following discussions were recorded.

<u>Action Item 2</u> The Department of Agriculture, Fisheries and Forestry (DAFF) is seeking to have the process formalised for offsetting future Papua New Guinea (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. This remains an ongoing task.

As part of the above action item, DAFF was also requested to seek 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 areas'. PNG allocation of the resource is determined on catch from the PZJA and outside but near areas, however, clarification is to be sought on whether cross endorsed PNG operations can access the outside but near areas to fish. PNG cannot make landfall in Australia so potential impacts for immigration and quarantine issues if such vessels were able to access areas near mainland Australia are not clear. DAFF were requested to investigate this issue further.

Clarification on access by cross endorsed PNG operations to the outside but near areas of the TSPZ to fish will be included to action item 2 TSFMAC #10 (ACTION ITEM 1).

<u>Action Item 3</u> Queensland Department of Primary Industry and Fisheries (QDPI&F) have provided information regarding the process followed for Native Title approval to the Torres Strait Regional Authority (TSRA) Native Title Office who are happy with the process and outcomes.

Action Item 4 Finfish leasing arrangements are now in place and leasing is occurring.

<u>Action Item 5</u> was to clarify whether Traditional Inhabitant (TIB) boats can be dual endorsed and carry additional product on board. There are issues surrounding the monitoring of compliance with gear restrictions if more than one species is targeted on a single trip. However, it is recognised that it is more efficient for fishermen to change target species in a trip and many TIB fishermen are often endorsed to target multiple species. TIB fishermen are also taking traditional species on commercial trips and there is no legislation preventing this.

The TSFMAC was advised that current legislation does not restrict TIB fishermen targeting multiple species as long as they comply with current gear regulations for each fishery targeted.

Action Item 6. The Department of the Environment, Water, Heritage and the Arts (DEWHA) is seeking legal advice on whether the movement of turtle and dugong out of Australian waters (considered illegal), includes the movement of turtle and dugong for traditional purposes. Restrictions regarding the movement of turtle and dugong out of Australian waters have been incorporated into the Erub Community Based management plan.

Agenda Item 2.1 Outcomes from Hand Collectables Working Group

The Committee noted the outcomes from the Hand Collectables Working Group Meetings No.2 and 3 and discussed the main recommendations at agenda item 2.2, 2.3 and 2.4.

Agenda Item 2.2 Community Based Harvest Strategies (CBHS) for hand collectables

The TSFMAC supported further development of CBHS with willing Torres Strait communities and encourage others to consider the initiative for their communities. The

1

TSFMAC agreed that development of CBHS would address DEWHA recommendations on the Strategic Assessments for the Torres Strait Trochus and Bêche-de-mer fisheries whilst also allowing communities to manage these fisheries in accordance with their aspirations.

The Committee noted that the development of community based harvest strategies is subject to availability of funds, PZJA agency resources and collaboration with communities. CBHS will initially be developed for five communities who indicated their support at the HCWG meeting.

2.2.1 The TSFMAC AGREED, in principle,

(a) to recommend to the PZJA the development of the community based harvest strategies; and

(b) to the project plan for development of community based harvest strategies; for Torres Strait Hand Collectables Fisheries.

Agenda Item 2.3 Fisheries Declarations for sponge and coral collecting fisheries

The TSFMAC noted the HCWG recommendation to protect sponge and coral from harvest in Torres Strait and that there are currently no regulations in place for these species. The TSFMAC also noted the existing PZJA decision to register sponge as a Torres Strait Fishery with restrictions to be introduced through fisheries management instruments (FMI).

The TSFMAC noted the current views of the HCWG and agreed that they would like to restrict the harvest of sponge, except for sponge farms. The TSFMAC agreed to recommend to the PZJA that decision No 17.9.a.4 be amended to prohibit harvest of sponge except for Torres Strait operated sponge farms.

2.3.1 The TSFMAC **AGREED** to recommend to the PZJA:

(a) that PZJA decision No 17.9.a.4 "prohibiting the harvesting of sponges unless an appropriate authorisation is held, providing for a maximum of one in possession" be revoked; and be replaced by

(b) a fisheries management instrument for the Sponge Fishery to prohibit the harvest of sponges unless an appropriate authorisation is held. Authorisation will only be issued for collection for Torres Strait Islander Sponge farms.

The TSFMAC discussed the options available to protect coral from harvest in Torres Strait following the HCWG recommendation to restrict harvest of coral. Two options were available: 1) a coral fishery could be declared by the PZJA as for the sponge fishery and then a FMI developed to restrict harvest. Declaring a coral fishery would then require an amendment to the Torres Strait fisheries regulations which would increase the cost and resources required. 2) a FMI be developed restricting harvest of all Cnidaria species. This does not create a fishery and does not require amendments to regulations reducing the implementation time.

The TSFMAC agreed that coral fishery was not being sought at this time and that a FMI was sufficient to restrict harvest of all Cnidaria species. The prohibition should extend to live rock (hard substrate covered in coralline algae and other living organisms with a definition sought from Queensland legislation) as well as live and dead coral.

2.3.2 The TSFMAC **AGREED** to recommend to the PZJA that a fisheries management instrument be developed to prohibit harvest of coral (Cnidaria) and live rock in the Torres Strait Protected Zone.

Agenda Item 2.4 Inclusion of *Pteria* in the Pearl Shell Fishery

The harvest or *Pteria* (winged or penguin pearl shell) is currently not covered by regulations as the genus is not listed in FMN No. 069. This species is used to supply Australian pearl farms and there is some interest in harvesting this species in the Torres Strait. The TSFMAC agreed that FMN No. 069 should be amended to include this genus to provide some level of regulation.

2.4.1 The TSFMAC **AGREED** to recommend to the PZJA that Fisheries Management Notice No. 069 be amended to include the genus *Pteria* by addition of the words "and genus Pteria" to 4.1 (a) of the FMN.

Agenda Item 2.5 2009 survey of Hand Collectables in eastern Torres Strait results The TSFMAC members noted with interest the interim results from the research project *Sustainable harvest strategies for the Torres Strait Hand Collectable fisheries*', carried out in 2009 by CSIRO. The initial report includes suggestions of increased Total Allowable Catch (TAC) for some high value species. It was noted that any changes to TAC for Bêche-de-mer would need to be in conjunction with sustainable management arrangements included in CBHS.

Concern was expressed by some members that researchers were not surveying all of the preferred fishing sites. It was explained that a representative number of sites with both high and low abundance of species of interest is needed so that accurate levels of abundance over all habitats in Torres Strait can be calculated as per accepted surveying methods.

Agenda Item 3.1Turtle and dugong community based management plans

Rangers are currently employed or being recruited to implement the eight community based management plans endorsed by communities to date. Community based management plans for Turtle and Dugong are now being extended to the remaining communities in the Torres Strait. Assessment of the outcomes achieved so far by the Turtle and Dugong Management Plans will provide a mechanism for reviewing their effectiveness.

Further consultation with PNG traditional inhabitants is required to gain support for the Turtle and Dugong management arrangements and is being facilitated through TSRA.

Agenda Item 3.2 Fisheries Management Instruments (FMI) to support Community Management Plans

TSRA are currently investigating development of Fishery Management Instruments (FMI) or alternate arrangements for some of the strategies included in the Community Management Plans such as area closures. The TSFMAC recognised the benefits and disadvantages of legislative options (such as FMIs) compared to less formal management arrangements including voluntary compliance and community justice systems. The TSFMAC agreed to support the process where possible including community based options.

The work of previous turtle and dugong officers was acknowledged and consultation for the remaining plans will continue.

Agenda Item 4 Wildlife Trade Operation (WTO) Reassessment Outcomes and Ecological Risk Management

The Committee noted the information provided regarding WTO reassessment outcomes and DEWHA recommendations for the Torres Strait Bêche-de-mer, Trochus and Finfish fisheries. The TSFMAC noted the Ecological Risk Assessment (ERA) process carried out for the Torres Strait Tropical Rock Lobster (TRL) Fishery and that results indicate very low risk to any species from the fishery. This fishery is not required to conduct any further ERA at this time. The ERA report for the Torres Strait TRL fishery is publicly available on the AFMA website (www.afma.gov.au).

The TSFMAC noted the upcoming strategic assessment of the Torres Strait Lobster Fishery in 2010 and that a five year exemption from WTO endorsement would be sought by AFMA from DEWHA.

Agenda Item 5.1 Domestic Compliance update

The Committee noted the domestic compliance report provide by Queensland Boating and Fisheries Patrol (QB&FP). QB&FP are reviewing the methods used to deliver the compliance program in response to a number of on-going issues. Firstly, there has been a change in the dynamics of Torres Strait fisheries as fishermen are now targeting several fisheries in a single trip. There are also recurrent difficulties in distinguishing commercial catch from traditional catch which hinders the enforcement of management regulations.

QDPI&F and QB&FP are also investigating mechanisms to more efficiently manage compliance through fishery infringement notices (FINs) for small scale offences (discussed further at Agenda Item 9.4). There was no opposition to this initiative voiced by the TSFMAC.

There was some discussion regarding compliance of the use of cages in the TRL fishery and this was discussed further under Agenda Item 6.3.

Agenda Item 5.2 Foreign Compliance update

The Committee noted the foreign compliance report provide by AFMA. The Bêche-de-mer closures in all areas of PNG imposed by the National Fisheries Authority (NFA) are a positive move but PNG have limited resources to monitor and enforce the restrictions. AFMA foreign compliance will provide assistance where possible by providing monitoring information to PNG compliance staff.

Concerns raised by the TSFMAC on PNG cross endorsed vessel fishing in the TRL fishery were discussed. TSRA stated that relevant information is provided to communities by way of notices to provide awareness of the vessels entering the Australian jurisdiction. PNG cross endorsed vessels were boarded on their arrival in Australian waters and where possible at the end or during the trip. AFMA foreign compliance staff will try to conduct pre-season information sessions with the skippers of PNG cross-endorsed vessels in 2010 as a way to ensure that licence conditions are fully understood by the skippers.

Discussion on conditions required of cross endorsed vessels identified some ambiguous areas that require further investigation including the areas of the Torres Strait Protected Zone (TSPZ) that PNG cross-endorsed vessels can access, particularly the outside but near areas of the Australian jurisdiction (see action item 1). It was noted by the group that enforcement of conditions of cross endorsements was complicated somewhat by treaty obligations requiring cases to be prosecuted by PNG authorities.

Agenda Item 6.1 2009 Season summary (Jan-July): Australia and PNG

The TSFMAC noted the recorded catch up to June 30 2009 for the TRL fishery and the sector nominal allocation of the preliminary TRL TAC. General messages were that total catch for 2009 will be low compared to previous years as was expected from the low TAC recommended for 2009. PNG cross-endorsed vessels fishing in Australian waters did not fish up to their total allowable number of days in 2009.

Agenda Item 6.2 PNG cross endorsement

The TSFMAC noted that this was the first year that PNG cross-endorsed vessels have accessed Australian waters for a number of years. CFG representatives raised concerns regarding compliance and monitoring of PNG cross endorsed vessels. PNG cross-endorsed vessels are closely monitored by AFMA foreign compliance and were boarded during their trip. Logbook records were also checked against catch on-board the vessels when boarded. Consultation between Torres Strait Islanders and skippers of the cross-endorsed vessels will assist in communicating the request from Torres Strait Islanders to avoid Torres Strait community reefs discussed further at agenda item 8.2.1.

Concerns were also raised regarding monitoring of days of fishing rather than kilograms of product provide to PNG in the Australian fishery. Controlling effort (tender days) is considered a more effective way to monitor and enforce PNG access to the TRL fishery in Australian waters compared to monitoring catch. Estimates of catch per tender per day are used to convert allocated kilograms of lobster to a number of tender days. Information provided by PNG vessels fishing in Australian waters in 2009 resulted in updated catch rates for PNG fishers being used in catch sharing discussions and subsequently, the allocation of tender days to PNG for 2010 is significantly less than 2009.

PNG vessels are required to give notice to AFMA foreign compliance before entering Australian waters and nominate the number of dories used on each trip. This system has been effective in 2009 for monitoring the number of tender days used by PNG vessels.

Agenda Item 6.3 Use of cages

Cages are currently being used by both Traditional Inhabitant (TIB) and non-traditional inhabitant (TVH) sectors to hold live lobster. The use of cages to hold or transport live TRL is not regulated extensively under current legislation.

TVH representatives stated that the use of cages allowed smaller vessel operators (with boats <14m), that are unable to have live tanks on deck (due to the boat size) and are restricted from getting bigger boats under the current boat replacement policy, to move into the live fishery by using cages to hold and transport their lobster.

Cages could be used in a similar fashion by TIB fishers allowing them to market more of their catch as live lobster with significant increased returns for their catch. Some CFG representatives consider the use of cages to transport and hold lobster as a potential method of further development in the fishery. Other members feel that cages used for transporting lobster should be considered as a tender and licensed as such.

The PZJA have previously considered the use of cages and intended the issues associated with their use would be addressed under a TRL Fishery Management Plan.

The TSFMAC discussed the possible restrictions that could be included on the use of cages if they were regulated including size, prohibition on carrying any form of propulsion (motors), fuel and fishing gear.

The TSFMAC agreed that a clear description of a cage used to hold or transport TRL is needed and possible restrictions agreed to in order to better monitor the impact of the use of cages and mitigate effort creep in the fishery resulting from their use. Registration of cages would also allow compliance officers to clearly link the cage to a licence holder, enhancing compliance of relevant legislation including minimum legal size limits for commercial lobster and commercial fishing in fishery closures.

6.3.1 The TSFMAC **AGREED** to recommend to the PZJA that:

- (a) a relevant mechanism be developed to monitor and manage the use of lobster holding cages in the TSPZ (ie. a fisheries management instrument) and discuss the detail to be included; and
- (b) a consistent short term approach be taken to monitoring the use of lobster holding cages across both the traditional (TIB) and non-traditional (TVH) sectors.

Agenda Item 6.4Outcomes and recommendations from the Tropical Rock Lobster
Resource Assessment Group (TRLRAG)

The TSFMAC noted the major outcomes of the TRLRAG including the provisional TAC for 2010 being higher than 2009 indicating that next season will be a good year for TRL. The TSFMAC also noted that there will be no pre-season surveys in 2009 as the fishery will not be managed under quota in 2010. This means that a final TAC (based on the pre-season survey) will not be calculated for next year, although a provisional TAC is available. Mid-season surveys are planned for 2010 and CSIRO will work with AFMA and TSRA to undergo consultations on the surveys and other research relevant to the lobster fishery early in 2010.

Agenda Item 6.5Results from the tail-clipping and conversion factor project

The TSFMAC noted the major outcomes from research on tail-clipping, tail-to-whole weight conversion factors and size frequency distribution carried out by CSIRO and AFMA in 2008 being:

- The tail-to-whole weight conversion factor of 2.677 is recommended and has been endorsed by the TRLRAG.
- Tail clipping does not impact lobster survival, tail fan state or quality.

Concerns were raised regarding how mortalities of lobster will be dealt with under the quota monitoring system and whether mortalities would be included as part of the allocated quota. The issue of mortality of product and higher grading will need to be discussed as part of a quota monitoring system in development of the TRL Management Plan.

Agenda Item 6.6 TRL handbook

AFMA is developing a handbook for the Torres Strait Tropical Rock Lobster fishery. The handbook is designed to be a resource for stakeholders and the wider public, detailing legislative and management information relating to the fishery as well as presenting biological and scientific information about the species. When complete, the handbook will be published and distributed to all Torres Strait TIB and TVH TRL licence holders and an electronic copy will be available via the PZJA website. It is expected that the TRL handbook will be available to fishers for the 2010 season.

Agenda Item 7.1Outcomes from Finfish Working group (FFWG)

The TSFMAC noted the major outcomes from the recent FFWG meeting including in principal agreement to the Finfish Management Plan outline, objectives, performance indicators and timeline for implementation. As effort in the fishery is not high at the moment, Total Allowable Catch (TAC) or Total Allowable Effort (TAE) will not be recommended at the outset of the Finfish Management Plan and will only be recommended as a management mechanism if effort in the fishery increases.

Agenda Item 7.2 Outline of finfish management plan

The TSFMAC discussed the outline of the Finfish Management Plan as discussed with the FFWG. The TSFMAC agreed in principle to the management plan outline, however, there were some concerns raised by some CFG representatives regarding clauses in the outline relevant to transferring of licenses and units of fishing capacity. The concerns raised related to broader issues of allowing for capping of TIB licences requiring transferring between TIB fishers and the method of allocation quota to TIB fishers if TAC is introduced.

The TSFMAC endorsed, in principle, the outline of the plan and agreed the outline should be provided to a legislative drafter who will develop a draft management plan for consideration in 2010. In the meantime, further consultations will be conducted with CFG representatives to gain a consensus of the disputed clauses prior to release of the draft plan. The outcomes from the consultation will be included in the draft management plan released for public comment. TSRA will facilitate the consultation with CFG representatives, assisted by AFMA (ACTION ITEM 3).

7.2.1 The TSFMAC **AGREED** to recommend to the PZJA:

(a) the process undertaken to develop the Finfish Management Plan outline;

(b) the proposed timeline to implementation of a Finfish Management Plan for the Torres Strait;

(c) the draft management objectives, in principle, to be included in the draft Management Plan;

(d) the outline of the management plan with the exception of clauses related to transfer of TIB licences, Units of Fishing Capacity and Annual Catch Entitlements; and

(e) to consider further feedback from Community Fisher Group members on the FFWG facilitated by TSRA on transfer of TIB licences, Units of Fishing Capacity and Annual Catch Entitlements prior to release of a Draft Management Plan for public comment.

Agenda Item 7.3 Update of finfish leasing arrangements for 2009-10

The TSFMAC noted the low level of interest in leasing coral trout quota from TSRA in 2009/2010. The lack of leasing in this fishery has prompted investigation of options to stimulate interest in the fishery. Communities have requested assistance from the TSRA economic development unit to explore the logistic and business options in establishing a live coral trout fishery in the Torres Strait. The PZJA has previously agreed to remove the restriction on holding live fish on implementation of a Finfish Management Plan (21.2.1.2).

The TSFMAC requested that a research proposal be developed for consideration by the Torres Strait Scientific Advisory Committee (TSSAC) to investigate the feasibility of a fresh (whole fish on ice) and/or live market facilitated by TSRA (ACTION ITEM 4).

Agenda Item 7.4 Net restrictions

Restrictions on the sizes of nets used for traditional harvest of finfish (eg mullet) have been discussed for some time as a way to protect turtle and dugong from entanglement in large gauge nets. It is important that Traditional Inhabitants agree on the net sizes to be allowed to ensure that traditional fishing for finfish is not inhibited, but large gauge nets currently used under the premise of traditional fishing can be restricted.

The CFG members of the TSFMAC agreed that net sizes for the traditional harvest of finfish fishery be restricted to nets less than 4 inch mesh, 2.5m drop and 100m length and that these net sizes are to be implemented by amending current Fishery Management Notices.

7.4.1 The TSFMAC **AGREED** to recommend to the PZJA that a fisheries management instrument be develop for the Torres Strait Finfish fishery to implement a mesh net size restriction for traditional fishing for finfish to the size of 4 inch mesh, 2.5m drop and 100m total length.

Agenda Item 8.1 Outcomes of the TSSAC

The TSFMAC noted the outcomes of recent TSSAC meetings, in particular; development of a Strategic Research Plan; Operational Plan and suggested amendments to the Terms of Reference.

CFG representatives expressed interest in co-research opportunities for Torres Strait Islanders and the possibility to have formal recognition in publications, practical experience and engagement in research. It was suggested that the Torres Strait Islander representative on the TSSAC would need to raise these comments at the next TSSAC meeting. It was re-iterated that there are a number of hurdles to overcome in employing Torres Strait Islanders in research including OH&S and insurance considerations. However, engagement of Torres Strait Islanders is a priority of the TSSAC and research proposals are assessed against specific criteria relating to Torres Strait Islander engagement.

Agenda Item 8.1.3 Requirements for PNG Nationals to work in the Torres Strait commercial fishing industry

The TSFMAC noted the discussion related to PNG nationals working on Torres Strait Islander vessels. The group was advised that PNG Nationals would need to meet standard Department of Immigration requirements for foreigners working in Australia and this activity was not covered under traditional visits. CFG representatives expressed that there is a need to concentrate on up skilling TIB before employing PNG nationals.

There were concerns regarding trade of product between the Torres Strait and PNG and the legislation surrounding this. The Treaty allows for small level market trade but as the Treaty is not very descriptive there is some ambiguity over the definitions of "trade". A DFAT observer at the meeting stated that communities should respect the spirit of the treaty with regard to trade as it is not enforceable by law and this discussion may be better raised though DFAT than the TSFMAC.

Agenda Item 8.2 Bilateral fisheries talks between Australia and PNG

The TSFMAC noted the information provided on the recent bilateral meeting held with PNG.

Bilateral talks were held with PNG in September 2009 to agree on catch sharing arrangements between the countries for a number of fisheries, particularly the lobster fishery. The discussion item of interest was the process for determining days of fishing provided to PNG. The Bilateral meeting record is still being finalised and will then be publicly available.

It was clarified that the TSFMAC can raise items on the bilateral agenda by writing formally to AFMA and DAFF.

Agenda Item 8.2.1 Identification of home/community reefs

TSRA has undertaken a process with Torres Strait Islanders to identify reefs considered to be community reefs and to request PNG cross endorsed vessels to avoid these reefs. Torres Strait Islanders were concerned about the lack of a formal agreement to administer this request. It is not possible to legislate such area closures for PNG vessels given obligations under the treaty as the closures would not apply to Australian fishers. Torres Strait Islanders would like PNG cross-endorsed vessels to respect these areas and voluntarily abide by the request. CFG representatives will be discussing this issue with PNG cross endorsed operators to increase awareness of these areas (**ACTION ITEM 5**).

Agenda Item 8.3	Torres	Strait	Prawn	Management	Advisory	Committee	
(TSPMAC)							

The TSFMAC noted the information provided on the last TSPMAC including the low level of effort in the fishery in 2009 (2530 days), with decreased endeavour prawn catch but steady catch of tiger prawn. Overall, catch rates of tiger prawns have increased indicating that tiger prawn biomass is increasing. A harvest strategy for the fishery is being discussed.

CFG representatives expressed concern regarding marine debris from Torres Strait prawn vessels, trawling in the vicinity of the sponge farm at Masig and operators abandoning dropped nets trawlers and recovery of vessels that have sunk in recent incidents. These issues were further addressed at agenda item 9.1.1.

Agenda Item 8.3.1 Prawn Fishery Management Plan

The TSFMAC noted the update given on the management of the Torres Strait Prawn fishery. The Prawn Management Plan was implemented in February 2009 and caps the number of licences to 61 with the PZJA required to set a TAE each year. The current effective TAE for the Australian jurisdiction is 9200 which is consistent with the sustainable reference point for the fishery. Objectives of the plan are to:

- Ensure optimum utilisation of the fishery resources within the TSPF is consistent with the principals of ecologically sustainable development and exercise of the precautionary principle;
- Promote economic efficiency in the utilisation of the fisheries resources within the TSPF;
- Ensure cooperative, efficient and cost effective management of the Fishery;
- Manage the fishery's interaction with the marine environment including the incidental capture of non-target species and impacts on demersal habitats.

Agenda Item 8.4 CFG meeting

CFG meetings are facilitated by the TSRA and are aimed at providing a forum for all Community Fisher Group (CFG) representatives to discuss fisheries issues. Recent changes in the TSRA structure with fisheries management now included in the Land and Sea Management Unit has seen improvements in the CFG consultation process with meetings held more regularly and improved communication between constituents. A review of the CFG structure is currently underway and it is hoped that this process will lead to greater improvements in outcomes for Torres Strait Islanders and efficiencies in the future.

Agenda Item 8.5 PZJA Consultative Group Membership

8.5.1 The TSFMAC **AGREED** to recommend to the PZJA the following people be appointed as members of the Hand Collectables Working Group:

- e) Maluwap Nona Badu Island representative
- f) Rick Torelli buyer representative
- g) Mika David Warraber Island representative
- h) James Bon Mer (Murray) Island representative.

Agenda Item 9.1 Kailag Sponge farm

The TSFMAC noted the update provided on the Kailag Sponge Farm by the Masig representative. The farm is now managed by an independent entity, Kailag Enterprises. The sponge farm is progressing well with a total of 7444 sponges now stocked on the farm. Farming techniques continue to be refined and are now more efficient. A new system involving droplining is being trialed to reduce reliance on SCUBA to attend to the farm, and ways to reducing biofouling of the sponge housing are being investigated.

The community would like to express their thanks for support from TSRA and assistance from other CFGs.

Agenda Item 9.1.1 Anchorages around Masig

Concerns have been raised in a number of forums regarding marine incidents and fishing vessel debris in the vicinity of the Kailag sponge farm at Masig Island. To mitigate the threat,

the community has erected navigational buoys around the farm and a Notice to Mariners has been issued. The TSFMAC was informed that a written allegation of intentional damage to farm equipment has been referred to QB&FP. QDPI&F have written to all Torres Prawn licence holders alerting them to the location of the farm. An alternative anchorage site for vessels in the area has been offered by the community; however, more discussions need to be held on this matter.

The TSFMAC requested to be updated on the progress of protection of the Kailag Sponge Farm at Masig from damage from vessels (**ACTION ITEM 6**).

Agenda Item 9.2 PZJA Budget

The TSFMAC noted the changes in cost sharing arrangements between the Commonwealth and Queensland for the PZJA fisheries for the 2009-10 financial year. Approximately \$6 million has been allocated to manage PZJA fisheries during 2009-10. The 09-10 budget is down 2% from 08-09.

Agenda Item 9.3 PZJA decisions

The TSFMAC noted the PZJA decisions since the last TSFMAC meeting. The TSFMAC raised some concern regarding a change from the TSFMAC recommendation to decision number 22.1.1.2(b) related to simplified licensing in the TRL fishery and Master Fisherman's License requirements and recommended the PZJA reconsider the decision.

Subsequent to the TSFMAC #11 meeting, Dr Ray Moore consulted with other TVH licence holders to ascertain a common view on this issue. After TSFMAC #10, there was a general understanding amongst the TVH sector that the meeting endorsed the recommendation that the Torres Strait licensing system was to be simplified in line with the QLD East Coast system. In this system, tenders are not required to be licenced, there is no requirement for a member of the crew to hold a Master Fisherman's licence with no processing/carrier licence required to move product from the tender to the primary vessel.

The TVH sector therefore prefers the removal of the requirement of Master Fisherman's Licence for tender vessels. If this is not possible then the consensus is that we would prefer to retain the existing status of individually licenced tender vessels.

9.3.1 The TSFMAC **AGREED** to recommend that the PZJA reconsider recommendation 22.1.1.2(b) regarding the requirement for Master Fishermen Licences under the proposed simpler licensing arrangements that would remove the need for tenders to be licensed, taking into account the following:

(i) that the TVH sector prefer to have a requirement for a Master Fisherman's Licence only for the primary vessel with no carrier boats licences or tender licences;

(ii) that if (i) is not possible, the TVH sector wish that the original requirements are implemented, requiring a carrier boat licence and each tender licensed, with a Master Fisherman's Licence required for all vessels (primary and tender), however, it was noted that this may not be the view of all TVH fishers⁶.

(iii) the TIB sector would like a Master Fisherman's Licence to be required for all vessels (primary and tender) regardless of licensing requirements to maximise employment and capacity building for Torres Strait Islanders.

Subsequent to the meeting of TSFMAC #11, Ray Moore consulted with other TVH licence holders regarding this issue. The following views therefore take precedence over the previous views outlined in decisions 9.3.1:

(i) that the TVH sector would like the requirement for a Master Fisherman's Licence for tender vessels to be removed;

⁶ This has been adopted as a draft recommendation contingent on further consultation with TVH stakeholders on (ii).

(ii) that if (i) is not possible, the TVH sector prefer the original requirements are implemented, requiring each tender to be individually licenced.

Agenda Item 9.4 Fishery Infringement Notices

There are no Fishery Infringement Notices (FINs) in the Torres Strait. Compliance officers currently refer all offences to the Department of Public Prosecution but this is not efficient for minor offences. FINs, similar to traffic tickets, would allow for efficient processing of minor offences. The introduction of FINs in the Torres Strait is being investigated by QDPI&F and QB&FP. There was no opposition recorded to this initiative and QDPI&F will investigate this option further in the future.

Agenda Item 9.5 TSFMAC Membership

Following restructure of the Finfish fishery, which effectively removed all TVH licences in the fishery and the introduction of leasing, the TSFMAC discussed the appropriateness of the current TSFMAC membership. The TSFMAC felt that the two TVH Finfish positions were no longer necessary and that one position for a lessee (holder of a sunset licence) or a similarly involved person would better represent the fishery.

- **9.5.1** The TSFMAC **AGREED** to recommend to the PZJA that the two TVH Finfish positions on the TSFMAC be replaced with one position for a lessee of a sunset licence with a Finfish endorsement or any other person with commercial interest in the Finfish Fishery.
- 9.5.2 The TSFMAC AGREED to recommend to the PZJA that the following people be appointed as members of the Torres Strait Fisheries Management Advisory Committee:
 - a) Maluwap Nona Badu Island representative
 - b) Les Pitt Darnley (Erub) Island representative
 - c) Thomas Mooka Dauan Island representative
 - d) Pearson Wigness Horn (Ngurapai) Island representative
 - e) James Bon Murray (Mer) Island representative
 - f) John Wigness St Pauls (Moa) representative
 - g) Mika David Warraber representative
 - h) Gavin Mosby Yorke (Masig/Kailag) Island representative
 - i) Fisheries Policy Officer TSRA
- **9.5.3** The TSFMAC **AGREED** to recommend that the PZJA **NOTE** resignations of the following people from the Torres Strait Fisheries Management Advisory Committee and that these positions will be vacant until appropriate replacements can be identified:
 - a) Seriako Dorante Hammond Island representative;
 - b) Terrence Whap Mabuiag Island representative;
 - c) Raily Gibia TRAWQ representative;
 - d) Connie Young Umagico representative

Agenda item 9.6 PZJA Standing Committee Public Forum

The PZJA Standing Committee (SC) held a public forum on the afternoon on the 11th November in conjunction with the TSFMAC. This provided an opportunity for members of the public and TSFMAC members to ask questions of the PZJA SC and discuss the TRL 5-year Business Plan and Administrative Review of the PZJA.

The PZJA SC also addressed uncertainty regarding the role of the Standing Committee in decision making within the PZJA consultative structure. The SC members indicated that their role is to make recommendations to the PZJA based on advice and information from all of the Torres Strait working groups, resource assessment groups and committees. As such, they are not a decision making body.

The discussions at the forum prompted the TSFMAC to make a recommendation to the PZJA with regard to the lobster fishery and future aspirations of stakeholders.

- **9.6.1** The TSFMAC **AGREED** to recommend that the PZJA be advised through the TRL business planning process of:
 - f) The potential, financial and economic value to the Torres Strait community of Torres Strait fisheries;
 - g) The infrastructure and skills capacity needs for Torres Strait communities to optimise economic returns from Torres Strait fisheries;
 - h) The effect of the recent structural adjustment/TVH buy-out in the TRL fishery on the capacity of non-TVH sectors to expand fishing effort;
 - i) The financial and economic effects for Torres Strait communities of forthcoming changes to CDEP;
 - j) Opportunities for maximised value-adding through partnerships between TIB and commercial sectors;

and that in light of the above information, PZJA members consider an approach to PZJA Agencies and Governments seeking a comprehensive program of further structural adjustment in the TRL Fishery and provision of infrastructure and skills needs aimed at enhancing economic self sufficiency in Torres Strait communities.

Agenda item 9.7 Comments on TSFMAC meeting

At the end of the meeting, the Chair gave TSFMAC members the opportunity to comment on the meeting itself on how the meeting was run and possible suggestions for improvement. It was suggested that papers for noting may not be discussed at the TSFMAC unless requested by members to make more efficient use of time. Working groups are more appropriate forums for discussion of some issues raised in the papers for noting.

Next Meeting

TBC.