TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE MEETING – No. 4 2 – 3 November 2004

TSRA BOARD ROOM, THURSDAY ISLAND

RECOMMENDATIONS FROM THE TSFMAC

Number	Recommendation	
1	Record of previous of TSFMAC meetings	
	The TSFMAC ratified the record of the previous two TSFMAC meetings.	
2	Agenda Item 1 - Membership and terms of members on PZJA consultative bodies	
	The TSFMAC recommends that the PZJA improve the current process used to appoint members to its advisory groups, through a review of the consultative structure to occur no later than September 2005.	
	- The review should address issues including a more objective selection process leading to selection based on the applicant's ability to contribute constructively to the meeting and their expertise in either commercial, community or traditional fishing or indigenous lifestyle and livelihood.	
3	3 Agenda Item 1 cont.	
	The TSFMAC supported a process to gather more information about the representative process and how well it is working.	
4	Agenda Item 1 cont.	
	The TSFMAC recommends to the PZJA that 'terms of members' on PZJA consultative bodies in Torres Strait should normally be for a period of three years commencing from the date of appointment by the PZJA.	
5	Agenda Item 1 cont.	
	The TSFMAC recommends that the PZJA approve a policy of replacing members who do not attend two consecutive meetings without consulting the Chair of the relevant committee and that should a member be replaced, the Chair notify the member in writing of their membership status.	
6	Agenda Item 2 - Torres Strait Sea Cucumber Fishery	

		JA note that the TSFMAC accepts in principle the tions from CSIRO relating to Total Allowable Catches (TAC).	
7	Agenda Item	a 2 cont.	
	JA note that the TSFMAC supported the principles of the area approach, as proposed by Mer (Murray Island), however subject to s to be considered:		
	 resolving boundari 	research/assessment and management with community / traditional ies;	
	 appropriate TACs with respect to identified boundaries; 		
 Rotational closures and periods; 			
	 Reference 	e/closed areas;	
	 Allocation 	n and equity issues amongst communities and non-Islander licence.	
8	<i>Agenda Item 2 cont.</i> The TSFMAC recommends to the PZJA that these principles be developed generally for the Torres Strait Protected Zone where the biology of the species is amenable to this approach.		
9	Agenda Item 4	4 - Torres Strait Sponge Fishery – declaration of a fishery	
	The TSFMAC		
	i)	noted the work being undertaken in relation to bath sponge aquaculture in the Torres Strait;	
	ii)	supported determining the Sponge fishery as a Torres Strait fishery by adding it to "Schedule 2 - Short methods of reference to certain areas of Australian jurisdiction" of the <i>Torres Strait Fisheries</i> <i>Regulations 1985</i> ;	
	iii)	supported the implementation of a Fisheries Management Notice prohibiting the harvesting of sponges unless an appropriate authorisation is held;	
	iv)	noted the compliance concerns arising from an industry proposal to have a minimal in-possession limit of sponges for the prawn industry; and	
	v)	noted that a finalised plan of management will be referred to the TSFMAC for PZJA approval.	
10	Agenda Item 5	5 - Torres Strait Pearl Shell Fishery	
	The TSFMAC noted:		
	The TSFMA	C noted:	

refined to ensure the Environment and	
orres Strait Pearl	
The TSFMAC supported further consultation with licence holders and pearl farmers on information gathering and potential management options.	
Agenda Item 6 - Torres Strait Trochus Fishery	
s Strait trochus	
fishery; and	
assessment process	
Agenda Item 6 cont.	
The TSFMAC supported further consultation with community fishers on information gathering and potential management options.	
Agenda Item 6 cont.	
The TSFMAC recommends to the PZJA that the use of underwater breathing apparatus (hookah and SCUBA) be prohibited in this fishery.	
al Inhabitants and the SPZ to be closed to	
2°09' and south of	
res Strait traditional	

17	Agenda Item 3 cont.	
	The TSFMAC noted the limited distribution of the dugong video and agreed that the video should be widely distributed.	
18	Agenda Item 3.2 - Dugong and turtle – Cross-jurisdictional project	
	The TSFMAC noted the information provided on the cross jurisdictional project.	
19	Agenda Item 3.2 cont.	
	The TSFMAC agreed that the Strategic Assessment Report should be driven forward by TSFMAC members with traditional fishing interests, with leadership of the process provided by AFMA in conjunction with TSRA.	
20	Agenda Item 3.2 cont.	
	The TSFMAC:	
	 noted that the cross-jurisdictional project was funded \$569 300 out of the \$1 300 000 applied for through the NHT-2 process; 	
	 raised concern that the funds approved would not be sufficient to achieve the outcomes sought by the project; 	
	iii) agreed that the shortfall in funding should be explored through other avenues; and	
	iv) noted the synergy between this project and the Strategic Assessment process for dugong and turtle.	
21	Agenda 3.1 - Dugong research report (4 th Dugong Aerial Survey Results)	
	The TSFMAC acknowledged the implications of recent dugong research being published in an international scientific journal (on 8 November 2004), in particular the fact that present catch levels are far in excess of those sustainable in the long term, and agreed that dugong and turtle traditional harvest management issues would be addressed most effectively through a community based approach.	
22	Agenda Item 3.1 cont.	
	The TSFMAC discussed the benefits of a community based approach in line with traditional laws and customs.	
23	Agenda Item 3.1 cont.	
	The TSFMAC noted the proactive approach being taken in addressing dugong and turtle issues by the Kaurareg community and was supportive of a community based approach to reducing catch levels being applied to other communities.	

24	Agenda Item 12.2 - Torres Strait prawn fishery		
	The TSFMAC noted the views of the prawn industry regarding Federal Cabinet's decision of August 2004 and their concern over the lack of information provided and involvement of industry over the past few months in any way in the process.		
25	Agenda Item 12.2 cont.		
	The TSFMAC noted the update in the progress on the Federal Cabinet decision provided by the Australian Department of Agriculture Fisheries and Forestry and Department of Foreign Affairs and Trade.		
26	Agenda Item 12.2 cont.		
	The TSFMAC noted the prawn industry intention to discuss with management out of session the prawn observer programme, given their concerns about the costs of the programme generally and in relation to current economic circumstances in the fishery.		
27	Agenda Item 7 - Torres Strait finfish fishery		
	The TSFMAC		
	 noted that the Finfish Working Group planned for October 2004 was postponed in the best interests of maintaining an effective fisheries consultative structure; 		
	 noted industry willingness to progress the development of a management plan for the finfish fishery and industry disappointment in the postponement of the Finfish Working Group; 		
	 iii) noted industry concern that the fishery will increase to eight or nine boats fishing for reef fish in 2005 following the latent effort process; and 		
	 iv) noted community fisher concerns that any increase in boats in the finfish fishery will affect the livelihood of traditional inhabitants, that there are limited resources available to traditional habitants in the eastern Torres Strait, and concerns over the lack of progress in addressing management issues. 		
28	Agenda Item 7.1 - Torres Strait barramundi fishery		
	The TSFMAC noted the work being undertaken to investigate the potential for a commercial barramundi fishery in the area of the top western cluster.		
29	Agenda Item 8.1 – Research Issues		
	The TSFMAC noted the report from the TSSAC.		

30	Agenda Item 8.1 cont.		
	The TSFMAC		
	i) noted the guidelines for release of information recommended by the TSSAC and guidelines relating to traditional knowledge; and		
	 agreed to review the two documents and combine into a single comprehensive document. 		
31	Agenda Item 8.2 – Departure of the TSSAC Chair		
	The TSFMAC		
	i) noted that the Chair of the TSSAC will not be seeking reappointment at the end of his term of appointment; and		
	ii) agreed that the TSFMAC Chair write to Professor Mapstone, thanking him for his contribution and services to the TSSAC.		
32	Agenda Item 8.3 - Torres Strait Natural Resource Management Process		
	The TSFMAC noted the update on the Torres Strait Natural Resource Management process provided by the Regional Coordinator.		
33	Agenda Item 9 - Latent effort reduction process		
	The TSFMAC noted that decision letters relating to licences under the latent effort process have recently been sent and that management implications arising from this process will be addressed by the relevant Working Groups.		
34	Agenda Item 10 - Strategic Assessments		
	The TSFMAC:		
	i) noted the update provided on the strategic assessment of the sea cucumber fishery; and		
	ii) noted that AFMA have submitted to DEH a request for a 12 month extension for the strategic assessment for the prawn fishery.		
35	Agenda Item 11 - Compliance update		
	The TSFMAC:		
	 noted the compliance report provided by the District Officer – Thursday Island (QB&FP) and that compliance activities have been dominated by Foreign Fishing Vessel activity; and 		
	ii) noted the concerns raised by community fishers about quarantine and environmental health issues arising from disposing apprehended foreign		

fishing vessels in waters near communities and near the Dugong
sanctuary.

ACTION ITEMS

Number	Action Item	Action Agency
1	Letter to be sent to Bruce Mapstone thanking him for his assistance whilst on the TSSAC. To be signed by Russell Reichelt (TSFMAC Chair)	

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE MEETING – No. 4 2 – 3 November 2004

TSRA BOARD ROOM, THURSDAY ISLAND

AGENDA

A) OPENING COMMENTS

B) APOLOGIES

C)	C) ADOPTION OF MINUTES FROM PREVIOUS MEETING OF THE TSFMAC				
D)	D) ADOPTION OF AGENDA				
	1.	Membership and Terms of Members on PZJA Consultative Bodies (AFMA)	FOR INFORMATION/DECISION		
	2.	Bêche-de-mer (sea cucumber) Fishery (AFMA)	FOR INFORMATION/DECISION		
	3.	Management of Dugong and Turtle (AFMA/TSRA)	FOR INFORMATION/DECISION		
	3	3.1 AFMA Research Report – 4 th Dugong Aerial Survey Results			
	3	3.2 Cross-jurisdictional Project			
	4.	Sponges - Declaration of a fishery (AFMA/TSRA)	FOR INFORMATION/DECISION		
	5.	Pearl Shell Fishery - Options for future management (AFMA)	FOR DISCUSSION		
	6.	Trochus Fishery - Current situation (AFMA)	FOR DISCUSSION		
	7.	Finfish Fishery	FOR INFORMATION/DECISION		
	7	7.1 Management of Barramundi (AFMA)			
	7	2.2 Net Sector (AFMA/TSRA)			

8. Research Issues	FOR INFORMATION
8.1 Report from the TSSAC	
8.2 Departure of the TSSAC Chair (AFMA)	
8.3 Torres Strait Natural Resource Management Presentation (TSNRM Ltd.)	
 Update on the Latent Effort Reduction Process (QDPI&F) 	FOR INFORMATION
10. Status of Strategic Assessments of Torres Strait fisheries (AFMA)	FOR INFORMATION
10.1 Bêche-de-mer - Approval of responses to public comments	
10.2 Finfish - Approval of responses to public comments	
11. Compliance Update (AFMA)	FOR INFORMATION
12. Other Business	
12.1 Melbourne Cup Tips	
12.2 Update on the Torres Strait Prawn Fishery	

E) NEXT MEETING

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE MEETING – No. 4 2 – 3 November 2004

TSRA BOARD ROOM, THURSDAY ISLAND

DRAFT MINUTES of MEETING

THESE ARE **DRAFT** MINUTES WHICH HAVE BEEN DISTRIBUTED TO WORKING GROUP MEMBERS AND WILL BE RATIFIED AT THE NEXT MEETING OF THE WORKING GROUP. IF **NO** COMMENTS ARE RECEIVED BY **24 DECEMBER 2004**, THIS WILL REMAIN A TRUE COPY OF MINUTES TAKEN AT THIS MEETING.

DAY 1

Attendance	
Russell Reichelt	(Chairperson)
Jim Prescott	(AFMA)
Jim Gillespie	(QDPI&F)
John Kung	(QDPI&F)
Rosemary Millward	(Proxy for Barry Ehrke – QSIA and Mark Millward Industry
	Representative – after 1300pm)
Ray Moore	(TRL Industry Representative)
Carl D'Aguiar	(Finfish Industry Representative)
Peter Yorkston	(TSRA Fisheries Co-ordinator - Supporting)
Ken Bedford	(TSRA – Darnley Community Fisher Representative)
Railey Gibia	(TSRA – TRAWQ Community Fisher Representative)
Keri Akiba	(TSRA – Proxy for Saibai Community Fisher Representative)
John Gibuma	(TSRA – Boigu Community Fisher Representative)
Phillip Bigie	(TSRA – Dauan Community Fisher Representative)
Richard Newie	(TSRA – Kubin Community Fisher Representative)
Terrence Whap	(TSRA – Mabuiag Community Fisher Representative)
Kila Odo	(TSRA – Murray Community Fisher Representative)
Willie Wigness	(TSRA – Kaurareg Community Fisher Representative)
John Wigness	(TSRA – St. Pauls Community Fisher Representative)
Lota Warria	(TSRA – Yorke Community Fisher Representative)
Yen Loban	(TSRA – Muralag WMN Community Fisher Representative)
Graham Hirakawa	(TSRA – Port Kennedy Community Fisher Representative)
Thomas Reuben	(TSRA – Seisia Community Fisher Representative)

Observers

John Marrington	(AFMA)
Sascha Taylor	(AFMA)
Dave Johnson	(AFMA)
Dan Sweeney	(QB&FP)
Suzy Wilson	(DFAT)
Simone Retif	(DEH)

Don Mosby	(TSRA - Torres Fisheries Committee Representative)
Stan Lui	(QB&FP)

DAY 2

Attendance Same as Previous (Rosemary Millward required to leave meeting at 1 pm).

Observers

Same as Previous (without Stan Lui)Victoria Anderson(DAFF)Miya Isherwood(TSRA – TSNRM Regional Facilitator)

<u>DAY 1 –</u>

A) OPENING

The meeting was opened at 0900hrs by the independent Chair, Mr Russell Reichelt, followed by a traditional prayer spoken by Mr Phillip Bigie.

B) APOLOGIES

Apologies were accepted for the following persons -

Mr Barry Ehrke	(QSIA Representative)
Mr Samuel Tamu	(TSRA – Warraber Community Fisher Representative)
Mr Mark David	(TSRA – Yam Island Community Fisher Representative)
Mr Jack Billy	(TSRA – Poruma Community Fisher Representative)
Mr Fred Gela	(TSRA – Hammond Island Community Fisher Representative)
Mr Mark Millward	(Industry Representative)

C) ADOPTION OF MINUTES FROM PREVIOUS MEETING OF THE TSFMAC

The TSFMAC ratified the previous minutes of the last two TSFMAC meetings.

D) ADOPTION OF AGENDA

Ms Rosemary Millward wished to discuss and provide an update on progress in the Torres Strait Prawn Fishery. It was agreed that this would be discussed under Agenda Item 12 - Other Business.

Agenda Item 1: Membership and Terms of Members on PZJA Consultative Bodies

Presented by Jim Gillespie. The TSFMAC heard a brief history of the new consultative structure and how members have been selected in the past for the various advisory bodies.

Members discussed the issue of missing meetings and how many a member could miss before being removed from an advisory body.

- Dave Johnson pointed out to the committee that in other Commonwealth MACs a policy exists where if you miss three meetings you'll be removed from that MAC.

Carl D'Aguiar spoke of the importance of getting the views of both industry and Traditional inhabitants on the table. Suggested that workshops would be of great value in helping members understand and meet their responsibilities.

Don Mosby added the importance of TSRA's support and commitment to the process on the condition that traditional inhabitant representation remains intact and not reduced. Mr Mosby also questioned whether this issue was directed at particular Community Fisher Reps.

- The Chair responded by saying that this issue was about improving the skills of the members.
- Jim Gillespie added that this will improve the effectiveness of the advisory bodies.

Carl D'Aguiar put forward the view that while he would always be available to attend meetings, Tradition Inhabitants may find it difficult if conditions for fishing are good. He said that Traditional Inhabitants should not have to forfeit opportunities to make money.

- This point was refuted by Kila Odo saying that Community Fisher Reps must be committed to the process and it is the responsibility of all Community Fisher Reps to attend all meetings and only in exceptional circumstances that a proxy should attend.

Keri Akiba expressed the need to be properly informed and some of the language barriers that make this difficult.

- The Chair said he hoped that when the consultative structure review takes place that appropriate communications strategies are developed that will address these types of concerns.

Sascha Taylor made the point that the purpose of this agenda item was to tie up "loose ends" and made reference to other existing Commonwealth legislation regarding MAC administration.

On the issue of a questionnaire, Carl D'Aguiar indicated he would prefer to be consulted over the phone rather than in written form.

Kenny Bedford also expressed concern with the questionnaire proposed in the paper. He believed few Traditional Inhabitants would likely respond to a written questionnaire. He indicated he would prefer to see this information obtained through future community visits.

John Kung pointed out to the MAC the tradeoffs between various survey methods such as using either a written questionnaire, telephone interview or someone visiting fishers and conducting the interviews in person.

In respect of the "selection criteria, Don Mosby suggested that the criteria that applies to working group memberships may have to differ from that used for MAC membership.

- there was general agreement with this point amongst the MAC members.

John Wigness questioned his status on the MAC.

- Jim Prescott informed the MAC that Community Fisher Reps were nominated by the TSRA and subsequently become members of the MAC.

- Peter Yorkston followed this up by describing the process by which Community Fisher Reps are elected.

Recommendations:

- The TSFMAC recommends that the PZJA improve the current process used to appoint members to its advisory groups, through a review of the consultative structure to occur no later than September 2005.
 - The review should address issues including a more objective selection process leading to selection based on the applicant's ability to contribute constructively to the meeting and their expertise in either commercial, community or traditional fishing or indigenous lifestyle and livelihood.
- The TSFMAC supported a process to gather more information about the representative process and how well it is working.
- The TSFMAC recommends to the PZJA that 'terms of members' on PZJA consultative bodies in Torres Strait should normally be for a period of three years commencing from the date of appointment by the PZJA.
- The TSFMAC recommends that the PZJA approve a policy of replacing members who do not attend two consecutive meetings without consulting the Chair of the relevant committee and that should a member be replaced, the Chair notify the member in writing of their membership status.

Agenda Item 2: Bêche-de-mer (sea cucumber) Fishery

Presented by Sascha Taylor. The MAC were provided with an update on work done to date in the sea cucumber fishery and an overview of the recommendations from the CSIRO report *"Stock survey and sustainable harvest strategies for the Torres Strait BDM"*.

Discussion took place amongst members on the appropriateness of the TAC levels and the grouping of the species based on their respective values.

Kila Odo reminded the members that BDM only affects communities in eastern Torres Strait.

John Kung informed the MAC that the sandfish fishery was closed in 1998 as a result of the high unsustainable catches and CSIRO survey results.

Kila Odo questioned the methods being used for the surveys and that they were not being conducted over sea cucumber habitat.

- Jim Prescott explained to the MAC how the survey is undertaken and the rationale for that approach.

During the discussion the following points were made:

- the survey encompassed over 400 sites

- density has to be of a sufficient level to enable successful fertilisation to occur
- adult and juvenile sea cucumbers generally rarely move more than a few hundred metres.

Kila Odo tabled a paper containing a management plan proposal for the Mer community. Kila informed the MAC of his community's reliance on finfish, trochus and sea cucumbers. He indicated that the recommended high value species TAC of 35 tonnes was not enough for Mer let alone all of the eastern group communities. Kila said it was important that the sea cucumber fishery, other than sandfish, be left for the eastern group communities.

- John Wigness spoke in support of Kila's views

Rosemary Millward suggested that separate areas could be established with the TAC then being split over each of the areas. Rosemary said she believed the fishery will still require a range of input and output controls, and a good monitoring system.

Jim Prescott raised the issue of who should have access to the resource. He said that this is a fishery that needs to be managed at community level but many questions will need to be asked and issues resolved.

Kenny Bedford supported these comments and stated that these discussions need to take place between the eastern group communities. He suggested that some form of working group may be necessary to assist this process.

The Chair also supported the approach of the fishery being managed at community level. Suggested the need to incorporate local knowledge with the science to allow for a more reactive TAC. Also suggested that a process needed to be established to resolve allocation issues (between communities).

Don Mosby asked the MAC if "management" would accept any boundaries suggested by the communities for use in other fisheries.

- Rosemary Millward responded by saying these sorts of issues are addressed on a fishery by fishery basis.
- Dave Johnson supported this and added that there are broader management issues that need to be considered in line with available science.

Jim Prescott stated that there is sufficient data available from the survey to allow for a TAC to be divided up between communities if agreement can be found on areas.

The Chair believed that more discussion needed to take place before this matter could be progressed. He suggested this could be done through the establishment of a small working group.

Jim Prescott requested that more detail be provided on Kila Odo's proposal which could then be tacked onto the planned workshops where it could be discussed in more detail.

Rosemary Millward asked if the existing TACs were adequate for protecting the BDM stocks whilst management arrangements were being developed.

- Jim Prescott responded with 'NO'.

Carl D'Aguiar expressed concern about the impact future arrangements may have on the sole non indigenous BDM licence holder.

The Chair acknowledged this and stated that this holder must be dealt with in an equitable way and must be brought into the consultation process.

The Chair was of the view that more work needed to be done before the TSFMAC could consider the matter further.

Recommendations

That the PZJA note that the TSFMAC accepts in principle the recommendations from CSIRO relating to Total Allowable Catches (TAC).

That the PZJA note that the TSFMAC supported the principles of the area management approach, as proposed by Mer (Murray Island), however subject to further issues to be considered:

- resolving research/assessment and management with community/traditional boundaries;
- appropriate TACs with respect to identified boundaries;
- Rotational closures and periods;
- Reference/closed areas;
- Allocation and equity issues amongst communities and non-Islander licence.

The TSFMAC recommends to the PZJA that these principles be developed generally for the Torres Strait Protected Zone where the biology of the species is amenable to this approach.

Agenda Item 3: Management of Dugong and Turtle

Presented by Jim Prescott. This agenda item commenced with the showing of a video produced by JCU titled "Dugong for Our Children".

- Sascha Taylor informed the TSFMAC that most communities had not seen the video.
- The Chair thought that the TSFMAC should be used to push its wider distribution.

Keri Akiba expressed concern with the increasing use of spot lights particularly by PNG villagers.

John Wigness stated the importance of showing the video in the communities and for the conservation message to be pushed by the community fisher reps.

This point of view was supported by Kenny Bedford who added that it was a good starting point to prompt further discussion and to gauge peoples views.

Thomas Reuben stated that the message and resolution has to be done at grass roots in their own language.

Terrence Whap felt that the video did not contain the cultural depth and that it would be more effective to sit and discuss these issues around the table.

Willie Wigness spoke in support of the video. He also informed the TSFMAC that his community had developed a management plan which he would be presenting at the next Community Fisher Group meeting.

There seemed to be agreement amongst the TSFMAC members that modern equipment being used for hunting needs to be controlled and traditional practise encouraged.

Recommendations

The TSFMAC noted the progress in management for the Torres Strait traditional dugong and turtle fisheries.

The TSFMAC noted the limited distribution of the dugong video and agreed that the video should be widely distributed.

3.1 AFMA Research Report – 4th Dugong Aerial Survey Results

Presented by Jim Prescott. A power point presentation prepared by Prof. Helene Marsh was presented to the TSFMAC. Included in the presentation was how the aerial surveys were conducted and how the data obtained from the survey flights was extrapolated into the results being presented.

Keri Akiba stated that Treaty rights were being abused by PNG villagers.

Jim Prescott reported to the TSFMAC that he had sighted on consecutive days dugong for sale at Daru markets. He also said that the issue of selling dugong had been raised with PNG on numerous occasions but nothing seems to have changed.

- Suzy Wilson explained to the TSFMAC the Treaty liaison meeting cycle (TIM-TLM-JAC)

Yen Loban suggested it may be more effective to have Torres Strait Islanders push the message in the PNG villages.

Jim Prescott added that it was important for Traditional Inhabitants to lead by example. He also agreed that this issue could only be resolved at community level.

Keri Akiba again raised the concern that PNG villagers were using spotlights and nets for hunting dugong and turtle in the top-western areas.

The TSFMAC discussed a draft media release prepared by Helene Marsh.

- The Chair thought it would be more appropriate for the media release to come from the TSRA rather than the CRC as the release deals with management rather than research issues.
- There was general support amongst members for the media release to come from community leaders through the TSRA.

Kenny Bedford expressed concern with the potential backlash after the release of the report from people who do not understand islander culture or the context. Kenny said he would like consideration given to how to deal with the media and other interested parties going out into the communities. - The Chair agreed this was a significant issue and that strategy needs be developed for dealing with this concern.

Suzy Wilson spoke of the importance of handling the situation carefully. Could compromise Australia's relationship with PNG hindering future co-operation.

Jim Prescott also pointed out that there could be serious consequences for turtles as dugong catches reduce.

Kila Odo talked about turtle farming as an idea to populate wild stocks.

Recommendations

The TSFMAC acknowledged the implications of recent dugong research being published in an international scientific journal (on 8 November 2004), in particular the fact that present catch levels are far in excess of those sustainable in the long term, and agreed that dugong and turtle traditional harvest management issues would be addressed most effectively through a community based approach. The TSFMAC discussed the benefits of a community based approach in line with traditional laws and customs.

The TSFMAC noted the proactive approach being taken in addressing dugong and turtle issues by the Kaurareg community and was supportive of a community based approach to reducing catch levels being applied to other communities.

3.2 Cross-jurisdictional Project

Presented by Peter Yorkston. The TSFMAC were provided with an update on the outcomes of the application for funding through the Northern Australian Indigenous Land and Sea Management Alliance (NAILSMA) for NHT2 cross jurisdicational funding. It was pointed out that some success was had with \$569,300 being approval but this was well short of the \$1,300,000 applied for.

Peter Yorkston also provided a description of the arrangements for implementation. The purpose of the project is to build up an inventory of catch and effort that will ultimately lead to effective management of the dugong and turtle resources at community level, probably through a total allowable catch managed by a quota system. It is important for hunters and communities to have full ownership of the process. Peter Yorkston also stated that a strategic assessment of the Dugong and Turtle fishery will identify the shortcomings in management arrangements, identify the collective impacts that will lead to a level of certainty about what activities are permitted. Peter Yorkston also noted that funding is only for 2 ½ years and there is a need for ongoing resources to enable effective management to continue. Also pointed out was a need to for additional resources for communities to enforce their community based management plans.

Simone Retif explained to the TSFMAC that a strategic assessment will be required for the dugong and turtle fisheries.

- the Chair stated that this may be an avenue for obtaining additional funding
- Simone Retif stated that DEH would prefer to see the management agencies develop the management strategies rather than waiting for DEH to make recommendations.

John Kung pointed out the importance of management being driven by the communities in order to retain control of the process. If recommendations on management were dictated by

the strategic assessment, then there is a risk of subsequent management measures not being compatible with community aspirations, unless the recommendation arising from the assessment process were negotiated and part of the community planning developments.

The TSFMAC discussed the way forward with progressing the strategic assessment. There was general agreement that the assessment may have implications for other fisheries in which case they need to be consulted. There was also agreement that AFMA should be the lead agency but in partnership with the TSRA.

The TSFMAC acknowledged the shortfall in funding and the need to obtain additional funding to complete the project successfully.

- The Chair stressed the importance of this issue and that all members of the TSFMAC will be drawn upon to see this through.
- Peter Yorkston reiterated this point and added that much work has already been undertaken including community visits and meetings, education through the schools, through CRC traditional Catch monitoring project, and the development of management plans by some communities.

Recommendations

The TSFMAC noted the information provided on the cross jurisdictional project.

The TSFMAC agreed that the Strategic Assessment Report should be driven forward by TSFMAC members with traditional fishing interests, with leadership of the process provided by AFMA in conjunction with TSRA.

The TSFMAC:

- 1. noted that the cross-jurisdictional project was funded \$569 300 out of the \$1 300 000 applied for through the NHT-2 process;
- 2. raised concern that the funds approved would not be sufficient to achieve the outcomes sought by the project;
- 3. agreed that the shortfall in funding should be explored through other avenues; and
- 4. noted the synergy between this project and the Strategic Assessment process for dugong and turtle.

Agenda Item 4: Sponges – Declaration of a Fishery

Presented by John Marrington. The TSFMAC were provided with an overview of the work undertaken done to date with respect to bath sponge aquaculture. The TSFMAC were informed that there are currently no controls in place for this fishery and anyone holding a Torres Strait fishing boat licence could participate in the harvesting of sponges.

Stan Lui, a participant of the survey, also provided a summary of how the survey was undertaken and some of their findings. He also gave brief description of what is involved in a sponge aquaculture. Rosemary Millward expressed concern that a prohibition on the take of sponge will have implications for the prawn vessels and the overlap for sponge harvest areas with the prawn fishing grounds. Rosemary suggested a small possession limit would be appropriate to address any incidental catch that may be on board the boat and to avoid any potential compliance concerns. Also suggested that perhaps the prohibition could be species specific, i.e. apply only to the species of bathe sponge required for the aquiculture project.

- Management were of the view that at this point in time the prohibition should apply to all sponges. Management were also of the view that the compliance issues raised by Rosemary were not significant enough to warrant complicating the proposed arrangements and that common sense should prevail when fisheries officers are undertaking their duties on board prawn vessels. Dave Johnson suggested that details of this "common sense" approach could be discussed and agreed as part of the compliance risk assessment and compliance strategy for the Torres Strait Fisheries.

Rosemary Millward questioned the process for discussing management issues in the sponge fishery. Also expressed concern that as sponge aquaculture develops there may be increased interactions with the prawn fleet, eg. designated anchorages.

- It was pointed out that as no specific working group existed for sponge, the TSFMAC was the appropriate forum for discussing any issues that arise in the fishery. This would allow for the prawn industry to partake in any discussion that arises on this fishery.

Recommendations

The TSFMAC

- i. noted the work being undertaken in relation to bath sponge aquaculture in the Torres Strait;
- ii. supported determining the Sponge fishery as a Torres Strait fishery by adding it to "Schedule 2 - Short methods of reference to certain areas of Australian jurisdiction" of the *Torres Strait Fisheries Regulations 1985*;
- iii. supported the implementation of a Fisheries Management Notice prohibiting the harvesting of sponges unless an appropriate authorisation is held;
- iv. noted the compliance concerns arising from an industry proposal to have a minimal in-possession limit of sponges for the prawn industry; and
- v. noted that a finalised plan of management will be referred to the TSFMAC for PZJA approval.

Agenda Item 5: Pearl Shell Fishery – Options for Future Management

Presented by Jim Prescott. The TSFMAC were provided with a brief history of the fishery and informed of the current management arrangements that apply. The TSFMAC were also informed that a strategic assessment report for the Pearl Fishery has to be commenced by July 2005.

The TSFMAC were advised that there were well over 100 endorsements in existence for the fishery but there was no system in place to record who was taking pearl shell. It is believed

that only a small quantity of wild stock was required by the pearl farms each year. Ray Moore indicated that perhaps only around 1,000 shell were required each year.

The Chair expressed concern that much of the information about this fishery was held by many people and that it would be desirable to have it packaged up so it could be used in future decision making. He also stressed the importance of collecting catch and effort data for the fishery.

The Chair indicated that there wasn't much the TSFMAC could do at this point of time given the available level of resourcing and the existing priorities.

Simone Retif made the point that DEH would prefer to see the Management agencies develop management strategies for the fishery rather than waiting for DEH to make recommendations.

Recommendations

The TSFMAC noted:

- i) that although there is currently very little fishing taking place, the current management arrangements need to be refined to ensure the sustainable management of this resource; and
- ii) the commencement of the draft Department of Environment and Heritage (DEH) strategic assessment for the Torres Strait Pearl Shell fishery by July 2005;

The TSFMAC supported further consultation with licence holders and pearl farmers on information gathering and potential management options.

Agenda Item 6: Trochus Fishery – Current Situation

Presented by Jim Prescott. The TSFMAC were provided with an overview of the fishery including current management arrangements.

The Chair stressed the importance of setting up a reliable data collection system. He said this could only be done successfully by working closely with the communities.

Simone Retif reminded the TSFMAC that this was another fishery where a strategic assessment report will have to have commenced by July 2005. Simone reaffirmed DEH's position on preferring to see the Management agencies take the lead on developing management strategies rather than waiting for DEH to make recommendations.

Recommendations

That the TSFMAC noted:

- i) the current management arrangements in the Torres Strait trochus fishery;
- ii) the lack of a reliable data collection system for the fishery; and
- iii) the need for the fishery to commence the strategic assessment process within the next 9 months;

The TSFMAC supported further consultation with community fishers on information gathering and potential management options.

The TSFMAC recommends to the PZJA that the use of underwater breathing apparatus (hookah and SCUBA) be prohibited in this fishery.

Agenda Item 7: Finfish Fishery

7.1 Management of Barramundi

Presented by Ben Pye. The TSFMAC were provided with an update on the work being undertaken exploring the potential for the development of a commercial barramundi fishery in area of the top western group.

Keri Akiba informed the TSFMAC that the Saibai community were keen to see the net restrictions removed from around the top western islands so a commercial barramundi fishery could be developed in addition to commercial crab and leader prawn industries. Keri informed the TSFMAC they had already been talking to a prawn farmer on the mainland and were keen to have a feasibility study undertaken to see if leader prawns could be viable.

- Jim Prescott informed the TSFMAC that strict quarantine restrictions have been established to prevent the introduction of disease onto the east coast, eg. white spot.
- John Kung advised that, in relation to previous proposals to harvest leader prawns in this area and transport them to the east coast, the Queensland Department of Primary Industries and Fisheries have developed a set of protocols.
 - Peter Yorkston confirmed the need to seek DPI approval due to concerns largely with potential for introduced disease.
 - Phillip Bigie asked that the feasibility study should incorporate a stock assessment of barramundi stocks in the top western part of the Torres Strait.

Recommendations

The TSFMAC noted the work being undertaken to investigate the potential for a commercial barramundi fishery in the area of the top western cluster.

7.2 Net sector

Presented by John Marrington. The TSFMAC were provided with the history of this issue. The TSFMAC were informed that the issue of closing the net fishery had not been progressed due to consultation amongst traditional inhabitants being undertaken.

Peter Yorkston restated the traditional inhabitant position of wishing to see the fishery closed to commercial net fishing largely due to the desirable impacts of dugong and turtle bycatch and historically and currently, there has been no commercial finfish netting in that area.

Recommendations

The TSFMAC:

i) noted the outcome of consultations with Traditional Inhabitants and the Finfish Working Group recommendation for the TSPZ to be closed to commercial netting; and ii) recommends to the PZJA that the area east of 142°09' and south of 10°28' be closed to commercial net fishing.

Agenda Item 8: Research Issues

8.1 **Report from the TSSAC**

Presented by Jim Prescott. The TSFMAC were provided with a report prepared by Bruce Mapstone, TSSAC Chair, on the outcomes of the TSSAC meeting held in September 2004 including the draft strategic plan for research in the Torres Strait.

Peter Yorkston tabled a paper on intellectual property (IP).

- The Chair suggested that the IP advice be amalgamated with the paper developed by the TSSAC on the release on information arising from CRC Torres Strait projects

Recommendation

The TSFMAC noted the report from the TSSAC.

The TSFMAC

- iii) noted the guidelines for release of information recommended by the TSSAC and guidelines relating to traditional knowledge; and
- iv) agreed to review the two documents and combine into a single comprehensive document.

8.2 Departure of the TSSAC Chair

The TSMAC noted the recent resignation of Bruce Mapstone from the position of Chair of the TSSAC.

The Chair suggested a letter of appreciation be sent to Bruce thanking him for all the assistance he has provided whilst on the TSSAC.

Recommendations

The TSFMAC

- iii) noted that the Chair of the TSSAC will not be seeking reappointment at the end of his term of appointment; and
- iv) agreed that the TSFMAC Chair write to Professor Mapstone, thanking him for his contribution and services to the TSSAC.

Action Item

Letter to be sent to Bruce Mapstone thanking him for his assistance whilst on the TSSAC. To be signed by Russell Reichelt (TSFMAC Chair)

8.3 Torres Strait Natural Resource Management Presentation

Presented by Miya Isherwood, TSNRM Pty Ltd. The TSFMAC went through a power point presentation outlining the NRM planning process. It was stressed that the NRM process was not intended to duplicate fisheries management or consultative arrangements but rather compliment existing strategies and priorities.

Miya indicated that NRM staff are willing to attend future TSFMAC meetings to ensure members are kept informed on the current status of the regional planning process. TSFMAC members will also be given the opportunity to provide feedback on information papers, the draft plan, and regional investment strategy.

The TSFMAC were informed that TSNRM will be looking for membership in the near future. Advice will be sent out when membership arrangements have been finalised.

In addition a questionnaire has been developed to seek comments and suggestions to assist in the development of a stakeholder engagement strategy to help with NRMs approach to communicating and engaging the community and stakeholders.

Don Mosby requested details on the Badu ranger project be distributed to TSFMAC members. This was agreed to and will be done through Peter Yorkston, TSRA.

Miya was asked how NRM could be used to pursue more funding to assist with the dugong concerns.

- Miya advised that the TSFMAC can feed the issues into the NRM process identifying dugong as a high priority. She did remind the TSFMAC that funding was limited.
- The Chair requested Miya take the message back to the NRM Board of the priority of dugong.

Recommendation

The TSFMAC noted the update on the Torres Strait Natural Resource Management process provided by the Regional Coordinator.

Agenda Item 9: Update on the Latent Effort Reduction Process

Presented by John Kung. The TSFMAC were provided with an update of the Latent Effort Reduction Process. A positive aspect of the process were licences in the tropical rock lobster fishery likely being reduced by around 30%, in the reef line fishery 80 – 85%, and Spanish mackerel fishery 50-55%.

Recommendations

The TSFMAC noted that decision letters relating to licences under the latent effort process have recently been sent and that management implications arising from this process will be addressed by the relevant Working Groups.

Agenda Item 10: Status of Strategic Assessments of Torres Strait Fisheries

Presented by Sascha Taylor. The TSFMAC were provided with an update of SARs for the Finfish and Bêche-de-mer fisheries.

Simone Retif informed the TSFMAC that the Prawn SAR is not going to meet the deadline of December 2004. She said that DEH have been approached for an extension to this.

Recommendation

The TSFMAC:

- i. noted the update provided on the strategic assessment of the sea cucumber fishery; and
- ii. noted that AFMA have submitted to DEH a request for a 12 month extension for the strategic assessment for the prawn fishery.

Agenda Item 11: Compliance Update

Dan Sweeney (QBFP) presented this item. The TSFMAC were provided with a run down of compliance activities undertaken this financial year. Points made were:

- compliance resources have been consumed by FFVs.
- TI office has dealt with 49 FFVs this year.
- new quarantine arrangements have been introduced resulting in boats having to be inspected before entering TI harbour.
- 2 vessels didn't meet inspection standards and had to be destroyed at sea.
- Have had difficulties dealing with PNG offences due to conflicting legislation, i.e. Immigration Act.

Ray Moore raised concern for the future with the likely complicated management controls to be implemented.

- Dan informed the TSFMAC that new staff had been recruited but were yet to be trained. The new staff could not be authorised until training had been completed.

Willie Wigness questioned the location chosen for destroying the vessels at sea in relation to the dugong sanctuary.

- Dan went through the events/process that led up to the issue of an emergency permit being issued to destroy the vessels.

John Wigness expressed concern with vessels being brought in from the outside into the heart of the Torres Strait. He suggested that these boats should be destroyed to the north west away from any inhabited islands.

- Dan indicated that it was just not practical to achieve this.

Recommendations

The TSFMAC:

- noted the compliance report provided by the District Officer Thursday Island (QBFP) and that compliance activities have been dominated by Foreign Fishing Vessel activity; and
- 2. noted the concerns raised by community fishers about quarantine and environmental heath issues arising from disposing apprehended foreign fishing vessels in waters near communities and near the dugong sanctuary.

Agenda Item 12: Other Business

Prawn

Rosemary Millward tabled a paper on behalf of the Torres Strait Prawn Entitlement Holders Association (TSPEHA). The paper (see Attachment 1) outlines concerns held by the TSPEHA over the lack of information from the relevant agencies on the outcomes of the Federal Cabinet decision.

Victoria Anderson in response to the TSPEHA's concerns made the following comments:

The key elements of the cabinet decision are:

- to explore the possibility of removing PNG and TSI potential effort
- no decisions on effort in the fishery until outcomes of PNG and TSI access known
- report back to Government in early 2005
- committed to sustainable effort level in the fishery in the long term

This is an Australian Government decision. Adjustments to the effort levels would have to be ultimately agreed by the PZJA.

Minister for Foreign Affairs has responsibility for implementing part of the decision involving discussions with PNG in consultation with the Fisheries Minister

- issue has been raised at Ministerial level
- DFAT will be progressing talks with PNG officials

Minister for Fisheries has responsibility for implementing part of the decision involving discussions with TSI

- letter to Chair of TSRA was sent shortly after decision
- DAFF officers meeting with ICC and TSRA on Thursday (4/11/04)

DAFF and DFAT will prepare a report back to Government in early 2005. It will be at that point that a final decision on whether appropriate \$ will be made.

Rosemary also expressed Industry concerns over several statements made by Senator Macdonald in his press release and asked that the following be recorded: That Industry already believed that it had had strong property rights in the Fishery with its tradable licence and tradable allocated fishing days and did not support the statement made by Sen Macdonald that inferred that we had no legal on-going rights at this time. Additionally, the Association did not support Sen Macdonald's proposal to introduce units of effort other that allocated fishing days. Industry reminded the MAC that this proposal had been raised by several management officers previously and not been supported by the MAC at various times over the last few years because of its legal difficulties - Industry noted that it in no way supported this proposal and saw it as a way that Government would try to attempt to diminish their rights in the Fishery.

Recommendations

The TSFMAC noted the views of the prawn industry regarding Federal Cabinet's decision of August 2004 and their concern over the lack of information provided and involvement of industry over the past few months in any way in the process.

The TSFMAC noted the update in the progress on the Federal Cabinet decision provided by the Australian Department of Agriculture Fisheries and Forestry and Department of Foreign Affairs and Trade.

The TSFMAC noted the prawn industry intention to discuss with management out of session the prawn observer programme, given their concerns about the costs of the programme generally and in relation to current economic circumstances in the fishery.

Finfish

Carl D'Aguiar questioned the cancellation of the Finfish Working Group meeting

Jim Prescott in his capacity as Chair responded by explaining how discussions at the TRL Working Group meeting had broken down resulting in no formal recommendations being made to the TSFMAC in relation to 2005 management arrangements. He indicated that Government officials were concerned that something similar may occur at the Finfish Working Group meeting so it was agreed amongst those Government officials that in the interest of maintaining the integrity of the consultative process the meeting would be postponed.

Carl D'Agiuar expressed concern that the latent effort process was now complete, the number of boats remaining was known, but there were no recommendations going to the TSFMAC or PZJA addressing the effort issue. He also expressed concern with how the Islanders will react to the extra boats in the fishery. He said it was important to keep the dialogue going to ensure progress is maintained with developing management arrangements. Carl stated that Industry wished to continue discussing future management of the fishery.

Rosemary Millward made the point that the PZJA had only noted the Skehill legal advice and that if further legal advice was required, Government should be seeking that advice now.

Kila Odo stated that it is the Traditional Inhabitants who will suffer as a result of the freezer boats. He said resources are very limited around the communities and asked how are these communities are going to be protected in terms of their livelihood.

Jim Prescott informed the TSFMAC that the latent effort process was unlikely to take out any significant active effort from the fishery.

Recommendations

The TSFMAC

1. noted that the Finfish Working Group planned for October 2004 was postponed in the best interests of maintaining an effective fisheries consultative structure;

- 2. noted industry willingness to progress the development of a management plan for the finfish fishery and industry disappointment in the postponement of the Finfish Working Group;
- 3. noted industry concern that the fishery will increase to eight or nine boats fishing for reef fish in 2005 following the latent effort process; and
- 4. noted community fisher concerns that any increase in boats in the finfish fishery will affect the livelihood of traditional inhabitants, that there are limited resources available to traditional habitants in the eastern Torres Strait, and concerns over the lack of progress in addressing management issues.
- E) NEXT MEETING

Attachment 1

Torres Strait Prawn Entitlement Holders Association

Comment to TSMAC 3 November 2004 Re Progress with TS Prawn Fishery Management matters

At the last TSMAC, the Association representative advised members that the matter of effort reduction, reallocation of fishing effort and Industry's request to be paid for any reallocation of interests from them to other users through the Government funding of a buyout arrangement through a tender process was in the process of being considered by the Prime Minister and the Federal Cabinet. Industry asked that any recommendations from the TSMAC on progressing this matter be held over until the outcomes of this Cabinet Decision were known.

Since the July 2004 TSMAC, the TSPEHA has had no advice from either AFMA, AFFA, QFS or any of the PZJA members to date on the outcomes of the Cabinet process but did manage to obtain a copy of a press release put out by Senator Macdonald, PZJA Chair, through the Internet.

The Association would like to record its concern over the lack of any advice to Industry and initially, to the TSMAC, from the relevant agencies on this important issue.

Given this lack of advice, the Association requested a paper for noting to this TSMAC meeting providing at least a summary of outcomes from the Federal Cabinet Decision.

As no other information has been available to date, the Association has asked that I table copies of three press releases to the Committee for their information:

- Release from Senator Macdonald;
- Release from Senator Boswell; and
- Release from President of the TSPEHA.

It is the Association's understanding that this matter was tabled in Federal Cabinet four times for consideration in the period from early July to 8 August 2004. Our understanding of the Cabinet outcomes is as follows:

- The PNG and TS Islander interests in the Australian TS Prawn Fishery are to be approached with a proposal to buy-out their current interests in this Fishery.
 * TSPEHA Qt: How is this happening and in what time frame?
 - Comment from the TSPEHA: (i) the Association seek to have some input into the process where it may be able to offer advice on the Fishery, licence values, timing etc and suggest that, rather than the Government re-negotiating the TS Treaty , that instead the Prawn Fishery Arrangements are set in place as a Management Agreement under the Treaty using the Prawn Fishery Schedule ie record that PNG have agreed to waiver their entitlement to 25% of the Australian Fishery for prawns in exchange for buy-back funds. This approach would be consistent with the previous mechanisms historically used to negotiate a variation to the 25% access right to the fishery using the "Formula" negotiated at each Bi-Lateral meeting. This mechanism would also allow a

more timely delivery of outcomes, whereas a Treaty re-negotiation would not, we presume;

(ii) The Association request that any negotiations arising from the Cabinet Decision be completed by the end of December 2004 so that, if this process is unsuccessful, then the "fallback" position we believe exists (see Point 2 below) can be implemented prior to the start of the 2005 licensing year (1 March).

- 2. Should either PNG or TS Islander interests not take up the offer to buy out their current interests in the TS Prawn Fishery, then Government will move to buy out fishing effort in Allocated fishing Days from the existing licensees equivalent to the interests being targeted for the PNG and TS Islander sectors under the Cabinet decision of 8/8/04.
- 3. Levels of fishing effort will be reduced only to the 15.8% from the current total effort cap of 13,454 AFDs, as proposed by Industry, and further investigations of the science (including alternative scientific measures to manage the impact on tiger prawns eg peak spawning closures) will be undertaken over the next two years before further reductions, if any, are made.

As a final comment, the association notes its concerns over the continued delay in this management process and would also like to note that it has continued to place on the table its preparedness to accept a 15.8% cut in AFDs from the 13,454 total effort cap, combined with other management tools, as previously documented, to ensure the on-going ecological sustainability of the Fishery.

R Millward EO, TSPEHA 3 November 2004