

Torres Strait Tropical Rock Lobster Working Group Meeting 13

Final Meeting Record

15 December 2022

Thursday Island

Note all meeting papers and record available on
the PZJA webpage: www.pzja.gov.au



Australian Government

Australian Fisheries Management Authority

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Meeting participants

Members

Name	Position	Declaration of interests
John Glaister	Chair	Member of Parks North, Chair of Northern Prawn Management Advisory Committee (NORMAC), Chair of the Torres Strait Prawn Management Advisory Committee (TSPMAC).
Laura Blamey [#]	Scientific Member	Contributes to other Torres Strait research projects that receive research funding, including currently shared science and Indigenous knowledge to support fisheries capacity building in Torres Strait. No other interests in the fishery.
Sevaly Sen	Independent Fisheries Economist	Nil pecuniary interests in Torres Strait fisheries. Conducts various FRDC research projects relevant to AFMA fisheries; Advisor to Sydney Fish Market; AFMA Commissioner; member on the New South Wales Rock Lobster Harvest Strategy Working Group.
Les Pitt	Traditional Inhabitant Member – Kemer Kemer Meriam	Traditional Inhabitant Member Kemer Kemer Meriam, TIB licence holder and runs an independent freezer facility on Erub Island. Board member of Zenadth Kes Fisheries.
Charles David	Traditional Inhabitant Member - Kulkalgal	Traditional Inhabitant Member Kulkalgal, TSRA Fisheries Advisory Committee and Zenadth Kes Fisheries member.
Patrick Mooka	Traditional Inhabitant Member – Guda maluylgal	Traditional Inhabitant Member, Guda maluylgal. Zenadth Kes Fisheries representative.
Ned David Present between: 0955 - 1240hrs 1415hrs - close	Chair, Malu Lamar Registered Native Title Body Corporate	Nil.
Thomas Fujii	Traditional Inhabitant Member - Kaiwalalgal	Traditional Inhabitant Member Kaiwalalgal. Queensland East Coast TRL and TIB license holder. Zenadth Kes Fisheries member.
Mark Dean [#]	Industry Member	TVH operator
Peter Frazis	Industry Member	Employee of MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of 5 TVH license. Seafood buyer from Torres Strait, QLD, and PNG TRL fisheries.
Emma Freeman	AFMA Member	Nil.
Jenny Keys [#]	QDAF Member	Nil.

Name	Position	Declaration of interests
Damian Miley	TSRA Member	TSRA Program Manager Fisheries. TSRA hold TRL licences on behalf of Torres Strait Islanders.
Lachlan Farquhar	Executive Officer	Nil.
Georgia Langdon	Executive Officer support	Nil.
John (Toshi) Kris	Industry representative - proxy for Jermaine Reuben	TIB license holder, member of Zenadth Kes Fisheries.

Observers

Name	Position	Declaration of interest
Joseph Posu	PNG National Fisheries Authority	Works in the Fisheries Management Unit responsible for managing the prawn and lobster fisheries in the Western Province
Yen Loban	TSRA Board Member and TSRA Portfolio Member for Fisheries	TSRA Board member and TSRA Fisheries Portfolio member. Chair of Zenadth Kes Fisheries
Alice McDonald	AFMA	Nil.
Brett Arlidge	TRLRAG Industry member	General Manager MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of 5 TVH license. Seafood buyer from Torres Strait, QLD, and PNG TRL fisheries.
Ian Knuckey [#] Present between: 1300 – 1330hrs	TRLRAG Chair	Full declaration of interests provided at Attachment A .
Leo Dutra Present between: 0845 – 1440hrs	CSIRO	Science lead for TRL survey and capacity building program, receiving funding from AFMA.
Brooke D'Alberto [#]	ABARES	Nil.
Quinten Hirakawa	TSRA	TSRA employee, TIB license holder with a TRL endorsement.
Nicholas Richards Present between: 0845 – 1405 hrs	TSRA Member	TSRA Fisheries Project Manager, TSRA holds multiple TVH TRL fishing license on behalf of Torres Strait Communities but does not benefit from them. No personal pecuniary interest.

[#] attended the meeting via MS Teams

1 Preliminaries

1.1 Welcome and apologies

1. The meeting was opened at 0845hrs on Thursday 15 December 2022. Attendees were welcomed to the 13th meeting of the Torres Strait Tropical Rock Lobster Working Group. The Chair acknowledged the Traditional Owners of the various lands on which members were participating from and paid respect to Elders past, present and emerging.
2. Attendees at the Working Group meeting are detailed in the meeting participant tables at the start of this meeting record. The following apologies were received:
 - a) Traditional Inhabitant Member, Jermaine Reuben
 - b) Industry Member, Trent Butcher
3. Due to time constraints, Agenda item 8 – Overview of AFMA Compliance Risk Assessment Process, was not covered during the Working Group meeting. Accordingly, AFMA Senior Manager of National Compliance, Tod Spencer did not attend.
4. TIB Member Mr Charles David requested to record the Working Group meeting on a personal device. The Chair denied Mr David's request, however authorised TSRA to record the meeting for the sole purpose of TSRA's review should a member disagree with the meeting record. AFMA Member, Ms Emma Freeman advised the copy of the meeting record held by TSRA is to be destroyed once the official meeting record is accepted by the Chair. Mr David and TSRA representative, Mr Damian Wiley accepted this proposal.

1.2 Adoption of agenda

5. The draft agenda (v2) was adopted without change (**Attachment B**).

1.3 Declaration of interests

6. The Chair advised members and observers, that as provided in PZJA Fisheries Management Paper No. 1 (FMP1), all members of the Working Group must declare all real or potential conflicts of interest in the Torres Strait TRL Fishery at the commencement of the meeting. Where it is determined that a direct conflict of interest exists, the Working Group may allow the member to continue to participate in the discussions relating to the matter but may also determine that, having made their contribution to the discussions, the member should retire from the meeting for the remainder of the discussions on that issue.
7. The Chair requested that members update the record of declarations. These are detailed in the meeting participant tables at the start of this meeting record.
8. The Chair recommended that specific interest groups needed to temporarily leave the room to allow their interests to be discussed.
9. TIB licence holders were asked to leave the room at 0905hrs, and returned at 0910hrs. Members, Charles David, Toshi Kris and Patrick Mooka returned to the Working Group meeting at 0923hrs.
10. TVH licence holders were asked to leave the room at 0910hrs, and returned at 0915hrs.
11. In both discussions listed above, the Chair raised that in the case of parties not reaching consensus on a recommended TAC, moving to the PZJA Standing Committee for a recommendation must be considered. The Chair advocated a strong preference to reach consensus during the Working Group meeting.
12. The Working Group agreed that all members and observers could be present for the remaining agenda item discussions.

1.4 Action items from previous meetings

13. The Working Group noted the final meeting record for TRLWG12 held on 16 December 2021 and that there was one outstanding action item arising from previous meetings:

Previous Action Item. *The economics member to connect the principal investigator of an FRDC project looking at the impacts of COVID-19 on Australian fisheries in touch with AFMA to help better understand the methodology of the project and whether there is any opportunity for collaboration during AFMA's community visits in early 2022.*

- a) The Independent Fisheries Economist advised that the project originally looked at the impacts of COVID-19 from July 2020 – June 2021 with the intention to conduct interviews and develop case studies on selected fisheries. The Principal Investigator determined that resources would be reallocated and therefore the case studies were not developed. Interviews are progressing with roughly 40% completed. As a proxy for the Torres Strait, interviews were conducted in the Northern Territory to reflect some challenges faced by remote communities. Interviews from the Southern Rock Lobster Fishery were used to inform the rock lobster market impact assessment.
14. The meeting record for the TRLWG12 held on 16 December 2021 was finalised out of session with no comments received on the draft record. The Chair advised the records are available on the PZJA website.
15. The Chair raised the *Timeline for key events in the Torres Strait Tropical Rock Lobster Fishery*. The Independent Fisheries Economist suggested the timeline is updated to include changes to market from 2020. AFMA advised this was discussed in the recent Torres Strait Tropical Rock Lobster Resource Assessment Group meeting (TRLRAG 33) and encouraged input from Working Group Members. Industry Member Peter Frazis committed to updating the timeline with significant market updates from 2020.

Action Item 1. (ongoing)

Working Group Members to review and update *Timeline for key events in the Torres Strait Tropical Rock Lobster Fishery*. Industry Member Peter Frazis to update timeline to include significant market events from 2020.

1.5 Out-of-session correspondence

16. The Working Group noted the out-of-session correspondence on TRLWG matters since the previous meeting.
17. AFMA advised a summary of the out-of-session correspondence can be made available to the Working Group Members on request and that no action is required on current correspondence. No comments on out-of-session correspondence were received from the Working Group Members.

2 Updates from members

2.1 Industry members

18. The Working Group noted verbal updates provided by industry members and observers regarding the performance of the Torres Strait TRL Fishery during the 2021-22 fishing season and the very start of the 2022-23 season to date, in particular:
- a) TIB licence holders advised COVID-19, market challenges and the cost of fuel have significantly reduced their ability to fish. Many advised the price of fuel on their respective

islands varied between \$3-\$4/L. Increased cost of living was also noted as a constraint on fishing effort. Some TIB licence holders advised they had seen a reduction in TRL available.

- b) The challenges faced by the TIB fishers were reiterated by Industry Members.
- c) Industry Member Peter Frazis advised there have been multiple challenges during the 2021-22 season: China's trade restrictions on rock lobster continue to be in effect; COVID-19 continues to disrupt key markets; resourcing (divers) constraints; heightened logistical challenges such as reduced flight numbers and increased flight duration (increased mortality, reduced product price); increased Vietnamese TRL aquaculture product in the market; and the cumulative effect of three consecutive low yielding years. Mr Frazis advised the outlook for the 2023 was positive with several dories currently catching well at the Western and Central reefs. Flights are continuing to create challenges with limited opportunities for export following the end of the 2022 flight subsidies.

2.2 Scientific and economic members

- 19. The Working Group noted a brief summary from the TRL RAG scientific member and observer to the Working Group (CSIRO).
- 20. CSIRO advised the Working Group that the 34th rock lobster survey was completed, and the results were presented to TRLRAG 33. CSIRO plans to revisit a morphometric analysis used to convert weight to length. In 2021 CSIRO submitted an application to FRDC (with support from TSRA) for a project to investigate the impacts of climate change on Australian fisheries, including rock lobsters, however FRDC is yet to make a decision on the application. CSIRO advised that the International Conference & Workshop on Lobster Biology and Management will be held in Fremantle in October 2023.
- 21. The Independent Fisheries Economist provided a general update on the current economic climate. From the COVID-19 impacts report, it was found that the export industries have been significantly impacted however the domestic markets have benefited. Some Australian businesses have diversified into the Australian markets and are receiving lower prices but are moving higher volumes. There is a general sense that the fuel prices have peaked and may fall, however inflation continues to rise.
- 22. A TIB Member sought advice on economic assistance to the TIB sector and to lobby for this support. The Independent Fisheries Economist advised that apart from the International Freight Assistance Mechanism (IFAM) support measure, the seafood sector has not received subsidies, however may have received partial levy relief.

2.3 Government agencies

- 23. The Working Group noted an overview of key management updates relating to the TRL Fishery with the following items highlighted by the AFMA Member:
 - a) The Wildlife Trade Operation (WTO) annual report was submitted to the Department of Climate Change, Energy, the Environment and Water in November 2022. The report includes a summary of progress against each condition and recommendation in the 12 months since the last annual report was submitted on 27 October 2021.
 - b) AFMA is continuing to work with the Department of Agriculture, Fisheries and Forestry (DAFF) to progress amendments to the Torres Strait Fisheries Act 1984 (the Act) and the Torres Strait Fisheries Regulations 1985 (the Regulations). The purpose of the amendments is to provide improvements to the efficiency and effectiveness of fisheries administration in the Torres Strait.

- c) Since TRLWG 12, the Protected Zone Joint Authority (PZJA) has provided policy approval for two additional amendments to the Act, and one additional amendments to the Regulations at their meeting on 11 February 2022 (PZJA 40).
- d) Following the introduction of a new Australian Government the *Torres Strait Fisheries Amendment Bill* was upgraded to 'A Status' and at their 42nd meeting on 4 October 2022, the PZJA was provided an update from DAFF on the progress of amendments to both the Act and the Regulations.
- e) Subject to available resourcing, finalisation of drafting and Prime Ministerial approval to consult, AFMA intends to undertake public consultation on the amendments with Torres Strait communities in early 2023. It is therefore anticipated that an Exposure Draft of both the Bill and Amendment Regulations and plain English summaries will be ready and available for the public consultation process, once also considered by the PZJA.
- f) A letter was sent to all Torres Strait Tropical Rock Lobster Fishery licence holders on 18 November 2022. The letter detailed key management arrangements that will apply for the 2022-23 fishing season, including moontide hookah closures and the start of season 200 tonne TAC.
 - i. Enclosed to the letter was a copy of the new Tropical Rock Lobster Fishery Management Arrangements Booklet 2022-23 which was also made publicly available on the PZJA website.
- g) At its meeting on 19 November 2019, the PZJA agreed-in-principal that a review of Traditional Inhabitant sector quota units be undertaken by an Independent Allocation Advisory Panel (IAAP) in accordance with the PZJA's Fisheries Management Paper No. 2 Guidelines for the formation of allocation advisory panels for the allocation of fishing concessions in the Torres Strait Protected Zone Joint Authority Fisheries where fisheries management arrangements change significantly (FMP 2). The PZJA then directed the PZJA Standing Committee (PZJASC) to provide draft Terms of Reference (TORs) for an IAAP, including membership and process, to the PZJA so the authority to confirm this in-principal decision.
- h) In accordance with this PZJA decision, the review process commenced and AFMA drafted TORs for the PZJASC's consideration at its meeting on 19 – 20 May 2021. At this meeting, the TSRA confirmed support for an independent review however, shared concerns regarding an IAAP approach.
- i) In light of this development, AFMA, TSRA and QDAF are in discussions to prepare an update to the PZJA and seek approval to proceed with developing an alternative approach to an IAAP. TSRA advise they will lead this project.
 - i. Some TIB Members expressed concern for the quota system. The Chair advised the PZJASC would consider alternative arrangements and are currently undertaking this process. The TSRA Member advised the PZJASC will meet in February 2023. TSRA will provide a high-level principle of proposed direction. With PZJASC support on the proposed direction, TSRA will liaise with the Fishery Advisory Committee and relevant stakeholders. AFMA highlighted the requirement to follow correct processes and seek PZJA approval to move outside of the previously agreed decision.
- j) The latest ABARES Fishery Status Report 2022 (covering the performance of fisheries in 2020-21) was released in November 2022. The reports assess all key commercial species from Commonwealth managed fisheries and examines the broader impact of fisheries on the environment, including on non-target species. ABARES determined that for the TRL fishery, it is not subject to overfishing and is not overfished.

24. The Working Group noted the following updates from the QDAF Member:

- a) The fishery season is 1 January to 30 September so fishing is now finished for this season, 70% of the 195 t quota was taken for the 2022 season.
- b) The stock assessment has been delayed and is still underway, however Fisheries Queensland has now included a representative from the commercial sector onto the TRL stock assessment project team to tap into their expertise and knowledge.

- i. A TIB Member asked about developments in Native Title and Access Rights to the East Coast Fishery for Traditional Inhabitants. The QDAF Member advised QDAF would clarify at a later point and advised QLD utilises Indigenous fishing permits which provide separate quota for Indigenous fishers to access QLD stock.
- ii. A TIB Member asked about management arrangements for quota on the East coast and requested further information on the process for data collection and management arrangements employed by QDAF for QLD fisheries. The QDAF Member provided an overview on the reporting requirements and later submitted two documents to the Executive Officer (**Attachments C & D**):
 - o *Tropical Rock Lobster Fishery – Commercial fishing rules in Queensland*
 - o *Reporting Requirements – Changes to commercial fishing rules in Queensland*

Action Item 2. (ongoing)

QDAF Member to provide update on developments in Native Title and Access Rights to the East Coast Fishery for Traditional Inhabitants.

Action Item 3. (complete)

QDAF Member to provide summary of reporting requirements for commercial fisheries in Queensland, and an overview of the TRL fishery in Queensland. QDAF submitted the two reports to the EO on 16 December 2022 (**Attachments C & D**).

25. The Working Group also noted a brief update provided by the TSRA Member:

- a) A series of Torres Strait fishing workshops was recognised as a finalist at the National Seafood Industry Awards 2022 in Brisbane. The TSRA and Fishwell Consulting progressed from state to national finalists in the People and Development category for their fisheries workshops with Traditional Owners from across the region. They received the People Development Award for this work focussed on capacity building of local people and communities to support sustainable seafood stock and fishing industries in Northern Australia waters. The workshops were funded by TSRA and the Department of Climate Change, Energy, the Environment and Water.
- b) The WAPIL project (Fishing for our Future) has slipped significantly mostly due to land access issues and native title consultation processes for cold chain facilities and is being reviewed. Suggested improvements in implementation and approaches will be discussed internally within TSRA. The potential benefits and objectives of WAPIL remain valid for the TS fisheries. These relate to improved and increased capacity for cold chain seafood storage, processing and transport; commercial fishing operations and skills development; business planning and development and increased employment opportunities.
- c) The Torres Strait Regional Adaptation and Resilience Plan 2016-2021 is being updated and details how climate change will impact the region's communities and land and sea country, and what steps can be taken to reduce the likely impacts to ensure the region has a strong viable future. The report focusses on the impacts and vulnerabilities across five dimensions of climate change resilience including human, financial, natural, physical and social capital climate change adaptations and mitigations. This updated report will complement the CSIRO scoping study and joint TSRA and FRDC proposal for funding on climate change and variability, and the AFMA planned climate change data incorporation into fisheries management.

- d) The Fisheries Advisory Committee (FAC), Chaired by TIB Member Yen Loban, contains six board members. FAC provides strategic fisheries advice to the TSRA Board and met in November 2022.
- e) It is anticipated that at the PZJA meeting in February 2023, one of the items that will be discussed will be how to progress legislative and policy changes to better support Traditional Inhabitants in the Torres Strait fishery.

2.4 Papua New Guinea National Fisheries Authority

26. The Working Group noted the following updates from the PNG National Fisheries Authority representative:

- a) For the first time since 2019, Australia and Papua New Guinean officials were able to meet face to face in Cairns for a series of Torres Strait Treaty Bilateral meetings including the Fisheries Bilateral Meeting (FBM) between AFMA and PNG National Fisheries Authority (NFA) on 30 August 2022; the Environment Management Committee; the Health Issues Committee; and the Traditional Inhabitant Meeting.
 - i. As per Article 22(1), the global TAC of 615 t was to be apportioned within each jurisdiction equal to 85 per cent (522.75 t) in Australian waters and 15 per cent in PNG waters (92.25 t);
 - ii. PNG catches of TRL at October 2022 were 79 t. Of the 79 t, 46 t were from the Torres Strait Protected Zone. Under the TRL Catch Sharing Agreement, PNG fishers are allocated 108 t from Australian Waters and 92 t from PNG waters.
- b) The PNG TRL Fisheries Management Plan is currently under review. Internal consultation has been completed and external consultation, including with AFMA, will occur in early 2023.
- c) PNG will be seeking MSC certification for the Western Province and a portion of the TSPZ. The PNG NFA has signed a MoU with the Fishing Industry Association (FIA) and have completed two stages of seven, to work towards MSC certification.
 - i. A TIB Member asked on TRL size limits within the PNG TRL Fishery Management Plan and was advised that the minimum tail size for domestic and export market is 115 mm.
 - ii. A TVH Member enquired about PNG gaining access to the Chinese market and was advised that PNG NFA is working closely with China to access their market, however no update could be provided at this time.
 - iii. A TIB Member asked about closures in PNG waters and was advised that there are hookah closures between 01 December – 29 March. During that time, freediving is permitted for commercial take.

2.5 Native Title

27. The Working Group noted the following updates on Native Title matters from members and the representative of Malu Lamar (Torres Strait Islanders) Corporation RNTBC who advised the following:

- a) Acknowledgement of the Traditional Owners of the lands from where members were participating from.
- b) Changes in the structure of RNTBC. Reviews are being conducted to ensure the organisation is functioning efficiently and is complying with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. The RNTBC Board met with AFMA in August 2022 and discussed the strategic direction of the corporation.
- c) The Malu Lamar representative committed to provide written briefs prior to meetings going forward.

- d) Malu Lamar would like to further understand compliance operations between Australia and PNG.
- e) Malu Lamar will be representing Traditional Owners in the Working Group forum going forward.
- f) Malu Lamar wishes to reform TIB licencing and wishes to engage with PNG in this process.
- g) Malu Lamar questioned the appropriateness of AFMA's position as Secretariat to the PZJA and welcomed discussion with AFMA on this.
 - i. AFMA acknowledged this item had been raised with AFMA during the August 2022 meeting, and welcomed a formal submission to AFMA outlining RNTBC's recommendations.
- h) Foreign fishers were camping on islands and were present on the reefs within the TSPZ, IUU fishing was occurring.
 - i. AFMA encouraged Malu Lamar to reach out to the Australian Border Force on Thursday Island regarding camping on islands.
 - ii. The AFMA representative advised they would approach the AFMA Compliance Team for further information.

Action Item 4. (ongoing)

AFMA Working Group Member to liaise with AFMA Compliance on allegations of IUU fishing in TSPZ.

3 Draft Guidelines for authorising cross-endorsement in areas of Australian jurisdiction of the Torres Strait Protected Zone

28. The Working Group discussed and provided advice on the draft *Guidelines for authorising Cross-endorsement in areas of Australian jurisdiction of the Torres Strait Protected Zone*. AFMA advised:

- a) The Treaty provides for the cooperative management and catch sharing of Protected Zone commercial fisheries in the provisions under Part 5 of the Treaty. Specifically, Article 26 of the Treaty provides that Australia and PNG should co-operate in the issue and endorsement of licences to allow commercial fishing in Protected Zone commercial fisheries, in the waters of the other Party, otherwise known as 'cross-endorsement'.
- b) The PZJA has delegated its powers to grant treaty endorsement licences to AFMA.
- c) To ensure the licence granting process is efficient, and transparent, AFMA developed draft Guidelines to provide guidance on AFMA's consideration of nomination from the PNG Government.
- d) The PZJA has supported the draft Guidelines and they were discussed at the treaty bilateral meeting in August 2022.
- e) AFMA has shared the draft Guidelines with Australian licence holders, councillors and Native Title bodies to seek feedback. AFMA welcomed feedback from the Working Group and seeks all feedback by 13 January 2023 in order to seek PZJA endorsement in February 2023.

29. The PNG NFA Representative had no significant comments on the draft Guidelines. However noted that early feedback had been provided to AFMA regarding Third Party Ownership.

30. The PNG NFA Representative advised PNG Traditional Inhabitants will be updated shortly on the draft Guidelines and other fishery matters.
31. Working Group Members advised the draft Guidelines were significant and would take time to review. The Chair encouraged out of session discussions on the draft Guidelines.
32. AFMA advised that under the Torres Strait Treaty, no cross-endorsed vessels have fished in Australian waters since 2014. The draft Guidelines provide a clearly identified process for this to occur. In 2020, AFMA received a nomination from PNG for cross-endorsement. Guidance was needed for PNG and Australia to review and authorise cross-endorsement. If PNG does not take their allocation, there is flexibility to negotiate for Australian fishers to take the difference in allocation in Australian waters.
33. The Independent Fisheries Economist enquired about transferability and continuity between crews and operators under a cross-endorsement agreement. The Chair advised it was unlikely authorisation would be transferrable however AFMA advised this feedback would be considered.

Action Item 5. (ongoing)

AFMA to consider transferability and continuity between crews and operators, when collating feedback on the draft Guidelines.

34. TIB members asked about the potential of landing catch in Australia that was caught in PNG waters. AFMA advised that currently there is no active cross-endorsement. However if under the new proposal, the catch was taken in PNG waters, it would have to be landed in PNG.
35. An Industry Member enquired about the *Eligible Nominations* section and citizenship requirements. The Chair advised this has been raised in a previous forum and that AFMA is in the process of seeking legal advice on the matter. AFMA advised third party and joint venture operations fall under Article 27 which is separate to the cross-endorsement process which falls under Article 26 of the Treaty. The Industry Member supported PNG operated fishing businesses, however did not support foreign third parties fishing under this mechanism.
 - a) AFMA stated that only those who hold a licence are eligible to apply for cross-endorsement, and who those licences are granted to is a matter for each respective party under the Treaty.
36. The PNG NFA Representative advised that PNG licences in the Western Province are restricted to Traditional Inhabitants and third parties cannot be granted a licence. PNG's NFA will consult with AFMA if approached by third parties for this process.
37. TIB Members suggested legal interpretation would assist in better understanding the draft Guidelines and the Treaty. AFMA advised that consultation with Native Title bodies and councillors is essential to ensure the content is clearly understood by relevant parties. AFMA advised that DFAT is currently being consulted in respect to the treaty and how it is applied.
38. A TIB Member expressed concerns for hosting families and being unable to fish commercially on TIBs under the Treaty.
39. TIB members suggested discussing the draft Guidelines out of session, and liaising with respective communities before providing feedback to AFMA. The Chair supported this approach.
40. The Independent Fisheries Economist advised the criteria for a successful application in the draft Guidelines was not clear and suggested this is more clearly articulated.
41. AFMA emphasised the value of Working Groups' feedback by 13 January 2023.

Action Item 6. (ongoing)

TIB licence holders to discuss the draft Guidelines out of session and provide feedback to AFMA once they have conducted community consultation.

Action Item 7. (ongoing)

AFMA to consider including information on requirements for a successful cross-endorsement application.

4 Review of management controls

42. The Working Group noted the status of the input control review for the Fishery and the next steps for progressing the assessment of the five proposals:

- a) Over the last few years, industry have expressed a desire to see a review of certain management controls currently applied to the TRL fishery, some of which are longstanding issues.
- b) Prior to the quota management system being implemented, at its meeting on 26 November 2018 the Protected Zone Joint Authority (PZJA) reaffirmed existing management controls currently applied to the fishery. TRL licence holders were notified at the time that a review of existing management arrangements, including input controls, would be conducted periodically after the quota management system was operational.
- c) Now that the Fishery has been operating under the quota system for almost three seasons, it is timely that AFMA in conjunction with the TRL Working Group and broader industry stakeholders discuss and provide advice on the need or otherwise to review management controls applied to the fishery.
- d) At their meeting on 17 December 2020, the TRL Working Group considered and discussed a range of proposals that had been tabled in the Working Group over the past five years. Industry members were given the opportunity to identify their priorities for the fishery and recommended five proposals to be further discussed with industry stakeholders (at this Working Group meeting).
- e) The TRL Industry Workshop was held on 26-27 July 2021 at the Wongai Beach Hotel, Horn Island and was convened to seek broader TRL industry views on five proposals to change management controls in the TRL fishery. Following the workshop, AFMA conducted community consultation on the proposals. Due to COVID-19, the community consultation was delayed by approximately 4 months and conducted in June 2022.
- f) TIB Members requested that during future community consultation, feedback is only to be provided to AFMA in a consolidated manner through one community representative. TIB Members raised concern over some feedback being provided to AFMA when the person may not have had the cultural authority to speak on behalf of their community. The Malu Lamar Representative advised it would be beneficial to notify Malu Lamar prior to undertaking future community consultation.
- g) TIB Members and the Malu Lamar Representative advised it would be beneficial for further consultation to occur between TIB Members and their communities regarding Proposals 3 – 5.
 - i. AFMA supported this approach and advised the slide package included in the meeting documents can be used to support further community consultation.
- h) The Chair advised TRLRAG 33 indicated many external factors have affected the 2022 fishing season. The Chair opened the floor to provide additional input control

recommendations to reduce strain on spatial overlap, as recommended by the RAG Chair.

- i) The Independent Fisheries Economist cautioned the Working Group on making a reactive recommendation in determining input controls based on previous year's external factors.
- j) AFMA sought advice on the current 5 proposals and welcomed additional proposals.
- k) Summary of Working Groups' recommendations to Proposals 1 – 5:
 - i. Proposal 1 and 2 – **Supported**.
 - ii. Proposal 3 – **Paused**. To be revisited in three years, after the effectiveness of Proposal 1 and 2 is determined.
 - iii. Proposal 4 – **Not supported**.
 - iv. Proposal 5 – **Not supported**.

43. Proposals 1 and 2 – Flexibility to tow tenders un-associated with the primary vessel, provide accommodation, fuel and towing services to dinghy operators (within survey limits)

- a) AFMA advised that during an AFMA convened workshop in July 2021, Proposals 1 and 2 were combined to allow greater flexibility to fishers.
- b) Members from communities such as Poruma and Warraber expressed concern for increased fishers utilising their communities' waters, however acknowledged Proposal 1 and 2 could benefit the sector more broadly.
- c) Working Group Members advised that it is customary for fishers to seek permission to fish in other communities' waters, regardless of licencing conditions and some TIB Members requested that cultural protocols are incorporated into licencing conditions.
 - i. AFMA advised it is not undertaking to make this a requirement of licence conditions.
- d) Industry Member Peter Frazis was in strong support of the combined Proposal 1 and 2.
- e) Some Working Group Members advocated for AFMA compliance teams to randomly inspect landings.
- f) AFMA advised conditions may need to be amended in order to implement Proposals 1 & 2.
- g) The combined Proposal 1 and 2 was supported by the Working Group Members.

44. Proposal 3 – Ability to employ non-traditional inhabitants on TIB vessels

- a) AFMA advised that during community consultation, they received divergent views throughout communities. Many communities did not support immediate implementation of Proposal 3, however indicated interest for future implementation.
- b) Some TIB Members initially opposed Proposal 3 as they believed it provided no benefit to their community.
- c) Consensus was reached by the Working Group to recommend that Proposal 3 is paused and reconsidered in three years.

45. Proposal 4 – Removal of the TVH boat length replacement policy

- a) TIB Members did not support Proposal 4.
- b) An Industry member supported Proposal 4 and advised the Working Group that greater boat lengths could provide benefits to the fishery more broadly.
 - i. Larger vessels could increase tank sizes, increase fuel capacity and allow for safer travel to distant fishing areas such as the East coast.
- c) An Industry Observer advised they would like the TVH sector to have the same vessel length restrictions as the TIB sector.

- d) The Chair requested the Working Group consider Proposal 4 from a holistic perspective as the proposal may allow both sectors to fish more efficiently.
- e) Consensus could not be reached by the Working Group, and therefore, Proposal 4 was not supported.

46. Proposal 5 – Remove or amend the hookah gear possession requirements either side of the moontide hookah closures

- a) Industry Members supported Proposal 5, however TIB Members did not support the proposal.
- b) Consensus could not be reached by the Working Group, and therefore, Proposal 5 was not supported.

Action Item 8. (ongoing)

TIB Members and Malu Lamar to conduct further consultation with communities regarding Proposals 3 – 5.

5 Catch and effort analyses for the 2021-22 fishing season

This agenda item was not covered due to being comprehensively covered in RAG report.

6 Overview of TRLRAG 33 Outcomes and Advice

47. The Working Group noted and considered an overview of the RAG discussions on the data inputs to the empirical harvest control rule (eHCR) for the TRL Fishery undertaken by CSIRO and presented by Dr Ian Knuckey, Chair of the TRL RAG.

Catch and CPUE inputs

48. The TRL Fishery has experienced a decline in catches in all sectors since 2019, which has been largely attributed to the impacts of COVID-19, market disruptions and recent fuel price increases.

49. Total reported catch for the TRL fishery in Australian waters (1 December 2021 – 30 September 2022) was 290.31 t, with 150.59 t caught by the TIB sector and 139.72 t caught by the TVH sector.

50. Total reported catch from Papua New Guinea for 2022 was 72.74 tonnes (January – October 2022, as at November 2022) however, the RAG noted that this number is incomplete for the PNG TRL season. Using the same methodology applied last year (at TRLRAG 32), and assuming an average monthly catch is also caught in the missing months (December 2021 and a completed October 2022), the total extrapolated PNG catch is increased to 88.8 t.

51. This extrapolated PNG catch results in a total Torres Strait TRL catch of 380.2 t, under a 615 t global TRL TAC, equating to 61.8 per cent of the TAC.

52. The proportion of catch taken by the TIB sector remained similar to previous years, with a slight increase for December and January.

53. For the TVH sector, estimates for each standardised index, and the nominal CPUE index for 2021-22 are on the average, with a slight increase compared to 2021.

54. For the TIB sector, the standardised indices are generally lower than the nominal index over the first half of the time-series and higher than the nominal index during the second half.

Pre-season survey inputs

55. The Working Group noted that the pre-season TRL surveys provide indices of abundance for recruiting age lobsters (age 1+) and recently-settled lobsters (age 0+), abundance indices by

stratum (region) and length-frequency and sex ratios. At the time of the survey, most older lobsters (age 2+) have migrated and those that remain are mostly remnant males

56. Dive transects were conducted at 77 repeat pre-season sites (with 11 partial transects), starting with shallow dives in the western Torres Strait while currents were at their weakest and moving in an easterly direction to utilise stronger currents for deeper dives. During days 1-3 of the survey winds were strong (20-25 knots), dropping to 10-15 knots in the remainder of the survey. Underwater visibility averaged around 4m (range 0.5-10m) with neap tidal flows allowing for a good visual census and collection of TRL.
57. A total of 266 lobsters were counted and categorised into three age classes, with 124 lobsters measured. The sex ratio of lobsters was 49 per cent males and 51 per cent females.
58. In 2022 the 0+ abundance index point estimate showed a slight but nonsignificant decline from last year to levels that are the second lowest after 2017.
59. Historically survey data indicate that Age 0+ lobsters typically settle on the western side of survey area. Until 2020 there were more than 3 times more Age 0+ lobsters settling on the west relative to the east side of the survey area. However in 2022 the distribution was more even, with 30% Age 0+ lobsters observed on the east and 70% on the west side of the survey area.
60. The 2022 1+ abundance index was lower than the 'Mid-Year Only' sites long term average (2005-2022) and lower than in 2021. The survey variance was similar to 2021, but lower than high variances in both 2018 and 2019.

Climate Change impact

61. Climate change is now a standing agenda item at the RAG meetings.
62. Considered an important issue for TRL. TRL RAG has been discussing climate change impact on the fishery for the last decade.
63. CSIRO is working on explicitly accounting for temperature and other aspects of climate change in modelling: include the Southern Oscillation Index as parameters.
 - a) CSIRO is working including updated temperature series and projections into the assessment model. Southern Oscillation Index may also be included.
 - b) A proposed MICE ecosystem model would have climate drivers included
 - a) CSIRO is continuing to develop best temperature input data.

Application of the eHCR

64. The eHCR is applied in December and outputs an RBC for the following year. This formula is the multiple of the average annual catch over the last 5 years (using available catch from TIB, TVH, PNG) and a statistic which measures the relative performance of the fishery based on the following data inputs:
 - a) Pre-season survey recruiting lobster (1+) standardised relative numbers (70 per cent);
 - b) Pre-season survey recently-settled lobster (0+) standardised relative numbers (10 per cent);
 - c) nominal CPUE for TIB sector (10 per cent); and,
 - d) standardised CPUE for TVH sector (using data available up until end of October) (10%).
65. TRLRAG 33 noted that the actual reported total catch for the 2021-22 season was the second lowest on record (after 2020-21), being only 61.8 per cent of the global TAC. If the fishery was genuinely experiencing low catches due to low lobster abundance, then it would be appropriate for the RBC value to be reduced. However, if the low catches are due to factors other than stock abundance (such as markets and COVID-19) (as discussed by TRLRAG 31 and TRLRAG 32), then the low five-year average catch value can unjustifiably penalise the TRL industry with a

lower RBC. Reduced catches since 2019 are considered to be primarily a result of impediments to exports and increasing economic pressure, rather than biological or stock related reasons.

66. Noting that the 2020-21 fishing season exhibited lower than expected total catch, TRLRAG 31 (12 October 2021) discussed the implications of a lower-than-expected average catch multiplier on the eHCR. TRLRAG 31 recommended that CSIRO present two different options for dealing with the anomalous under-catch in both the 2019-20 and 2020-21 fishing season in eHCR.

- **Option 1:** substitute the actual catch values with the TAC value in outlier years (2019-2020, and 2020-21); use the actual catches in the three years prior (2016-17, 2017-18 and 2018-19) and apply an average of these five values.
- **Option 2:** noting that there has been a change in the relative proportion of the TAC caught between the TIB and TVH sectors in recent years, use the combined sector (TIB, TVH and PNG) average catch proportion against the global TAC over the recent five-year period, capping any overcatch at 100 per cent of the TAC, and apply this proportion to the TAC for 2019-20 and 2020-21 to obtain an estimated catch value for those years. As above, use the actual catches in the three years prior (2016-17, 2017-18 and 2018-19) and apply an average of these five values.

67. TRLRAG 32 (15 December 2021) chose to apply Option 1 (to substitute the anomalous catches of 2019-20 and 2020-21 with the fishery global TAC) in the average catch multiplier in the eHCR to calculate the RBC value for the 2021-22 season.

68. For the 2022-23 RBC, TRLRAG 33 was asked to consider similar options as discussed at TRLRAG 32, namely **whether to used actual catches from 2021-22 (as in Option 2 above) or substitute the 2021-22 TAC (as in Option 1 above) to calculate the 2022-23 RBC.**

69. A comparison of eHCR RBC outputs for the 2022-23 season using the different average catch values with ad-hoc adjustments from Options 1 and 2 above can be found in Table 1.

Table 1. Comparison of eHCR RBC outputs for the 2023 season

	Base-Case with Observed Catch for 2022 (Option 2)	Scenario with Adjusted catch for 2022 (Option 1)
	Index_MY0; Seller; Int1; TAC substituted for 2020 & 2021 Catches, actual 2022 catch used	Index_MY0; Seller; Int1; TAC substituted for 2020, 2021 & 2022 Catches
Preseas1	-0.092	-0.092
Preseas0	-0.163	-0.163
CPUE_TIB	0.027	0.027
CPUE_TVH	0.035	0.035
Ave Catch (t)	516.28	563.24
RBC (t)	478	521

70. TRLRAG 33 noted that the eHCR has been MSE-tested and is shown to be robust and precautionary. It captures longer-term trends over a five-year period, it places substantially more weighting (70%) on the pre-season survey 1+ index, which is not affected by trade and other disruptions. Also, using a five-year average (including average catch) helps to dampen the influence of a single anomalous year.

71. The Working Group noted a summary of other items as discussed by TRLRAG 33 and presented by the RAG Chair including:
- a) Torres Strait Prawn trawl catches of TRL.
 - b) Proposed morphometric sampling of TRL.
72. Further details on these agenda items can be found in the TRLRAG 33 meeting record.

7 Total Allowable Catch

73. The Working Group noted that on 04 October 2022, Senator the Hon. Murray Watt determined a TAC of 200 t of TRL in the Australian waters of the TRL Fishery for the 2022-23 fishing season.
74. The Working Group discussed and provided advice on a global TAC for the Torres Strait Protected Zone (TSPZ) Tropical Rock Lobster Fishery for the 2022-23 fishing season, taking into consideration:
- a) the advice from TRLRAG 33 on the recommended biological catch (RBC) for the TSPZ TRL Fishery for the 2022-23 fishing season based on the application of the TRL Harvest Strategy.
 - b) to date, based on previous TRLRAG advice, other sources of mortality (e.g. traditional and recreational catch of TRL), have not been deducted from the RBC when recommending a global TAC.
75. AFMA briefed the Working Group on the RBC as discussed during TRLRAG 33 and through the RAG Chair's presentation earlier in the meeting. The Working Group considered if there were any noticeable changes in trends in commercial catches in the fishery. No significant changes were noted.
76. Working Group members advised they had seen no significant change in recreational fishing effort in the Torres Strait.
77. AFMA advised that fuel prices, COVID-19 and market challenges have led AFMA to be of the view that there were **exceptional circumstances** during the 2021-22 TRL fishing season.
78. TIB Members initially requested that the TAC was set at the lower RBC value of 478 t maintaining socioeconomic concerns and the potential for potential increased strain on TRL stocks accessible by TIB licence holders.
79. One TIB Member expressed concern with data reliability and therefore supported the lower RBC value.
- a) The Scientific Member reminded working group that the model was sensitivity tested and was robust to some uncertainty e.g. additional sources of mortality, giving increased confidence in the modelling. The modelling showed no area of concern with either RBC value.
 - b) Multiple Members reiterated that setting the lower TAC would unlikely alleviate socioeconomic issues in the Torres Strait, and that there was no scientific reason that the TAC could not be set at the higher value of 521 t.
 - c) The Independent Fisheries Economist advised the Harvest strategy was implemented to mitigate these issues and that the science in determining the RBC values is robust.
80. Industry Members encouraged cooperation between sectors in the Tropical Rock Lobster fishery and supported a TAC of 521 t.
81. AFMA advised that if the Working Group were unable to reach consensus and make a recommendation on TAC, the matter would be moved to the PZJA Standing Committee to make the TAC recommendation.
82. A TIB Member asked about the possibility of compromise between the sectors to reach consensus. An Industry Member advised they were willing to work with the TIB sector to ensure reduced fishing effort in December and January could be considered from the 2023/24 season onwards. TIB members requested the immediate cessation of TVH operations in northern areas of the TRL Fishery so the TIB sector could fish locally over the Christmas period.

83. Industry Member Peter Frazis advised that if they were to reach compromise on this years' TAC then MG Kailis Pty Ltd licence holders would not operate in the discussed zone, beginning in the 2023/24 season and continuing as an ongoing agreement. An Industry Observer reiterated that goodwill is essential in the TRL Fishery.
84. **The Working Group recommended a TAC for the Torres Strait Protected Zone (TSPZ) TRL Fishery of 521 t for the 2022/23 season noting that MG Kailis Pty Ltd licence holders will not operate in December and January from the 2023/24 fishing season unless otherwise agreed with the Traditional Inhabitant members of the working group.**

8 Overview of AFMA Compliance Risk Assessment Process

85. This agenda item was not covered due to time constraints.

9 Other Business

86. No other business was nominated for discussion.

10 Date and venue for next meeting

87. The Working Group noted and agreed to the proposed meeting schedule for 2023 as outlined in the agenda paper.
88. AFMA recommended that the Working Group reconvenes mid-2023 (subject to member availability) to discuss research proposals and management control arrangements.
- a) The Working Group agreed.
89. The 13th TRL Working Group meeting was closed at 1735hrs on Thursday 15 December 2022.

Action Item 9. (not started)

AFMA to establish mid-year Working Group meeting to discuss research proposals and management control arrangements.

Declaration of interests
Dr Ian Knuckey – October 2022

Ian Knuckey positions:

Director –	Fishwell Consulting Pty Ltd
Director –	Olrac Australia (Electronic logbooks)
Chair –	Northern Prawn Fishery Resource Assessment Group
Chair –	Tropical Rock Lobster Resource Assessment Group
Chair –	Victorian Rock Lobster and Giant Crab Assessment Group
Chair –	Victorian Central Zone Abalone Fisheries Resource Advisory Group
Chair –	Gulf of St Vincent's Prawn Fishery MAC Research Scientific Committee
Scientific Member –	Northern Prawn Management Advisory Committee
Scientific Member –	Gulf of St Vincent's Prawn Fishery Management Advisory Committee
Scientific Member –	Tropical Tuna Resource Assessment Group
Scientific Member –	SESSF Resource Assessment Group
Councillor –	Victorian Marine and Coastal Council
Member –	The Geelong Agri Collective

Fishwell current projects:

DAWE Project	Multi-sector fisheries capacity building
AFMA 2022-	Annual monitoring, reporting and assessment of SPF marine mammal interactions, including effectiveness of mitigation measures
AFMA 2020-0807	Bass Strait Scallop Fishery Survey – 2020-22
AFMA project	Design sea cucumber fishery-independent survey for Coral Sea
FRDC 2019-027	Improving and promoting fish-trawl selectivity in the SESSF and GABTS
FRDC 2018-021	Development and evaluation of SESSF multi-species harvest strategies
Traffic Project	Shark Product Traceability
Sea Cucumber Ass.	Design and implementation of various sea cucumber dive surveys.
Australia Bay	Queensland Gulf of Carpentaria Developmental Fin Fish Trawl Fishery

TROPICAL ROCK LOBSTER WORKING GROUP 13
(TRLWG 13)

Thursday 15 December 2022 | 830am – 5pm
TSRA Boardroom, Thursday Island

ADOPTED AGENDA

1 PRELIMINARIES

1.1 Welcome and apologies

The Chair will welcome members and observers to the 13th meeting of the TRL Working Group.

1.2 Adoption of agenda

The Working Group will be invited to adopt the draft agenda.

1.3 Declaration of interests

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

1.4 Action items from previous meetings

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

1.5 Out of session correspondence

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

2 UPDATES FROM MEMBERS

2.1 Industry members

Industry members and observers will be invited to provide an update on matters concerning the Torres Strait TRL Fishery, in particular, providing comment on fishing patterns, behaviours, prices, and market trends for the 2021-22 season and the start of the 2022-23 season.

2.2 Scientific and Economic members

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

2.3 Government agencies

The Working Group will be invited to note updates from AFMA, TSRA and QDAF on matters concerning the Torres Strait TRL Fishery.

2.4 Papua New Guinea National Fisheries Authority

The Working Group will be invited to note a verbal update from the PNG National Fisheries Authority.

2.5 Native Title

The Working Group will be invited to note a verbal update from Malu Lamar (Torres Strait Islander) Corporation RNTBC and other Working Group members on native title matters relevant to the TRL Fishery.

3 DRAFT GUIDELINES FOR AUTHORISING CROSS ENDORSEMENT IN AREAS OF AUSTRALIAN JURISDICTION OF THE TORRES STRAIT PROTECTED ZONE

The Working Group will be invited to provide advice on the draft *Guidelines for authorising cross-endorsement in areas of Australian jurisdiction of the TSPZ* which have been developed by AFMA.

4 REVIEW OF MANAGEMENT CONTROLS

The WG will be invited to note the 2022 Torres Strait community consultation outcomes of on the review of management controls in the TRL Fishery and provide advice on next steps for progressing the review.

5 CATCH AND EFFORT DATA FOR THE 2021-22 FISHING SEASON

The WG will be invited to note TRL Fishery catch and effort data for the 2021-22 fishing season, including trends on participation.

6 OVERVIEW OF TRLRAG 33 OUTCOMES AND ADVICE

The Working Group is invited to note an overview of the TRLRAG 33 outcomes to be presented by the TRLRAG Chair.

7 TOTAL ALLOWABLE CATCH

Having regard to the advice of TRLRAG33 on the recommended biological catch (RBC) for the TRL Fishery, the WG will then be invited to provide advice on a total allowable catch (TAC) for the TRL Fishery for the 2022-23 fishing season.

8 OVERVIEW OF AFMA COMPLIANCE RISK ASSESSMENT PROCESS

The WG is invited to note a virtual presentation from the AFMA Senior Manager of National Compliance on an overview of the AFMA domestic compliance risk assessment process that AFMA undertakes each year to inform their compliance activities in both Torres Strait and Commonwealth fisheries.

9 OTHER BUSINESS

The WG will be invited to raise any other matters for consideration.

10 DATE AND VENUE FOR NEXT MEETING

The WG will be invited to discuss a suitable date for the next Working Group meeting.

The Chair must approve the attendance of all observers at the meeting. Individuals wishing to join the meeting as an observer must contact the Executive Officer – Georgia Langdon (georgia.langdon@afma.gov.au)