

**TROPICAL ROCK LOBSTER WORKING GROUP 13
(TRLWG 13)**

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

DRAFT 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.

8 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.

9 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.

10 OTHER BUSINESS

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

11 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)

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
PRELIMINARIES Welcome and apologies	Agenda Item 1.1 For Noting

RECOMMENDATIONS

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

BACKGROUND

2. As at 1 December 2022 no apologies had been received.

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
PRELIMINARIES Adoption of agenda	Agenda Item 1.2 For Decision

RECOMMENDATIONS

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

BACKGROUND

2. This meeting was noted with members at TRLWG 12 (16 December 2021) as a possible video conference with a proposed agenda to provide advice on a TAC for the 2022-23 fishing season.
3. Consideration of the public consultation outcomes on proposals to review management controls in the TRL Fishery was intended to be a face to face meeting earlier in 2022 (June) however due to limited staff resources, and COVID-19 cases across the Torres Strait region, AFMA's planned community visits for March/April 2022 were not able to commence until June 2022. This inevitably delayed the option of the Working Group meeting face to face prior to December 2022.
4. TRLWG 13 was announced to members with a draft agenda on 7 November 2022. No suggestions for changes were received on the draft agenda.

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
PRELIMINARIES Declaration of interests	Agenda Item 1.3 For Decision

RECOMMENDATIONS

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

BACKGROUND

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

TRLWG Declarations of Interest from most recent meetings

Name	Position	Declaration of interest
Members		
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	To be declared.
Sevaly Sen	Fisheries Economist Member	Nil interest 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	To be declared.
Charles David	Traditional Inhabitant Member - Kulkalgal	To be declared.
Patrick Mooka	Traditional Inhabitant Member – Guda maluylgal	To be declared.
Jermaine Reuben	Traditional Inhabitant Member - Maluyilgal	To be declared.
Thomas Fujii	Traditional Inhabitant Member - Kaiwalalgal	To be declared.
Mark Dean	Industry Member	TVH operator.
Peter Frazis	Industry Member	To be declared
Trent Butcher	Industry Member	TVH licence holder
Emma Freeman	AFMA Member	Nil.
Jenny Keys	QDAF Member	To be declared.
Nicholas Richards	TSRA Member	To be declared.
Lachlan Farquhar	Executive Officer	To be declared.
Georgia Langdon	Executive Officer support	Nil.
Observers		
Joseph Posu	PNG National Fisheries Authority	To be declared.
Yen Loban	TSRA Board Member, TSRA Portfolio Member for	To be declared.

Attachment 1.3a

	Fisheries, Director Zenadth Kes Fisheries	
Alice McDonald	AFMA	To be declared.
Brett Arlidge	TRLRAG Industry member	General Manager MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of 5 TVH licences. Seafood buyer from Torres Strait, QLD and PNG TRL fisheries.
Ian Knuckey	TRLRAG Chair	Refer to Attachment 1.3b
Leo Dutra	CSIRO	To be declared.
Brooke D'Albertto	ABARES	To be declared.
Quinten Hirakawa	TSRA	To be declared.

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
Expert Witness	Gladstone Harbour development impacts

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
PRELIMINARIES Action items from previous meetings	Agenda Item 1.4 For Discussion and Advice

RECOMMENDATIONS

1. That the Working Group:

- a. **NOTE** the progress against actions arising from previous meetings (**Attachment 1.4a**).
- b. **NOTE** the final meeting record for TRLWG12 held on 16 December 2021 (**Attachment 1.4b**).
- c. **PROVIDE ADVICE** on any new key events to be added to the TRL Management History timeline (**Attachment 1.4c**).

BACKGROUND

Actions arising

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

Meeting record

3. The draft meeting record for TRLWG 12 held on 16 December 2021 was provided out of session for comment on 23 December 2021, with comments due back by 13 January 2022. No comments were received from members.
4. The record was finalised out of session following the closure of the comment period a clean version was circulated to members on 28 January 2022.
5. The final meeting record is provided at **Attachment 1.4a** for information and also available on the [PZJA website](#).

TRL Management History Timeline

6. As an action arising from TRLRAG 14 (25-26 August 2015), AFMA and CSIRO were tasked with preparing a timeline of key events that have occurred in the Torres Strait Tropical Rock Lobster Fishery. A draft timeline was provided to TRLRAG 30 (16 December 2020).
7. The timeline is intended to be a living document, to be updated as relevant management events in the fishery occur. AFMA proposes that this document be a standing agenda item under Agenda Item 1.4 Actions Arising for the RAG and Working Group to be updated as required.
8. The Working Group is asked to provide advice on any new key events to be added to the Management History timeline (provided at **Attachment 1.4c**).

Action items from previous TRL Working Group meetings

#	Action Item	Meeting	Responsible Agency/ies	Due Date	Status
1.	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.	TRLWG 12 (16 Dec 2021)	Sevaly Sen, TRLWG Economics member	TRLWG 13	Complete. The Economics member will provide an update at the meeting.

Torres Strait Tropical Rock Lobster Working Group Meeting 12

Final Meeting Record

16 December 2021

Cairns / Video Conference

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 interest
Dr John Glaister	Chairperson	Member of Parks North, Chair of Northern Prawn Management Advisory Committee (NORMAC), Chair of the Torres Strait Prawn Management Advisory Committee (TSPMAC).
Dr Darren Dennis	Scientific member	Former CSIRO employee involved in Torres Strait TRL research, and scientific surveys. No pecuniary interests.
Sevaly Sen	Fisheries Economist Member	Nil interest 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
Aaron Tom	Traditional Inhabitant member	Traditional Inhabitant Gudamalulgal and TIB licence holder
James Ahmat	Traditional Inhabitant member	Traditional Inhabitant Maluililgal and TIB licence holder
Patrick Mills	Traditional Inhabitant member	Traditional Inhabitant Kaiwalagal, member of Torres Strait Scientific Advisory Committee. TIB licence holder with TRL, mackerel and trochus endorsements. Member of Torres Strait Fishers Association.
Mark David	Traditional Inhabitant member	Traditional inhabitant member, Kulkalgal
Les Pitt	Traditional Inhabitant member	Traditional Inhabitant Kemer Kemer Meriam, TIB licence holder and runs an independent freezer facility on Erub Island. Board member of Zenadth Kes Fisheries.
Mark Dean	Industry member	TVH operator
Jerome Kalwij	Industry member	Employee of MG Kailis, manager at Pearl Island Seafoods processing factory
Trent Butcher	Industry member	TVH licence owner
Selina Stoute	AFMA member	Nil
Keith Brightman	TSRA member	TSRA holds multiple TVH TRL fishing licences on behalf of Torres Strait Communities but does not benefit from them
Georgia Langdon	AFMA executive officer	Nil

Observers

Name	Position	Declaration of interest
Brett Arlidge	TRL RAG Industry member	General Manager, MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of 5 TVH licences. Seafood buyer from Torres Strait, Queensland and PNG fisheries. Exporter of TRL.
Yen Loban	TSRA	TSRA Board member and TSRA Fisheries Portfolio member. Board member of Zenadth Kes Fisheries. TIB licence holder with reef line and TRL endorsements.
Daniel Takai	Zenadth Kes Fisheries	CEO of Zenadth Kes Fisheries
Harry Nona	TRL RAG member	Traditional Inhabitant member, Kaiwalgal. TIB licence holder. Board member of Zenadth Kes Fisheries.
Maluwap Nona	Malu Lamar (Torres Strait Islander) Corporation RNTBC	Chair of Malu Lamar.
Dr Ian Knuckey	Chair, TRL Resource Assessment Group (TRLRAG)	Full declaration of interests provided at Attachment A.
Dr Éva Plagányi	TRL RAG Scientific Member	Lead scientist for PZJA funded TRL research projects conducted by CSIRO. Contribute 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. Independent scientific member of HCRAG and NPFRAG.
Quinten Hirakawa	TSRA	TSRA senior project officer. TIB licence holder, with a TRL entry
Tod Spencer	AFMA	Nil

1 Preliminaries

1.1 Welcome and apologies

1. The meeting was opened in prayer at 9:05am on Thursday 16 December 2021. Attendees were welcomed to the 12th meeting of the Torres Strait Tropical Rock Lobster Working Group (TRLWG 12). 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 are detailed in the meeting participant tables at the start of this meeting record. No apologies were received. AFMA Senior Manager of National Compliance Tod Spencer joined the meeting via video conference for Agenda Item 7 only.
3. Kulkalgal Traditional Inhabitant member James Billy, TSRA member Keith Brightman and Papua New Guinea National Fisheries Authority representative permanent observer were not in attendance for the duration of the meeting.

1.2 Adoption of agenda

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

1.3 Declaration of interests

5. 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 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.
6. 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.
7. The Chair recommended that specific interest groups did not need to temporarily leave the room to allow their interests to be discussed. The Working Group agreed that all members and observers could be present for each of the agenda item discussions.

1.4 Action items from previous meetings

8. The Working Group noted the final meeting record for TRLWG11 held on 17 December 2020 and that there are no outstanding action items arising from previous meetings.
9. The Working Group also noted and supported the development of the TRL Management History timeline as detailed in the Attachment 1.4d of the TRLWG 12 meeting papers. Members noted that the timeline is intended to be a 'living document' and are invited to comment and contribute to its content. The Chair advised that such a resource was very useful for new people engaging with the fishery and recommended AFMA prepare history timelines for all fisheries.

1.5 Out-of-session correspondence

10. The Working Group noted the out of session correspondence on TRLWG matters since the previous meeting.

2 Updates from members

2.1 Industry members

11. The Working Group noted verbal updates provided by industry members and observers regarding the performance of the Torres Strait TRL Fishery during the 2020-21 fishing season and the very start of the 2021-22 season to date, in particular:
- a) Fishing effort has not been as high as per previous years, as seen in the under-caught TAC for the TIB sector. Industry members attribute this to the impacts of COVID-19, increased fuel prices and at times, limited fuel availability and low buying prices.
 - b) Observations in the eastern islands indicate that there has been some unusual movement of crays (around Erub), with movement heading towards the central islands (Poruma) since the start of the 2021-22 season. This type of movement (in terms of good catches from this area) has not been seen in the past few years.
 - c) There were signs of movement of crays towards the end of the last season and during the off season but concerns still remain around being able to successfully market and sell the product.
 - d) An industry observer added that the current challenges with the export market are unlikely to be resolved in the near future. China still has an 'zero COVID' policy, and that new and ongoing outbreaks are creating negative sentiment within the Chinese market, and therefore demand. As at the start of the 2021-22 season crays are still being sold but there is unlikely to be any substantial improvements.
 - e) A lack of fuel both on Thursday Island and the outer island communities has had a significant impact on industry being able to go out fishing. When one island runs out, there is increased demand on nearby islands. Fuel prices in Badu are as high as \$3 per litre. Industry members and observers agreed there should be a collective approach from affected people to local governments and Seaswift to ensure there is enough fuel capacity to support the industry in the Torres Strait.
 - f) There are a lot of small crays (roughly 80 per cent under 1kg) being caught in the eastern and central areas, with very few crays being observed in the western parts of the Torres Strait, particularly around Thursday Island. One industry member added that this is consistent with the migratory nature of the crayfish; if it is a good season in Kaiwalagal, it might be bad in the east and vice versa. Larger crays are not typically expected to be seen until January which is why most people are only seeing smaller crays early on.
 - g) Another industry member believes there is a large lobster biomass north of Buru, but due to poor visibility, and further distance to travel, that area is not fished very often.

2.2 Scientific and economic members

12. The Working Group noted a brief summary from the TRL RAG scientific member and observer to the Working Group that the pre-season survey was completed successfully despite possible COVID restrictions. The survey team found an even abundance of lobsters across the Torres Strait which was not as patchy as seen in previous years. The Thursday Island region was not looking very positive. 1+ numbers are looking better than in 2020, which means we are expecting a better than average year in 2022, provided the markets can be maintained.
13. 0+ lobster counts were the second lowest on record. The survey team are unsure whether this is due to a timing issue, or a change in distribution. More work is required to investigate this further. TIB and TVH CPUE indices both suggest reasonably high catch rates in the 2020-21 season which corroborates with industry reports of not being able to catch the TAC due to market and export factors, rather than a lack of abundance of lobsters. From a scientific perspective, the RAG can have confidence that the CPUE trends and other indices indicate the under caught TAC is a not due to poor lobster abundance.
14. The Scientific member to the Working Group highlighted that crays that are available to catch in a given year come from 0+ crays that have recruited to the fishery three years prior. As the

industry is only catching one year class, it is less important to leave crayfish in the water season to season.

15. The member further added that historically (in relation to an industry members theory on high biomass north of Buru), there have only been two survey sites north of Buru but that those sites have exhibited high numbers of lobsters and low fishing effort so it would be useful to validate this through some kind of social science approach.
 - a) On the topic of survey sites, the TSRA Fisheries Portfolio member queried whether the survey looked at lobster abundance on reefs 1, 2 and 3, and Dollar reef. He advised that over the last 15 years, fewer and fewer crayfish are being observed and caught on top of the reef and the usual crayfish holes are empty. Fishers do not bother fishing these parts of the reef anymore because the abundance is simply not there, including reefs around Muralag (Prince of Wales) and Horn Island.
 - b) The scientific member noted that in the original baseline survey included a lot more reef 'edge' sites (rather than deep sites) and out of the remaining 77 sites a number of edge sites were removed. The RAG was reminded that the survey provides an estimate of abundance across the Torres Strait Protected Zone but is not going to give a good indication of regional abundance at a high resolution scale.
 - c) The TRL RAG scientific member and observer to the Working Group added that CSIRO are looking more closely at the available habitat data to help explain some of the lobster abundance trends observed. It is challenging trying to understand the exact correlations between the habitat variables and lobster abundance. CSIRO is also starting to collect more data on water temperature in response to concerns around increasing water temperatures and the impact on lobster mortalities, causing higher discard rates. It will be important to continue monitoring the water temperatures, which in turn can affect lobster habitats and therefore lobster abundance given lobsters are very sensitive to temperature changes.
16. The economist member noted that other lobster fisheries around Australia have been facing similar issues to the Torres Strait industry in relation to grey markets through Hong Kong and Vietnam, declining prices in the domestic market for the NSW lobster fishery (which is a domestic market only).

2.3 Government agencies

17. 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 TRL fishery was re-accredited as an approved Wildlife Trade Operation (WTO) on 4 December 2020 under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The approval was made with no new substantial conditions, and only one recommendation (detailed in the agenda paper).
 - b) The Torres Strait TRL Fishery has also been independently assessed by the Australian Bureau of Agriculture and Resource Economics (ABARES) as not subject to over-fishing and not being overfished for another year.
 - c) AFMA is progressing a suite of legislative amendments to both the *Torres Strait Fisheries Act 1984* and the *Torres Strait Fisheries Regulations 1985*. One of the key amendments is to provide the legislative power to require mandatory logbook reporting in the TIB sector. Following PZJA approval to consult on the suite of amendments (expected in February 2022), AFMA plans to discuss the proposed legislative amendments during a round of community visits planned for early 2022. It will be important for AFMA to work closely with organisations such as Zenadth Kes Fisheries to plan how and what a mandatory logbook program might look like for the TIB sector.
 - d) In recent months, AFMA has launched electronic Catch Disposal Records (eCDRs) as part of the mandatory Fish Receiver System. AFMA also hopes to talk more with industry about using eCDRs during their round of community visits planned for early 2022 and will be looking to have PZJA advisory committee members accompany AFMA on those trips.

18. The Working Group noted the following updates from the QDAF member:

- a) The east coast TRL Fishery was around 75 per cent caught of the 195 tonne TAC in the 2021 season.
- b) A Queensland TRL Working Group meeting was held on 20 August 2021 where industry reported challenges throughout the season associated with the loss of good divers which impacted the total catch.
- c) Fisheries Queensland have finalised harvest strategies for 13 different fisheries, including Tropical Rock Lobster which means the east coast TRL fishery will now be managed in accordance with that harvest strategy.
- d) There is a stock assessment currently underway for the east coast TRL fishery (presented by Dr Fay Helidoniotis at TRLRAG 32), which is scheduled to be completed in early 2022.
- e) A new e-catch platform has recently been released which allows operators in the TRL fishery to report their catches and submit notices electronically. A Working Group meeting is scheduled for early 2022 where fishers will be able to be trained up in the use of the new platform.

19. The Working Group also noted a brief update provided by the TSRA observer that the focus of the TSRA Fisheries Program has been preparing traditional inhabitant members for all PZJA advisory committee meetings and reiterated comments made by traditional inhabitant industry members that fishing effort has been down due to fuel availability, and decreased market prices.

2.4 PNG NFA

20. The Working Group noted that a PNG National Fisheries Authority officer was able to attend the RAG meeting held on 15 December 2021 however was not in attendance for this meeting. The AFMA member provided the following update from the RAG meeting:

- a) NFA are committed to further investigating the increasing use of a new fishing method – the ‘electric spike’ or ‘electrode’ that is being used by some commercial fishers in the Western Province. The electrodes are described as being an electric rod, powered by four rechargeable size D batteries and a switch at one end. Fishers reportedly poke the crayfish with the rod which stuns them from anywhere between 20 seconds up to one minute and allows the diver to retrieve the crayfish without any struggle or damage to the animal. Based on advice from PNG industry operators, the crays revive back to normal when brought back to the storage cage, though to what extent still needs to be confirmed. There are other reports that the use of electrode is also having a negative impact on coral reefs. NFA are working to verify this information and assess the impacts. The RAG noted that the effectiveness of this new fishing equipment could have a significant impact on catch rates and mortality and should be monitored closely.

21. An industry member queried where there is any illegal, unregulated and unreported (IUU) fishing outside the TSPZ (to the west, or north in PNG waters) which could be impacting the availability of lobsters within the TSPZ. AFMA acknowledged that there is a trawl fishery in both Australian and PNG waters but that both PNG and Australia have implemented a ban on the retention of crayfish from prawn trawlers. The Australian fishery maintains around 2.6 per cent of observer coverage which is an important data source that the RAG is looking at to monitor and understand the level of lobsters being caught in the TSPF.

22. The AFMA member noted that the recent footage of a trawler hauling up large catches of TRL has been shared with NFA, who have confirmed they are investigating the matter further. It is known that NFA have previously permitted some PNG trawlers to retain TRL during periods of economic downturn through a permitting system and these catches are reflected in the reported catch history.

23. The AFMA member also noted that it is important for Australia to continue to monitor and understand the interactions of TRL as bycatch in the Torres Strait Prawn Fishery. The Working

Group noted that CSIRO have undertaken a preliminary analysis on the interactions and the TRL RAG has recommended doing further analysis using the data to try and estimate the total Australian prawn catch to be included in the total TRL catch value in the empirical Harvest Control Rule (eHCR). The preliminary analyses indicated that TRL catch in the TSPF can be as little as less than 1 per cent of the total TRL catch, and up to a few percent depending on the extrapolation method used.

24. The industry member also expressed concern about the impact of fishing to the west of the TSPZ (near Deliverance Island) and whether catches of lobsters in that region could impact recruitment into the Torres Strait. CSIRO did undertake some surveys in that area in the late 80s and only found lobsters in small numbers. In terms of larval delivery, recruitment from that region is minor as the main recruitment of larvae into the Torres Strait comes through the Coral Sea gyres.
25. The Working Group noted the request from Traditional Inhabitant Industry members, for representatives of the TRL industry to attend future bilateral meetings between Australia and Papua New Guinea.

2.5 Native Title

26. As Chairperson of Malu Lamar (Torres Strait Islanders) Corporation Registered Native Title Body Corporate (RNTBC), Mr Maluwap Nona noted that on 7 August 2013 the High Court of Australia reinstated the Native Title rights, including commercial fishing in the claimed area of the Torres Strait. Malu Lamar RNTBC was named as the trustee of the 44,000km² area within the Torres Strait. Under section 203(b) of the *Native Title Act 1993* Malu Lamar has a mandated duty of care to support the aspirations of and protect the rights and interests of Torres Strait Islanders.

3 Catch and effort analyses for the 2020-21 fishing season

27. This agenda item was not explicitly discussed as a more detailed summary of catch and effort in the fishery was provided under Agenda Item 4.

4 Total Allowable Catch

28. The Working Group 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.
29. The Working Group noted that the key business for the TRLRAG in December is to provide advice on a Recommended Biological Catch (RBC) for the upcoming TRL season.
 - a) The formula of the eHCR 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:
 - i. Pre-season survey recruiting lobster (1+) standardised relative numbers (70 per cent);
 - ii. Pre-season survey recently-settled lobster (0+) standardised relative numbers (10 per cent); and,
 - iii. nominal CPUE for TIB sector (10 per cent); and,
 - iv. standardised CPUE for TVH sector (10 per cent).

Catch and CPUE inputs

30. 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 and market disruptions.

31. The total reported catch for the Australian TRL fishery (1 December 2020 – 30 September 2021) was 240.3 tonnes, with 123.2 tonnes caught by the Traditional Inhabitant Boat (TIB) sector and 116.3 tonnes caught by the Transferable Vessel Holder (TVH) sector.
32. Total reported catch from Papua New Guinea was 68.17 tonnes (January – the first half of 2021) however, the RAG noted that this number is incomplete for the PNG TRL season. Using the same methodology applied last year (at TRLRAG 30), and assuming an average monthly catch is also caught in the missing months (December 2020 and a completed November 2021), the total extrapolated PNG catch is increased to 81.24 tonnes (1 December 2020 – 30 November 2021).
33. This extrapolated PNG catch results in a total Torres Strait TRL catch of 320.7 tonnes, under a 623.5 tonne global TRL TAC, equating to 51.3 per cent of the TAC. 2021 catches were the lowest recorded since 2009.
34. The most recent point estimates of both the TVH and TIB CPUE indices (standardised and nominal) experienced a decrease since 2020 but still contribute to a slightly positive five-year trend in the empirical Harvest Control Rule (eHCR), each with a 10 per cent weighting.

Pre-season survey inputs

35. The Working Group noted that the pre-season survey provides 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.
36. Dive transects were conducted at 77 repeat pre-season sites (with four partial transects) with a total of 356 lobsters were counted and 172 lobsters were measured. The sex ratio of lobsters was 55 per cent males and 45 per cent females.
37. 1+ lobster counts were higher in 2021 than in 2020, however counts of 0+ lobsters were down from last year. The 2021 1+ lobster survey index is well above the long term average and higher than 2020 (more similar to 2018 and 2019 point estimates). Lobster counts were higher in the north western side compared to 2020, and similar to 2019.
38. The 2021 0+ abundance index was the second lowest point estimate abundance recorded since 2017 and well below the long-term pre-season survey average index (2005-2020). The 2021 survey indicated a typical lobster settlement pattern, with most 0+ lobsters counted on the western side of the survey area, though there were very different observations/counts of 0+ lobsters in 2021 (45) compared to 2020 (101). Historically 0+ counts are highly variable between east and west, however contrary to previous years, 0+ lobsters were observed more consistently across the western and eastern sizes. This demonstrates highly variable spatial distribution of lobster settlement year to year.

Application of the eHCR

39. Although the most recent 0+ pre-season survey value, the TIB CPUE and the TVH CPUE values in 2021 (each with a 10 per cent weighting in the eHCR) had come down since 2020, the overall average five-year trend remained positive for all three indices. The 1+ pre-season survey index saw an increase in the 2021 value which maintains a positive slope. This index carries a 70 per cent weighting and is used to best predict how many lobsters are available to be sustainably caught next season.
40. The TRL RAG has been concerned that despite having reasonably good catch rates in the fishery, total catch has been lower-than-expected due to external factors (i.e., market disruptions, and COVID-19 impacts, rather than stock related) in both the 2019-20 and 2020-21 fishing seasons. This can then unjustifiably penalise the TRL industry by driving RBC down.
41. To address this, TRLRAG 31 discussed the implications of a lower-than-expected average catch multiplier on the eHCR and recommended that CSIRO present two different options as an ad-hoc approach for dealing with the anomalous under-catch in both the 2019-20 and 2020-21 fishing season in eHCR.

- **Option 1:** replace the actual catch values and substitute them with the TAC value in outlier years (2019-20 and 2020-21); use the actual catches in the three years prior (2016-17, 2017-18 and 2018-19) and apply an average of all five years catch 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.

42. The RAG considered a comparison of eHCR RBC outputs (**Table 1**) using the different average catch values with ad-hoc adjustments from Options 1 and 2, as well as the default application of the eHCR using non-adjusted catch values (Option 3) and alternative CPUE indices inputs (Options 4 and 5) as sensitivities.

Table 1. Comparison of eHCR RBC outputs under different options.

eHCR Inputs	Option 1 Index_MYO; Seller; Int1 - using avg catch option 1	Option 2 Index_MYO; Seller; Int2 - using avg catch option 2	Option 3 Default - using actual 2021 catch	Option 4 Alternative CPUE (Mod3) for TIB & TVH - using avg catch option 1	Option 5 Alternative CPUE (Mod3) for TIB & TVH - using avg catch option 2
Pre-season 1+	1.215	1.215	1.215	0.850	1.215
Pre-season 0+	1.242	1.242	1.242	0.124	1.242
CPUE_TIB	1.058	1.058	1.058	0.108	1.081
CPUE_TVH	1.057	1.057	1.057	0.109	1.086
Ave Catch (t)	518.4	492.44	431.7	518.4	492.44
RBC (t)	614.8	584.0	512.0	617.5	586.6

43. Acknowledging that the eHCR is robust to the TAC being fully caught and was Management-Strategy-Evaluation (MSE) tested under that assumption, the RAG considered that Option 1 would allow the eHCR to continue to be applied without the impacts of external factors hindering the total catch value. By contrast, the RAG noted that whilst it is likely to be more reflective of what actual catches may have been in the absence of COVID-19 and market impacts, Option 2 provides a level of precaution on top of what is already a precautionary harvest strategy. In the event that low catches continue due to external factors (and not low stock abundance), the average catch multiplier will continue to trend downwards and reduce the RBC output.
44. The RAG also noted that the total catch value used in the average catch multiplier should include all lobsters that have died, including those that are sold, those that might die in cages, and those that might be discarded. Given the catches in the 2020-21 season were so low, any substantial mortality of discards would not be very influential in the eHCR calculation for 2021-22.
45. Considering the above, the RAG recommended applying Option 1 as an ad-hoc adjustment to the eHCR which resulted in an RBC value of 615 tonnes (rounded) for the 2021-22 season.
46. Having regard to the advice of the RAG, the Working Group was asked to consider other sources of mortality and catches outside the fishery.
- a) The Working Group noted that there are no formal estimates of TRL catch available for catches outside the fishery including recreational and traditional catch. Historically, the RAG and Working Group have assumed that the recreational and traditional take of TRL is low and consistent over time. If this was to rapidly change, then the catch inputs in to the eHCR would need to be adjusted. The AFMA member advised that unlike in the Finfish fishery, recreational and traditional catch is not deducted from the TRL TAC.
 - b) One traditional inhabitant member added that the level of mortality (post-capture) is considered higher than the level of traditional catches.

- c) Acknowledging the importance of recording the total take of TRL in the fishery including lobsters that are taken from commercial catch, mortalities and discards as well as trawl caught TRL, Traditional inhabitant members were supportive of ensuring all discards and mortality is included in the total catch against the TAC.
 - d) The Chair applauded the TIB sector for their initiative to improve the reporting and estimates of discards in the fishery.
47. **Having considered advice from the TRLRAG and any other sources of mortality, the Working Group recommended a global TAC for the Torres Strait Protected Zone (TSPZ) TRL Fishery of 615 tonnes (rounded) for the 2021-22 season.**
48. The Working Group also noted a summary of other items as discussed by the RAG and presented by the RAG Chair including:
- a) an overview of a preliminary stock assessment for the Queensland east coast TRL Fishery.
 - b) a preliminary analyses of Torres Strait Prawn trawl catches of TRL, to be considered further with the aim of obtaining an annual assessment of likely TRL catch to be included in the eHCR.
 - c) A TIB sector initiative to improve the reporting of discards and mortality in the fishery.
49. Further details on these agenda items can be found in the TRLRAG 32 meeting record.

5 Review of management controls

50. 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) at its last meeting (TRLWG 11, 17 December 2020) industry members recommended five proposals for changes to management controls in the TRL Fishery for consideration and further input at a broader TRL stakeholder workshop;
 - b) the recommended workshop was convened by AFMA on 26-27 July 2021 with 27 industry members from both the TIB and TVH sectors in attendance. Participants discussed and provided their views on the five proposals identified by industry members from TRLWG 11. A summary of the industry workshop was provided to the Working Group out of session and as Attachment 5a of the TRLWG 12 meeting papers; and
 - c) the next step towards providing advice to the PZJA on input control reforms, is for AFMA to consult with all communities of Zenadth Kes. AFMA is working towards a full round of community visits in March-April and invites industry members to join and assist in those meetings.
51. The Working Group noted advice from the TSRA Fisheries Portfolio member that some communities had requested support from TSRA to convene their own meetings ahead of meeting with AFMA. The AFMA member welcomed this initiative and encouraged the observer to let AFMA know their meeting schedule. AFMA would then aim to organise the community round to accommodate their needs.

6 Research Priorities

52. The Working Group noted an overview of the most recent recommended on research priorities as previously identified by the TRL RAG (detailed Table 1 of the agenda paper for this item) and discussed the following:
- a) The highest 'essential' priority for the fishery remains the need to undertake **fishery independent surveys, stock assessment, harvest control and Recommended Biological Catch (RBC)** work.

- i. A research scope was endorsed by the Torres Strait Scientific Advisory Committee (TSSAC) at their most recent meeting 31 Nov - 1 Dec) and was included in the 2022-23 public call for research proposals.
- a) Undertaking an update to the **2007 Ecological Risk Assessment (ERA)** for the TRL Fishery remains an essential priority.
 - i. The AFMA member advised that CSIRO have confirmed their availability to undertake an updated ERA which will be funded through the AFMA TRL Fishery budget (~\$20,400).
- b) **Improvement of data collection** (to be pursued by the TRL RAG data sub-group) remains an essential priority. The RAG data sub-group is scheduled to meet again in mid-2022.
- c) **Understanding fisher behaviour** and capturing information on the impacts of COVID-19 on the fishery remain essential priorities.
 - i. The economist member noted that the Fisheries Development and Research Council (FRDC) is currently funding a project that is looking at the impact of COVID-19 across a range of Australian fisheries, including lobster fisheries. She offered to connect the principal investigator of the project 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.
- d) **Understanding connectivity, environmental drivers and adaptation strategies** also remain an essential priority, noting that a recently funded climate project led by CSIRO (Leo Dutra) that will provide greater insights into available environmental information and advice on what should be collected to develop downscaled climate effects models for Torres Strait Fisheries. More specifically, the RAG supported further work on understanding connectivity, highlighting that a discrete tagging project of 0+ and 1+ lobsters could help better understand any potential disparities between pre-season survey data, and fishery dependent data.
 - i. The Working Group discussed options for citizen science/social science study where industry operators could participate in the sampling/survey of 0+ lobsters. The TRL RAG Scientific member and observer to the Working Group noted that although the 0+ index has a low weighting in the eHCR it can be used to illustrate the relationship between 0+ and 1+ observations in subsequent years. While the 0+ index is still considered an important piece of information, the amount of resourcing required to undertake a dedicated sampling program versus the return on improving the index should be considered. She added that there is lots of value in industry providing anecdotal evidence to help inform and alert the science to any significant changes observed by industry e.g., changes in migration, habitat, timing and distribution. Industry members were encouraged to continue to provide this information during their updates to the RAG and Working Group.
 - ii. Traditional inhabitant members raised concerns with the impact of climate change on Torres Strait fisheries and whether there are any predictions on what might happen to the crayfish under the impact of climate change. The Working Group noted that the scoping study recently undertaken by CSIRO will help us to better understand what information is needed to create downscaled climate change models for the Torres Strait region to try and predict these impacts.
 - iii. The Working Group also noted that as a future research project, it may be necessary to revisit some of the fishery's fundamental research and benchmark surveys to ensure they are still representative in the face of a changing climate.

53. No additional research priorities were tabled by the Working Group.

ACTION ITEM – The economics member to connect the principal investigator of the 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.

7 Overview of AFMA Compliance Risk Assessment Process

54. The Working Group noted a presentation on an overview of the AFMA Compliance Risk Assessment Process that AFMA undertakes every two years to inform AFMA's compliance activities in both Torres Strait and Commonwealth Fisheries. The presentation was provided by Tod Spencer, AFMA Senior Manager of the National Compliance Strategy.
55. Members sought specific advice on the key risks AFMA currently focused on across Torres Strait fisheries. AFMA advised that its compliance program was still heavily focused on education generally but specifically in relation to the mandatory Fish Receiver System. Industry members recommended that AFMA increase its effort to raise awareness about its compliance program so that industry know what is going on. Industry also wanted more opportunities to give input into the compliance program.
56. The Working Group noted that AFMA intends to build engagement across all Working Groups with AFMA's compliance risk assessment process to ensure AFMA's compliance program is properly informed and shaped by industry advice. As recommended by industry members at the meeting AFMA further advised that it would be looking at ways to raise awareness of AFMA compliance program more effectively across industry and communities.

8 Other Business

57. A Permanent observer advised the Working Group that they had received a request during the meeting from fishers on Thursday Island seeking Working Group consideration of implementing two moon tide hookah closure a month rather than the current single monthly closure.
58. The Working Group noted that AFMA's planned round of community meetings in 2021 would provide an opportunity for fishers to raise this proposal. The Working Group agreed that it is important for the proponents of the recommendation to explain why they would like this management option implemented (what would be the benefit?).
59. Initial views of industry some industry members were mixed. One member did not support the proposal for the TVH section as it would further constrain their operations (add costs from requiring extra steaming and lost fishing days) when they are now constrained in how much they can catch under the quota. An industry member commented that it was a tricky option to assess fully as there may be some benefit to letting the cray have time to aggregate during a closure. Once aggregated they are easier to catch resulting in higher catch rates.
60. The Permanent observer who raised the industry request confirmed that they would provide an update back to the industry and in particular let them know to provide information on why they would like the measure implemented.

9 Date and venue for next meeting

61. The Working Group noted and agreed to the proposed meeting schedule for 2022 as outlined in the agenda paper. The Working Group further noted advice from AFMA that the Working Group meeting proposed for 17 December 2022 may be convened by video conference and focus primarily on TAC advice.
62. In closing some industry members sought advice on how the industry might advocate for more reliable fuel servicing in the Torres Strait. Members reiterated how fishers are being directly impacted from constant fuel shortages. Aside from prices, which are very high in the outer

communities, fishers can't get fuel so can't work the industry. Industry asked whether AFMA or TSRA could make assist by making representations.

63. AFMA advised that although AFMA understood fuel access and price was a significant issue for the industry, it was beyond AFMA's remit. Rather it was a matter for industry to pursue. As an observer, Daniel Takai, CEO of Zenadth Kes Fisheries (ZK Fisheries), advised the Working Group that fuel servicing was a high priority for ZK Fisheries and that they would be making representations on behalf of industry. Other Industry observers confirmed having a similar priority and approach.
64. The 12th TRL Working Group meeting was closed in prayer at 12.30pm on Thursday 16 December 2021.

Declaration of interests

Dr Ian Knuckey – October 2021

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 –	SESSF Shark Resource Assessment Group
Scientific Member –	SESSF Great Australian Bight Resource Assessment Group
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
Member –	Victorian Marine and Coastal Council
Member –	The Geelong Agri Collective

Fishwell current projects:

DAWE Project	Multi-sector fisheries capacity building
AFMA 2020-0807	Bass Strait Scallop Fishery Survey – 2020-22
AFMA 2019-0836	Information the Bass Strait Central Zone Scallop Fishery Harvest Strategy and TAC setting process with economic data and MEY proxies
FRDC project	Principal Investigator for SA Peak Industry body project
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 2019-072	A survey to detect change in Danish Seine catch rates of Flathead and School Whiting resulting from CGG seismic exploration.
FRDC 2019-129	Potential transition of shark gillnet boats to longline fishing in Bass Strait - ecological, cross-sectoral, and economic implications
FRDC 2018-021	Development and evaluation of SESSF multi-species harvest strategies
Traffic Project	Shark Product Traceability
NT Fisheries	Design and implementation of a tropical snapper trawl survey
Sea Cucumber Ass.	Design and implementation of various sea cucumber dive surveys.
Australia Bay	Queensland Gulf of Carpentaria Developmental Fin Fish Trawl Fishery
Tas. Abalone	Scientific Advisor for Tasmanian Abalone Council Ltd
PEMSEA	Developing EAFM Plan for Red Snapper in Arafura and Timor Seas
Beach Energy	BACI study of Prion Marine Seismic Survey impacts relative biomass of scallops on beds in the immediate vicinity.
Expert Witness	Gladstone Harbour development impact

**TROPICAL ROCK LOBSTER WORKING GROUP 12
(TRLWG 12)**

**Thursday 16 December 2021 9am – 5pm
The Sebel, Cairns / Video Conference**

ADOPTED AGENDA

1 PRELIMINARIES

1.1 Welcome and apologies

The Chair will welcome members and observers to the 12th 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 this season.

2.2 Scientific and Economist 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 Island) Corporation RNTBC.

3 CATCH AND EFFORT ANALYSES FOR THE 2020-21 FISHING SEASON

The WG will be invited to note TRL Fishery catch and effort data for the 2020-21 fishing season, including trends on participation.

4 TOTAL ALLOWABLE CATCH

The WG will be invited to consider advice from the TRL Resource Assessment Group (RAG) on the recommended biological catch (RBC) for the TRL Fishery for the 2021-22 fishing season based on estimates derived through the application of the empirical harvest control rule (eHCR). The WG will then be invited to provide advice on a total allowable catch (TAC) for the TRL Fishery for the 2021-22 fishing season.

5 REVIEW OF MANAGEMENT CONTROLS

The WG will be invited to note the outcomes of the TRL Industry Workshop on reviewing management controls held 26-27 July 2021, including the next steps for progressing the review.

6 RESEARCH PRIORITIES

The WG is invited to discuss and provide advice on future research priorities for the TRL Fishery.

7 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.

8 OTHER BUSINESS

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

9 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)

Timeline of key events in the Torres Strait Tropical Rock Lobster Fishery¹
Last updated December 2022

Commonly used acronyms and terms:

- **FMN** means Torres Strait Fisheries Management Notice.
- **FMI** means Torres Strait Fisheries Management Instrument.
- **LN** means Logbook Notice
- **PZJA** means Protected Zone Joint Authority.
- **TRL** means Tropical Rock Lobster.
- **TRL Fishery** means the Torres Strait Tropical Rock Lobster Fishery.
- **Instrument** means the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018*
- **Management Plan** means the *Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018*

Time period	Topic/Keywords	Description
Late 1960's	Fishery development	Commercial fishing for TRL by the non-Traditional Inhabitant sector began in the Torres Strait
1970s-1980s	Fishery development	Traditional Inhabitant fishers begin to enter the fishery.
Dec-1978	Treaty, PNG	Torres Strait Treaty signed
Feb-1985	Legislation, regulations, PZJA	Torres Strait Treaty entered into force, <i>Torres Strait Fisheries Act 1984</i> and <i>Torres Strait Fisheries Regulations 1985</i> commenced and the PZJA is established
Feb-1985	Regulations	Under FMN 1: <ul style="list-style-type: none"> • Method restrictions introduced - only diving, collection by hand and use of spear permitted
Feb-1985	PNG, catch sharing	Agreement between PNG and Australia for the joint management of the TRL fishery concluded.

¹ This is intended to be a living document and is to be updated as key events happen.

Time period	Topic/Keywords	Description
Jul-1985	Regulations	Under FMN 9 (replaced FMN 1): <ul style="list-style-type: none"> Method restrictions amended to introduce a time period within which the method restrictions are in place – only diving, collection by hand and use of spear permitted between 15 Jul-31 Oct
Jan-1986	Management arrangements	Introduction of prohibition on prawn trawlers taking TRL during the annual migration period (1 Jul-31 Oct) in order to reduce fishing pressure on the lobster population - in place until 1987, when all prawn trawlers were prohibited from taking TRL
Jun-1986	Regulations	Under FMN 12 (replaced FMN 9): <ul style="list-style-type: none"> Method restrictions amended to change the dates between which methods are restricted – only diving, collection by hand and use of spear permitted between 1 July - 31 October only
Mar-1988	Regulations	Under FMN 19: <ul style="list-style-type: none"> Introduction of prohibition on the take, processing or carrying of TRL by boats with a prawn endorsement
Jun-1988	Regulations	Under FMN 22: <ul style="list-style-type: none"> Minimum size limit introduced - 100 mm tail length
Oct-1988	Regulations	Under FMN 24 (replaced FMN 12): <ul style="list-style-type: none"> Method restrictions amended - only diving, collection by hand and use of spear permitted, no underwater breathing apparatus except hookah, no underwater mechanical propulsion Introduction of exemption which can be sought for some method restrictions, specifically the use of underwater breathing apparatus and underwater mechanical propulsion Traditional fishing bag limits introduced - 3 per person up to 6 per boat
October 1988	Management objectives	PZJA agrees to six key management objectives for the fishery: <ul style="list-style-type: none"> - To conserve the stock of tropical rock lobster - To maximise the opportunities for traditional inhabitants of both countries to participate, including by managing the fishery for tropical rock lobster as a dive fishery - To promote the dive fisheries for tropical rock lobster in Torres Strait - Encouragement and facilitation of participation by Australian traditional inhabitants for whom future expansion of the fishery should be reserved - Containment of the capacity of the existing commercially licensed fleet and elimination of entrepreneurial speculation and subsequent upgrading/replacement of commercially licensed dinghies with large boats

Time period	Topic/Keywords	Description
		- To minimise impact of any new management measures on existing operators.
March 1989	Traditional Inhabitant access, identification, definition	Tropical Rock Lobster Working Party agrees to Island Coordinating Council suggestion that “amnesty” Papua New Guineans be considered Traditional Inhabitants for fisheries management purposes. Following this, PZJA agrees to “measures to be used for identifying those Papuans resident in Torres Strait who should be treated as Australian traditional inhabitants for all fisheries management and enforcement purposes, including community fishing rights” in the fishery.
Aug-1989	Regulations	Under FMN 31 (replaced FMN 24): <ul style="list-style-type: none"> No substantive changes to FMN 24
November 1989	PNG, catch sharing, cross-endorsement	Catch-sharing arrangements for the fishery agreed by PNG and Australia. 27 PNG lobster dinghies to be allowed to operate in Australian TSPZ waters, while Australian operations in PNG waters are precluded.
1989	Management arrangements, fishery surveys	Fishery independent surveys commence in the TRL Fishery
February 1990	PNG, catch sharing, cross-endorsement	Catch-sharing arrangements come into effect 15 February, but no PNG boats begin fishing.
Oct-1990	Regulations	Under FMN 34 (replaced FMN 22): <ul style="list-style-type: none"> No substantive changes to FMN 22
1991-1992	Traditional Inhabitant access, identification, definition	PZJA establishes a working group to consider the involvement in PZJA fisheries of Torres Strait Islanders and Aboriginals living in the Northern Peninsula Area of Cape York and Australian citizens of Papua New Guinean origin.
June 1991	PNG, catch sharing, cross-endorsement	Cross-endorsements issued to 4 PNG mother ships with 18 dinghies on 14 June. PNG boats agreed to respect home reefs closures, not go ashore on Australian territory, and make no contact with Australian inhabitants, Australian vessels, or PNG traditional fishers.
Jun-1992	Native title	Mabo High Court decision recognises existence of native title (Aboriginal and Torres Strait Islander rights and interests to land and waters according to their traditional law and customs)

Time period	Topic/Keywords	Description
1993	Community licensing	Concerns about the current licensing systems run by the PZJA and Queensland for community fishing begin to be raised by Island Coordinating Council. Concerns include that Traditional Inhabitants living outside the Island Coordinating Council area are excluded from obtaining licences, the administrative and financial burden placed on island councils by the systems, a lack of detailed information to inform fisheries management decisions, and the fact that island chairmen rather than individual fishers are legally responsible for any fishing violations.
February 1993	PNG, catch-sharing, cross-endorsement	New PNG catch-sharing arrangements commence on 15 February 1993 for a three-year period to 14 February 1996. Allow for cross-endorsement of 27 PNG dinghies and associated freezer boats. Nominations received for cross-endorsement of 3 PNG TRL freezer boats with 27 associated dinghies.
Oct-1993	Regulations	Under FMN 38 (replaced FMN 31): <ul style="list-style-type: none"> • Introduction of prohibition on taking TRL using hookah between 1 Oct-30 Nov • Traditional fishing bag limits amended - 3 without a boat, 3 with 1 person in a boat, 6 with more than 1 person in a boat • All other requirements remained unchanged - method restrictions
Dec-1993	Native title, legislation	<i>Native Title Act 1993</i> commences, legislating the framework for recognition of native title (including over maritime areas) in Australia following the High Court's Mabo decision. The Act covers the determination of whether native title exists, acts affecting native title, and compensation for acts affecting native title.
1994	Logbooks	Noted under LN 8: <ul style="list-style-type: none"> • Tropical Rock Lobster Logbook TRL02 implemented – voluntary, records frozen tails only
1994	Legislation, TSRA	Torres Strait Regional Authority established under the <i>Aboriginal and Torres Strait Islander Commission Act 1989</i>
April-June 1995	Single jurisdiction, licensing	PZJA establishes Task Force to investigate the feasibility of introducing single jurisdiction fisheries management and to advise on matters such as eligibility criteria for entry to the newly created fisheries. Investment warning is issued.
Jul-1995	Regulations	Under FMN 42 (amended FMN 38): <ul style="list-style-type: none"> • No changes to regulation of fishing provided under FMN 38. Amendments made to correct a drafting error that excluded several words from the section relating to bag limits for traditional fishing.
October 1996	Single jurisdiction, licensing,	PZJA endorses single jurisdiction (the management of all Torres Strait fisheries by the PZJA, rather than a division of responsibility between the PZJA and the Queensland government) and the Task Force's

Time period	Topic/Keywords	Description
	community licences, TIB licensing	recommendations for licensing reform. Due to opposition from Islander representatives, related to broader issues such as autonomy and the desire for a regional agreement for Islander control over Torres Strait waters, the implementation of these reforms was delayed and then boycotted until agreement was reached in 1999.
Mar-1997	Regulations	Under FMN 44 (amended FMN 38): <ul style="list-style-type: none"> Method restrictions amended - only collection by hand, use of spear or other handheld implement permitted, no underwater breathing apparatus except hookah, no underwater mechanical propulsion
May-1997	Logbooks	Under LN 8: <ul style="list-style-type: none"> Tropical Rock Lobster Logbook TRL03 implemented – both TRL02 and TRL03 mandatory for boats with freezing capacity, records both live and frozen tails
Apr-1998	Regulations	Under FMN 48 (replaced FMN 34): <ul style="list-style-type: none"> Minimum size limits amended - 80 mm carapace length, 100 mm tail length
1999	Traditional Inhabitant access, identification, definition	PZJA agrees that children of “amnesty” Papua New Guineans be considered Traditional Inhabitants, following the 1989 decision to include “amnesty” people within the definition of Traditional Inhabitants.
July-December 1999	Single jurisdiction, licensing, community licences, TIB licensing	Islander representatives propose a series of principles to underlie community licensing, consistent with the previously proposed system.
Apr-2000	Single jurisdiction, licensing, community licences, TIB licensing	Following a meeting between the PZJA and Islander representatives, the Traditional Inhabitant Boat (TIB) licence is introduced for a one year trial period.
Nov-2001	Regulations	Under FMN 58 (replaced FMN 38, 42, 44, 48): <ul style="list-style-type: none"> Introduction of fishery closure from 1 Oct-30 Nov (revoking previous prohibition on taking TRL using hookah between 1 Oct-30 Nov). Exemption from closure but bag limits apply - 3 without a boat, 3 with 1 person in a boat, 6 with more than 1 person in a boat

Time period	Topic/Keywords	Description
		<ul style="list-style-type: none"> • Introduction of prohibition on taking or carrying of TRL while using, or in the possession of, hookah gear between 1 Oct-31 Jan • All other requirements remained unchanged - method restrictions, minimum size limits
2002	Legislation, TSRA, PZJA	<i>Torres Strait Fisheries Act 1984</i> is amended to make the Torres Strait Regional Authority Chairperson a member of the Protected Zone Joint Authority
Nov-2002	Latent effort, fishery participation	A 30% reduction in the number of tenders attached to each non-Traditional Inhabitant licence package was implemented, except where only 1 tender exists, in which case the tender will be entitled to continue working. This was done in order to reduce latent effort in the fishery and restrict expansion of effort by non-Traditional Inhabitant fishers. This arrangement was in place until 2011.
November 2002	Traditional Inhabitant access, Skehill report, management objectives	Skehill report – “A Fair Share of the Catch” – is delivered, evaluating Torres Strait fisheries and establishing an order of priority for their management. Recommends Traditional Inhabitants be given priority of access to the TRL Fishery.
Dec-2002	Regulations	Under FMN 62: <ul style="list-style-type: none"> • Introduction of prohibition of processing or carrying TRL meat removed from the shell on a boat. Exemption provided for traditional fishing.
Dec-2003	Latent effort	Cap on Traditional Inhabitant licences for boats greater than 6 m with a TRL Fishery endorsement – in place until 2006
Late 2003	Logbooks	Torres Strait Seafood Buyers and Processors Docket Book (TDB01) implemented – voluntary
Jun-2003	Logbooks	Under the <i>Torres Strait Fisheries Logbook Instrument No. 1</i> : <ul style="list-style-type: none"> • Tropical Rock Lobster Logbook TRL04 implemented – mandatory for all non-Traditional Inhabitant operators
Jan-2005	Management arrangements	Moon-tide hookah closures (a periodic closure on the use of hookah gear three days either side of the full or new moon each month during between February and September) introduced – first implemented in 2005 as a way to reduce fishing effort to levels recorded in 2002. In 2013 the closures were removed following a buy-out of non-Traditional Inhabitant licences however were reintroduced in 2014 following agreement from both the sectors, and continue to date

Time period	Topic/Keywords	Description
Jul-2005	Management plan	PZJA agreed to create a plan of management to implement a quota management system in the fishery.
July 2005	Allocation	PZJA agrees to transition to initial 50:50 sectoral split in the fishery, brought about by government funded buyout, with a later goal of a 70:30 split between Traditional Inhabitants and non-Traditional Inhabitants, funded by an "open market and self-funded tender process".
2006	TAC	Notional total allowable catches implemented (notional as allocation had not yet been undertaken nor a management plan developed)
Mar-2006	Regulations	<p>Under FMN 73 (replaced FMN 58, 62):</p> <ul style="list-style-type: none"> • Introduction of fishery closure from 1-30 Nov (revoking previous fishery closure from 1 Oct-30 Nov). Exemption from closure for traditional fishing only but bag limits apply - 3 without a boat, 3 with 1 person in a boat, 6 with more than 1 person in a boat • Introduction of prohibition on carriage of diving equipment between 1900-0600 AEST. Exemption can be sought, but all diving equipment (face mask and fins) in possession of that person, or on board the boat, is stowed and secured during the prohibited hours. ES states that this was implemented in response to concerns that night diving may occur in the Fishery • All other requirements remained unchanged - method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions
April 2006	IAAP, allocation	PZJA agrees to create an Independent Allocation Advisory Panel (IAAP) to advise on the appropriate basis for the allocation of fishing concessions in the non-Traditional Inhabitant sector.
Sep-2006	Regulations	<p>Under FMN 80 (replaced FMN 73):</p> <ul style="list-style-type: none"> • Correction made to error in FMN 73 regarding the fishery closure, reinstated to 1 Oct-30 Nov. Exemption from closure for traditional fishing only but bag limits apply - 3 without a boat, 3 with 1 person in a boat, 6 with more than 1 person in a boat • All other requirements remained unchanged - method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions, prohibition on carriage of diving equipment between 1900-0600 AEST
Jun-2007	IAAP, allocation	PZJA agrees to final Independent Allocation Advisory Panel (IAAP) report and a sectoral catch share ratio of 35:65 between the Traditional Inhabitant and non-Traditional Inhabitant sectors as detailed in the 'Report to stakeholders on the data used to establish the historical catch ratios of the Community and non-community sectors'

Time period	Topic/Keywords	Description
Apr-2008	Buyback, structural adjustment	Australian Government buy-back of non-Traditional Inhabitant licences. 13 primary licences and 29 associated tenders removed from the TRL Fishery. Based on the provisional allocations associated with the 'bought-out' licences the sectoral catch share between the Traditional Inhabitant and non-Traditional Inhabitant sectors changed to 53.5:46.5.
2008	Conversion factor	TRL tail to whole weight conversion ratio (2.677) implemented
2009	Harvest strategy	Interim Harvest Strategy implemented for the TRL Fishery in response to the planned transition to a quota management system, laying out the biological objectives for the fishery and how this could be achieved.
Mar-2010	Environment	Torres Strait coral bleaching event
Aug-2011	Regulations	<p>Under FMI 9 (replaced FMN 80):</p> <ul style="list-style-type: none"> • Application of arrangements extended to PNG Treaty endorsed operators • All other requirements remained unchanged – method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions, prohibition on carriage of diving equipment between 1900-0600 AEST, fishery closure. <p>FMI 9 was intended to amend an administrative oversight that had excluded cross-endorsed fishers from the provisions of FMN 80.</p>
Apr-2012	Buyback, structural adjustment	Based on a further buy-out of one licence (1 primary and 1 tender) the sectoral catch share between the Traditional Inhabitant and non-Traditional Inhabitant sectors changed to 56.2:43.8
7-Aug-2013	Native title, sea claim	The High Court hands down decision regarding Torres Strait Sea Claim Part A. The decision overturned the Full Federal Court decision from March 2012 and found that the native title rights in the sea claim area include the right to take fish for commercial or trading purposes. This was found to be a non-exclusive right, and native title holders are still required to hold the appropriate licences and abide by the relevant laws and regulations.
2014	Fishery participation, Traditional Inhabitant access, 100% ownership	The Protected Zone Joint Authority acknowledges and supports the aspiration of Torres Strait Communities to own 100% of access to commercial Fisheries in the Australian area of the Torres Strait Protected Zone

Time period	Topic/Keywords	Description
May-2014	Native title	Malu Lamar (Torres Strait Islander) Corporation is appointed as the Registered Native Title Body Corporate for the Sea Claim Area Part A.
Mar-2016	Environment	Torres Strait coral bleaching and sea cage mortality event
Oct-2016 to Oct-2017	Buyback, structural adjustment	Based on a further buy-out of three licences (3 primaries and 7 tenders) the sectoral catch share between the Traditional Inhabitant and non-Traditional Inhabitant sectors changed to 66.17:33.83
Jul-2017	Vessel monitoring	Vessel monitoring system (VMS) implemented – mandatory for primary boat and/or operating with a Carrier Boat License (Class A, B, or C). Vessels operating for freight shipping are exempt from installing VMS. Exemptions may also be provided for carrier vessels that are six meters or less in length.
Dec-2017	Logbooks	Torres Strait Fisheries Catch Disposal Record (TDB02) implemented – mandatory for all Torres Strait licence holders
10-Apr-2018	Management arrangements	Following a low Recommended Biological Catch, additional moon-tide hookah closures introduced covering all new and full moon periods for the remainder of the 2017-18 fishing season, in order to slow down fishing effort and provide the TIB sector with the longest possible fishing season, avoiding an early closure of the fishery.
27-Apr-2018	Management arrangements, hookah	Prohibition on the carriage and use of hookah gear for the remainder of the 2017-18 fishing season.
29-Jun-2018	Management arrangements, hookah	Federal Court of Australia order to revoke prohibition on the carriage and use of hookah gear – reverted to additional moon-tide hookah closures.
20-Jul-2018	Regulations	Under the TRL Management Instrument 2018 (replaced FMI 9): <ul style="list-style-type: none"> • Traditional fishing bag limits removed. Noted that PZJA does not have jurisdiction in relation to traditional fishing conducted by Traditional Inhabitants • Introduction of capacity to close the TRL Fishery early to commercial fishing, when the total allowable catch is reached • Introduction of capacity to prohibit the use of hookah gear (i.e. moon-tide hookah closures) during the hookah season (1 Feb-30 Sep)

Time period	Topic/Keywords	Description
		<ul style="list-style-type: none"> All other requirements remained unchanged – method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions, prohibition on carriage of diving equipment between 1900-0600 AEST, fishery closure
31-Jul-2018	Management arrangements	TRL Fishery closed for the remainder of the 2017-18 fishing season due to total allowable catch being reached.
1-Dec-2018	Management plan	<i>Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018</i> commenced
1-Dec-2018	Regulations	<p>Under the TRL Management Instrument 2018 (amendment to Jul-2018 Instrument):</p> <ul style="list-style-type: none"> Ability to close the TRL Fishery early to commercial fishing revoked Implementation of a split of the total allowable catch for the TRL Fishery between the Traditional Inhabitant (66.17% of the total allowable catch) and non-Traditional Inhabitant sectors – applied from 1 Dec 2017-30 Sep 2018 only Introduction of capacity to close of the TRL Fishery to the Traditional Inhabitant sector once their part of the total allowable catch is reached – applied from 1 Dec 2017-30 Sep 2018 only Provide for individual transferrable quota arrangements to be established for the non-Traditional Inhabitant sector via licence conditions – applied from 1 Dec 2017-30 Sep 2018 only Provide for the operation of the proposed Management Plan should the quota allocation process be finalised before the start of the 2019-20 fishing season All other requirements remained unchanged – method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions, prohibition on carriage of diving equipment between 1900-0600 AEST, fishery closure, moon-tide hookah closures
16-Sep-2019	Management plan, allocation	<p>Quota units allocated under the Management Plan:</p> <ul style="list-style-type: none"> 662,016 quota units to the Torres Strait Regional Authority (TSRA) comprising: 562,000 to hold for the benefit of the traditional inhabitant sector; and 100,016 for the TVH licences it holds 337,981 quota units to the remaining TVH principal licence holders
19-Nov-2019	Harvest strategy	PZJA adopts final Harvest Strategy for the TRL Fishery
1-Dec-2019	Management plan, management arrangements	TRL Fishery commences operation under a quota management system as per the Management Plan

Time period	Topic/Keywords	Description
Early 2020	Markets, price, export	<ul style="list-style-type: none"> • Live export market into China closed temporarily prior to 2020 Chinese New Year. • Prices in the fishery were down significantly, similar to lowest prices on record in 2002-03. • TVH boats in Torres Strait and QLD East Coast were forced to stop fishing. • Whole frozen product only purchased at reject prices. • COVID-19 impacts affect flights and freight routes from Australia to Asian markets
~ October 2020	Markets, export, Cadmium	China began to increase inspection levels and testing of cadmium in Australian live lobster at the point of entry in major Chinese ports, causing considerable delays while inspection and testing was being undertaken. This resulted in high mortality rates of lobster product (not Torres Strait product).
November 2020	Markets, export	China formally notified the DAWE of two instances of non-compliance of lobster shipments with detections of cadmium above the maximum levels set by the Chinese Government.
November 2020	Management Plan, allocation	The PZJA (meeting 36) agreed to amend the TRL Management Plan to provide the PZJA with additional time in which to commence a review of the allocation of quota units to the Traditional Inhabitant sector, to within 4 years of the Plan commencement.
December 2020	Markets, export	China banned the import of Australian lobster product.
December 2020	Wildlife Trade Operation	On 4 December 2020 the TRL Fishery was re-accredited as an approved Wildlife Trade Operation (WTO) under the <i>Environment Protected and Biodiversity Conservation Act 1999</i> .

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
PRELIMINARIES Out-of-session correspondence	Agenda Item 1.5 For Noting

RECOMMENDATIONS

1. That the Working Group **NOTE** the correspondence sent out-of-session since the last TRLWG meeting held on 16 December 2021.

BACKGROUND

2. The following correspondence was circulated out-of-session since the last TRLWG meeting held on 16 December 2021. Copies of this correspondence can be requested at any time from the TRLWG Executive Officer.

Date	Item
23 December 2021	AFMA circulated the draft TRLWG 12 meeting record to members for comment. Comments were due by 13 January 2022.
7 January 2022	AFMA reminded WG members that comments were being sought on the draft meeting record from TRLWG 12 with comments due by 13 January 2022.
28 January 2022	Following closure of the member comment period, AFMA circulated a final clean version of the TRLWG 12 meeting record. No comments were received. The meeting record was also posted on the PZJA website.
9 February 2022	AFMA sought feedback from TRLWG members on research proposals received as part of the 2022-23 Torres Strait Scientific Advisory Committee (TSSAC) research call.
2 March 2022	AFMA sought feedback from TRLWG members on an additional research proposal for a climate change project to also be considered for funding in the 2022-23 financial year. Comments on the proposal were due by 18 March 2022.
26 August 2022	AFMA circulated an update on TSSAC research funding matters, including: <ul style="list-style-type: none"> - The outcomes of the 2022-23 funding round; - A research proposal for the 2023-24 limited budget research funding cycle; and - An update on the changes to the TSSAC research cycle timeline.

7 November 2022	AFMA notified TRLWG members of the 13 th TRL Working Group meeting to be held face to face on Thursday Island on Thursday 15 December 2022 and circulated a draft agenda to members for comment.
18 November 2022	For information – AFMA circulated information to TRL WG members about the management arrangements for the 2022-23 TRL Fishing season.
1 December 2022	AFMA circulated the final meeting papers for TRLWG 13 which included a v2 of the draft Agenda. The only change to the v2 Agenda was a correction on the agenda item numbering.

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
UPDATES FROM MEMBERS Industry members	Agenda Item 2.1 For Noting

RECOMMENDATIONS

1. That the Working Group **NOTE** updates provided by industry members.

BACKGROUND

2. Verbal reports are sought from industry members under this item, with particular emphasis on COVID-19 and market related impacts to the 2021-22 fishing season and the start of the 2022-23 season.
3. It is important that the Working Group develops a common understanding of any strategic issues, including economic and fishing trends relevant to the management the TRL Fishery. This includes within adjacent jurisdictions. This ensures that where relevant, the Working Group is able to have regard for these strategic issues and trends.
4. Working Group members are asked to provide any updates on trends and opportunities in markets, processing and value adding. Industry is also asked to contribute advice on economic and market trends where possible.
5. At the last meeting of the Working Group (TRLWG 12, 16 December 2020), the Working Group noted updates provided by industry members and observers regarding the performance of the Torres Strait TRL Fishery during the 2021-22 fishing season, and start of the 2022-23 season:
 - a. Fishing effort had not been as high as per previous years, as seen in the under-caught TAC for the TIB sector. Industry members attributed this to the impacts of COVID-19, increased fuel prices and at times, limited fuel availability and low buying prices.
 - b. Observations in the eastern islands indicated that there had been some unusual movement of crays (around Erub), with movement heading towards the central islands (Poruma) at the start of the 2021-22 season. This type of movement (in terms of good catches from this area) had not been seen in the past few years.
 - c. There were signs of movement of crays towards the end of the last season (2019-20) and during the off season but concerns still remained around being able to successfully market and sell the product.
 - d. An industry observer added that the then current challenges with the export market are unlikely to be resolved in the near future. China still had an 'zero COVID' policy, and that new and ongoing outbreaks are creating negative sentiment within the Chinese market, and therefore demand. As at the start of the 2021-22 season crays were still being sold but there was unlikely to be any substantial improvements.
 - e. A lack of fuel both on Thursday Island and the outer island communities had a significant impact on industry being able to go out fishing. When one island ran out, there was an increased demand on nearby islands. Fuel prices in Badu were as high as \$3 per litre. Industry members and observers agreed there should be a collective approach from affected people to local governments and Seaswift to ensure there is enough fuel capacity to support the industry in the Torres Strait.

- f. There were a lot of small crays (roughly 80 per cent under 1kg) being caught in the eastern and central areas, with very few crays being observed in the western parts of the Torres Strait, particularly around Thursday Island. One industry member added that this was consistent with the migratory nature of the crayfish; if it was a good season in Kaiwalagal, it might be bad in the east and vice versa. Larger crays are not typically expected to be seen until January which is why most people were only seeing smaller crays early on.
 - g. Another industry member believed there was a large lobster biomass north of Buru, but due to poor visibility, and further distance to travel, that area was not fished very often.
- 6. Further details of discussions are provided in the record for TRLWG 12 provided at **Attachment 1.4b**.

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
UPDATES FROM MEMBERS Scientific and Economic members	Agenda Item 2.2 For Noting

RECOMMENDATIONS

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

BACKGROUND

2. Verbal reports are sought from scientific and economic members under this item.
3. It is important that the Working Group develops a common understanding of any strategic issues, including research and economic trends relevant to the management the TRL Fishery. This includes within adjacent jurisdictions. This ensures that where relevant, the Working Group is able to have regard for these strategic issues and trends.
4. Scientific and economic members are asked to contribute advice on any broader strategic research projects or issues that may be of interest to the Torres Strait.

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
UPDATES FROM MEMBERS Government agencies	Agenda Item 2.3 For Noting

RECOMMENDATIONS

1. That the Working Group:

- a. **NOTE** the written update provided by the Australian Fisheries Management Authority (AFMA) below;
- b. **NOTE** the written update provided by Queensland Department of Agriculture and Fisheries (QDAF); and
- c. **NOTE** the written update provided by the Torres Strait Regional Authority (TSRA).

KEY ISSUES

Australian Fisheries Management Authority

Wildlife Trade Operation (WTO) Approval under the EPBC Act 1999 – Annual Report

2. The *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) requires the Australian Government to assess the environmental performance of all commercial fisheries, including those in the Torres Strait, and promote ecologically sustainable fisheries management. Approval under the EPBC Act is necessary for fisheries to be able to legally export commercially wild caught seafood from Australia. Such approvals may be subject to conditions applicable to the responsible management authority and fishers.
3. The Torres Strait TRL Fishery was first accredited as an approved Wildlife Trade Operation (WTO) in November 2004 for a period of three years and was subsequently reassessed and re-approved in 2007, 2011, 2014, 2017 and 2020.
4. The fishery was last assessed in 2020 and, as of 4 December 2020, was declared by the Delegate for the Minister of the Environment, as an approved WTO under the EPBC Act until 4 December November 2023 subject to several conditions being addressed during the period of the approval. The advice from the Delegate to AFMA on the WTO approval and the conditions imposed on the Torres Strait TRL Fishery is provided as **Attachment 2.3a**.
5. A WTO annual report is required to be submitted to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) each year. The annual report for the TRL Fishery was due on 4 December 2022 and was submitted to the DCCEW on 29 November 2022 and is provided in **Attachment 2.3b**. 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.

AFMA Compliance update

6. From 1 July 2018, AFMA has been delivering domestic compliance functions in the Torres Strait in accordance with the National Compliance and Enforcement Program. There are

three compliance officers based in the Thursday Island office delivering both domestic and foreign compliance outcomes. Further details are contained in AFMA's National Compliance and Enforcement Program document accessible on the AFMA website at: <https://www.afma.gov.au/domestic-compliance>. This document explains AFMA's compliance program priorities and objectives for the 2022-2023 financial year.

7. AFMA recommenced business as usual operational field activities in late 2021 and continues to conduct these activities in accordance with best practice, mandatory social distancing, and hygiene and in accordance with guidelines developed for field activities. In April 2022 Australia reopened its international borders after 2 years due to COVID-19. PNG Treaty village visits are being planned for the coming year.
8. With the support of partner agencies including Queensland Police and the Australian Border Force, AFMA have delivered the following outcomes between July 2021 – June 2022:
 - a. 34 ports/freight hubs visits;
 - b. 70 fish receiver inspections;
 - c. 33 vessel inspections;
9. In November and December 2021 AFMA conducted start of TRL season inspections of fishers and fish receivers targeting potential stock piling. For this same period AFMA conducted at sea inspections of vessels ensuring compliance with gear restrictions i.e. no possession of hookah. During February 2022 officers conducted pre-season primary tender vessel inspections. AFMA continues to remind fishers it's a requirement to land their catch directly to a licenced Fish Receiver.
10. With the easing of COVID restrictions the FMB team were able to recommence community visits in 2022, the compliance team was able to attend one of these meetings at Masig Island in addition to one on one discussions with fishers and receivers during port visits throughout the year. AFMA officers also delivered a number of training sessions to other joint agencies.
11. AFMA has one matter currently before the court, with one recent matter under investigation. A matter dating back to 2018 was also decided in favour of AFMA by the court this reporting year with fines and a conviction recorded.
12. AFMA reminds fishers to ensure all commercial vessels are marked in accordance with the *Torres Strait Fisheries Act 1984*. Whilst this is a legislative requirement it also assists emergency services in search and rescue scenarios.
13. All stakeholders are encouraged to report any suspicious or illegal fishing activity involving your fisheries to AFMA, either directly to our Torres Strait office or CRIMFISH (1800 274 634)

Legislative amendments

14. 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.
15. 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). An overview of all proposed amendments to the Act and Regulations is provided in **Attachment 2.3c**.

16. AFMA, DAWE and the Office of Parliamentary Counsel (OPC) have made substantial progress in drafting the amendments over the past 12 months despite some delays during the caretaker and election period.
17. 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.
18. 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.

Management arrangements for the 2022-23 fishing season

19. A letter was sent to all Torres Strait Tropical Rock Lobster Fishery (TRL Fishery) licence holders on 18 November 2022 (**Attachment 2.3d**). 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.
20. 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.

Variation to Torres Strait Fishing and Carrier boat licence conditions

21. On 16 November 2022, the AFMA Deputy Chief Executive Officer as a delegate of the PZJA agreed to vary the conditions imposed on fishing and carrier boat licences in the TRL Fishery. These changes were to:
 - a. To strengthen existing requirements and reporting obligations on licenced fishers when landing commercial catch under the Fish Receiver System
 - b. Provide operational flexibility for licenced carrier boats to reasonably transport crew between the carrier boat and land
 - c. To clarify that licence holders can only take, process and carry fish that they are authorised to do so as indicated by the symbols noted on the licence (e.g. CR)
 - d. To make other minor amendments to ensure condition language is clear, contact details are correct and relevant conditions apply to relevant licences.
22. In line with section 24HA(7) of the *Commonwealth Native Title Act 1993*, a future act notice (FAN) was issued to relevant Native Title bodies and claimants by AFMA in relation to varying Torres Strait licence conditions. No comments were received. The new conditions will take effect by 1 December 2022 and all affected licence holders were notified in a letter to licence holders provided in **Attachment 2.3d**.

Review of Traditional Inhabitant sector quota units

23. At its meeting on 19 November 2019, the PZJA agreed-in-principal that this review 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.
24. 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.
25. 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.

AFMA Climate Adaptation Program

26. AFMA has been working with CSIRO and FRDC over a number of years to improve understanding of climate impacts on Commonwealth fisheries. In 2021 the FRDC "Guidance on Adaptation of Commonwealth Fisheries management to climate change project" was completed, providing key adaptation resources including climate sensitivity analyses for all Commonwealth fisheries and species, and the "Adaptation of fisheries management to climate change handbook".
27. The AFMA Climate Adaptation Program (established at the beginning of 2022) aims to ensure information on climate impacts is being incorporated explicitly into fisheries management decision-making processes across all AFMA fisheries, and that operational and management adaptation options are being developed.
28. Foundational actions being rolled out in priority Commonwealth fisheries in 2022-23 include adding a standing agenda item on Climate Change to RAG and MAC meetings, and tracking key climate and ecosystem indicators for key fisheries.
29. Recognising the priority that the Torres Strait community places upon management of climate change impacts and the vulnerability of Torres Strait fisheries to climate change, AFMA hopes to commence similar work for Torres Strait fisheries through the PZJA's advisory committees starting with the Tropical Rock Lobster fishery and gradually expanding to other Torres Strait Fisheries.

ABARES fishery status report

30. Each year, the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) compiles fishery status reports which provide an independent assessment of the biological status of fish stock and the economic status of fisheries managed, or jointly managed by the Australian Government (Commonwealth fisheries).

31. The latest ABARES Fishery Status Report 2022 (covering the performance of fisheries in 2022) 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.

32. In summary, the TRL Fishery has been assessed for the 2021 period as outlined below.

33. ABARES fishery status reports can be accessed on the ABARES website at:

<https://www.agriculture.gov.au/abares/research-topics/fisheries/fishery-status>





TABLE 16.1 Status of the Torres Strait Tropical Rock Lobster Fishery

Biological status					
Stock	2020		2021		Comments
	Fishing mortality	Biomass	Fishing mortality	Biomass	
Tropical rock lobster (<i>Panulirus ornatus</i>)					Fishing mortality is less than the recommended biological catch. Spawning stock biomass is above the target reference point.

Economic status

Economic status of the fishery is uncertain. Real GVP declined over the period 2010–11 to 2020–21, with the decline being driven by lower catch volumes. Although rock lobster prices increased in the early part of this period, supporting GVP, prices declined sharply after the onset of the COVID-19 pandemic in early 2020.

Note: **GVP** Gross value of production.

Fishing mortality	 Not subject to overfishing	 Subject to overfishing	 Uncertain
Biomass	 Not overfished	 Overfished	 Uncertain

Fisheries Queensland (QDAF) update

Information on the Queensland Tropical Rock Lobster fishery:

General information on the fishery is available on the web - [Tropical rock lobster fishery | Business Queensland](#). The total annual quota for all commercial licences must not be more than 195 tonne of whole weight rock lobster. An individual transferrable quota exists for the fishery. This means quota can be transferred between licence- holders.

The fishery season is 1 January to 30 September so fishing is now finished for this season, 70% of the 195 tonne quota was taken for the 2022 season.

The current [Harvest strategy](#) can be found on the web.

The stock assessment has been delayed and is still underway, however FQ has now included a representative from the commercial sector onto the TRL stock assessment project team to tap into their expertise and knowledge.

Fisheries economic and social data reports for TRL is combined with other harvest fisheries such as sea cucumber, eel, worm and yabbies to keep the anonymity of fishers (if 5 or less license holders provide details the data is combined with other fisheries – this was the case for TRL). These two reports are available below.

[Queensland other harvest fishery - Fisheries economic and social indicators 2019–20 - Publications | Queensland Government](#)

[Queensland other harvest fishery - Fisheries economic and social indicators - 2017-18 and 2018-19 - Publications | Queensland Government](#)

The working group did not meet during 2022, however, past communiques can be found on the web: [Tropical rock lobster fishery working group | Department of Agriculture and Fisheries, Queensland \(daf.qld.gov.au\)](#).

There is a current WTO export approval place that is valid until 2025.

Torres Strait Regional Authority (TSRA) update

National Seafood Industry Awards 2022

1. A series of Torres Strait fishing workshops was recognised as a finalist at the National Seafood Industry Awards 2022 in Brisbane. The Torres Strait Regional Authority (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.

WAPIL Project update

2. 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 sea food storage, processing and transport; commercial fishing operations and skills development; business planning and development and increased employment opportunities.

Torres Strait Regional Adaptation and Resilience Plan

3. 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.

Torres Strait Fisheries Act 1984 proposed amendments		
No	Proposals	PZJA policy approval date
1	Capacity to require catch reporting across all licence holders.	PZJA Out of Session January 2017 (approved in March 2017)
2	Capacity to provide electronic licensing and monitoring to licence holders.	
3	Capacity to delegate the powers to grant and vary scientific and developmental permits.	
4	Capacity to simplify the renewal of fishing licences.	
5	Capacity to delegate the powers to contracted service providers.	
6	The implementation of Fisheries Infringement Notices.	
7	Provide for the grant of a licence without specifying a boat in the licence.	PZJA meeting 32 8 October 2019
8	Provide for a class of licence that authorises the taking of fish as well as the processing and carrying of fish taken with the use of another boat.	
9	Impose logbook requirements via the determination of a legislative instrument, exercisable by a delegate of the PZJA.	
10	Make minor technical amendments to support the introduction of other measures.	
11	Make further amendment to the Act to make it explicit that the Chief Executive Officer (CEO) of the Australian Fisheries Management Authority (AFMA) is a person to whom the Minister and the PZJA can delegate their respective functions and powers in sections 9 and 38 of the Act.	PZJA meeting 35 27 August 2020
12	Make further amendments to the Act and Regulations to be prepared for the PZJA's consideration that are consistent with providing immediate improvements to the efficiency and effectiveness of fisheries administration in the Torres Strait.	
13	Make a technical amendment to section 42(1) (q) of the Act where currently an officer may 'sell any fish seized by him or her under this Act' to make this requirement consistent with section 84(1)(t) of the Fisheries Management Act 1991 where an officer may 'sell or otherwise dispose of any fish seized by him or her under this Act'.	PZJA meeting 38 17 August 2021
14	Extending the statutory limit of prosecution for offences under the Act from 12 months to two years, in order to make this requirement consistent with section 95(7) of the <i>Fisheries Management Act 1991</i> , which enables a prosecution for an offence to be commenced within two years after the commission of the offence.	
15	Provide for the Minister to be able to declare that a person must hold a master fisherman's licence for specific fisheries.	
16	Remove provisions from section 14 that duplicate provisions contained in section 16 that allow the closure of a fishery	PZJA Meeting 40 11 February 2022
17	Improve the efficient administration of logbook reporting by providing for the capacity to delegate the functions of section 14	

Torres Strait Fisheries Regulations 1985 proposed amendments		
1	Simplified disclosure of fisheries information.	PZJA OOS January 2017 (approved in March 2017)
2	Provide a legislative authority for the collection of information, to be exercised by a person exercising powers or performing functions under the Act.	PZJA meeting 32 8 October 2019
3	Allow licences to be granted for up to five years duration.	PZJA meeting 32 8 October 2019
4	Update provisions concerning the detention of illegal foreign fishers to be brought in line with analogous provisions of the <i>Migration Regulations 1994</i> .	
5	Prescribe a condition that all licence holders must comply with any relevant plan of management.	
6	Make any additional amendments required consequential to the amendments to the Act identified above.	
7	Make further amendments to the Act and Regulations to be prepared for the PZJA's consideration that are consistent with providing immediate improvements to the efficiency and effectiveness of fisheries administration in the Torres Strait.	PZJA meeting 35 27 August 2020
8	Update the Regulations relating to distinguishing number requirements for licenced boats to align with current licencing practice	PZJA meeting 38 17 August 2021
9	Enable a licence fee to be paid for a Fish Receiver Licence and a licence to fish without a boat.	
10	Align the duration of logbook legislative instruments with the other instruments made under the Act by removing the default three-year automatic expiration date of logbook instruments from Regulation 11.	PZJA Meeting 40 11 February 2022



Australian Government
**Department of Agriculture,
Water and the Environment**

Ref: 002068366

Mr Wez Norris
Chief Executive Officer
Australian Fisheries Management Authority
GPO Box 7051
CANBERRA ACT 2610

Dear Mr Norris

I am writing to you as Delegate of the Minister for the Environment in relation to the reassessment of the Torres Strait Tropical Rock Lobster Fishery (the fishery) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In October the Australian Fisheries Management Authority applied for export approval for the fishery under the EPBC Act on behalf of the Protected Zone Joint Authority.

The application has been assessed and I have declared the fishery an approved wildlife trade operation under Part 13A of the EPBC Act until 4 December 2023.

The Part 13A declaration includes conditions that were agreed by officials from both departments as areas requiring ongoing attention. These are set out at [Attachment 1](#).

The existing Part 13 accreditation will remain in place based on the previous assessment of the fishery's management arrangements designed to minimise interactions with species listed under the EPBC Act.

Please note that any person whose interests are affected by this decision may make an application to the Department for the reasons for the decision and may apply to the Administrative Appeals Tribunal to have this decision reviewed. I have enclosed further information on these processes at [Attachment 2](#).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Laura Timmins'.

Laura Timmins
Delegate of the Minister for the Environment

4 December 2020

Part 13A conditions on the approved wildlife trade operation declaration for the Torres Strait Tropical Rock Lobster Fishery – December 2020

1. The Torres Strait Protected Zone Joint Authority must ensure that operation of the Torres Strait Tropical Rock Lobster Fishery is carried out in accordance with management arrangements defined in the *Torres Strait Fisheries Act 1984*, Torres Strait Fisheries Regulations 1985, licence conditions and the Torres Strait Tropical Rock Lobster Fishery Harvest Strategy (2019).
2. The Torres Strait Protected Zone Joint Authority must inform the Department of the Environment and Energy of any intended material changes to the Torres Strait Tropical Rock Lobster Fishery management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.
3. The Torres Strait Protected Zone Joint Authority must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.
4. The Torres Strait Protected Zone Joint Authority must provide reports to the Department of Agriculture, Water and the Environment annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendation on the approved wildlife trade operation declaration for the Torres Strait Tropical Rock Lobster Fishery – December 2020

1. The Australian Fisheries Management Authority to continue to work with the Department of Agriculture, Water and the Environment and the Protected Zone Joint Authority to implement changes to the *Torres Strait Fisheries Act 1984* to allow data reporting requirements to apply to all fishing sectors in the fishery.

Data collection requirements for target species are to include:

- the total quantity of each species removed from the fishery, including any catch discarded prior to landing to an authorised fish receiver; and
- catch and effort data, including location of all commercial fishing activity.

Progress and outcomes of this recommendation to be included in annual reports required under condition 4.

Notification of Reviewable Decisions and Rights of Review¹

There is a right of review to the Administrative Appeals Tribunal (AAT) in relation to certain decisions/declarations made by the Minister, the Minister's delegate or the Secretary under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Section 303GJ(1) of the EPBC Act provides that applications may be made to the AAT for the review of the following decisions:

- (a) to issue or refuse a permit; or
- (b) to specify, vary or revoke a condition of a permit; or
- (c) to impose a further condition of a permit; or
- (d) to transfer or refuse to transfer a permit; or
- (e) to suspend or cancel a permit; or
- (f) to issue or refuse a certificate under subsection 303CC(5); or
- (g) of the Secretary under a determination in force under section 303EU; or
- (h) to make or refuse a declaration under section 303FN, 303FO or 303FP; or
- (i) to vary or revoke a declaration under section 303FN, 303FO or 303FP.

If you are dissatisfied with a decision of a type listed above you may:

- by notice, provided in writing, request that the Minister or the Minister's delegate give you a statement in writing setting out the reasons for the decision as per section 28 of the *Administrative Appeals Tribunal Act 1975*. The Minister, or Minister's delegate may refuse to give you a statement of reasons if your application is made more than 28 days after the day on which you received this notice.
- apply to the AAT for independent merits review of the decision. The AAT undertakes *de novo* merits review. This means they take a fresh look at the facts, law and policy relating to the decision and arrive at their own decision. They decide if the decision should stay the same or be changed. They are independent of the Department.

Application for review of a decision must be made to the AAT within **28 days** after the day on which you have received the reviewable decision. However an extension of time for lodging an application may be granted by the AAT under certain circumstances. Please visit the AAT's website at <http://www.aat.gov.au/> or telephone 1800 228 333 for further information. The role of the AAT is to provide a review mechanism that is fair, just, economical, informal and quick.

Applications & Costs

Applications to the AAT are made by lodging an Application Form (Form 1). This can be found on the AAT's website at <http://www.aat.gov.au/>.

There are no strict timelines in which the AAT must review the decision, however the first conference between the parties will usually be held within 6 to 10 weeks of the application being lodged. The time frame for review of certain decisions can be expedited in some circumstances.

¹ In accordance with the *Administrative Appeals Tribunal Act 1975* Code of Practice for Notification of Reviewable Decisions and Rights of Review

The cost of lodging an application for review is \$952 (as of 1 July 2020) (GST inclusive). You may be eligible to pay a reduced fee of \$100.00 if

- you are receiving legal aid for your application;
- you hold a health care card, a Commonwealth seniors health card or any other card issued by the Department of Social Services or the Department of Veteran's Affairs that entitles the holder to Commonwealth health concessions;
- you are in prison or lawfully detained in a public institution;
- you are under 18 years of age; or
- you are receiving youth allowance, Austudy or ABSTUDY.

You may also be eligible for a reduced fee if you can demonstrate to the AAT that paying the full fee would cause you financial hardship. Further information can be found on the AAT's website. Additionally, you can access information about legal assistance at <https://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Commonwealthlegalfinancialassistance/Documents/LegalFinancialAssistanceInformationSheet.pdf>.

If you pay a standard application fee, most of it will be refunded if the case is resolved in your favour. The refund amount is the difference between the fee you paid and \$100. So, if you paid \$920, you get back \$820 and if you pay \$952, you get back \$852. There is no refund if you paid the lower application fee for certain taxation decisions or the reduced fee of \$100.

Contact Details

Further information or enquiries relating to the decision should be directed to:

The Director
Wildlife Trade Assessments Section
Department of Agriculture, Water and the Environment
GPO Box 858
Canberra ACT 2601
Telephone: +61 (0) 2 6274 1917
Email: sustainablefisheries@environment.gov.au

Alternatively you may contact the AAT at their Principal Registry or the Deputy Registrar, Administrative Appeals Tribunal in your Capital City or Territory.

Administrative Appeals Tribunal
Street address: Level 6, 83 Clarence Street, Sydney
Mailing address: GPO Box 9955, Sydney, NSW 2001
T: 1800 228 333 and (02) 9276 5000
F: (02) 9276 5599
E: generalreviews@aat.gov.au
W: <http://www.aat.gov.au>

Freedom of Information Request

You may make an application under the *Freedom of Information Act 1982* (FOI Act) to access documents. Further information can be found at <http://www.environment.gov.au/foi/index.html>. Please contact the Freedom of Information Contact Officer at foi@environment.gov.au for more information.



Australian Government

Australian Fisheries Management Authority

Torres Strait Tropical Rock Lobster Fishery

**Wildlife Trade Operation
Annual Report 2022**



1 Introduction

All fisheries granted export approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) are required to produce annual reports containing the information outlined in Appendix B of the Australian Government's *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* (the Guidelines).

This report to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) meets the annual reporting requirements (Condition 4) for AFMA managed fishery approvals under the EPBC Act. The information provided in this report covers the 12 months since the *Torres Strait Tropical Rock Lobster Fishery Wildlife Trade Operation Annual Report 2021* was delivered on 27 October 2021.

Table 1 below summarises the level of information contained in this annual report. Detailed responses are provided under relevant section headings.

Table 1. Summary of key changes to the TRL Fishery since last annual report submitted on 27 October 2021.

Section	Since the last accreditation	Yes / No	Refer to section below
Description of the Fishery	Has there been any significant change to the description of the Fishery?	No	n/a
Management arrangements	Has there been any significant change to management arrangements and/or fishing practices that may affect EPBC Act approval criteria? If yes, please provide relevant information.	No	n/a
Research and monitoring	Has any research and/or monitoring of fishing activities including stock assessments or risk analysis been conducted? If yes, please provide relevant information.	Yes	2
Catch data for target, byproduct and bycatch species	Has there been any change in average annual catch data for target, byproduct and bycatch species including upward or downward trend in catches and its relevance to limit reference points or performance indicators? If yes, please provide details.	Yes	3
Stock status for target, byproduct and bycatch species	Has there been any change in the stock status for target and byproduct species including any increase or decrease in the number of overfished or uncertain stocks, or where limit reference points or performance indicators have been triggered? If yes, please provide details.	No – a stock assessment update is scheduled for December 2022	n/a

Section	Since the last accreditation	Yes / No	Refer to section below
Interaction with EPBC-listed protected species	Has there been any change in the nature, scale, intensity of impact, and/or management response in relation to interactions? If yes, please provide details.	No	n/a
Ecosystem impact (e.g. habitat, food chains etc).	Has there been any fishery and/or non-fishery change in the nature, scale, intensity of impact, and/or management response including identification and mitigation measures? If yes, please provide details.	No	n/a
Conditions and/or recommendations	Has any progress been made towards implementing the conditions and/or recommendations from the last fishery assessment or annual report under the EPBC Act. If yes, please provide details.	Yes	4

2 Research and monitoring

2.1 Fishery independent survey and stock assessment

The outcomes of the 2021 fisheries independent scientific survey of the TS TRL population and subsequent Resource Assessment Group advice are provided in the meeting record of the 32nd Tropical Rock Lobster Resource Assessment Group (TRLRAG 32) on the [Protected Zone Joint Authority \(PZJA\) website](#).

At the time of writing, the annual fisheries independent scientific survey of the Torres Strait Tropical Rock Lobster population was scheduled to take place between 8 and 22 November 2022. The survey is part of a three-year funded research project “*Fishery independent surveys, stock assessment, Harvest Strategy and Recommended Biological Catch calculation for the Torres Strait Tropical Rock Lobster Fishery*” aimed at delivering annual TRL surveys and stock assessments to support the determination of an annual Total Allowable Catch (TAC). The survey is used to determine the relative abundance and size of lobsters in the Torres Strait, together with an assessment of the habitat. The TRLRAG is expected to consider the results of the survey, the preliminary results of an update to the stock assessment and the results of applying the empirical Harvest Control Rule (eHCR) in accordance with the TRL Harvest Strategy to recommend a biological catch of TRL for the 2022-23 fishing season at their upcoming meeting on 13-14 December 2022.

2.2 Climate change impacts on Torres Strait Fisheries

In the 2019-20 financial year, the Torres Strait Scientific Advisory Committee (TSSAC) funded a project applicable across all Torres Strait fisheries entitled '[Climate variability and change relevant to key fisheries resources in the Torres Strait – a scoping study](#)'.

Following on from the Torres Strait Scientific Advisory Committee (TSSAC) recommendations on the climate change scoping study, a follow up call for research proposals for a climate change modelling project was made in February 2022 with one proposal received from CSIRO. Having regard to feedback from all PZJA advisory committee RAGs and Working Groups out of session, the TSSAC considered this research proposal at their meeting on 6-7 April 2022 (TSSAC 81).

The modelling project is intended to:

- a) enable fisheries managers and communities to better prepare for climate change mitigation and adaptation, where possible;
- b) integrate new and existing fisheries and environmental data within an over-arching data framework;
- c) provide estimates of the impacts that different climate change scenarios could have on the marine ecosystem and associated fisheries/species;
- d) provide estimates of the economic, social and other fisheries-related livelihood impacts of climate change on communities in the short (2 yrs), medium (5 yrs) and longer term (10+ yrs), and suggest some possible actions for adaptation; and
- e) help differentiate between the relative effects of fishing and climate change on marine resources.
- f) provide results in formats (e.g. graphical, video, written) which can be communicated to stakeholders (Torres Strait Island Communities, Fishers, Fisheries Managers and local and regional organisations).

Due to limited AFMA funding available to support all recommended research projects in 2022-23, the climate change modelling project is to be partially funded through a \$500,000 co-contribution from the Torres Strait Regional Authority and the remainder of the project funds are currently under consideration by the Fisheries Research and Development Corporation (FRDC).

2.3 Developing an approach for measuring non-commercial fishing in Torres Strait

The scoping study [Developing an approach for measuring non-commercial fishing in the Torres Strait in order to improve fisheries management and promote sustainable livelihoods](#) was funded for the 2019/20 financial year. The study assessed the feasibility to quantify the subsistence and recreational (i.e. non-commercial) take of key commercial species. It also sought to gauge interest from Torres Strait communities in collecting information on the subsistence take of other non-commercial species, to identify the most culturally significant and important species to communities (including contribution to health and livelihoods).

The research need was identified the Torres Strait Regional Authority (TSRA) Finfish Fishery leasing quota committee. A committee at the time, comprising TSRA Board members and traditional inhabitant representatives from eastern island communities. Members identified the

need to improve estimates of non-commercial catch of commercial species to inform stock assessment, the setting of sustainable catch levels and to determine the how much of the available catch needs to be reserved for traditional fishing.

The project found self-reporting using an app (or web-based approach indistinguishable from an app) was likely to be the best approach to monitoring non-commercial fishing, paired with a data validation method of conducting household surveys. The project undertook consultation with stakeholders on this monitoring approach which would need to continue should the project recommendation proceed. This would ensure communities are on board with this approach and identify risks and concerns that would need to be managed around it.

As a result of this scoping study, 'Phase 2' of the non-commercial catch project *Measuring non-commercial fishing catches (traditional subsistence fishing) in the Torres Strait in order to improve fisheries management and promote sustainable livelihoods* has been approved for co-funding between AFMA and the FRDC in the 2022/23 and 2023/24 financial years.

3 Catch data for target species

The Torres Strait TRL Fishery has experienced a series of disruptions to both the export market and the fishing sector over the past three fishing seasons (2019-20, 2020-21 and 2021-22) including a temporary collapse of the live export market, continued suppressed TRL prices, freight route disruptions, ongoing import bans of Australian lobster product directly into China and increased fuel prices.

While fishing in the Torres Strait has continued for the most part throughout these anomalous periods, there has been noticeable reductions in fishing effort and total catch, particularly in the Traditional Inhabitant (TIB) sector.

[TRLRAG 31](#) (12 October 2021) acknowledged that the 2021-21 fishing season was another anomalous year with both the non-traditional inhabitant (TVH) and TIB sectors exhibiting significant decreases in fishing effort due to ongoing impacts from the ban on Australian lobster product into China and subsequent uncertainty of lobster markets. Industry members of the RAG reported that many TIB fishers sought alternative employment, and limited diver availability in the TVH sector is attributed to lower than expected catches across both sectors. By the end of the 2020-21 fishing season, the TIB sector had caught 43.64 per cent of their 278.62 tonne TAC, and the TVH sector had caught 81.5 per cent of their 142.24 tonne TAC (see [end of 2020-21 season TRL Catch Watch Report](#)). TRLRAG 31 had extensive discussions regarding the implications of a reduced average total catch value on the application of the empirical Harvest Control Rule. The RAG recommended that CSIRO present two different options for dealing with the under-catch in both the 2019-20 and 2020-21 fishing seasons which was presented at [TRLRAG 32](#) (15 December 2021).

Industry reports on the performance of the TRL Fishery during 2021-22 fishing season is expected at the upcoming TRLRAG 33 (scheduled to meet 13-14 December 2022). While 2021-22 season TIB catches were slightly higher than previous seasons (54.17 percent of the 274.82 tonne TAC), TVH catches were resumed to being fully caught (99.58 per cent of their 140.3 tonne TAC) (refer to [end of 2021-22 season TRL Catch Watch Report](#)).

4 Progress against conditions and recommendations

As per details in Table 2 below.

Table 2. Summary of progress against WTO conditions and recommendations for the Torres Strait TRL Fishery.

WTO Conditions for the Tropical Rock Lobster Fishery	Progress as of November 2022
Condition 1: The Torres Strait Protected Zone Joint Authority must ensure that operation of the Torres Strait Tropical Rock Lobster Fishery is carried out in accordance with management arrangements defined in the <i>Torres Strait Fisheries Act 1984</i> , <i>Torres Strait Fisheries Regulations 1985</i> , licence conditions and the Torres Strait Tropical Rock Lobster Fishery Harvest Strategy (2019).	On track The Torres Strait Tropical Rock Lobster fishery continues to be managed in accordance with management arrangements in force under the <i>Torres Strait Fisheries Act 1984</i> .
Condition 2: The Torres Strait Protected Zone Joint Authority must inform the Department of Agriculture, Water and the Environment (now the Department of Climate Change, Energy, the Environment and Water) of any intended material changes to the Torres Strait Tropical Rock Lobster Fishery management arrangements that may affect the assessment against which <i>Environment Protection and Biodiversity Conservation Act 1999</i> decisions are made.	On track: There have been no material changes to management arrangements for the Fishery. As a result AFMA, on behalf of the PZJA, has not been required to inform the Department.
Condition 3: The Torres Strait Protected Zone Joint Authority must inform the Department of Agriculture, Water and the Environment (now the Department of Climate Change, Energy, the Environment and Water) of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.	On track: AFMA, on behalf of the PZJA, provided the Sustainable Fisheries team with an update on changes to legislative amendments via email on 8 November 2022.
Condition 4: The Torres Strait Protected Zone Joint Authority must provide reports to the Department of Agriculture, Water (now the Department of Climate Change, Energy, the Environment and Water) and the Environment annually as per Appendix B of the <i>Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition</i> .	On track: This report meets this requirement.

WTO Conditions for the Tropical Rock Lobster Fishery	Progress as of November 2022
<p>Recommendation 1:</p> <p>The Australian Fisheries Management Authority to continue to work with the Department of Agriculture, Water and the Environment and the Protected Zone Joint Authority to implement changes to the <i>Torres Strait Fisheries Act 1984</i> to allow data reporting requirements to apply to all fishing sectors in the fishery.</p> <p>Data collection requirements for target species are to include:</p> <ul style="list-style-type: none"> • The total quantity of each species removed from the fishery, including any catch discarded prior to landing to an authorised fish receiver; an • catch and effort data, including location of all commercial fishing activity. <p>Progress and outcomes of this recommendation to be included in annual reports required under condition 4.</p>	<p>Progress on this item is directly linked to the update provided via email on 8 November 2022 in relation to Condition 3.</p> <p>AFMA is continuing the work with DAFF to progress amendments to the <i>Torres Strait Fisheries Act 1984</i> to create head power provisions that would require all fishing sectors in the TRL fishery to undertake daily fishing logbook reporting.</p> <p>AFMA, DAFF and OPC have made substantial progress in drafting the amendments over the past 12 months despite some delays during the caretaker and election period.</p> <p>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.</p>



Australian Government

Australian Fisheries Management Authority

18 November 2022

Dear Torres Strait Tropical Rock Lobster Fishery licence holder

Management Arrangements for the 2022-23 Fishing Season

The 2022-23 fishing season for the Torres Strait Tropical Rock Lobster Fishery (TRL Fishery) will commence on 1 December 2022. This letter details some key management arrangements that will apply this season.

Total Allowable Catch

On 4 October 2022, Senator the Hon. Murray Watt, Commonwealth Minister for Agriculture, Fisheries and Forestry determined a total allowable catch (TAC) of 200,000 kilograms of tropical rock lobster (TRL) in the Australian waters of the TRL Fishery for the 2022-23 fishing season to apply for the fishing season commencing on 1 December 2022. It is expected that the TAC will be increased once the outcomes of the scientific assessment processes and the catch sharing arrangements under the Torres Strait Treaty between Australia and Papua New Guinea (PNG) have been considered. Any increase in the TAC is expected to be determined by the end of February 2023.

Under this TAC, the value of each quota unit and available catch for each TRL Fishery sector is outlined in the table below. All weights are provided in unprocessed weight in kilograms.

TRL Fishery Sector	TAC (kilograms)	Number of quota units	Value of each quota unit (kilograms)	Available catch per sector (kilograms)
Traditional Inhabitant Boat (TIB) licence holders	200,000	662,016*	0.200000	132,403.597
Transferrable Vessel Holder (TVH) licence holders		337,981		67,596.403

* Held by the Torres Strait Regional Authority (TSRA)

A further explanation of how TACs are determined for the TRL Fishery, how catch is shared between Australia and PNG, and how each sector's catches will be managed for the 2022-23 fishing season, is provided in the enclosed TRL Management Arrangements Booklet 2022-23 (**Enclosure A**).

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Moontide Hookah Closures

For the purpose of subsection 13(2) of the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018*, I provide notice that the use, possession or control, on a boat, of hookah gear to take, process or carry TRL will not be permitted during the 2022-23 fishing season during the moontide hookah closure periods shown in the calendar provided in **Enclosure B** to this letter. The first scheduled moontide hookah closure period starts on 17 February 2023.

These moontide hookah closures are in addition to the hookah closure period from 1 December until 31 January each fishing season. Free-diving, lamp fishing and traditional fishing are permitted during all hookah closure periods.

Changes to fishing and carrier licence conditions in the TRL Fishery

On 16 November 2022, and effective from 1 December 2022, my Deputy CEO, as a delegate of the PZJA, agreed to vary the conditions imposed on fishing boat and carrier boat licences in the TRL Fishery. These changes are:

- a. To strengthen existing requirements and reporting obligations on licenced fishers when landing commercial catch under the Fish Receiver System
- b. Provide operational flexibility for licenced carrier boats to reasonably transport crew between the carrier boat and land
- c. To clarify that licence holders can only take, process and carry fish that they are authorised to do so as indicated by the symbols noted on the licence (e.g. CR)
- d. To make other minor amendments to ensure condition language is clear, contact details are correct and relevant conditions apply to relevant licences.

Further details on the condition changes are provided in **Enclosure C**.

Should you have any questions concerning the matters covered in this letter, please contact the AFMA Thursday Island office on 07 4069 1990 or FisheriesTI@afma.gov.au. If you would also like to receive future management updates by email or SMS please contact the AFMA Thursday Island office to update your contact details.

Yours sincerely



Wez Norris
Chief Executive Officer

Enclosures

- A TRL Fishery Management Arrangements Booklet 2022-23
- B TRL Fishery moontide hookah closure calendar for the 2022-23 fishing season
- C Further detail on licence condition variations

Further detail on TRL fishing boat and carrier licence condition variation

Condition	Description of change	Applicable to	Rationale for change
Landing catch to a licenced fish receiver	Strengthening the language to ensure that when a licenced fisher is signing a CDR, they are verifying their fishing licence details <u>and</u> the catch they have landed. Existing conditions require the fisher to only verify their licence details. This condition is also strengthened by applying to the licence holder	All fishing boat licences (TIB and TVH)	The conditions relating to 'landing catch to a licenced fish receiver' have been varied to place a greater responsibility on fishers to verify the details of the fishing licence <u>and</u> the catch they land to a licenced fish receiver as an accurate record upon signing each Catch Disposal Record (CDR). This variation does not change the widely understood obligations of either the fisher or receiver at an operational level, but seeks to reinforce the need for licenced fishers to be sure of the record that is being produced by the fish receiver when landing their commercial catch and signing the CDR.
Carrier Licence conditions	Provide operational flexibility for licenced carrier boats to reasonably transport crew between the carrier boat and land. The variation seeks to limit the scope and operation of such a boat that could be towed. For example, being of a certain length, and for specific activities.	All Carrier class B and C licences	Currently, Carrier C licences are prohibited from towing any boat. This variation is intended to provide some flexibility for carrier boat licence class C and B holders to authorise them to be able to tow a boat that would allow the reasonable transport of crew between the carrier boat and land.
Fishery symbols	Adding in: "The licence holder must not [take], [carry], or [process or carry] fish other than those authorised under this licence as indicated by the symbol(s) noted on this licence." Note: the terms applicable in square brackets will vary and depend on the type of applicable licence and what it authorises.	All fishing boat and carrier licences (TIB and TVH)	Each Torres Strait licence will have one or more fishery entries (sometimes referred to as 'endorsements' (e.g. CR for the TRL fishery) which authorise the taking processing or carrying of certain fish in specific areas of fishery waters. These conditions have been strengthened to clarify that the licence holder cannot take, process or carry fish other than those authorised by the fishery entry. This variation seeks to remove any unintended loop holes, strengthen enforceability of the conditions and should not change the existing understanding of licence holders or their operations.
VMS	Updating the relevant contact details for the VMS team	All primary fishing & carrier boat licences greater than 6m in length	Email contact updated to: ausvms@afma.gov.au

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
DRAFT CROSS-ENDORSEMENT GUIDELINES	Agenda Item 3 For discussion and advice

RECOMMENDATIONS

1. The Working Group **DISCUSS** and **PROVIDE ADVICE** on the draft *Guidelines for authorising Cross-endorsement in areas of Australian jurisdiction of the Torres Strait Protected Zone* (the draft Guidelines, provided at **Attachment 3a**).

KEY ISSUES

2. The PZJA has delegated its power in relation to the granting of Treaty endorsement licences to AFMA. A Treaty endorsement licence is used to authorise Papua New Guinea (PNG) boats to fish in Protected Zone commercial fisheries¹ within areas of Australian jurisdiction. This is otherwise referred to as 'cross endorsement'.
3. It is appropriate that the PZJA provide policy and procedural guidance on carrying out delegated powers. Such guidance promotes efficient and effective decision making and improves transparency and accountability of decision making to stakeholders.
4. The draft Guidelines (**Attachment 3a**) have been prepared by AFMA and supported by the PZJA (at their meeting on 8 December 2021) with the intention to provide guidance on AFMA's consideration of nominations from the Papua New Guinea (PNG) Government for PNG boats to be cross-endorsed in accordance with provisions of the Torres Strait Treaty (the Treaty). The draft Guidelines outline the requirements for applying for cross-endorsement and the conditions that will apply. In doing so, the draft Guidelines are expected to assist the PNG Government and the fishing industry in the preparation of nominations for cross-endorsement.
5. In preparing the draft Guidelines, AFMA consulted the Department of Agriculture, Water and the Environment, the Department of Foreign Affairs and Trade, the Australian Border Force, and the Australian Maritime Safety Authority, to ensure consistency with Australia's obligations under the Treaty and compatibility with Australian Government border and maritime regulations. As far as possible, AFMA has incorporated feedback received from these Agencies into the guidelines in their draft form. The draft Guidelines were then discussed by Australia and PNG at the Torres Strait Treaty fisheries committee bilateral meeting held in Cairns on 30 August 2022 and AFMA awaits formal comment from PNG NFA on the draft.
6. The draft Guidelines do not apply to the Torres Strait beche-de-mer, trochus and reef line fisheries as AFMA and PNG have not entered into formal arrangements to cooperatively manage these fisheries (known as Article 22 Fisheries).

¹ For the purposes of the Treaty "Protected Zone commercial fisheries" means the fisheries resources of present or potential commercial significance within the Protected Zone and, where a stock of such resources belongs substantially to the Protected Zone but extends into an area outside but near it, the part of that stock found in that area within such limits as are agreed from time to time by the responsible authorities of the Parties (Article 1(h)).

7. The draft Guidelines were recently made available for public comment (via mailout to licence holders and registered Native Title bodies and claimants, as well as on the PZJA website) in late November 2022. Submissions on the draft are can be made until close of business Friday 13 January 2023.
8. Subject to the views received during the public comment period, the advice of the TRL Working Group, and any input received by Papua New Guinea National Fisheries Authority, it is anticipated that the PZJA will consider agreeing to a final version of the Guidelines at a meeting in early 2023. This should enable the Australian and PNG fishing industries to better plan for their future fishing seasons and provide for access to cross-endorsement catch entitlements without delay.

BACKGROUND

9. 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'.
10. To the extent provided in the *Torres Strait Fisheries Act 1984* (the Act), the Act gives effect into Australian law, Australia's obligations under the Treaty as they relate to fishing². The PZJA is responsible for management of commercial fishing in areas of Australian jurisdiction of the Protected Zone and designated adjacent waters. In exercising its functions, the PZJA has regard to the rights and obligations conferred on Australia by the Treaty. This includes Australia's obligation to co-operate with PNG in the issue and endorsement of licences.
11. Historically, cross-endorsement of PNG boats fishing in areas of Australian jurisdiction was an annual occurrence, with PNG boats accessing Torres Strait prawn, lobster or Spanish mackerel fisheries in areas of Australian jurisdiction. However, cross-endorsement of PNG boats has not occurred in Australian waters since 2014. PNG last formally nominated boats to fish under cross-endorsement arrangements in the TRL Fishery in 2020 however due to COVID-19 impacts and subsequent border closures, cross-endorsement activities have been prohibited since.

² The Torres Strait Treaty is incorporated directly into Australian Domestic Law as it forms Schedule 1 to the *Torres Strait Fisheries Act 1984*. The Act and the Treaty are available on the Federal Register of Legislation.



Australian Government

Australian Fisheries Management Authority

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

Protected Zone Joint Authority [insert date of approval]



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1 Purpose

These Guidelines provide guidance on the Australian Fisheries Management Authority's (AFMA) consideration of nominations from the Papua New Guinea (PNG) Government for PNG boats to be authorised to fish in a Protected Zone commercial fishery¹ within areas of Australian jurisdiction. This activity is commonly referred to as 'cross-endorsement'.

Pursuant to Australia's obligation to co-operate with PNG on the issuing and endorsement of licences to permit commercial fishing in Protected Zone commercial fisheries, under Article 26(1) of the *Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters* (the Treaty), these Guidelines are also intended to assist the PNG Government and the fishing industry in the preparation of nominations for cross-endorsement.

These Guidelines outline the requirements and policies for applying for cross-endorsement and the minimum fisheries conditions that will apply. In addition to the fisheries management information contained in these Guidelines, nominees should ensure that they seek appropriate advice in relation to other applicable Australian laws when operating in the area of Australian jurisdiction.

These Guidelines do not apply to Australian boats licenced under section 19 of the *Torres Strait Fisheries Act 1984* (hereby referred to as 'the Act') seeking to fish under cross-endorsement arrangements in areas of PNG jurisdiction of the Torres Strait Protected Zone (the Protected Zone). These Guidelines also do not apply to proposals concerning the exploitation of Protected Zone commercial fisheries by a joint venture in which there is third-State equity participation, or by a vessel of third-State registration or with a crew substantially of the nationality of a third-State. Any such proposals will be subject to consultation and concurrence by both Parties in accordance with Article 27 of the Treaty.

2 Background

2.1 The Torres Strait Treaty

The Treaty was signed by both Parties at Sydney on 18 December 1978 and ratified by Australia on 15 February 1985. The Treaty defines the border between Australia and PNG and provides a management framework of the common border area. This area is defined by the Treaty and is known as 'the Protected Zone'. The specific geographical boundaries of the Protected Zone are set out in Annexure 9 to the Treaty. Australia and PNG established the Protected Zone with the principal purpose of acknowledging and protecting the traditional way of life and livelihood of the

¹ For the purposes of the Treaty "Protected Zone commercial fisheries" means the fisheries resources of present or potential commercial significance within the Protected Zone and, where a stock of such resources belongs substantially to the Protected Zone but extends into an area outside but near it, the part of that stock found in that area within such limits as are agreed from time to time by the responsible authorities of the Parties (Article 1(h)).

traditional inhabitants of both Parties, including their traditional fishing and free movement (Article 10(3)). A further purpose is to protect and preserve the marine environment and indigenous fauna and flora in, and in the vicinity of, the Protected Zone (Article 10(4)). A range of subsidiary obligations and rights exist under the Treaty. Relevantly, Australia and PNG commit under the Treaty to co-operate in the conservation, management and optimum utilisation of Protected Zone commercial fisheries (Article 21) insofar as the achievement of the purposes for the establishment of the Protected Zone are not prejudiced in regard to traditional fishing (Article 20(1)).

The Treaty provides for the cooperative management and catch sharing of Protected Zone commercial fisheries in the provisions of Part 5 of the Treaty. Since the Treaty was ratified, Australia and PNG have entered into formal arrangements under Article 22 to cooperatively manage six fisheries, referred to as 'Article 22 fisheries'. These are the commercial fisheries for prawns, tropical rock lobster, Spanish mackerel, pearl shell, and the traditional fisheries for turtles and dugong.

The allowable catch for a Protected Zone commercial fishery must be determined jointly by the Parties (Article 23(2)). Australia and PNG agree to share the allowable catch for Article 22 fisheries in accordance with the formula provided under Article 23(4), or as otherwise agreed under other provisions of the Treaty. Article 23(4) provides that each Party is generally entitled to 25 per cent of the catch share in the other Party's jurisdiction², which may be accessed by each respective Party through an arrangement under Article 26, commonly referred to as 'cross-endorsement'.

In support of these arrangements, Australia and PNG commit under the Treaty to co-operate with each other to prevent violations of the Protected Zone commercial fisheries arrangements, and consult each other to ensure that legislation and regulations adopted by each Party are as far as practicable consistent with the legislation and regulations of the other Party (Article 28).

Agreements between PNG and Australia on catch sharing arrangements usually take place at annual fishery bilateral meetings and meetings of the Torres Strait Joint Advisory Council (JAC) established under Article 19 of the Treaty.

2.2 The Protected Zone Joint Authority

The management of Protected Zone commercial fisheries in areas of Australian jurisdiction is subject to the Act. To the extent provided in the Act, the Act gives effect, in Australian law, to Australia's obligations under the Treaty as they relate to fisheries. Section 30 of the Act establishes the Protected Zone Joint Authority (PZJA), which consists of the Commonwealth Minister administering the Act (the Minister); the Queensland Minister³ administering the laws of Queensland relating to marine fishing in the Protected Zone; and the Chairperson of the Torres Strait Regional Authority (TSRA). The TSRA is the Commonwealth agency established under the

² With the exception of catches caught within the territorial seas of Anchor Cay, Black Rocks, Bramble Cay, Deliverance Island, East Cay, Kerr Islet, Pearce Cay and Turu Cay whereby each party is entitled to 50 per cent (Article 23(4)(b)).

³ Please note that under section 28 of the Act, the Queensland Minister can be the Minister appointed by the Governor in Council of Queensland for the purposes of the Act.

Aboriginal and Torres Strait Islander Act 2005 that represents the interests of Torres Strait Islanders.

The PZJA Arrangement⁴, made under Part V of the Act, provides that the PZJA is responsible for management of commercial fishing in areas of Australian jurisdiction of the Protected Zone and designated adjacent waters.⁵

In exercising its functions, the PZJA has regard to the rights and obligations conferred on Australia by the Treaty (section 8 of the Act). This includes Australia's obligation to co-operate with PNG in the issue and endorsement of licences (i.e. 'cross-endorsement').

The PZJA is supported by four government agencies (known as 'PZJA agencies'): AFMA, the Commonwealth Department of Agriculture, Water and the Environment (DAWE), the Queensland Department of Agriculture and Fisheries and the TSRA. AFMA is responsible for providing day to day fisheries management services for the PZJA including compliance and licencing. Accordingly, the PZJA has delegated to AFMA its powers and functions in relation to the granting of Treaty endorsement licences. AFMA undertakes its delegated functions in consultation with PZJA agencies.

3 Assessment of nominations

3.1 Australia's obligations under the Treaty

Australia's obligations under the Treaty are considered when assessing nominations for cross-endorsement. These include:

- a) Ensuring arrangements⁶ do not prejudice the achievement of the purposes of establishing the Protected Zone to:
 - acknowledge and protect the traditional way of life and livelihood of the traditional inhabitants of both Parties including their traditional fishing and free movement (Article 10(3)); and
 - protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone (Article 10(4)).

⁴ "PZJA Arrangement" means the "[*Arrangement between the Commonwealth and the State of Queensland under section 31 of the Torres Strait Fisheries Act 1984*](#)" and in 2021 can be viewed on the website of the Federal Register of Legislation at <https://www.legislation.gov.au/Details/F2008B00750>.

⁵ The PZJA Arrangement excludes commercial fishing for sedentary organisms in the area within which Australia has fisheries jurisdiction, but in which PNG has seabed jurisdiction. Commercial aquaculture and fishing in areas within the limits of Queensland are also excluded under the PZJA Arrangement.

⁶ Part 5, Article 20 of the Treaty states, in relation to the priority of traditional fishing and application of measures to traditional fishing, that the provisions of this Part shall be administered so as not to prejudice the achievement of the purposes of Part 4 of this Treaty in regard to traditional fishing. A Party may adopt a conservation measure consistent with the provision of this Part which, if necessary for the conservation of a species, may be applied to traditional fishing, provided that that Party shall use its best endeavours to minimise any restrictive effects of that measure on traditional fishing.

- b) The need to consult and co-operate with PNG on the issue and endorsement of licences (Article 26(1)).
- c) Having regard to the desirability of promoting economic development in the Torres Strait area and employment opportunities for the traditional inhabitants (Article 26(3)).
- d) The need to ensure that the traditional inhabitants are consulted from time to time on the licensing arrangements (Article 26(4)).
- e) The need to co-operate, including by exchange of personnel, in inspection and enforcement to prevent violations of the Protected Zone commercial fisheries arrangements and in taking appropriate enforcement measures in the event of such violations (Article 28(1)).

3.2 Eligible nominations

In accordance with the Treaty and pursuant to the relevant provisions of the Act, cross-endorsement nominations will be considered where:

- a) nominations are made by the PNG Minister⁷ as the responsible authority for PNG for the purposes of Article 26(1) (subsection 20(1) of the Act);
- b) nominations are relevant to fishing in a Protected Zone commercial fishery that is subject to formal subsidiary conservation and management arrangements agreed under Article 22;
- c) nominations are consistent with relevant catch sharing arrangements (e.g. catch or effort entitlements) as agreed under Article 23 and Article 25;
- d) a PNG licence⁸ is in force and held by the person and vessels being nominated, in the relevant Protected Zone commercial fishery in areas of PNG jurisdiction (Article 26(1)(c)) of the Treaty and subsection 20(1) of the Act).

3.3 Information to be provided in a nomination

3.3.1 Details of the nomination: fishery, person and vessels

When assessing nominations for cross-endorsement, AFMA will ask to be provided with the following information for nominated person(s) and boat(s)⁹ to determine if the cross-endorsement of a licence is appropriate:

⁷ "PNG Minister" means the Minister of the Government of PNG for the time being administering the laws of PNG relating to fishing in and in the vicinity of the Protected Zone, and includes a delegate of that Minister (as defined in section 3 of the Act).

⁸ "Papua New Guinea licence" means a licence in force under the laws of Papua New Guinea in respect of a boat, being a licence granted pursuant to the Torres Strait Treaty that authorises the use of the boat for commercial fishing in an area of Papua New Guinea jurisdiction (whether or not the licence also authorises the use of the boat for fishing in any other area), as defined in section 3 of the Act).

⁹ The word "Boat" has a specific definition under section 3 of the Act which is consistent with the definition of "Vessel" under the *Navigation Act 2012*. However, it is important to note that the word "Vessel" has slightly varying definitions in different areas of Australian domestic maritime legislation. (For example, section 8 of

- a) Details of the proposed fishing activities, including:
 - (i) the relevant Protected Zone commercial fishery the person and vessels are being nominated to fish within; and
 - (ii) if there are multiple persons and vessels being nominated for a Protected Zone commercial fishery, advice on how the agreed allowable catch or effort will be shared between licence holders and/or vessels.
- b) Details of the PNG licenced boats, including:
 - (i) boat particulars (e.g. overall length, capacity);
 - (ii) copies of PNG licences in force for each boat; and
 - (iii) photos of each boat.
- c) Details of the nominated persons proposed to hold the Treaty endorsement and fishing crew, including:
 - (i) The full name and contact details of the owner/s and operator/s of each vessel; and
 - (ii) The full names of all crew members.
- d) A signed declaration by each nominated person proposed to hold the cross-endorsement licence that they have not been involved in any illegal, unreported, unregulated (IUU) fishing.

3.3.2 Effective monitoring of allowable catches

PNG boats will generally not be permitted under the endorsement to unload catch to any port or vessel (transshipment) within areas of Australian jurisdiction. To ensure the integrity of the agreed catch sharing arrangements, details are to be provided on how catches taken by cross-endorsed PNG boats in areas of Australian jurisdiction, and landed in areas of PNG jurisdiction, will be monitored and verified by PNG authorities.

3.3.3 Illegal, unreported and unregulated (IUU) fishing

Australia takes a strong stance against IUU fishing and has effective legislation in place that allows for action to be taken against foreign fishing boats fishing illegally in the Australian jurisdiction of the Protected Zone. Australia and PNG work closely in relation to responses to IUU fishing both in the Torres Strait and broader Indo-Pacific region. Illegal fishing may result in boats and catch being seized. Australia and PNG have adopted National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU). As part of the NPOA-IUU, both states have committed to collaborate to ensure that fishing vessels entitled to fly their respective flags do not engage in or support IUU fishing and that they can exercise their responsibility to ensure that vessels do not engage in IUU fishing.

AFMA will review each vessel nominated and will undertake an assessment to determine a vessel's risk status.

the *Maritime Powers Act 2013* and Schedule 1, clause 8 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.)

3.3.4 Safe operation

The safe operation of fishing boats, including safe working conditions of crew and, if required, AFMA observers, is paramount for all boats fishing in the areas of Australian jurisdiction of the Protected Zone. Nominations must demonstrate that fishing boats comply with or demonstrate compatible vessel safety standards as administered by the Australian Maritime Safety Authority (AMSA).¹⁰

3.4 Requirements under the *Native Title Act 1993*

In considering nominations AFMA will undertake and consider outcomes of native title notification. The grant of cross-endorsement licence is a future act for the purposes of the *Native Title Act 1993* ('the Native Title Act'). Subsection 24HA(2) of the Native Title Act relevantly provides that the grant of a licence that relates to the management or regulation of living aquatic resources is a valid future act, insofar as that the grant is validly made. Therefore for a cross-endorsement of a license to be valid, AFMA will undertake native title notification in accordance with subsection 24HA(7) of the Native Title Act when deciding whether to endorse a PNG licence under section 20 of the Act. This involves notifying all representative Aboriginal and Torres Strait Islander bodies, registered native title body corporates and registered native title claimants in relation to the areas of Australian jurisdiction of the proposed nominations and providing these bodies an opportunity to comment on the proposed future act. The standard notification period for comment is 28 days. All notifications are made publicly available on the PZJA website, at www.pzja.gov.au.

3.5 Other requirements

Consistent with Article 16(3)(c) of the Treaty, AFMA will seek advice from responsible Government agencies on any measures that might apply from time to time, temporary or otherwise, in relation to immigration, customs, health and quarantine that may be relevant to the approval of a cross-endorsement application.

4 Conditions to be imposed

4.1 Compliance with Australian Fisheries laws and regulations

Consistent with Article 26(2) of the Treaty and section 5 of the Act, all PNG boats cross-endorsed to fish in areas of Australian jurisdiction of the Protected Zone must operate within and comply with Australia's relevant fisheries laws and regulations.¹¹ The onus is on the licence holder to ensure all

¹⁰ For further information in relation to vessel safety standards, as administered by the Australian Maritime Safety Authority (AMSA), please see the AMSA Website at: www.amsa.gov.au or contact AMSA directly.

¹¹ See Part 5 below in relation to the exemption for licence fees, levies and other charges.

crew understand these laws and regulations. Nominated persons and vessel operators are encouraged to review information on the PZJA website and contact AFMA's Thursday Island office on +61 7 4069 1990 or at FisheriesTI@afma.gov.au for further details on Australia's relevant fishery management rules and arrangements.

4.2 Access to areas of Australian jurisdiction of the Protected Zone

Except for circumstances involving *force majeure*¹² and other humanitarian emergencies involving the health or safety of crew members or the safety of the boats, or unless otherwise directed by Australian authorities or allowed in accordance with the Act, PNG boats authorised to fish under cross-endorsement arrangements will not be permitted under the endorsement to make landfall in any Australian territory. This includes activities to unload product, source provisions or refuel.

AFMA may exclude a PNG boat from certain areas of Australian jurisdiction through the implementation of closed areas. Further, access to areas of Australian jurisdiction under cross-endorsement arrangements will be limited to within the Protected Zone only and will not extend to areas proclaimed by Australia to be an area outside but near the Protected Zone (as defined in section 15 of the Act).

4.3 General licence conditions

Treaty endorsements will be subject to specific licence conditions (section 22 of the Act). Conditions will vary between Protected Zone commercial fisheries. Below is a minimum set of licence conditions that are likely to apply to cross-endorsements across all Protected Zone commercial fisheries. These minimum conditions will be updated as required from time to time.

- 1) mandatory carriage and operation of a Vessel Monitoring System on all licenced boats and where applicable, tender boats;
- 2) the completion and submission of relevant Daily Fishing Logbooks¹³;
- 3) catch and/or effort limits;
- 4) prohibition on the landing or transhipment of catches in areas of Australian jurisdiction (unless allowed by AFMA, in its discretion, in accordance with the Act);
- 5) a requirement to land all catches in areas of PNG jurisdiction (e.g. Daru) (unless AFMA determines otherwise);
- 6) a requirement for prior reporting on entry and exit of areas of Australian jurisdiction;
- 7) specific boat identification markings; and

¹² An emergency situation or event that developed suddenly, was not reasonably foreseeable and which is beyond reasonable human control. An example of a force majeure situation may include a storm or a cyclone.

¹³ Obligations with respect to log-books also arise under regulation 10 of the *Torres Strait Fisheries Regulations 1985* and, in respect of certain fisheries, the *Torres Strait Fisheries (Furnishing of Logbooks) Instrument 2020*.

- 8) an obligation to carry an observer if required by AFMA.

4.4 Measures to protect the traditional way of life and livelihood of traditional inhabitants

Further measures may be considered to protect the traditional way of life and livelihood of traditional inhabitants regarding traditional fishing.

4.5 Inspection by an authorised maritime officer

Boats will be required to be available at any point during operations for inspection by AFMA (or another authorised officer under the Act) for fisheries management purposes¹⁴. The operator and crew must also make the vessel available as required by other Australian authorities where they are empowered or required by relevant legislation to inspect vessels for authorised purposes. These may include (but are not limited to) for the purposes such as:

- ensuring/determining seaworthiness and vessel safety;
- ensuring/determining fair working conditions for crew;
- assessing biosecurity risks; and
- ensuring compliance with customs and immigration requirements.

4.6 Additional operating requirements

PNG cross-endorsed boats operating in the Australian jurisdiction of the Protected Zone may also be subject to other regulations outside of the Act including, but not limited to, biosecurity, health, quarantine, environmental conditions, customs and immigration, and the obligations on each party that are set out in Article 16 of the Treaty.¹⁵

5 Licence fees, levies and other charges

Pursuant to Article 26(2) of the Treaty, PNG licence holders shall be exempt from licensing fees, levies and other charges that may be imposed by Australia.

¹⁴ Under Pt VI of the Act, 'officers' have a range of enforcement powers, including (but not limited to) powers to require the master of a boat in respect of which a Treaty endorsement is required to be in force to give information concerning the boat, the crew, or any person on board (section 46(j)). Under the Act, 'officer' is defined to include a range of persons (see section 3 and 3(4)).

6 Review

These Guidelines will be reviewed periodically as required.

DRAFT

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
REVIEW OF MANAGEMENT CONTROLS	Agenda Item 4 For Discussion and Advice

RECOMMENDATIONS

1. That the Working Group:

- a. **NOTE** that in recent years, industry (both TIB and TVH) have expressed a desire to see a review of certain of management controls currently applied to the TRL Fishery, some of which are longstanding issues that have been raised, not only in the Working Group forum.
- b. **NOTE** that TRLWG 10 (12 December 2019) discussed a range of considerations in relation to reviewing management controls in the TRL fishery, in particular;
 - i. That AFMA's preference is to a conduct a review in a careful, and considered step-wise manner;
 - ii. To ensure a clear understanding of the rationale of any proposed change, including an assessment of expected benefits and outcomes against objectives, relative to a clear set of evaluation criteria;
 - iii. To understand who is likely to be affected or who is to benefit, and those might be distributed;
 - iv. That any proposed change will need careful consideration of the potential impacts on fishing patterns or fisher behaviour, which may impact catch rates and CPUE indices; and
 - v. That any proposed changes would require broader stakeholder consultation
- c. **NOTE** that TRLWG 10 agreed to a process for reviewing management controls (**Attachment 4a – Table 1**) and pursuing changes, being:
 - i. determining what's in scope, and out of scope for the review using the list of previously raised proposals to change management controls (**Attachment 4b – Table 2**) as a starting point;
 - ii. consider the benefits and/or impacts against with consideration of how the proposals align with the objectives for the fishery and the *Torres Strait Fisheries Act 1984* (the Act) (**Attachment 4c**);
 - iii. what criteria may be used to evaluate proposals for changes to management controls;
 - iv. prioritisation of proposals;
 - v. consideration of broader stakeholder input on the above at a dedicated stakeholder workshop; and
 - vi. public consultation.
- d. **NOTE** that having regard to TRLWG 10 advice, TRLWG 11 (17 December 2020) recommended five industry-based proposals for changes to management controls in

the TRL Fishery for consideration and further input at a broader TRL stakeholder workshop.

- e. **NOTE** a TRL industry workshop was then convened on 26-27 July 2021 at the Wongai Beach Hotel, Horn Island where 27 industry members from both the TIB and TVH sectors discussed and provided their views on the five proposals identified by industry members from TRLWG 11. A copy of the Industry Workshop summary report is provided at **Attachment 4d**.
- f. **NOTE** and **DISCUSS** the summarised outcomes of the five industry-based proposals for changes to management controls in the TRL Fishery as discussed by communities during AFMA's community visits between June and September 2022.
- g. **PROVIDE ADVICE** on the next steps for prioritising and progressing each of the proposals

KEY ISSUES

- 2. Having regard to the advice of TRLWG and the industry workshop, AFMA convened a series of community visits across the Torres Strait and Northern Peninsula Area to consult with communities on, and amongst other things, the review of management controls in the TRL Fisher.
- 3. The five proposals were:
 - i. To have flexibility to tow tenders un-associated with the primary boat (within survey limits)
 - ii. To have flexibility for carrier boats to provide accommodation, fuel and towing services to dinghy operators'
 - iii. To have the ability to employ non-traditional inhabitants on TIB vessels, noting that this would apply only to boats over 10m in length, and a maximum of 2 non-traditional inhabitants per boat).
 - iv. To remove the boat length replacement policy in the TVH sector
 - v. Removing and/or amendment of the hookah gear possession requirements either side of the moontide hookah closures.
- 4. Community visits were held between the months of June and September 2022. All communities except for Ugar (Stephen Island) during this period due to the unavailability of suitable times. A list of community meeting dates and a summary table of views and comments captured during the community visits is provided at **Attachment 4e**. A more comprehensive draft report on the outcomes of community visit discussions, with attendee lists is provided at **Attachment 4f**. A copy of the Powerpoint slides presented at community meetings is provided at **Attachment 4g**.
- 5. As the 2022 community visits also covered off on other Torres Strait Fisheries matters, AFMA will compile a more comprehensive report of all community visit consultation outcomes that will also be provided back to community meeting attendees for comment before finalisation and being made publicly available.
- 6. The Working Group is being asked to note and discuss the outcomes of the community views on the five proposals to change management controls in the TRL Fishery, and having regard to the agreed process for undertaking the review, provide advice on the next steps

for prioritising and progressing each of the proposals. The Working Group may also wish to consider a next tranche of changes to progress in future.

BACKGROUND

7. Over the last few years, industry (both TIB and TVH) have expressed a desire to see a review of certain of management controls currently applied to the TRL Fishery, some of which are longstanding issues that have been raised, not only in the Working Group forum.
8. Prior to the quota system being implemented, at its meeting on 26 November 2018 the Protected Zone Joint Authority (PZJA) reaffirmed existing management controls currently applied to the TRL Fishery. TRL Fishery licence holders were notified at the time, that a review of existing PZJA licencing policies and management arrangements, including input controls, would be conducted periodically after the quota management system under was operational.
9. Input controls are restrictions put on the ability of fishers to catch fish. Most commonly these are restrictions on the number and size of boats, the amount of time boats are allowed to fish, the areas in which boats are allowed to fish, and the amount, type, or size of gear that can be used.
10. By contrast, output controls are direct limits on the amount of fish coming out of a fishery (e.g. TACs). Fishery resources are limited and if fishing is not controlled, history has shown it will increase until the fishery becomes economically unviable or the stock collapses. Output controls are generally regarded as good mechanisms to control the total catch in single species, high value fisheries which are targeted using a single gear type (such as abalone and lobster). However, even with strong output controls, some input controls may still be required to ensure a range of management objectives are met (e.g. gear controls to minimise impacts on habitats and the environment and/or to meet other social objectives).
11. As the understanding of fish stocks and fisheries management techniques have improved, many fisheries across the globe, including around Australia, have undergone the transition from input to output controls.
12. However, in making such a transition it has been important that the proposed removal of controls is scrutinised closely to ensure management objectives will continue to be met, and all potential impacts considered.

Table 1. Agreed method and process for reviewing management controls.

#	Review step
1	<p>Scope</p> <p>Defining the scope of proposed changes that will be considered in the review process will provide for a more ordered and timely process.</p>
2	<p>Initial assessment of benefits and/or impacts against objectives</p> <p>Any proposal should have a clear rationale for change, and be considered alongside any expected benefits and/or impacts, including who any benefits or impacts may extend to.</p> <p>The proposed change should also be considered against the objectives listed under section 8 of the <i>Torres Strait Fisheries Act 1984</i> (the Act) and PZJA objectives for the TRL Fishery (Attachment 6b).</p>
3	<p>Development of evaluation criteria</p> <p>The Working Group should develop a clear set of criteria, to evaluate each proposal against.</p> <p>Evaluation criteria may include:</p> <ul style="list-style-type: none"> - Social/cultural – equity of access, race to fish, participation rates, part-time vs. full-time fisher participation, new entrants, sense of self-determination, changes to 'ailan kastom', conflict between communities, conflict between individuals and families, traditional fishing rights. - Biological – stock status, risk to resource, spatial distribution of fishing. - Economic – total catch, value of fishery, market prices, operating costs, employment, access for duration of season, cost of implementation. - Management – complexity, enforceability, impact on fishery monitoring regime (e.g. does it impact on the data series). <p>The selected criteria should be linked back to the objectives being pursued.</p>
4	<p>Prioritisation of proposals</p> <p>Noting scientific advice for careful consideration of the potential impacts of changes to management controls on fishing patterns or fisher behaviour, AFMA suggests that a review of management controls be progressed in a staged manner.</p> <p>Relevantly, it will be important to identify and recommend which proposals are to be addressed first, and in what order after that.</p>
5	<p>Further development and analysis of proposals with broader stakeholders</p> <p>AFMA suggests that a dedicated workshop be convened (outside of regular TRLWG business) to bring together a broader group of stakeholders to seek their views on a prioritised suite of proposals. This discussion is to include to further analysis of benefits and impacts and evaluation criteria.</p>
6	<p>Public consultation</p> <p>Opportunity for broader stakeholder comment on proposed changes.</p> <p>This step would usually be undertaken over a minimum 8 week period. Depending on the nature of the proposal/s, formal Native Title notification under the <i>Native Title Act 1993</i> may also be required.</p>

7	Consideration of public consultation outcomes TRLRAG and TRL Working Group to consider the outcomes of the public consultation process and provide further advice as appropriate.
8	Implementation Depending on the nature of the changes/review, a PZJA decision is likely to be required, as well as potential amendments to legislation (e.g. the TRL Management Instrument).

Table 2. Summary and status of management controls and proposals for change raised over time.

Management measure	Controls	Changes proposed	Date Raised	Status
Input controls	Boat length restriction & policy	Option for primary vessels limited to 9.9m being increased to 13.9m	TRLWG 4 (27-28 Aug 2015)	Not Progressed TRLWG 4 identified this item as a high priority following the implementation of the Management Plan.
		Review how/if use of tow cages undermines boat length restrictions		
	Fishery closure (Oct – Nov)	Review fishing season dates to align with international markets	TRLWG 4 (27-28 Aug 2015)	Complete Amendment of the fishing season dates to enable the effective implementation of the Management Plan was considered at TRLRAG 24 (18 19 October 2019). No recommendation was made to change the fishing season for this purpose.
	Hookah closure (1 December – 31 January)	Allow free-dive and lamp fishing year round	TRLWG 4 (27-28 Aug 2015)	Not Progressed Last proposed for discussion at TRLWG 6 (25 26 July 2017). However, this item was not considered due to the early closure of the meeting (lack of quorum).
		12 month season for free-dive and lamp fishing for TIB boats only	TRLWG 5 (5-6 April 2016)	
		Proposal to permit lamp fishing from TIB boats only	TRLWG 5 (5-6 April 2016)	
		Requested the hookah season commence earlier (on 1 January) and possibly close again in March to allow industry to maximise the catch value in the season by fishing to the Chinese New Year market, and restricting hookah catches in March when market prices are reduced and lobster mortality is higher due to moulting and increased water temperatures and lobster discards.	TRLWG 10 (12 December 2019)	Not Progressed
	Moontide closures	Amend method for setting hookah closures to coincide with full moons and moult cycles	TRLWG 6 (25-26 July 2017)	Complete This was reconsidered at TRLWG 8 who agreed to maintain the existing methodology

	Moontide closures	Requirements concerning the possession and use of hookah gear around hookah closure periods be considered ahead of next meeting.	TRLWG 9 (19 February 2019)	Prioritised at TRLWG 11 - Part of the current review
		Submission from Trent and Mark Dean <ul style="list-style-type: none"> - Submission received on 25 November 2019 from TVH TRLWG members proposing moon-tide hookah closures be removed for the 2019-20 fishing season onwards. - TVH members advised that their preference in the long-term is to remove all moon-tide hookah closures. 	TRLWG 10 (12 December 2019)	Not Progressed
		TIB members want consideration of having an additional moon-tide hookah closures to alleviate fishing pressure on home reefs and to reduce the competition pressure on free-divers from hookah divers.	TRLWG 10 (12 December 2019)	Not Progressed
	Tender/dinghy number restrictions	Provide for the temporary transfer of tender boats to operate in conjunction with another primary boat held by the same licence holder	TRLWG 6 (25-26 July 2017)	Is now part of Torres Strait fishing licensing policy as agreed to by the PZJA in December 2021.
	Gear restrictions (SCUBA & propulsion)	No proposal to change	n/a	n/a
	Equipment restrictions (spear/hand)	No proposal to change	n/a	n/a
	Meat removal from shell	No proposal to change	n/a	n/a
	Diving equipment at night	No proposal to change	n/a	n/a

Management measure	Controls	Changes proposed	Date Raised	Status
Licensing Arrangements	A processor/carrier licence is required to process or carry TRL at sea	Grant of a new carrier-only boat licence to non-traditional inhabitants only for vessels that are not licenced to fish. (all fisheries)	TRLWG 6 (25-26 July 2017)	Last proposed for discussion at TRLWG 6 (25 26 July 2017). However, this item was not considered due to the early closure of the meeting (lack of quorum). Other Working Groups (Finfish Working Group on 16-17 March 2017 and Hand Collectables Working Group on 27 June 2017) have recommended further stakeholder consultation or were not supportive.
	A Master Fisherman's licence must be held by person in charge of the boat	Review arrangements for MFL (all fisheries)	TRLWG 4 (27-28 Aug 2015)	Not Progressed Consistent with the recommendation of TRLWG 4 (27-28 August 2015), this item has not been progressed since that meeting. TRLWG 4 identified this item as a medium priority following the implementation of the Management Plan.
	Crewing restrictions	Removal of current condition on TIB licences i.e. ability for TIB to have non-indigenous crew (all fisheries)	TRLWG 4 (27-28 Aug 2015)	Last proposed for discussion at TRLWG 6 (25 26 July 2017). However, this item was not considered due to the early closure of the meeting (lack of quorum). Other Working Groups (Finfish Working Group on 16 17 March 2017 and Hand Collectables Working Group on 27 June 2017) have recommended further stakeholder consultation. Prioritised at TRLWG 11 - Part of the current review
	Primary/tender operations	Option for TIB primary vessels to carry any TIB registered dinghy at any time (not in a package)	TRLWG 4 (27-28 Aug 2015)	Proposal for TIB primary vessels to be endorsed to carry any TIB registered tender last considered at TRLWG 9 (19 February

		(applies to Finfish as well)	TRLWG 10 (12 Dec 2019)	2019). The TRLWG recommended a proposal be developed for PZJA consideration regarding this matter. Prioritised at TRLWG 11 - Part of the current review
		Strengthen requirements for tender boats to operate in conjunction with the corresponding primary boat	TRLWG 6 (25-26 July 2017)	Not Progressed Last proposed for discussion at TRLWG 6 (25 26 July 2017). However, this item was not considered due to the early closure of the meeting (lack of quorum).
	Requirement to hold a licence	TIB licenses to share common expiry (all fisheries)	TRLWG 4 (27-28 Aug 2015)	Last considered at TRLWG 4 (27 28 August 2015). The TRLWG recommended AFMA review the licencing dates and period for TIB and TVH sector licences as part of AFMA's 2016 administrative review of licencing processes – low priority. AFMA have scoped the implementation of a common expiry date for licences in the TRL Fishery, however administrative resources are not currently available to progress this matter further. The PZJA has approved the development of draft amendments to the <i>Torres Strait Fisheries Regulations 1985</i> to provide for all licences to be issued for up to 5 years.
		TIB licenses to be valid for 5 years (all fisheries)	TRLWG 4 (27-28 Aug 2015)	
	Requirement to hold unused quota units for a fishing season when taking TRL	No proposal to change		

Management measure	Controls	Changes proposed	Date Raised	Status
Monitoring requirements	Catch reporting	Pursuing Act amendments to make the completion of daily fishing logbooks by the TIB sector mandatory		Ongoing. AFMA is still progressing legislative amendments to the Act.
	Vessel Monitoring System (VMS) for primary and carrier vessels	Consideration of VMS units on all tenders and dinghys to improve spatial data	TRLRAG Data Sub-group (18 June 2019)	Not progressed.
Output controls	Total allowable catch for each fishing season	No proposal to change	n/a	n/a
	Weight conversion factor for processed TRL (2.677)	No proposal to change	n/a	CSIRO is looking to undertake some sampling work to review morphometrics of TRL as part of the current TRL research project (2021/0816)
	Size restrictions, minimum tail size of 115 mm or minimum carapace length of 90 mm	No proposal to change	n/a	n/a

Objectives under the *Torres Strait Fisheries Act 1984*

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

- (a) to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing;*
- (b) to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone;*
- (c) to adopt conservation measures necessary for the conservation of a species in such a way as to minimise any restrictive effects of the measures on traditional fishing;*
- (d) to administer the provisions of Part 5 of the Torres Strait Treaty (relating to commercial fisheries) so as not to prejudice the achievement of the purposes of Part 4 of the Torres Strait Treaty in regard to traditional fishing;*
- (e) to manage commercial fisheries for optimum utilisation;*
- (f) to share the allowable catch of relevant Protected Zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty;*
- (g) to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants.*

TRL Fishery Management Objectives

In 2005–06, the Tropical Rock Lobster Working Group recommended new management objectives which were adopted by the Protected Zone Joint Authority (PZJA). These objectives are:

- a. to maintain the spawning stock at levels that meet or exceed that required to produce the maximum sustainable yield;
- b. in accordance with the TS Treaty, to protect the traditional way of life and livelihood of Traditional Inhabitants, particularly in relation to their traditional fishing for TRL;
- c. to provide for the optimal utilisation, co-operative management with Queensland and PNG and for catch sharing with PNG;
- d. to monitor interactions between the prawn and lobster fisheries;
- e. to maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment;
- f. to promote economic development in the TS area with an emphasis on providing the framework for commercial opportunities for Traditional Inhabitants and to ensure that the opportunities available to all stakeholders are socially and culturally appropriate for the TS and the wider Queensland and Australian community; and
- g. to optimise the value of the fishery.

Expansion in the fishery is limited to Traditional Inhabitants so as to maximise their opportunities.

The PZJA has imposed licensing provisions to prevent the growth of the non-Islander sector, both in terms of fishing capacity (boat replacement policy) and the containment of licence numbers. There is also a ban on trawlers taking lobster to prevent pressure on the lobster resource from the prawn trawling fleet

Table 3. Summary table of community views on each proposal. For further detail on the discussions at each community meeting please refer to the draft report provided at Attachment 4f.

Community	Date Visited	Proposals 1 and 2	Proposal 3	Proposal 4	Proposal 5
Masig	13 June 2022	General support – would provide the opportunity to access the main TRL fishing grounds.	Not considered a priority for discussion at the meeting.	Not considered a priority for discussion at the meeting.	Not considered a priority for discussion at the meeting.
Erub	15 June 2022	Supportive in principle, subject to operators adhering to local lore.	General lack of support	Not supported	Not supported
Mer	16 June 2022	Supportive in principle, subject to fishers respecting traditional boundaries	Supportive if it assists TIB vessels to operate – however training permits and training opportunities already exists separate to this proposal	Not supported at this time, but agree that could be revisited in three years time as per TRL Industry Workshop views	Not supported.
Poruma	24 June 2022	Concerns about potential increases in fishing effort on Poruma reefs with little benefit to the Poruma community.	Not supported.	Not supported at this time, but not to be ruled out entirely.	Not supported.
Warraber	22 June 2022	Not supported – general consensus that the proposal would not benefit Warraber fishers	Not supported at this time – not considered to benefit the Warraber community	Participants considered this should be revisited in three years time.	Not supported.

Community	Date Visited	Proposals 1 and 2	Proposal 3	Proposal 4	Proposal 5
Kubin Village	28 June 2022	General support for the flexibility and increased opportunity.	General support to help with TIB capacity development and increased TIB sector catch. Some concerns about non-traditional inhabitant fishers taking traditional knowledge.	Not supported.	Not supported.
St Paul's Community	29 June 2022	General support, including move on provisions.	Not supported.	Not supported.	Not supported.
New Mapoon	5 July 2022	Refrained from expressing or support or otherwise. Concerns raised about unsustainable fishing practices and monitoring/enforcement.	Supportive for non-traditional inhabitants if accepted family or community members only.	Not supported.	Not supported.
Bamaga	5 July 2022	No community members attended.			
Injinoo	6 July 2022	No firms either way.	No firm views either way.	Not supported.	Not supported.
Waiben, Muralag, Ngurupai & Kiriiri	12 July 2022	Generally supportive, but not of move-on provisions. Concerns raised about logistics in seeking permission to enter various waters within the fishery.	Not supported.	Not supported.	Not supported.

Community	Date Visited	Proposals 1 and 2	Proposal 3	Proposal 4	Proposal 5
Badu	14 July 2022	Supportive of the proposals but not of the suggestion for permissions to be sought.	General support, but without a boat length limit.	Not supported.	Not supported.
Dauan	15 July 2022	Broad support, with agreement that seeking permission is an important courtesy under customary law.	Not supported, as seen to be inconsistent with intention behind proposals 1 and 2. Not to be revisited.	Not supported at this time.	Not supported.
Saibai	26 July 2022	Supported.	General support.	Not supported in the short term.	Not supported.
Boigu	27 July 2022	Generally supportive noting the intention to increase participation in the fishery.	Supportive of the feedback from the TRL Industry Workshop (revisit in 3 years time)	To be revisited in the future.	Not supported.
Iama	7 Sept 2022	No firm views either way but could see merit and future benefit to Iama.	Not supportive.	Not supported.	No views expressed.
Mabuyag	8 Sept 2022	Broad support.	Agreement with the views of the TRL Industry Workshop, expressing concern of potential ramifications.	Not supported.	Not supported.
Ugar	-	Community unavailable			



Australian Government

Australian Fisheries Management Authority

Tropical Rock Lobster Industry workshop on reviewing management controls

26-27 July 2021, Horn Island

**Final summary report and
outcomes**



TRL Industry Workshop Participants, 27 July 2021

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Executive summary of recommendations for the TRL Fishery

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)

- There was broad support for a mothership operation that can tow any dinghy, provide accommodation to fishers, and supply fuel and other supplies to fishing boats, in the traditional inhabitant sector only.
 - This was supported in the context of improved safety for fishers and with the view that it would help increase participation in the TRL fishery by providing newcomers to the fishery an additional opportunity to access the fishery.
- Participants from Kulgalgal were supportive of the proposal, subject to conditions. For example seeking permissions to access lands/waters and move on provisions for primary boats.
- Participants noted that there may be implications for Australian Maritime Safety Authority survey requirements
- Support for the need to establish indicators (increased participation in the fishery, and the TIB sector catching an increased proportion of their TAC) to monitor whether the changes help meet the objectives of the proposal.
- Participants noted that this may require 3-5 years to measure because participation may be reduced in years when catch rates are lower, therefore requiring more time to understand the effects of the proposal.

Proposal 3 – Ability to employ non-traditional inhabitants on TIB vessels (only boats over 10m in length, and a maximum of 2 non-traditional inhabitants per boat)

- Not supported at this time
- Industry would prefer to implement Proposals 1 and 2 first, noting that these are hoped to help increase employment opportunities and participation in the TIB sector.
- Recommended that Proposal 3 be revisited in three years time, after the effectiveness of Proposals 1 and 2 is reviewed.
- If supported in three years time, some participants expressed a strong preference for:
 - It to only be permitted as a one-year trial
 - opportunities could be limited to skippers and engineers only (not divers).
- TVH fishers were sympathetic to TiB primary boat operators who were unable to operate efficiently because of crew shortages.

Proposal 4 – Removal of the boat length replacement policy in the TVH sector

- Traditional inhabitant sector participants expressed in-principle support for removing the policy, but not in the short term because:
 - the quota management system is still relatively new, and with Zenadth Kes Fisheries Limited newly formed the TIB sector is entering a new era;
 - the TIB sector still aspires to 100 per cent ownership of access to the TRL Fishery; and
 - Traditional inhabitant fishers (in particular, smaller dinghy operators) are concerned with the potential for larger boats to increase their localised fishing effort on reefs, and stay on the grounds longer, despite TVH quota units or tender numbers

remaining capped. The impact of large primary boats fishing on the ability for smaller operators to access the fishery remains an ongoing concern of many traditional inhabitant operators.

Proposal 5 – Removing and/or amendment of the hookah gear possession requirements either side of the moontide hookah closures

Suggestions made by TVH operators for amendments to the current arrangements included:

- Creating provisions that allowed for transiting to the fishing grounds before the hookah season re-opened. AFMA advised that in the absence of implementing Vessel Monitoring Systems (VMS) on all boats (primary boats and dinghies), this would be a complex arrangement to enforce.
- Bringing the closure forward by 12 hours, allowing boats to leave port from midday, rather than midnight.
- Allowing the compressor unit to remain stowed in dories, and only having to remove the hookah hoses whilst in Port.

Other traditional inhabitant sector participants were supportive of keeping the arrangements unchanged.

Next steps

- August 2021 – Updating the TRL Working Group on the outcomes of the industry workshop
- November 2021 – Reporting the outcomes of the industry workshop to the PZJA
- Early 2022 –
 - Community consultations planned, joined by PZJA Traditional Inhabitant members
 - Consultation with Native Title Bodies
- Report the outcomes of the community consultation back to the TRL Working Group
- Seek PZJA approval on final arrangements and implement

Introduction

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. The proposals were originally tabled by TRL Working Group industry members. Broader industry views were sought to help refine the proposals and guide further advice before making any recommendations to the PZJA on industry wide/public consultation.

The workshop provided an opportunity for industry members to:

- listen to and understand each other's views in relation to reviewing management controls in the fishery;
- put forward other proposals relevant to the TRL fishery for discussion; and
- consider, discuss and assess potential benefits and/or impacts of each proposal and how they align with the objectives and policies of the Fishery, or the aspirations of industry.

AFMA worked with PZJA TRL Working Group and Resource Assessment Group (RAG) traditional inhabitant and industry members to nominate and invite additional industry members to attend the workshop. A complete list of workshop participants is provided in **Attachment A**. The workshop was co-chaired by Mr John Glaister, Chair of the TRL Working Group and Mr Yen Loban, Chair of the Zenadth Kes Fisheries Limited Board, TSRA Fisheries portfolio member and Board Member for Muralag and Ngurapai.

Workshop participants were provided with a draft agenda (**Attachment B**) and a discussion paper (**Attachment C**) on 7 July 2021 to help guide discussions during the workshop.

A copy of the final workshop presentation slides is also included at **Attachment D**.

Workshop overview

AFMA provided a brief overview on the process undertaken to date to progress a review of management controls in the Fishery. The workshop noted that:

- 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 workshop).

Guidance for reviewing management controls

The workshop noted the AFMA recommended guidance for reviewing management controls, which included:

- a) Reflecting on the objectives and policies of the Fishery and the *Torres Strait Fisheries Act 1984* (the Act), and how the application of different management policies and arrangements has given rise to different operational characteristics for the different fishery sectors. In particular:
 - i. On average, from the 2017-18 fishing season to the 2019-20 fishing season, the top 20 highest catching TIB operators have caught 55% of the total TIB catch.
 - ii. On average in the same period, the TIB sector has caught 68% of their TAC.
- b) Considering a long-term vision for the fishery;
- c) Defining what the issues are, and the reasons why certain rules need to change;
- d) Assessing the benefits and impacts of potential changes against the fishery objectives, policies and industry aspirations; and
- e) Considering any implications for implementation.

Vision for the Fishery

Having regard to the objectives for the Fishery, workshop participants were asked to consider what they want the TRL Fishery to look like in the long term. The following suggestions were put forward:

- Having a fishery that is 100% owned, operated and managed by traditional inhabitants
- Ensuring the fishery has a reliable source of TRL stock
 - This stemmed from concerns that additional research needs to be undertaken to better understand the level of larval connectivity between the East Coast stock and the Torres Strait.
- Implementing a four year hookah ban
- Ensuring the Traditional Inhabitant sector Total Allowable Catch (TAC) is fully caught
- Implementing a 10 tonne individual quota allocation for every licence holder in the Traditional Inhabitant sector
- Providing opportunities for increased participation and newcomers into the fishery.

Discussions on each proposal

AFMA provided a brief overview and background on each proposal put forward by TRL Working Group industry members. Workshop participants then split into smaller breakout groups to discuss each proposal in more detail and report their discussion outcomes back to the broader group. A summary of the discussions on each proposal is provided below.

Proposal 1 – Flexibility to tow tenders un-associated with the primary vessel (within survey limits)

Workshop participants agreed that this proposal should only apply to the traditional inhabitant sector, which was also supported by participants in the TVH sector. Both breakout groups were supportive of the opportunity to have flexibility in towing arrangements for either the purpose of simply transiting to the fishing grounds, or having other licenced dinghies working in conjunction with the primary boat. Flexibility was supported in the context of improved safety for fishers and with the view that it would help increase participation in the TRL fishery by providing newcomers to the fishery an additional opportunity to access the fishery. All participants expressed support for even greater flexibility to allow primary boats to also be able to buy/receive product from other fishing boats and accommodate fishers (linked to Proposal 2).

One breakout group with participants from Kulkalgal nation expressed support for the proposal, subject to certain conditions. For example, seeking permission to enter waters, or land, and move on provisions for primary boats. The workshop noted that any such conditions need to be further discussed amongst communities and industry operators.

Workshop participants also acknowledged that the proposal may have implications for requirements imposed by the Australian Maritime Safety Authority (AMSA) and requested that AFMA alert AMSA to the proposal.

Proposal 2 – Flexibility for carrier boats to provide accommodation, fuel and towing services to dinghy operators

This proposal was not discussed separately as it was included as part of Proposal 1, culminating in broad support by most traditional inhabitant participants, and conditional support from Kulkalgal industry participants, for a mothership operation that can tow any dinghy, provide accommodation to fishers, and supply fuel and other supplies to fishing boats, in the traditional inhabitant sector only.

Proposal 3 – Ability to employ non-traditional inhabitants on TIB vessels (only boats over 10m in length, and a maximum of 2 non-traditional inhabitants per boat)

Most workshop participants were not supportive of allowing the employment of non-traditional inhabitants on traditional inhabitant boats. Both TIB and TVH participants were cautious about the impacts Proposal 3 could have on the fishery, including:

- it being a mechanism for non-traditional inhabitants getting traditional inhabitant sector catch 'by stealth';
- any benefits not being distributed across the fishery, only advantaging certain individual licence holders; and
- it not aligning with the intention of proposals 1 and 2 to increase participation and efficiency of TIB fishers in the Fishery.

Some participants were supportive of providing TIB primary boat operators the opportunity and flexibility to employ non-traditional inhabitants, noting that it would assist the TIB sector in catching their TAC.

Industry members from the TVH sector noted that they too have similar challenges with recruiting crew and acknowledged that it is not an issue unique to the TIB sector. Despite this, traditional inhabitant sector participants expressed a preference to be able to train indigenous people to operate in the fishery, rather than recruit non-indigenous people to work in the industry. Participants requested that the Torres Strait Regional Authority provide some financial assistance to encourage young fishers and newcomers to the industry.

TIB participants from both breakout groups expressed a preference to implement Proposals 1 and 2 first, noting that these are likely to help achieve the objectives of the fishery and increase employment opportunities/ participation in the fishery. It was recommended that Proposal 3 be revisited in three years time, after the effectiveness of Proposals 1 and 2 is reviewed. If the ability to employ non-traditional inhabitants was supported by industry in three years time, some participants expressed a strong preference for it to only be permitted as a one-year trial. It was also suggested that if non-traditional inhabitants were to be reconsidered as crew on board TIB vessels in three years time, that employment opportunities could be limited to skippers and engineers only (not divers).

Proposal 4 – Removal of the boat length replacement policy in the TVH sector

Workshop participants noted that licence holders in the TVH sector are subject to the boat length replacement policy which limits the size in which existing boats can be replaced.

Participants from the TVH sector advised that while all other rules for the fishery between the two sectors are the same, this policy seems unfair. Being able to operate from a larger boat would provide several benefits, including:

- the flexibility to carry product in on-board live tanks, and still tow cages in slow seasons, providing for improved product quality and therefore maximised value of limited quota units; and
- improved safety in steaming to and from the fishing grounds; and
- the ability to safely steam to the East coast and access the Queensland TRL Fishery.

Acknowledging the safety concerns and the desire to improve product quality, traditional inhabitant sector participants expressed in-principle support for removing the policy, but not in the short term because:

- the quota management system is still relatively new, and with Zenadth Kes Fisheries Limited newly formed the TIB sector is entering a new era;
- the TIB sector still aspires to 100 per cent ownership of access to the TRL Fishery; and
- Traditional inhabitant fishers (in particular, smaller dinghy operators) are concerned with the potential for larger boats to increase their localised fishing effort on reefs, and stay on the grounds longer, despite TVH quota units or tender numbers remaining capped. The impact

of large primary boats fishing on the ability for smaller operators to access the fishery remains an ongoing concern of many traditional inhabitant operators.

Workshop participants acknowledged the need for further discussions amongst industry to try and manage the interaction of larger primary boats with smaller operators and participants from the traditional inhabitant sector suggested the proposal to remove the policy should be revisited again in three years time, along with Proposal 3.

Proposal 5 – Removing and/or amendment of the hookah gear possession requirements either side of the moontide hookah closures

Workshop participants noted that the current arrangements for the possession of hookah gear during a moontide hookah closure were strengthened in 2018-19 in response to stakeholder concerns that fishing boats were steaming out to the fishing grounds early, before a hookah closure ended. The current arrangements under the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018* stipulate that a person is prohibited from using, or having in his or her possession, or under his or her control, any quantity of hookah gear on a boat in the TRL fishery during a moontide hookah closure. AFMA noted that under the definition of ‘fishing’ in the Act, steaming out to the fishing grounds and searching for fishing grounds were all considered ‘fishing’ and therefore undertaking those activities with hookah gear on board is prohibited.

Some TVH operators advised that while they were supportive of the moontide hookah closures generally, the possession restrictions resulted in additional lost days fishing, and bottlenecks at processing plants during unloads. Suggestions made by TVH operators for amendments to the current arrangements included:

- Creating provisions that allowed for transiting to the fishing grounds before the hookah season re-opened. AFMA advised that in the absence of implementing Vessel Monitoring Systems (VMS) on all boats (primary, tenders and dinghies), this would be a complex arrangement to enforce.
- Bringing the closure forward by 12 hours, allowing boats to leave port from midday, rather than midnight.
- Allowing the compressor unit to remain stowed in dories, and only having to remove the hookah hoses whilst in Port.

Other traditional inhabitant sector participants were supportive of keeping the arrangements unchanged.

Other issues

Policy on granting of carrier licences

AFMA provided an overview of the current carrier licence policies and noted that some policies are lacking guidance and specificity, which presents challenges with implementation.

Workshop participants noted that there are three types of carrier licences:

- **Carrier A** – which authorise a primary boat to carry and process catch from its tenders that are part of the boats licence package.
- **Carrier B** – which authorise a boat to carry (but not to process) the catches of other fishing boats.
- **Carrier C** – which authorise a boat to carry and process catch of other fishing boats, however the carrier boat may not be used to tow fishing boats or accommodate fishers.

In line with PZJA policy, new carrier A or C licences are only to be granted to traditional inhabitants. New Carrier B licences can be granted to traditional inhabitants, or 'legitimate' cargo boats.

Noting that there is little guidance in the policy relating to the definition of a cargo boat, AFMA sought the preliminary views of industry participants on:

- What constitutes a 'legitimate cargo boat'; and
- Whether Carrier B licences should be granted to non-traditional inhabitants operating a cargo boat.

Workshop participants expressed support for new carrier B licences on cargo boats to be granted to traditional inhabitants in the TRL fishery only and are concerned that the policy could otherwise allow more non-traditional inhabitants access to the fishery, which in turn could limit future opportunities for traditional inhabitants.

Participants also expressed concerns that in the absence of a clear definition for 'cargo boat', new cargo boat operations or vessels with existing Carrier B licences could start deviating from their scheduled routes, and enable more boat-to-boat transfers of TRL. This could in turn, provide an advantage to large primary boat operators and exacerbate the impacts of large primary boats staying out on the fishing grounds for longer or smaller dinghy operators fishing out of communities. One suggestion to mitigate this risk was to impose conditions that required 'cargo boats' to adhere to a scheduled route.

AFMA also queried industry on their general understanding of whether a carrier licence is required for a boat that is transporting product that has already been landed by a licenced fish receiver at a land based facility. Participants advised that when product is unloading from a fishing boat, to land based receiver, and then on to a boat/Sea Swift/aircraft, then a carrier licence would not be required for the final transfer to a boat/Sea Swift/aircraft. However, if a fishing boat is unloading catch to another boat, then a carrier licence would be required.

Acknowledging the complexities of the carrier licence policies, and that additional discussions need to be had with regard to other Torres Strait fisheries, TRL industry participants were supportive of seeking a PZJA decision to implement a moratorium on the granting of any new Carrier B licences until a clear policy position can be developed. AFMA advised that this issue will be discussed in more detail through the TRL, Hand Collectables and Finfish Working Groups in session.

Finfish Western Line Closure

A workshop participant raised the issue of removing the Western Line Closure in the Torres Strait Finfish Fishery and sought the support of the TRL industry workshop participants to remove the closure.

The Western Line Closure (**Attachment E**) is an historic spatial closure in the Finfish Fishery west of 142° 32'E longitude that prohibits commercial fishing for reef line species by line methods. The closure affects all TIB licenced fishers who fish commercially for finfish species under a reef-line (LN) endorsement. Western communities including Boigu, the western half of Dauan, Mabuiag, Badu, Moa, Keriri, Ngurupai, Muralag and Waiben lie within the closure.

The current proposal is to only remove the Western Line Closure north of the Seabed jurisdiction line under the *Torres Strait Treaty*, just south of Buru (Turnagain Island). Workshop participants expressed general support for the closure to be removed in this specific area to provide an opportunity for Gudumaluygal communities to access the reef line fishery. AFMA advised that this issue is being progressed through the Finfish RAG and Working Group and will be included as part of community consultations in the Top Western communities being undertaken in early 2022.

Next steps

Workshop participants noted the next steps and timelines to progressing the five proposals:

- August 2021 – Updating the TRL Working Group on the outcomes of the workshop
- November 2021 – Reporting the outcomes of the workshop to the PZJA
- Early 2022 –
 - Community consultations planned, joined by PZJA Traditional Inhabitant members
 - Consultation with Native Title Bodies
- Report the outcomes of the community consultation back to the TRL Working Group
- Seek PZJA approval on final arrangements and implement

The workshop was closed in prayer at 12:30pm on Tuesday 27 July 2021.

Attachment A – Participant list

Name	Position
John Glaister	Workshop Co-Chair
Yen Loban	Workshop Co-Chair
Patrick Mills	TRLWG traditional inhabitant member – Kaiwalagal
Aaron Tom	TRLWG traditional inhabitant member – Gudumaluylgai
James Ahmat	TRLWG traditional inhabitant member – Maluyilgal
Les Pitt	TRLWG traditional inhabitant member – Kemer Kemer Meriam
Trent Butcher	TRLWG industry member
Mark Dean	TRLWG industry member
Jerome Kalwij	TRLWG industry member
James Billy	TRLRAG traditional inhabitant member - Kulkalgal
Harry Nona	TRLRAG traditional inhabitant member - Kaiwalagal
Graham Hirakawa	TIB primary/tender operator
Kevin Sabatino Snr	TIB dinghy fisher
Edmund Tamwoy	TIB fish receiver/fisher
Ishmael Gibuma	TIB dinghy fisher
Tony Pearson	TIB dinghy fisher
Ken McKenzie	TVH primary/tender operator
Richard Takai	TIB dinghy fisher
Goiri Kaworo	TIB fisher/fish receiver
Ned Larry	TIB dinghy fisher
Phillip Billy	TIB dinghy fisher
Brett Arlidge	MG Kailis/Fish receiver/TVH licence holder
Johnny Baira	TIB dinghy fisher
Adrian Fay	TIB primary/tender operator
Titom Nona	TIB dinghy fisher
Mika David	TIB dinghy fisher
Charles David	TIB dinghy fisher
Daniel Takai	Chair of Zenadth Kes Fisheries Limited
Darren Dennis	TRLWG member
Selina Stoute	AFMA
Georgia Langdon	AFMA
Keith Brightman	TSRA
Quinten Hirakawa	TSRA

Attachment B – Workshop agenda

26 - 27 July 2021 | Agenda v2

Date:	26-27 July 2021
Venue:	Wongai Beach Hotel
Place:	Horn Island
Workshop Chairs	John Glaister and Yen Loban

Day 1: Monday 26 July 2021

08:30 am – 08:45am	Welcome <ul style="list-style-type: none">• Welcome address and acknowledgement of country• Opening prayer (TBA)
8:45 am – 09:00 am	Introduction and purpose of the workshop <ul style="list-style-type: none">• House keeping• Why are we here?
09:00 am – 10:00 am	How did we get here? <ul style="list-style-type: none">• Summary of how we got to the current 5 proposals for discussion. <p><i>Industry will have an opportunity to raise additional proposals for discussion</i></p>
10:00 am – 10:15 am	Morning Tea (15 mins)
10:15 am – 12:00 pm	Guidance for reviewing management controls <ul style="list-style-type: none">• Review objectives and policies of the Fishery• Vision for the Fishery (group discussion)<ul style="list-style-type: none">○ What do you want the TRL fishery to look like in the future?○ What do you want out of the fishery?• Defining the issues/problems• Assessing the benefits/impacts of changing the rules• How will the changes be implemented?
12:00 pm – 1:00 pm	Lunch (1 hr)
1:00 pm – 2:30 pm	Break-out group session 1: <ul style="list-style-type: none">• industry discussion on selected proposals• Report back to the group on break-out session 1
2:30 pm – 2:45 pm	Afternoon Tea (15 mins)
2:45 pm – 4:30 pm	Break-out group session 2: <ul style="list-style-type: none">• industry discussion on selected proposals• Report back to the group on break-out session 2
4:30 pm – 5:00 pm	Recap of Day 1 Plan for Day 2 outlined

	Meeting close
6:00 pm	Workshop dinner
Day 2: Tuesday 27 July 2021	
08:30 am – 9:30 am	Welcome back to Day 2 Recap from Day 1
9:30 am – 10:30 am	Break-out group session 3: <ul style="list-style-type: none"> industry discussion on benefits/impacts of selected proposals Report back to the group on break-out session 3
10:30 am – 10:45 am	<i>Morning Tea (15 mins)</i>
10:45 am – 12:00 pm	Break-out group session 4: <ul style="list-style-type: none"> industry discussion on benefits/impacts of selected proposals Report back to the group on break-out session 4
12:00 pm – 1:00 pm	<i>Lunch (1 hour)</i>
1:00 pm – 2:00 pm	Additional time to continue discussions on proposals if required.
2:00 pm – 3:00 pm	Next steps Outline of next steps to progress proposals
3:00 pm – 3:15 pm	<i>Afternoon Tea (15 mins)</i>
3:15 pm – 3:30 pm	Closing remarks and meeting close

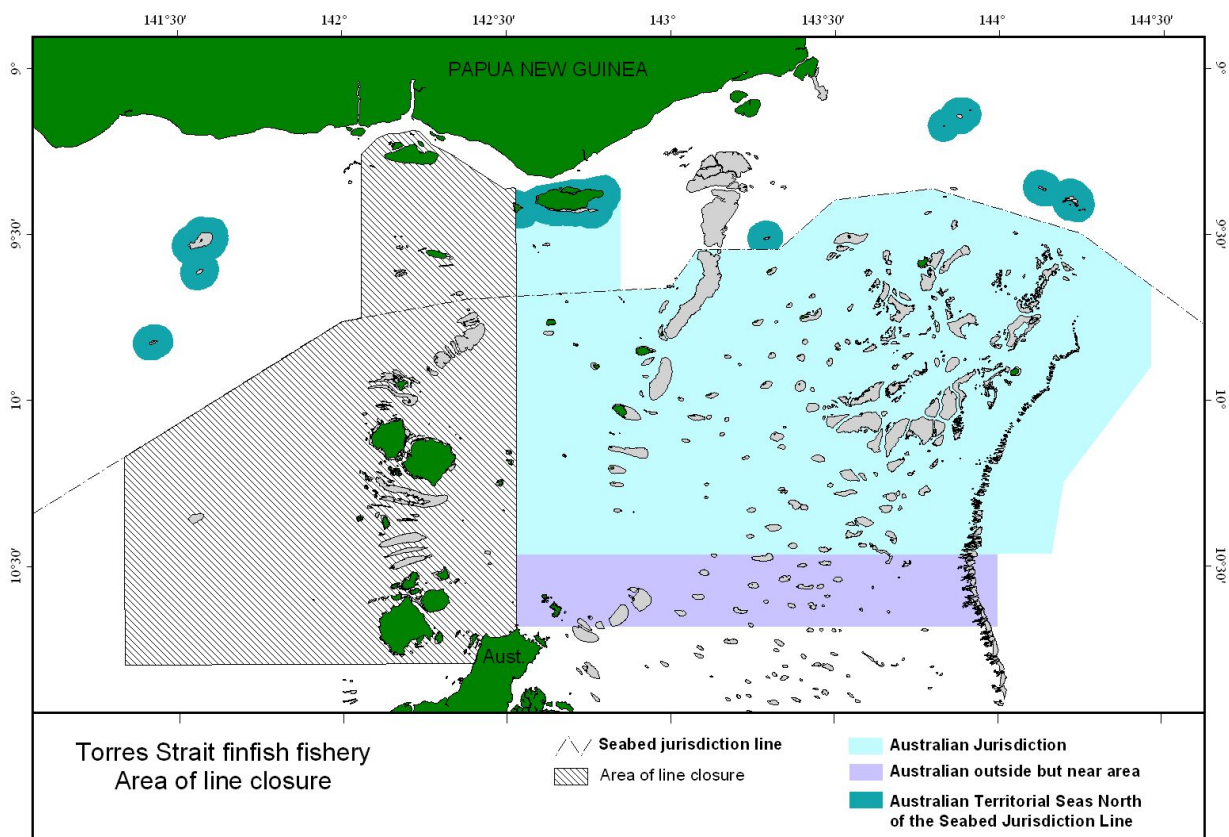
Attachment C – Discussion paper

(provided separately)

Attachment D – Workshop presentation

(provided separately)

Attachment E – Map of Western Line Closure





Australian Government

Australian Fisheries Management Authority

Outcomes of community visit discussions on a review of management controls in the TRL Fishery

June – September 2022



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Introduction

This report summarises the discussions and views expressed at each community meeting on a review of management controls in the TRL Fishery. At the time of writing, community meetings had not taken place at Ugar due to unavailability. There were no attendees at the Bamaga meeting held on 5 July 2022.

Background

In recent years, the TRL industry (both TIB and TVH) has expressed a desire to see a review of certain of management controls currently applied to the TRL Fishery, some of which are longstanding issues that have been raised, not only in the Working Group forum. Prior to the quota system being implemented, at its meeting on 26 November 2018 the Protected Zone Joint Authority (PZJA) reaffirmed existing management controls currently applied to the TRL Fishery. The TRL fishery has since been operating under the quota system for almost four fishing seasons. It is timely now that AFMA, in conjunction with the TRL Working Group and industry stakeholders, discuss and provide advice to the PZJA on the need or otherwise to review certain management controls. At their meeting on 17 December 2020, the TRL Working Group considered and discussed a range of proposals for change that had been tabled in the WG over the past five years. Industry members were given the opportunity to identify their priorities for the fishery. Industry members recommended five proposals to be explored further with industry stakeholders.

A TRL Industry Workshop was held on 26-27 July 2021 at Horn Island and was convened to seek broader TRL industry views on five proposals to change management controls in the TRL fishery as originally tabled by TRL Working Group industry members. Broader industry views were sought to help refine the proposals and guide further advice before making any recommendations to the PZJA on industry wide/public consultation.

The workshop provided an opportunity for industry members to:

- listen to and understand each other's views in relation to reviewing management controls in the fishery;
- put forward other proposals relevant to the TRL fishery for discussion; and
- consider, discuss and assess potential benefits and/or impacts of each proposal and how they align with the objectives and policies of the Fishery, or the aspirations of industry.

An overview of each proposal as discussed by the workshop participants and presented to communities is outlined below.

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

- to apply to the TRL TIB sector only (not TVH)
- flexibility would support:
 - towing fishers to fishing grounds

- allowing other licenced dinghies working in conjunction with a primary boat
 - improved safety
 - increased participation in the fishery
- Industry workshop participants from Kulkalgal nation supportive of proposal but wished to further discuss possible terms for fishers wanting to operate in Kulkalgal waters (not to be enforced via TIB licence conditions).
 - For example: seeking permission or providing prior notice of intentions to fish

Proposal 3: Ability to employ non-traditional inhabitants on TIB vessels

- Initial suggestion was to be applicable only on boats over 10m in length; and
- With a maximum of 2 non-traditional inhabitants per boat

Workshop participant views in supportive of the proposal:

- Would help the TIB sector catch more of their TAC

Workshop participant views not in support of the proposal:

- Benefits would not be equally distributed and only certain individuals would benefit
- Doesn't align with the intention behind Proposals 1 and 2 to increase participation and efficiency of the TIB sector

Overarching workshop participant view was:

- a preference to implement Proposals 1 and 2 first to help achieve the objectives of increased participation and employment opportunities for the TIB sector;
- possible revisit proposal 3 in three years time after the effectiveness of Proposals 1 and 2 can be reviewed;
- if proposal 3 is still supported at that time, then suggest trialling for 1 year only; and
- further suggestion to limit the scope to skippers and engineers (not divers).

Proposal 4: Removal of the TVH boat length replacement policy

- This policy is intended to limit the size in which existing TVH boats can be replaced (only within a certain size range)
- TVH views on larger boat benefits:
 - Carry produced on-board in live tanks which improves product quality and maximise value
 - Improved safety of operations
 - Travelling to and from fishing grounds
 - Access to Queensland East Coast TRL fishery
- TIB industry workshop participants expressed in-principle support (however not in the short term) because:
 - The TRL quota system is still relatively new and industry are adjusting
 - Zenadth Kes Fisheries is newly formed
 - Ongoing TIB aspirations of 100 per cent ownership of access to the TRL fishery

- TIB sector concerns over the increase localised impact of bigger boats on reefs (competing with dinghy operators)
 - Bigger boats can stay on the fishing grounds longer
- Suggestion for proposal to be revisited again in three years time (along with Proposal 3).

Proposal 5: Remove or amend the hookah gear possession requirements either side of the moontide hookah closures

- The current hookah gear possession regulations were strengthened in 2018-19 due to concerns over boats steaming out to the fishing grounds early.
- TVH operators consider the tightened requirements result in lost days fishing and bottlenecks during unloads.
- Suggested amendments to the current management arrangements include:
 - Provisions that allow transition to the fishing grounds before the hookah reopens
 - AFMA advice is that without vessel monitoring systems (VMS) on all boats (dinghies, tenders and primary boats) this would be difficult to enforce.
 - Bring the closure forward by 12 hours – leaving port at midday, rather than midnight
 - Allow the compressor unit to remain stowed in tenders and only be required to remove hookah hoses while in port.

Masig (Yorke Island)

Date	13 June 2022
AFMA Staff	Emma Freeman, Senior Manager Danait Ghebregabhier, Senior Management Officer Lisa Cocking, Senior Management Officer Madelaine Crowden, Fisheries Officer Chris Boon, Senior Management Officer
Attendance List	Refer to Table 1

Proposals 1 and 2

Meeting participants supported this proposal to give greater flexibility to TRL operators to tow un-associated tenders. It was agreed that it would make operations safer and more comfortable if fishers were able to utilise a primary vessel for transport and accommodation. As Masig is also a major BDM fishing community, participants expressed interest in having these rules also apply to the BDM fishery. AFMA confirmed that these proposals would only apply to the TRL fishery.

Participants were also supportive of the additional conditions that were suggested for consideration by Industry participants at the workshop as follows:

move-on provisions - note that move-on provisions were discussed in the context of managing and mitigating the impacts of the high concentration of effort that could potentially occur if this proposal is implemented. Participants suggested that:

- Primary vessels move on every 3-4 days and a specific move-on distance should be stipulated.
- there be limits on hookah diving days or areas so as not to disadvantage free divers.

Participants stated that this proposal will give Masig fishers the option to fish using hookah as they are not allowed to do so in the eastern region. Participants reiterated that, if this proposal is implemented, Primary boats should not fish in eastern regions where diving using hookah is currently not allowed.

Participants also raised the importance of fishers seeking permission to enter local waters. While it was widely agreed to support the proposal in theory, it was agreed that seeking permission should be respected.

A community member met with AFMA staff at Masig on the 14th of June, as they could not attend the previous day. This community member expressed that this could be a good proposal, and that he would support it if the Masig community also supported it. However, if Masig did not support this proposal then they would accept the position of the community.

This community member believes that this proposal may open up an opportunity which benefits one community more than another, possibly creating inequity. They commented that if move-on provisions are enforceable then this would be a good idea. If so, keeping this provision to a 3-4 day

range on reefs would be preferable. They did not agree with the seeking permissions as this is not enforceable.

Proposal 3

Participants did not consider this proposal a priority for discussion, instead electing to discuss other matters.

The community member on 14 June commented that this could open opportunities for traditional inhabitants for training in roles such as skippers or engineering. AFMA clarified that training opportunities are already available through a training/development permit.

Proposal 4

Participants did not consider this proposal a priority for discussion, instead electing to discuss other matters.

Proposal 5

Participants did not consider this proposal a priority for discussion, instead electing to discuss other matters.

Erub (Darnley Island)

Date	15 June 2022
AFMA Staff	Emma Freeman, Senior Manager Chris Boon, Senior Management Officer Danait Ghebregabhier, Senior Management Officer
Attendance List	Refer to Table 2

Proposals 1 and 2

Meeting participants were supportive of these proposals in principle, however it was strongly expressed that such operations would need to broadly adhere to local lore regarding permissions to enter waters and land. Further to this, participants agreed that such primary operations should not be permitted to operate in Kemer Kemer Meriam waters. This was due to concerns of increased fishing pressure on local reefs.

It was agreed that this proposal would not be of immediate benefit to the industry at Erub, due to an absence of primary fishing vessels based in this community. Participants acknowledged however that these proposals could be of benefit in future should a primary vessel operation be established at Erub.

Participants expressed their comments regarding all five proposals should be regarded as 'feedback', rather than a yes/no commitment from the Erubam community.

Proposal 3

Meeting participants were generally opposed to this proposal. While there was acknowledgment that this would potentially allow for upskilling and a good employment option for non-indigenous locals, these benefits are outweighed by the lack of understanding of local laws and possible risk of unauthorised sharing of traditional knowledge. A recent incident involving the filming of a dugong catch was cited as an example.

Participants were of the view that there are plenty of opportunities for locals to be trained up as skippers and engineers and the uptake of those opportunities should be prioritised first.

Proposal 4

Meeting participants were opposed to this proposal and expressed concern that this could result in stock depletions in certain areas. These concerns mirrored those raised against proposals 1/2, whereby the perceived risk of intense fishing pressure on a single reef. Participants noted however that larger primary vessels would not result more tenders per primary operation.

Participants were of the view that bigger, more efficient boats, should pay more licencing fees. This proposal could potentially result in an uneven playing field (or exacerbate an existing one) and is

of limited benefit to the TIB sector and its aspirations for 100% ownership. Some participants felt that the removal of this policy would result in a compliance risk but did not elaborate

Proposal 5

Meeting participants opposed each of the three components of this proposal. The general agreement was that the current arrangements are in place to ensure that no individual operators gain an unlawful advantage over other fishers. The potential benefits of such proposals to provide greater flexibility either side of the hookah closure could not justify the compliance risks which they could create.

Participants agreed that while the provision to allow the compressor unit to stay onboard would offer a convenience, it was agreed that the risk of illegal fishing outweighed this convenience. Participants raised concerns about potential past and future offending relating to vessels using hookah gear out-of-season.

Mer (Murray Island)

Date	16 June 2022
AFMA Staff	Emma Freeman, Senior Manager Chris Boon, Senior Management Officer Lisa Cocking, Senior Management Officer
Attendance List	Refer to Table 3

Proposals 1 and 2

The attendee was supportive of this proposal in principle, but only if fishers respected traditional boundaries.

Proposals 3

The attendee supported this proposal if it assists TIB vessels to operate, and support training. AFMA clarified that there is currently a training permit system available if non-traditional inhabitants crew are required strictly for training purposes.

Proposals 4

Did not support this proposal at this time, but agreed with workshop comments that this could be revisited in 3 years time.

Proposals 5

The attendee did not support this proposal, as the compliance risk is too great.

Warraber (Sue Island)

Date	22 June 2022
AFMA Staff	Chris Boon, Senior Management Officer Lisa Cocking, Senior Management Officer
Attendance List	Refer to Table 4

Proposals 1 and 2

There was initially some confusion about whether it would apply to both TVH and TIB sectors. AFMA clarified it is proposed for TIB fishers only.

They noted the previous suggestions of a move on provision, and that 3 days may be a reasonable time for such a rule.

Meeting participants discussed different elements of the tender proposal and noted that there could be some benefits to a bigger boat being in the area, if they were willing to take a Warraber boat with them, however noted that this isn't something that AFMA would be able to enforce. Participants noted that such an agreement may also be complex to manage, as how would the community decide which local vessels boats would get to go out with the primary boat.

Given these discussions, there was general agreement that this proposal would be no benefit to the Warraber community, and potentially negatively affect them by non-Warraber fishers coming and fishing in their waters and sweeping reef beds. The proposal wasn't supported.

Proposal 3

AFMA explained the other views collected so far from the workshop on Horn Island, and in other communities.

The Warraber community noted that again they wouldn't really see a benefit in Warraber as there are no larger boats, and there are some concerns with allowing non-Torres Strait Islanders to work on these boats.

There was general agreement that proposal 3 is not supported at this time.

Proposal 4

AFMA explained that in this proposal, there would be no changes to the amount of quota a bigger boat holds, it just allows an operator to be more efficient, and potentially catch the quota more quickly, as they can hold more product and supplies on the boat.

The participants noted there is some risk of saying no to this request, as it may mean some TVH fishers will choose not to fish any more, which could reduce the infrastructure support or market access for the TIB sector, which is in part sustained by the TVH sector.

They agreed, as per suggestions in other meetings, to leave it for 3 years time before reviewing it as an option again.

Proposal 5

The general discussion resulted in participants recommending no change to the hookah rules, as there is too much risk that fishers will do the wrong thing, and fish early using hookah.

Poruma (Coconut Island)

Date	24 June 2022
AFMA Staff	Chris Boon, Senior Management Officer Lisa Cocking, Senior Management Officer
Attendance List	Refer to Table 5

Proposals 1 and 2

Many in the group were concerned with the larger boats and tenders coming and fishing their reefs, with little benefit to them.

The group raised some of the ongoing challenges around sea boundaries and Traditional Lore, noting the PBC board from Iama raised a desire to establish a system to manage fishing effort in Kulkalgal waters.

Participants questioned whether AFMA could do more to assist with enforcing sea boundaries. They voiced a desire for sea boundaries, and stated that when people want to fish within another community's waters, they need to seek permission.

AFMA clarified that it isn't currently possible for AFMA to enforce these sorts of rules. The participants noted that if island protocols cannot be enforced, then new rules such as those proposed are likely to bring more problems to the community, and therefore they are generally not supportive of it.

Proposal 3

The group noted that there are already provisions for people to apply for a training permit, to allow non-TIB fishers to provide training for TIB fishers, as skippers or such.

The participants noted that in the past, unfortunately this provision has been used as a loophole. There was one report (2-3 years ago) of a boat employing a non-Torres Strait Islander crew member under a training provision, however that person ended up diving for TRL, which was not allowed. There is concern this sort of thing could happen again.

AFMA agreed to flag the possible compliance risk associated with developmental permits, in order to see if there is scope for keeping a closer eye on these operators.

For the reasons stated above, participants were generally unsupportive of this idea.

Proposal 4

The group had little conversation around this, and agreed it isn't a good idea to implement this sort of rule now, but perhaps in future.

They noted they do need the TVH sector here, as they support the market keep going, so shouldn't rule this idea out entirely.

Proposal 5

One participant noted that the reason these hookah rules were brought in in the first place was because people were breaking the rules. So there is some concern that we will go backwards and introduce more risk again with a rule change like this.

The hookah gear ban gives time for locals to fish the waters around their community before other people come from further away to fish the area.

Kubin Village (Moa Island)

Date	28 June 2022
AFMA Staff	Chris Boon, Senior Management Officer Danait Ghebregabhier, Senior Management Officer
Attendance List	Refer to Table 6

Proposals 1 and 2

Meeting participants supported this proposal, with wide agreement that providing greater flexibility to primary vessel operations will assist the TIB sector in catching their allocation.

The workshop suggestion for a 'move-on' provision was not supported but agreed that seeking permissions should be adhered to. The TIB sector is already struggling to catch their allocation partly due to the distances they have to travel, and move-on provisions would hinder the sector in its attempt to maximize their catch in lieu of efficiency. Participants were of the view that TVH boats are already very efficient on a number of accounts including having more streamlined maintenance and servicing processes. It was widely agreed that if the cray have migrated onto a particular reef in good numbers, then fishers should not have to move away from these productive fishing grounds.

It was suggested that a policy be implemented in the sector that if fish are taken from another Nation's waters, then an amount of catch or payment should be given to the local PBC. "Permission is not enough" – traditional practice is to give back, rather than just take.

Proposal 3

Meeting participants were supportive of this proposal, as it would be good in developing the capacity of the TIB sector, and help the sector catch their allocation. Participants emphasised that the under-catch in TIB TAC is driven by lack of capacity rather than the market. The main advantages of this proposal would be better training, and increasing the TIB sector's catch. It was suggested that the main goal is to maximize catch through ZK Fisheries, to benefit the TIB sector as a whole.

It was suggested that it would benefit the TIB sector if non-TIB fishers could assist with diving training as well, not just vessel duties. AFMA clarified that non-TIB fishers can currently operate in the TIB sector in a training capacity under a training/development permit. Noting the potential benefits of this proposal to the TIB sector, participants felt that the workshop proposal to revisit it in three years was too long.

Participants voice one concern/disadvantage of this proposal, in that non-TIB fishers could leave the operation and take the traditional knowledge with them.

Proposal 4

Meeting participants supported the proposal from the workshop to not proceed with this proposal as TIB fishers do not currently have the option to fish in the Queensland East Coast TRL Fishery. It could only be supported if the TVH sector was to sell to ZK Fisheries a condition could be imposed to employ a certain percentage of TIB fishers in the operation.

Proposal 5

This proposal was not supported by participants. It was preferred to leave the rules the way they are to ensure compliance.

St Paul's Community (Mua Island)

Date	29 June 2022
AFMA Staff	Christopher Boon, Senior Management Officer Danait Ghebregabhier, Senior Management Officer
Attendance List	Refer to Table 7

Proposals 1 and 2

Meeting participants were supportive of these proposals, albeit not very relevant to St Pauls as the fishing grounds are more accessible.

Move-on provisions were considered a good idea – it was suggested that boats could fish for ‘one neap tide’ before moving on to another reef. However, the meeting participants stated that these move-on provisions would be of more concern to the Kulkalgal cluster Nation, rather than the Malulylgal cluster Nation.

A community member met with AFMA staff on Thursday Island on the 7th of July, as they could not attend the official meeting at St. Pauls.

This community member was supportive of these proposals but added that more consultation with community will be required. They also made the point that the move-on provisions don't make sense in the sense that TRL may only be present in one location. This is due to their migrating behaviour which causes the numbers to vary throughout the fishery area. The community members posed the question: Why should a boat have to move-on if the current location is the only productive fishing ground at the time?

This community member also suggested that there should be a system whereby the local community can decide on a maximum number of tenders the primary can tow, and that there should be a provision for one or two local boats to be involved in the operation.

Proposal 3

Meeting participants were not supportive of this proposal. It was widely agreed that there are historical reasons behind the current arrangements. A suggested option was to lease unused TIB catch allocation to the TVH sector similar to the leasing arrangements in place in the Torres Strait Finfish Fishery.

A community member on 7th July stated that the current arrangements should remain in place. There are other avenues which should be explored, such as an education system which could offer students the opportunity to the trained – “from the classrooms to the reef”.

Proposal 4

This proposal was not supported by the participants. It was widely agreed that this 'effort cap' was established for a reason, and therefore it should remain in place. It was suggested that the TVH sector could investigate options to offload product in locations closer to the fishing grounds.

A community member on 7th July stated that the current arrangements should stay the same, as the effort cap is there for a reason. If this proposal goes ahead, it may make it harder for TIB fishers to compete. It was suggested that TVH boats could find ways to refuel locally – rather than at Horn Island.

Proposal 5

This proposal was not supported by the participants. It was agreed that the current arrangements should remain. It was stated that 'mutual respect' amongst fishers has established a handshake-agreement whereby hookah fishers 'leave at first light' on the opening day to give equal opportunity to the free divers.

A community member on 7th July agreed with the St Paul's meeting participants that the current arrangements should remain unchanged. This is due to the inherent compliance risks which would come with any amendments to these rules.

It was suggested that if in future the hookah season does open early, then traditional Rangers could be utilised to help enforce this rule. They could also be used to help enforce current arrangements.

New Mapoon (Northern Peninsula Area)

Date	5 July 2022
AFMA Staff	Emma Freeman, Senior Manager Danait Ghebregabhier, Senior Management Officer
Attendance List	Refer to Table 8

Proposals 1 and 2

Meeting participants asked how regulatory arrangements relating to catch limits and the use of unsustainable fishing practices (e.g. crowbarring) would be monitored and enforced if this proposal were to go ahead. AFMA clarified that there would be licence conditions in place and would be monitored and enforced through the AFMA compliance program as per other regulatory requirements in the fishery.

Proposal 3

The meeting participants expressed the opinion that there needs to be an allowance made for non-indigenous family or community members to be employed on TIB vessels and for the *Torres Strait Fisheries Act 1984* to be reviewed to reflect the evolving make-up of the Torres Strait society. Participants suggested an eligibility and registration system could be developed to address some of the concerns this might raise regarding non-indigenous persons catching TIB catch by 'stealth'.

With respect to the employment of non-traditional inhabitant skippers or engineers on TIB vessels, participants were of the view that this is not required due to the quality of the current education system and opportunities allowing TIs to train in those fields. Other challenges to the TIB sector catching its quota allocation include the reluctance to fish in rough weather, competing social commitments and the mismatch between the cost of operating and market price.

A general comment was made that the PZJA's jurisdiction should extend to cover home reefs off the Northern Peninsula Area in Queensland waters for better consistency in licencing arrangements.

Proposal 4

The meeting participants were supportive of the current arrangements remaining in place.

Proposal 5

The meeting participants were supportive of the current arrangements remaining in place.

Injinoo (Northern Peninsula Area)

Date	6 July 2022
AFMA Staff	Emma Freeman, Senior Manager Danait Ghebregabhier, Senior Management Officer
Attendance List	Refer to Table 9

Proposals 1 and 2

With regards to this proposal, participants commented that move on provisions could be used to protect TRL during their migration and therefore transit to other islands. They also commented that they can understand the concern of the central islands in suggesting these conditions to manage the potential increase in the level of effort should this proposal be implemented.

Proposal 3

Participants commented that there is a valid concern that non-traditional inhabitant fishers might catch by stealth and sell TRL caught in the TSPZ outside of the PZJA's jurisdiction.

Proposal 4

Participants were of the view that the current arrangements should be maintained.

Proposal 5

Participants were of the view that the current arrangements for hookah closure should be maintained but noted there is benefit in being able to leave the compressor on board the vessel for aeration to keep crayfish alive.

Participants further commented that given the advantages of using hookah, there should be guidelines for hookah fishers to only fish off the edge of the reef and leave the top of the reef for the free divers.

Waiben, Muralag, Ngurupai & Kirriri

Date	12 July 2022
AFMA Staff	Emma Freeman, Senior Manager Georgia Langdon, Senior Management Officer Danait Ghebregabhier, Senior Management Officer Chris Boon, Senior Management Officer
Attendance List	Refer to Table 10

Proposals 1 and 2

Meeting participants were generally supportive of this proposal.

However, concerns were raised regarding the condition to seek permission to enter various areas within the fishery area and participants prefer to continue to use the current system of fishers informally contacting the relevant persons to let them know of their intentions to fish in their sea country.

In relation to move-on provisions, participants agreed that it can't be helped where the crays are located with the fishery area. For this reason, fishers should not be required to leave productive fishing grounds. This would also go against the goal of increasing participation from the TIB sector.

Participants were also concerned with the reference to the two items above as 'conditions' as it suggests that they will become licence conditions and asked AFMA to clarify the terminology.

Participants also noted that local TO's have control over the islands, so towing extra dories might not help anyway as if they can't seek permission to camp then they won't be able to tow extra dories.

Proposal 3

Meeting participants did not support this proposal, noting it has come up for discussion in the past. With regards to the feedback from the workshop that this proposal could help the TIB sector catch the TIB TAC – participants commented that:

The TAC should be capped or 10t ITQs should be introduced to active fishers.

this is due to the TAC being set too high relative to the size of the stock to benefit the TVH sector proportionally. TIB fishers are struggling to catch crayfish but are reluctant to report this. Participants mentioned that a dynamic TAC approach was discussed during the development of the Harvest Strategy.

that additional management measures, including spatial, should be considered to protect damaged breeding grounds.

There is interest by some TVH operators to lease quota from the TIB sector once quota assets currently held by the TSRA have been transferred to Zenadth Kes. AFMA clarified that such a transfer of assets requires a PZJA decision.

Some in the industry may be unwilling to train new entrants as they run the risk of them becoming their competitors in a restrictive operation environment such as Olympic TACs and competition with the TVH sector.

Proposal 4

Meeting participants did not support this proposal.

A suggestion was raised that TVH should not be able to lease quota amongst themselves. Quota holders should have to leave once they've reached their original quota allocation.

Proposal 5

Meeting participants did not support this proposal due to the inherent compliance risk.

Participants raised a question about why should the hookah closure apply to the TIB sector? If removed for TIB fishers, it could increase the TIB sector catch. The misalignment of the hookah closure with ideal fishing weather is also an added challenge.

Participants were supportive of leaving the compressor on board during the hookah closure.

Badu

Date	14 July 2022
AFMA Staff	Emma Freeman, Senior Manager Georgia Langdon, Senior Management Officer Danait Ghebregabhier, Senior Management Officer
Attendance List	Refer to Table 11

Proposals 1 and 2

Meeting participants were supportive of this proposal but that it may be hard to find sufficient crew to operate a large vessel. The proposed additional industry requirements regarding seeking permissions was however not supported and considered restrictive.

Proposal 3

Meeting participants were supportive of this proposal and given the intention is to assist the TIB sector catch its quota there shouldn't be a restriction on crewing options. Participants see it as discriminatory given other Australian businesses can employ anyone domestically but also have the option to engage skilled migrants through the 457 visa scheme. Participants further commented that it should also apply to commercial fishing boats in the TS Finfish Fishery.

Participants also expressed that there shouldn't be a boat length limit in relation to this proposal.

Proposal 4

This proposal was broadly not supported although participants accepted the efficiency premise noting that it would not have an impact on the current TVH quota allocation and the number of towable tenders would not increase with a longer vessel.

Proposal 5

Meeting participants did not support this proposal and expressed a general sentiment that proposals that benefit the TIB sector should be prioritised and the concern that TVH operators that are not complying with current management arrangements are seeking to change them.

Dauan

Date	15 July 2022
AFMA Staff	Georgia Langdon, Senior Management Officer Chris Boon, Senior Management Officer
Attendance List	Refer to Table 12

Proposals 1 and 2

The meeting participants expressed broad support for these proposals. It was widely agreed that these changes have been desired for a long time.

When conversation turned to the concept of seeking permission/providing a courtesy notice under customary law, participants agreed that this will be important to maintain.

However, participants were of the view that move-on provisions should not be considered. It was widely agreed that such a requirement is an over-reach in terms of restricting the operations of TIB fishers. In other words, the intent of these proposals is to offer greater flexibility to the TIB sector, however any move-on provisions would be contrary to the original objective.

Proposal 3

Meeting participants did not support this proposal. It was agreed that it is contrary to the purpose of proposals 1 and 2, in that it does not necessarily increase participation from the TIB sector. Further to this, participants agreed that this doesn't align with the Treaty, nor with the TIB sector aspirations for 100% ownership. It was strongly expressed that this proposal should not be revisited again.

It was agreed that if this proposal were to be approved by the PZJA, then it should strictly be boats greater than 10m.

When conversation turned to the current option to obtain a permit for non-TIB crew to operate on TIB vessels for training purposes, participants express strong views that this policy should always be restricted to skippers/engineers only. Concerns were raised that if non-TIB divers are brought in to train TIB divers, then this could result in the unauthorised sharing of traditional knowledge.

Proposal 4

Meeting participants did not support this proposal at this time. It was broadly agreed that this proposal could increase effort in certain areas, and thus increase competition between the TVH and TIB sector. However, it was widely acknowledged that future circumstances may change, and that this could warrant a further review of the policy.

Proposal 5

Meeting participants did not support this proposal. It was widely agreed that the current rules surrounding the hookah closer are in place for good reasons, and that any altering to these rules would present an unacceptable compliance risk. While participants acknowledged that the proposed changes would offer a level of convenience to certain operators, it agreed that they would not present any meaningful benefits to the Dauan community.

Saibai

Date	26 July 2022
AFMA Staff	Georgia Langdon, Senior Management Officer Chris Boon, Senior Management Officer
Attendance List	Refer to Table 13

Proposals 1 and 2

Meeting participants supported this proposal and that current practices regarding seeking permissions and courtesies would continue noting that people have different interpretations about how Island custom works which may be a potential source of conflict. Participants requested that future presentations on this matter should include that Saibai are supportive of the Kulgalgal proposal regarding seeking permissions.

Proposal 3

Participants see the merits of this proposal as they have a real need for training, upskilling capacity building and mentoring from appropriately qualified non-TIB individuals from far north Queensland (e.g. Cairns or Cooktown) in all aspects of fishing. They were of the view that their fishing operations are lagging behind the other islands considerably and not able to take advantage of the infrastructure support (e.g. freezer established) and funding opportunities that are available.

They did note however that this proposal might be perceived as a loophole for non-TIB fishers to catch TIB catch and any involvement of non-traditional inhabitants for purposes of training and skills transfer would need to be in accordance with the current policy and permitting arrangements.

ACTION – AFMA to provide participants with more information on the <u>Developmental Permit for Training Purposes (Training Permit) Policy</u> .
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Proposal 4

This proposal was not supported by participants in the short term.

Proposal 5

Participants stated that this proposal was not relevant to them and opted to support the current view that the current arrangements should remain.

Boigu

Date	27 July 2022
AFMA Staff	Chris Boon, Senior Management Officer Danait Ghebregabhier, Senior Management Officer
Attendance List	Refer to Table 14

Proposals 1 and 2

Meeting participants were supportive of the proposal as it could potentially increase productivity and empower more fishers, thus increasing participation in the fishery. It will also increase the operational safety of small boats. Participants recognised that it will be up to the individual operators to enter into their own agreements on the specifics of the towing and accommodation arrangements if the proposal is implemented.

Proposal 3

Participants supported the feedback from the workshop in relation to this proposal.

Proposal 4

Participants agreed to revisit this proposal once other, higher priority proposals have been progressed as per the outcomes of the workshop.

Proposal 5

Participants recognised the convenience of reviewing the current hookah closure arrangements but felt that the compliance risk was too great especially as tenders do not have Vessel Monitoring Systems on them.

Participants stated the importance of consulting with Traditional Owners as part of the ongoing consultation process in acknowledgement of the current traditional protocols.

Iama (Yam Island)

Date	7 September 2022
AFMA Staff	Emma Freeman, Senior Manager Georgia Langdon, Senior Management Officer Chris Boon, Senior Management Officer
Attendance List	Refer to Table 15

Proposals 1 and 2

Participants stated that this proposal would not immediately benefit the Iama community, but concluded that there is a need to think about the future. As there could be primary vessels associated with the Iama community at a later date, the Iama community does not wish to rule out this proposal at this time. Participants widely agreed that it could benefit the industry, in giving flexibility to process product at sea rather than on land. Fuelling would be another benefit.

Meeting participants requested that AFMA return at a future date when there are additional participants from the Iama community before providing official advice on this proposal.

Proposal 3

Meeting participants were not supportive of this proposal, as it would only benefit a small number of operators. It was widely agreed that this proposal does not support TIB participation.

Proposal 4

Meeting participants stated they could not support this proposal while the TIB sector is “already struggling”. There were concerns that such a proposal could make it harder for TIB operators to compete with the TVH sector.

Proposal 5

Meeting participants raised concerns about TVH operators using ‘pony bottles’ during the hookah closure.

Mabuyag

Date	8 September 2022
AFMA Staff	Chris Boon, Senior Management Officer Danait Ghebregabhier, Senior Management Officer
Attendance List	Refer to Table 16

Proposals 1 and 2

Meeting participants were supportive of this proposal, as it will increase participation within the TIB sector.

With regards to the potential move on and permission provisions – participants saw the value in the TVH sector engaging with each community to get across local laws.

Proposal 3

Meeting participants agreed with the recommendations from the workshop; expressing concern about the potential ramifications of allowing non-TIB persons onboard TIB boats. This concern was particularly high relating to non-TIB divers. Meeting participants agreed that there are already enough TIB divers available to work, or ready to be trained and that non-traditional inhabitants can still be engaged under the PZJA Developmental Permit for Training Purposes (Training Permit) Policy if required.

Proposal 4

Meeting participants did not support this proposal, electing to maintain the status quo in the TVH sector.

Proposal 5

Meeting participants did not support this proposal, stating that the compliance risk involved with such changes are not worth it.

Attendance Lists

Table 1. Masig (Yorke Island) community attendance list

Name	Affiliation
Rocky	Fisherman
John Morris	PBC
Hilda Mosby	TSIRC Councillor
Simon Naawi	Fisherman
Gavin Mosby	Fisherman, TIB, TO
Mopwalle Mabo	Fisherman, TSIRC
Paul Lowatta	Fisherman
Arthur Naawi	Fisherman

Table 2. Erub (Darnley Island) community attendance list

Name	Affiliation
Edward Savage	
Barrunah Pilot	
Charles Thaiday	TSRA Ranger
Cedar Thaiday	
Samuel Mye	
Baret Pilot	
Ian McCarter	
Aiden Pensio	
Sam Pau	
Aaron Ketchell	
Mark Waigana	
Gibson Charlie	
Pensio Naawi	
Isaac Ghee	Erub Fisheries Management Association
John Mye	
Joey Saylor	
Kevin Mye	TSRA Ranger

Table 3. Mer (Murray Island) community attendance list

Name	Affiliation
Not disclosed	

Table 4. Warraber (Sue Island) community attendance list

Name	Affiliation
John Bowie	
Mika David	TSIRC
Laura Pearson	TSRA Ranger/Macoy Enterprise
Thomas Mene	TSIRC
Harold Pearson	Macoy Enterprise
Donald Billy	ABF
Tony Harry	TSIRC
Tony Pearson	
Mark Pearson	TSRA Ranger
Young Billy	TSRA Ranger

Table 5. Poruma (Coconut Island) community attendance list

Name	Affiliation
Francis Clarke	
Nicholas Pearson	Poruma Fisherman
Nareli Hankin	Poruma Fisherman
Thomas Pearson	Poruma Fisherman
Clinton Noack	Poruma Fisherman
Tupoa Ahmat	Badu Fisherman
Getano Lui	Poruma/Yam Fisherman
Weneh Lenny	
Dennis Messa	
George Sam	QPS
Adria Faud	EHW
Morrison Pearson	
Jimmy Pearson	
Leslie Amber	
Victor Billy	
Francis Pearson	TSIRC Councillor

Table 6. Kubin Village community attendance list

Name	Affiliation
Opeta Kaitop	
Wanai Akai	
Monty Naawi	
Robert Seekee	
Ned Levi	TSIRC
David Bosun	TSIRC
Kimasu Bana	
Belford Lui	MGNM
Kiwat Lui	
Opeta Kaitop	
Wanai Akai	

Table 7. St Paul's community attendance list

Name	Affiliation
John T Kris	
Ezra Kris	TSIRC
Scotty Ronsen	TSIRC Engineer
Melora Mene	TSIRC Admin
Bana Sailor	TSIRC

Table 8. New Mapoon (NPA) community attendance list

Name	Affiliation
Marlon Nakachi	NPARC
John Lichtendahl	
Michael Bond	

Table 9. Injinoo (NPA) community attendance list

Name	Affiliation
Fred Mooka	
Andrew Sebasio	
Tolowa Nona	Qld Health

Table 10. Waiben, Muralag, Ngurupai & Kirriri community attendance list

Name	Affiliation
Zengrey Nona	
Peo Ahmat	
Solomon Ahmat	
James Ahmat	
Johnny Baira	
Dennis Richard	
Arui Nabaka	
Adrian Fay	
Banai Wosomo	
Wopi Richard	
Maluwap Nona	

Table 11. Badu community attendance list

Name	Affiliation
Zengrey Nona	
Peo Ahmat	
Solomon Ahmat	
James Ahmat	
Johnny Baira	
Dennis Richard	
Arui Nabaka	
Adrian Fay	
Banai Wosomo	
Wopi Richard	
Maluwap Nona	

Table 12. Dauan community attendance list

Name	Affiliation
Patrick Mooka	
Torenzo Elisala	
Thomas Mooka	
Tenny Elisala	TSRA Ranger
Laurie Elisala	TSRA Ranger

Name	Affiliation
Jeremiah Mooka	

Table 13. Saibai community attendance list

Name	Affiliation
Herbert Warusam	
Ian Akiba	
Keri Akiba	
Conwell Tabuai	TSIRC Councillor/TSRA
Ure Wosomo	
Waiben Wosomo	
Balingsta Wosomo	

Table 14. Boigu community attendance list

Name	Affiliation
Makie Marama	
Kada Tom	
Benny Dau	TSIRC
Pabai Pabai	PZJA Traditional Inhabitant Member
Thomas Matthew	
Ganaia Toby	
Nelson Gibuma	TSIRC
Keith Pabai	PBC
Diok Gibuma	

Table 15. Iama (Yam Island) community attendance list

Name	Affiliation
Jimmy Bann	
Yessie Bob	QPS
Satrick Baluz	Fisherman
Robert Whap	Fisherman
Anthony David	TSIRC
Uriah Bob	
Huson Kepa	GBK
Goiri Kaworo	Erumia Seafoods

Name	Affiliation
Banasi Gimini	
Peter Nai	Fisherman
Phillip Baragud	Fisherman
Bala Gimini	

Table 16. Mabuyag community attendance list

Name	Affiliation
Kelly Amber	
Matthew Paipai	
Rim Kris	
Torrence Gizu	
John Repu	
Terrance Whap	



Australian Government

Australian Fisheries Management Authority



ARTWORK: Laurie Nona, *Zenardh-Zes'aw Malu*, 2022

Torres Strait Fisheries Community Visits

June – July 2022

Why are we here?

- We want your feedback on two issues:
 - Fishing without a boat
 - Reviewing management controls in the TRL Fishery
- General updates:
 - Prawn Fishery Harvest Strategy
 - Fishery Research Projects
 - Fish Receiver System and e-CDRs
 - Beche-de-mer
 - Finfish
 - TRL



Outline

- Acknowledgement of country
- Introductions
- Fishing without a boat
 - Discussion
- Review of management controls in the TRL Fishery
 - Discussion
- General updates
- Other?



Fishing without the use of a boat

- The *Torres Strait Fisheries Act 1984* (the Act) allows for community fishing licences to be issued either WITH or WITHOUT a boat.
- Community fishing = commercial fishing by traditional inhabitants
- This might include walking on the reef to collect sea cucumbers or TRL (for example)
- Never been granted before
- PZJA agreed for AFMA to consult with communities on the relevant **licencing arrangements** that could apply to licences to fish without a boat.

Arrangements that will stay the same as TIB licences

- Traditional Inhabitant Identification verification process
- Application process
- Nominating fishery entries (for example: BD, CR, MK)
- Landing all catch to a licenced fish receiver

Securing Australia's fishing future

Key Questions

- Should there be a limit on the age of the licence holder?
- How many people could be considered 'crew' for the licence holder?

Securing Australia's fishing future

Process to implement

- Public consultation
 - Community visits
 - Native title
 - PZJA Advisory Committee consideration
- PZJA decision
 - consider outcomes of consultation
 - agree to amendments to legislative instruments

Securing Australia's fishing future

Reviewing TRL Management Controls

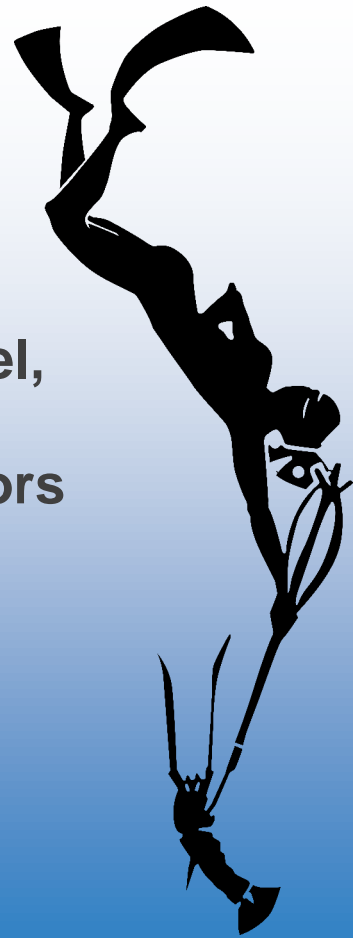
- Industry driven review of management controls
- Timely now after introduction of quota system
- TRL Working Group put forward proposals to be further discussed with industry (Dec 2020)
- July 2021 – Industry workshop at Horn Island

Securing Australia's fishing future

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)

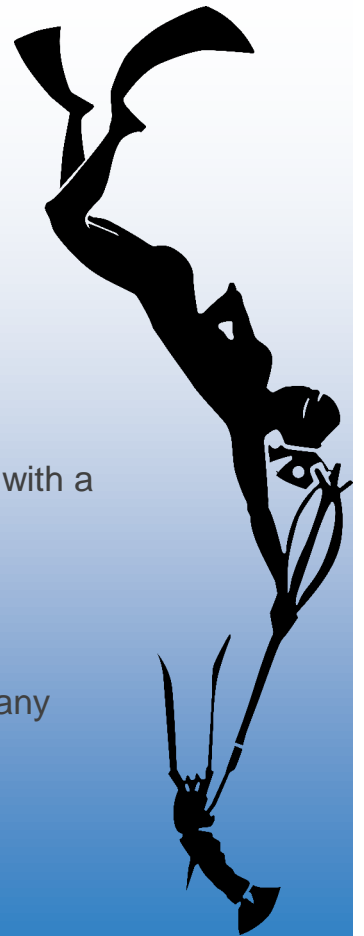
Securing Australia's fishing future



Proposals 1 and 2 - Industry discussion

- Only apply to TIB
- Supportive of flexibility
 - Towing fishers to fishing grounds
 - Other licenced dinghies working in conjunction with a primary boat
- Improved safety
- Help increase participation in the fishery
- Broad support for primary boats to buy/receive from any dinghy, provide accommodation and fuel to fishers

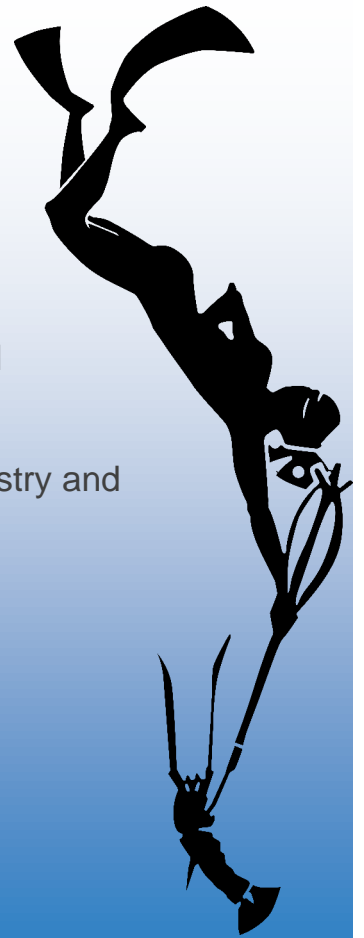
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Proposals 1 and 2 - Industry discussion

- Kulkalgai nation supportive, subject to conditions
 - E.g. seeking permission to enter waters or land
 - E.g. move on provisions
- Any conditions to be further discussed amongst industry and communities

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Proposal 3:

Ability to employ non-traditional inhabitants on TIB vessels

- only boats over 10m in length
- maximum of 2 non-traditional inhabitants per boat

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Proposal 3 - Industry discussion

- Most participants not supportive
- TIB and TVH participants cautious about possible impacts on the fishery:
 - Mechanism for non-traditional inhabitants getting TIB sector catch 'by stealth'
 - Any benefits not equally distributed, only advantaging certain licence holders
 - Not aligning with Proposals 1 and 2 to increase participation and efficiency of TIB sector

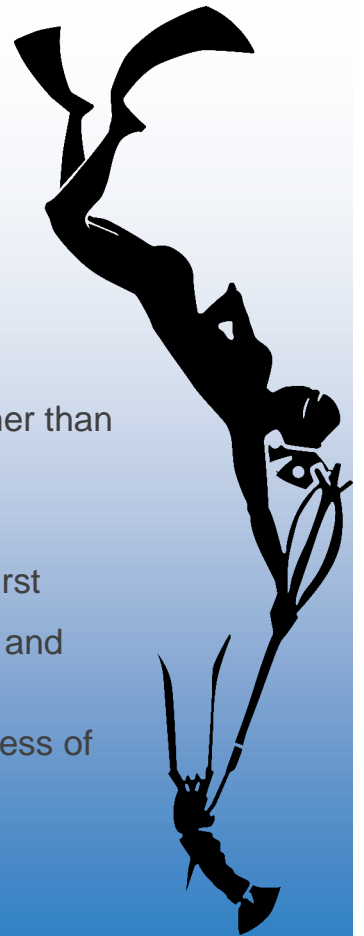
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Proposal 3 - Industry discussion

- Some participants were supportive
- Help TIB sector catch TIB TAC
- Preference to train indigenous people to operate rather than non-indigenous
- TIB industry prefer to implement Proposals 1 and 2 first
- Help achieve objectives to increase TIB participation and employment opportunities
- Revisit proposal 3 in three years time after effectiveness of Proposals 1 and 2 is reviewed.
- If supported later – suggestion for 1 year trial only
- Limited to skippers and engineers only (not divers)

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Proposal 4:

Removal of TVH boat length replacement policy

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Proposal 4 - Industry discussion

- Policy that limits the size in which existing boats can be replaced
- Larger boat benefits:
 - Carry product on-board in live tanks = improved product quality and maximised value
 - Improved safety
 - To and from fishing grounds
 - Access to QLD East Coast TRL Fishery

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Proposal 4 - Industry discussion

- TIB sector in-principle support (not in short term) because:
 - Quota system still new
 - ZK Fisheries newly formed = new era for TIB sector
 - TIB aspirations for 100 per cent ownership of access to TRL Fishery
 - TIB sector (small dinghy operators) concerned about localised impact of bigger boats on reefs
 - Stay on fishing grounds longer
 - Suggestion for proposal to remove the policy revisited in 3 years time (with proposal 3)

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Proposal 5:

**Remove and/or amend hookah gear
position requirements either side of
moontide hookah closures**

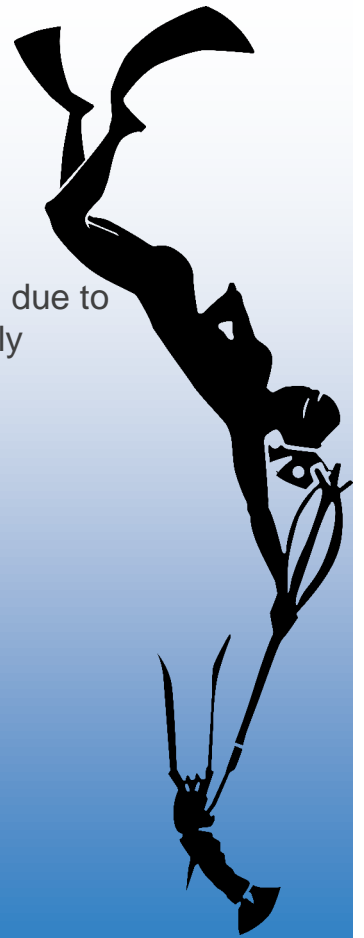
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Proposal 5 - Industry discussion

- Current arrangements were strengthened in 2018-19 due to concerns over boats steaming to fishing grounds early
- Current arrangements
 - = lost days fishing
 - = bottlenecks during unloads

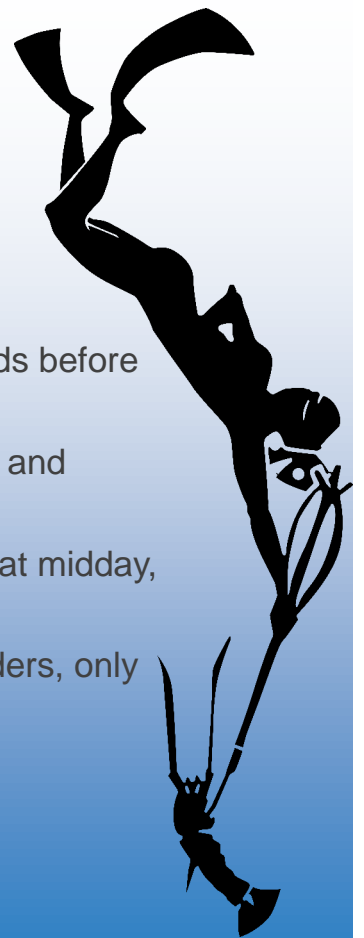
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Proposal 5 - Industry discussion

- Suggested amendments include:
 - Provisions that allow transiting to fishing grounds before hookah reopens
 - Without VMS on all boats (dinghies, tenders and primary boats) difficult to enforce
 - Bring closure forward by 12 hours – leave port at midday, rather than midnight
 - Allow compressor unit to remain stowed in tenders, only remove hookah hoses while in port.
- TIB sector participants mostly supportive of keeping arrangements unchanged

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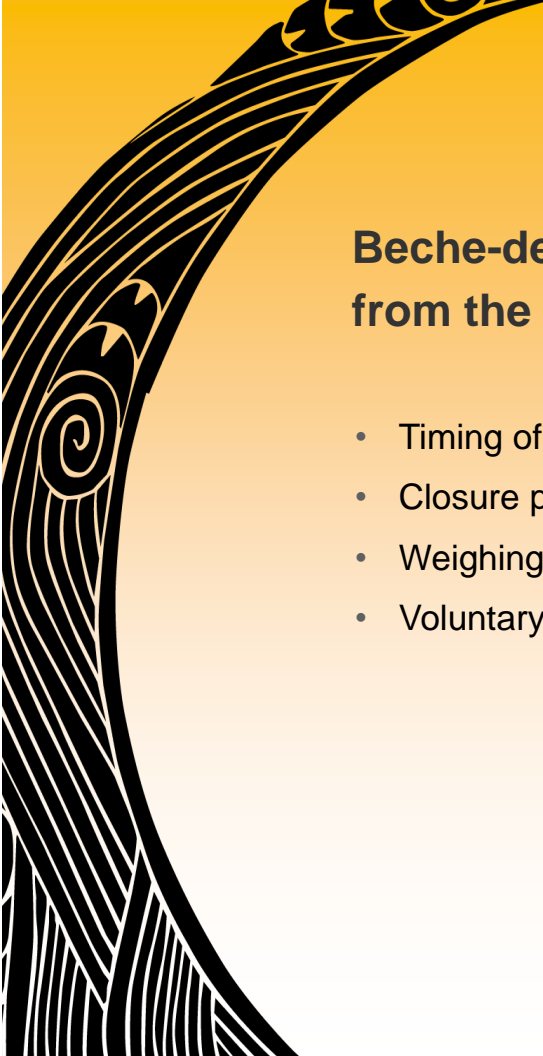
Next steps

- Community visits
- Consultation with Native Title Bodies
- Report outcomes of community consultation back to TRL Working Group
- Seek PZJA approval on final arrangements and implement

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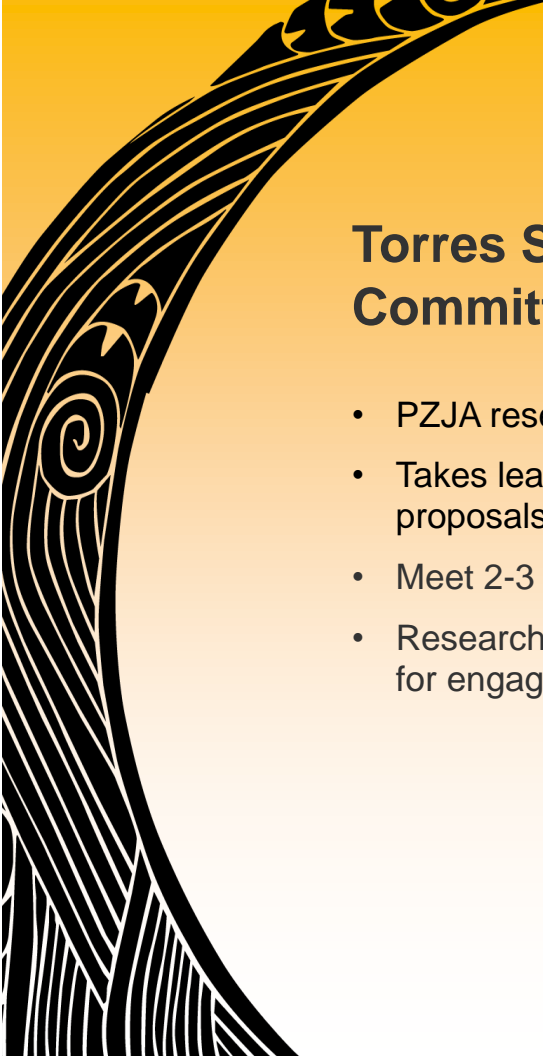
Torres Strait Prawn Fishery – Harvest Strategy Review (Lisa Cocking)





Beche-de-mer Fishery – industry feedback from the 2022 black teatfish opening

- Timing of the opening
- Closure process
- Weighing and processing
- Voluntary area and effort reporting



Torres Strait Scientific Advisory Committee

- PZJA research advisory committee
- Takes lead role in assessing research priorities and proposals put forward by RAGs and WGs
- Meet 2-3 times a year
- Researchers are supported to follow procedural framework for engagement and conducting research in Torres Strait



Torres Strait Scientific Advisory Committee Membership

- Independent chair
- Traditional inhabitant industry members (5)
- Independent scientists (3)
- social scientist (1)
- 1 TSRA member, AFMA member and QDAF member,

Current Research projects

Project	Finish date
Tropical Rock lobster survey stock assessment and harvest	30 June 2022
Finfish Biological sampling	June 2024
Spanish mackerel stock assessment	June 2024
Spanish mackerel alternative index of abundance	June 2022
Size frequency sampling for black teatfish	June 2023



Proposed research projects for 2022 and beyond

Proposed projects	Proposed end date
TRL Fisheries Independent survey, stock assessment and Recommended Biological Catch calculations	June 2025
Stock assessment modelling of white teatfish	June 2023
Curryfish conversion ratios	June 2023
Finfish catch per unit effort standardisation	June 2023
Measuring non-commercial catches in the Torres Strait	Undetermined. FRDC co-funding sought
Understanding climate variability and change	Undetermined. FRDC co-funding sought



What is the Fish Receiver System?

- A catch reporting system – accurate and timely records how much fish is being taken out of the water
- All commercial catch must be weighed and recorded
- For people who go commercial fishing
- For people who receive commercial catch



How does it work?

If you catch fish commercially:

- your catch must be weighed and recorded on a CATCH DISPOSAL RECORD (CDR) or electronic CDR

When?

- At the end of each fishing trip, when you bring your catch to land or a carrier boat

Where?

- To a licenced FISH RECEIVER

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What's your role as a Fisher?

- ✓ Must hold a current Traditional Inhabitant Boat (TIB) licence
- ✓ Ensure your catch is landed to a licenced FISH RECEIVER

Filling out the form:

PART A MANDATORY – FISHER DETAILS

Provide details about you in the Fisher Details section:

- Name
- Fishing Licence Number
- Boat Mark

You (or your agent) MUST SIGN

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What's your role as a Fish Receiver?

- ✓ Only receive catch from a licenced fisher
- ✓ Ensure all landed catch is weighed and recorded on a CDR

Filling out the form:

PART A MANDATORY – RECEIVER DETAILS

Details about you in the Receiver Details section:

- Name
- Address
- Fish Receiver Licence Number

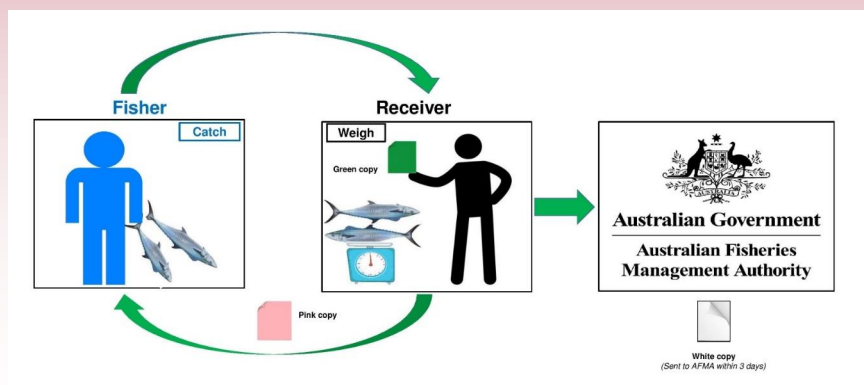
Details about the catch:

- total weight
 - processed form
- ✓ You (or your agent) **MUST SIGN**

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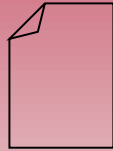
How does the FRS work?

- ✓ Must be licenced – TIB and/or Fish Receiver
- ✓ Catch must weighed and CDR completed when **first** brought to land
- ✓ Catch reports must be sent to AFMA within 3 business days by the Fish Receiver

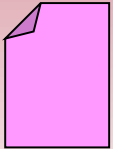


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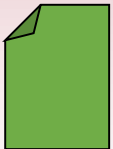
What do I do once I've filled out a CDR?



White Copy – send to AFMA within 3 business days (free envelopes available)



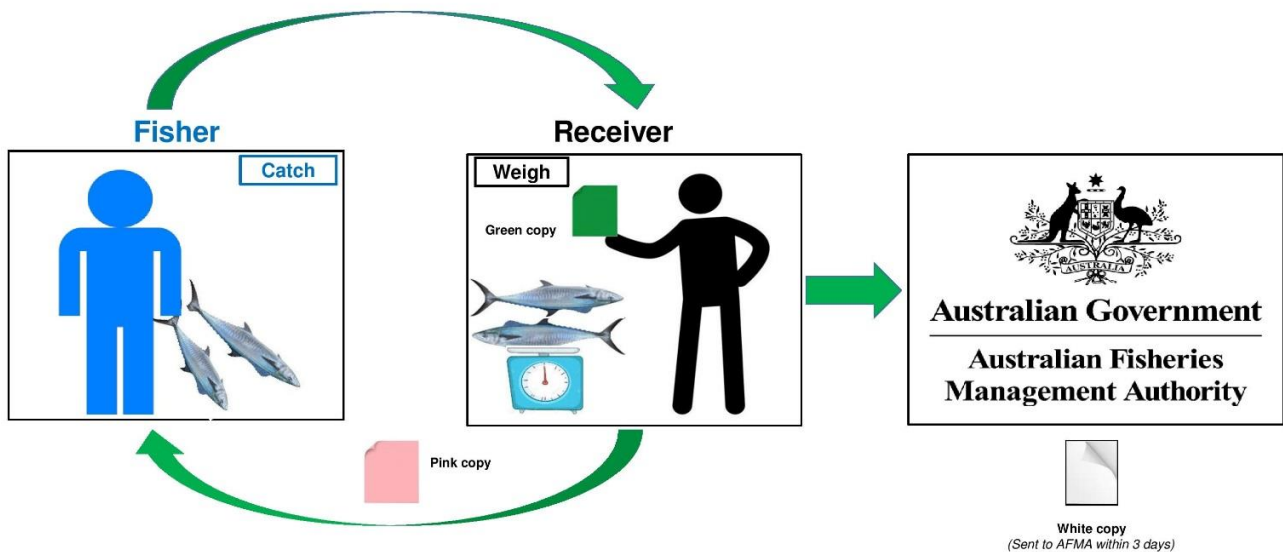
Pink Copy – for the FISHER to keep



Green Copy – for the RECEIVER to keep

These instructions are on the bottom of every CDR page

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Part B – Voluntary

FISHING EFFORT and AREA

- Number of fishers
- Area fished
- Was a daily fishing logbook also filled in?
- Number of days fished
- Dates fished

FISHING METHOD

- Did you free dive, use hookah
- Other fishing methods?

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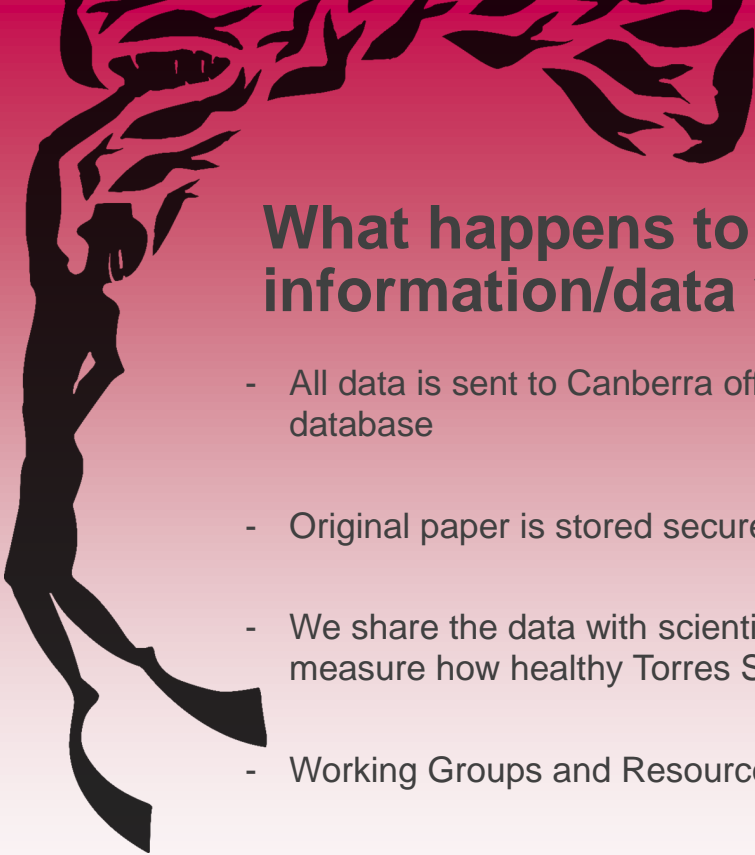
Where did you catch your fish?



Use area where most catch was taken

Edition Date:
September 2017

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What happens to the information/data you give AFMA?

- All data is sent to Canberra office to be entered in to a secure database
- Original paper is stored securely and safely
- We share the data with scientists (like CSIRO) who use it to measure how healthy Torres Strait fisheries are
- Working Groups and Resources Assessment Groups

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What is the data used for?

- Helps scientists and managers to measure what fishers are experiencing
- Helps scientists, managers, fishers and the community understand the health of fish stocks
- Track catches against the TAC, or monitor catch shares and confirm how much is being caught
- This helps scientists, managers, fishers and the community understand how much we need to leave behind for future generations

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Licencing

	Traditional Inhabitant Boat (TIB) licence	Fish Receiver licence	Coxswains	Marine Licence	Rec Boat Registration
What does it allow?	To register your boat, catch fish and SELL it	To weigh/ record commercial catch from a commercial fisher	To drive a commercial fishing boat	To drive a dinghy for recreation	Register your boat and catch fish for recreation or kai kai
Who do I ask?	AFMA	AFMA	Australian Maritime Safety Authority (AMSA)	Queensland Transport	Queensland Transport

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TRL fishery updates

Current catch (as of Wednesday 13 July 2022):

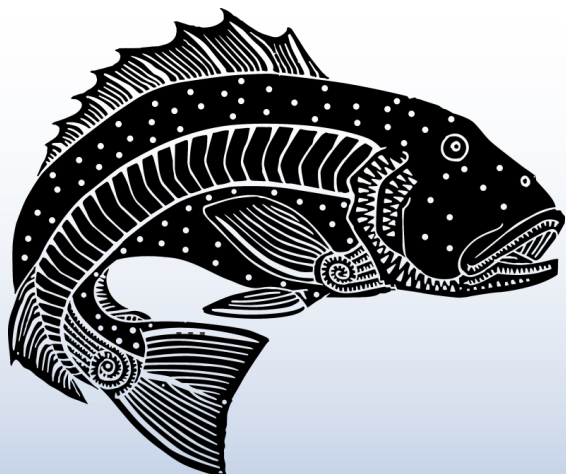
- **TIB:** 110.3 tonnes (40.1% caught)
- **TVH:** 111.3 tonnes (79.3% caught)

Key priorities

- Reviewing management controls
- Improving CDR and logbook data
- Review of TIB quota allocation under TRL Management Plan

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Finfish fishery updates

- Review of the Spanish mackerel and grey mackerel size limits.
- Update to the Spanish mackerel stock assessment.
- Western line closure
- TACs for the 2022/23 season

Priorities for the fishery

- Develop a harvest strategy.
- Complete an ecological risk assessment
- Update the daily fishing logbook for the sunset sector

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AFMA CATCHWATCH

A REPORT FROM THE AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY

Notice Issued on 09 November 2021

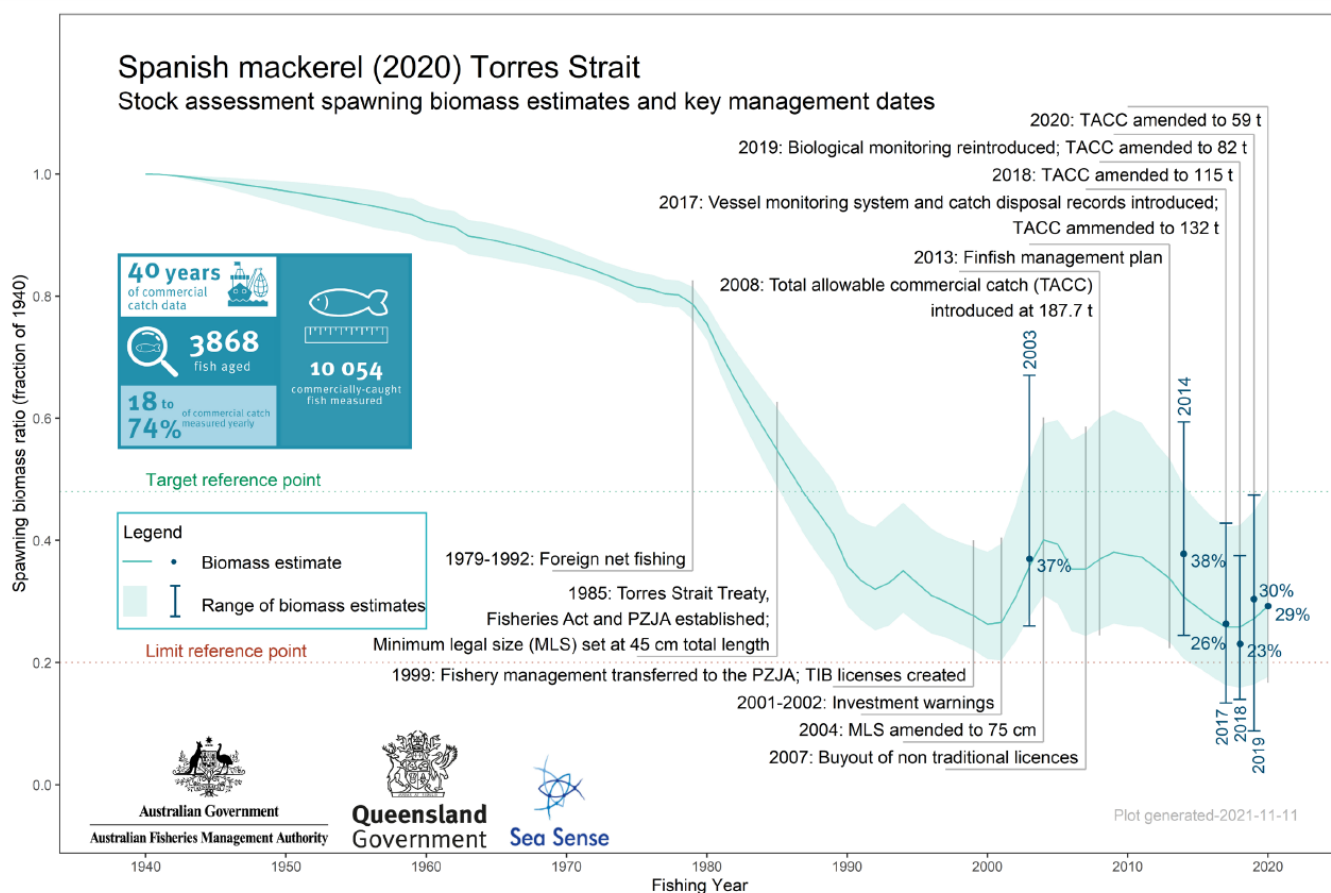
Torres Strait Finfish Fishery - Data Period 1 July 2020 to 30 June 2021 (End of season report)

Species Name	Agreed Total Allowable Catch (TAC) (kg)	Reported catch ^A (kg)	Available TAC (kg)	% TAC Caught
Traditional Inhabitant Boat Licence (TIB) sector				
Spanish mackerel	20,000	3,527.5	16,870.80	15.65%
Coral Trout	105,000	4,155.9	101,726.20	3.12%
Basket species	No catch limit	Barramundi cod 248.4 Cobia 20.00 Emperor 8.10 Mixed fish 291.10 Red emperor 35.7 Rockcod 119.20 School mackerel 818.30 Shark mackerel - Trevallies and scads 3.90 Tripletail maori wrasse 32.50 Tropical snappers (mixed) 11.50 Basket species TOTAL 1,588.70	n/a	n/a
Sunset licence (Sunset) sector				
Spanish mackerel	39,000	28,813.20	10,186.80	73.88%
Coral Trout	30,000	15,661.80	14,338.20	52.21%
Basket species	4,000	Barramundi cod 532.00 Cobia 13.5 Emperor 59.50 Mixed fish - Red emperor 148.50 Rockcod 177.00 School mackerel - Shark mackerel 65.50 Trevallies and scads 562.50 Tripletail maori wrasse - Tropical snappers (mixed) 365.30 Basket species TOTAL 1,923.80	2,076.20	48.10%

Catches so far this season

	TIB	Sunset	Total
Spanish mackerel	4411	48,628	53,039 kg
Coral trout	10,726	27,289	38,016 kg
Barramundi Cod	750	2303	3053 kg
Black Kingfish	18	27	45 kg
Emperor	49	462	511 kg
Maori Wrasse	25		25 kg
Red Emperor	85	738	823 kg
Rock cods	96	357	453 kg
School Mackerel	1465		1465 kg
Shark Mackerel		269	269 kg
Spangled Emperor	3		3 kg
Tropical Snappers (mixed)	38	112	149 kg

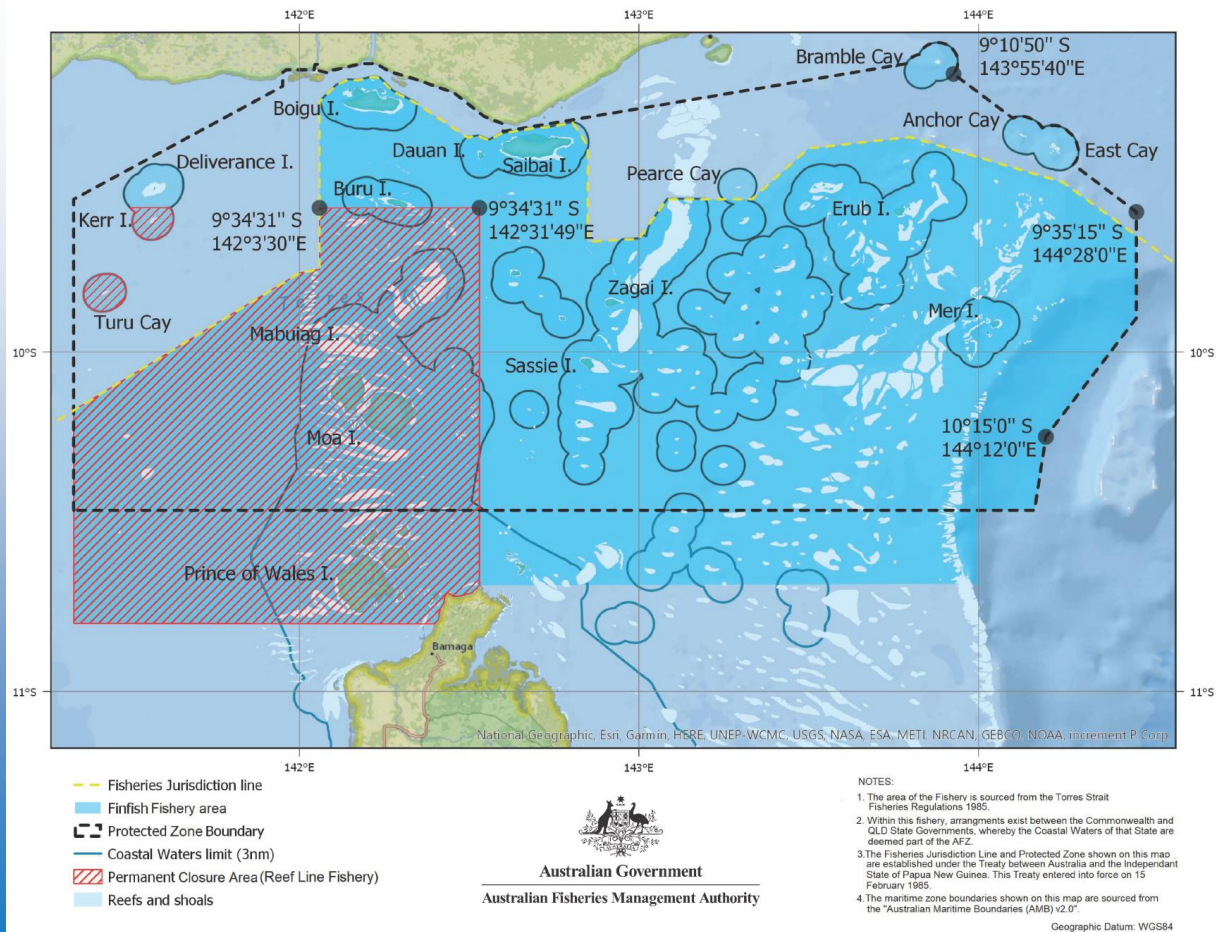
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Torres Strait Fisheries

Area of the Finfish Fishery



Beche-de-mer fishery updates

Species	TAC	2020 total catch (t)	2021 total catch (t)	2022 catch to date (t)
Black teatfish	0	0	17.6	17.1
Curryfish basket (2 species)	60	11.3	12.3	1.4
Deepwater redfish	5	0	0.03	0
Greenfish	40	0.02	0	0
Hairy blackfish	5	1.4	0.5	0.2
Prickly redfish	15	15.7	15.2	4.3
Sandfish (CLOSED)	0	0	0	0
Surf redfish (CLOSED)	0	0.2	0	0
White teatfish	15	1.8	2.2	1.0
Other sea cucumbers (13 species)	50	1.6	0.8	0.4
Total	190	32	48.63	24.3

ABOUT THE ARTWORK

Zenardh-Zes'aw Malu

In this image of our ZK-Sea's, I portray the Torres Strait Islands main Fisheries (Tocus, Sea-Cucumber, Fin-fish/Coral Trout and Crayfish).

The patterns depict the traditional understanding and our affiliation with the creature's of the islands, seas, reefs and sky. The connection and the relationship between the land, the sea, the sky and us the islanders determines how and when we fish. The Divers within the image represents the fisherman (Malu Mabaygal)

The patterns with the sea-cucumber are showing the moons fazes associated with the winds and tides. The flowing patterns that hold and twirl around the 4 fishes, represents the existence of knowledge, connection to sea country, island country and the passing of that knowledge. This flowing patterns cycles around the 4 fishery, this also encompass the governance of the fisheries law and our cultural lore's protocols and the respect our 'Mother the sea'.

© Laurie Nona

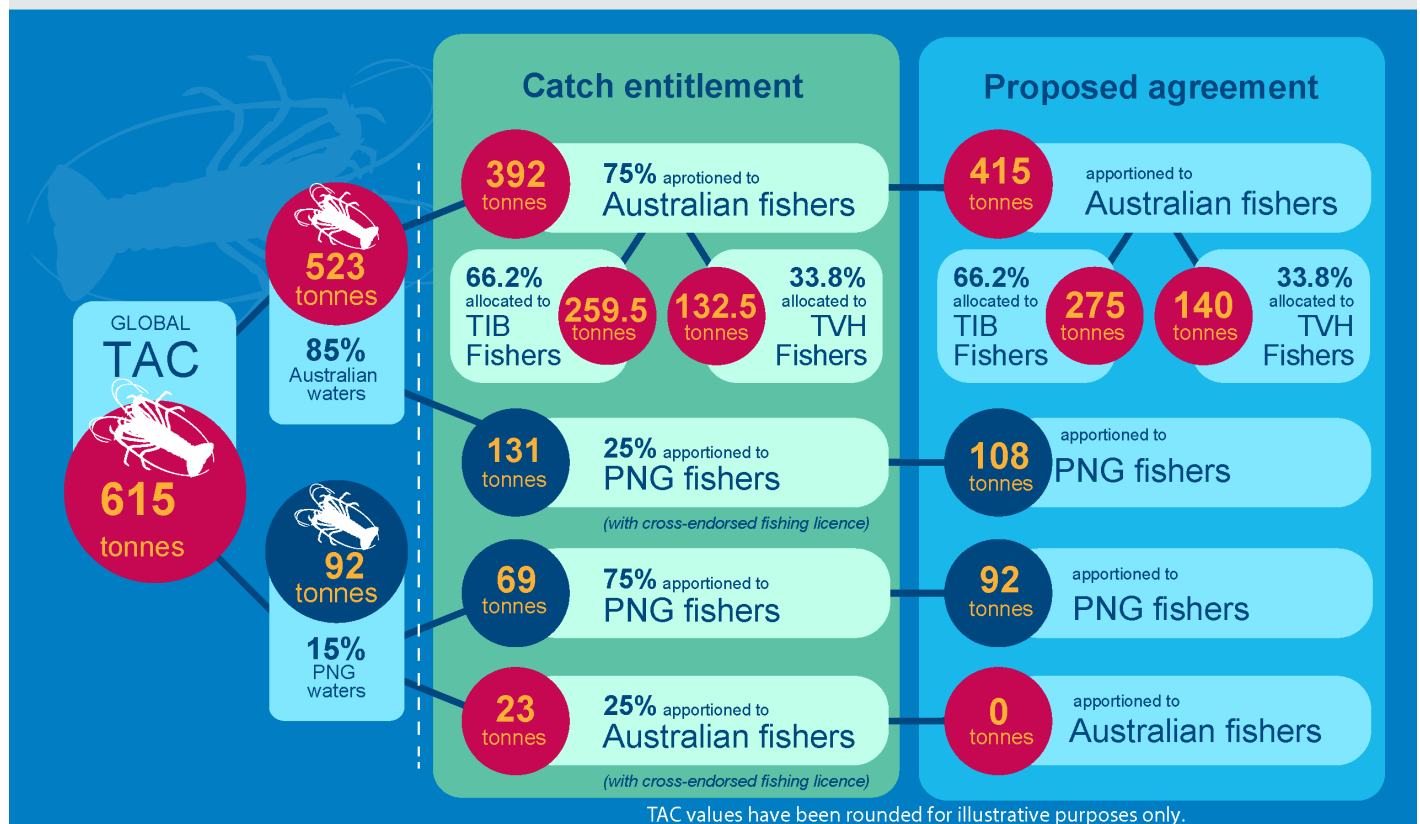
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afma.gov.au

TROPICAL ROCK LOBSTER CATCH SHARING AGREEMENT 2021-22



Australian Government
Australian Fisheries Management Authority



TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
CATCH AND EFFORT SUMMARY FOR THE 2021-22 FISHING SEASON	Agenda Item 5 For Noting

RECOMMENDATIONS

1. That the Working Group:
 - a. **NOTE** the reported landed catch for the Australian Torres Strait Tropical Rock Lobster Fishery (TRL Fishery) (**Attachment 5a**).
 - b. **NOTE** the reported landed catch for the PNG TRL Fishery as reported by the PNG National Fisheries Authority (NFA) (**Attachment 5b**).

KEY ISSUES

Australian TRL Fishery catch

2. The Australian TRL Fishery fishing season runs from 1 December through to 30 September the following year. There is a prohibition on the use of hookah gear from 1 December through to 31 January the following year and periodically each month throughout the remainder of the season.
3. The reported landed catch for the Australian TRL Fishery for the 2021-22 fishing season is 290,308.496 kilograms (290.31 tonnes). All reported catches are from inside the Torres Strait Protected Zone (TSPZ) and Australia's declared outside but near area combined.
4. This equates to 69.93 per cent of Australia's 415,125.0 kilogram (415.125 tonnes) total allowable catch (TAC) for the 2021-22 fishing season. This catch data is sourced from Torres Strait Fisheries Catch Disposal Record (TDB02) and electronic Catch Disposal Records (e-CDRs) and covers the Traditional Inhabitant Boat (TIB) and Transferable Vessel Holder (TVH) sectors.
5. The TIB sector caught 150,592.73 kilograms (150.59 tonnes) of TRL which equates to 54.79 per cent of the TIB TAC and the TVH sector caught 139.72 kilograms (139.72 tonnes) of TRL which equates to 99.58 per cent of the TVH TAC.
6. A summary of the reported landed catch for the Australian TRL Fishery is provided at **Attachment 5a**.

PNG TRL Fishery catch

7. The PNG TRL Fishery fishing season runs from 1 January through to 31 December each year. There is a prohibition on the use of hookah gear in the waters of Western Province and Torres Strait from 1 December through to 31 March the following year.
8. The total reported catch of the PNG TRL Fishery for 2022 (January – October 2022, as at 24 November 2022) is 72,739.86 kgs. This is reported as 40,712.28 kg caught within the Torres Strait Protected Zone (TSPZ) and 31,788.80 kg outside the TSPZ. (**Attachment 5b**).

9. The TAC for the PNG TRL Fishery in 2022 is 92,250 kilograms. Due to COVID-19 restrictions, PNG boats were unable to catch their 107.6 tonne catch allocation in Australian waters this season.
10. NFA have also provided an update on total catch for 2021 (Jan – Dec) which includes the completed months of November and December. An overview of this is also provided at Attachment 3b. The updated total reported catch of the PNG TRL fishery in 2021 is 83,385.61 kilograms. This is an increase of 15,213.99 kilograms of reported catch (without extrapolation) at TRLRAG 32.
11. An infographic showing the final catch sharing agreement between Australia and PNG is shown at **Attachment 2.4b**.

Total reported commercial catch for the TRL stock

12. The total reported commercial catch for the TRL stock is:

Area	Total (kg)	TAC (kg)
Australian TRL Fishery (1 Dec 2021 – 30 Sept 2022)	290,290.65	415,125.00
PNG TRL Fishery* (January – October 2022)	72,739.86	92,250.00
catches inside the TSPZ	40,712.28	
catches outside the TSPZ	31,788.80	
PNG catch allocation within Australian waters	0	107,625.00
Total	297,530.51	615,000.00

Table 1. Reported landed catch (kilograms whole weight) of Tropical Rock Lobster (TRL) for the Australian Torres Strait TRL Fishery by month and sector for the 2021-22 fishing season.

Source: Torres Strait Fisheries Catch Disposal Records (TDB02) and electronic Catch Disposal Records as at 11 November 2022

Month	Traditional Inhabitant Boat (TIB) sector	Transferable Vessel Holder (TVH) sector	Total (kg)
Dec-21	11,488.54	5,899.06 [#]	17,387.60
Jan-22	11,818.72		
Feb-22	18,085.00	27,770.59	45,855.59
Mar-22	28,485.89	15,002.85	43,488.73
Apr-22	15,671.35	9,541.35	25,212.70
May-22	15,003.07	27,729.13	42,732.20
Jun-22	12,541.94	19,119.06	31,661.00
Jul-22	14,937.56	22,144.83	37,082.39
Aug-22	14,417.21	9,189.39	23,606.60
Sep-22	8,125.60	3,319.50	11,445.11
Total reported catch (kg)	150,574.89	139,715.76	290,290.65
TAC (kg)	274,820.216	140,304.784	415,125.00
Reported catch as a per cent of the TAC*	54.80 %	99.58 %	69.93 %

[#] In accordance with AFMA's Information Disclosure policy (*Fisheries Management Paper 12*), catches by month have been aggregated for December 2021 through to January 2022, as less than 5 boats operated in the Transferable Vessel Holder (TVH) sector.

Table 2. Reported landed catch (kilograms) of TRL for the PNG Torres Strait TRL Fishery by month and processed weight for the Jan – Oct 2022.

Source: PNG National Fisheries Authority reported as at 24 Nov 2022.

Month (2020)	Tail weight (kg)	Tail wt converted to whole wt (C. factor 2.677)	Whole weight (kg)	Total Catch (kg)
JANUARY	367.61		2,739.10	2,739.10
FEBRUARY	353.09	945.22	3,073.49	4,018.71
MARCH	367.87	984.79	5,855.19	6,839.98
APRIL	545.77	1,461.03	7,681.11	9,142.14
MAY	366.04	979.89	5,573.98	6,553.87
JUNE	149.93	401.36	2,394.30	2,795.66
JULY	469.32	1,256.37	1,469.40	2,725.77
AUGUST	382.90	1,025.02	3,984.17	5,009.19
SEPTEMBER	57.77	154.65	175.84	330.49
OCTOBER		-	557.37	557.37
TOTAL	3,060.30	7,208.33	33,503.95	40,712.28
PNG Waters outside but near TSPZ: Jan - Oct 2022				
Month (2018)	Tail weight (kg)	Tail wt converted to whole wt (C. factor 2.677)	Whole weight (kg)	Total Catch (kg)
JANUARY	295.43	790.87	3,538.50	5,313.46
FEBRUARY	277.93	744.02	2,193.09	2,937.11
MARCH	508.46	1,361.15	4,568.83	5,929.98
APRIL	530.51	1,420.18	3,250.39	4,670.57
MAY	450.65	1,206.39	4,810.87	6,017.26
JUNE	96.90	259.40	1,394.60	1,654.00
JULY	382.60	1,024.22	1,531.20	2,555.42
AUGUST	248.90	666.31	2,044.70	2,711.01
SEPTEMBER	83.34	223.10	-	223.10
OCTOBER	-	-	15.68	15.68
TOTAL	2,791.38	7,472.52	23,332.18	31,788.80
PNG Catch Total: Jan - Oct 2022				
Month (2020)	Tail weight (kg)	Tail wt converted to whole wt (C. factor 2.677)	Whole weight (kg)	Total Catch (kg)
JANUARY	663.04	1,774.96	6,277.60	8,052.56
FEBRUARY	631.02	1,689.24	5,266.58	6,955.82
MARCH	876.33	2,345.94	10,424.02	12,769.96
APRIL	1,076.28	2,881.20	10,931.50	13,812.70
MAY	816.69	2,186.28	10,384.85	12,571.13
JUNE	246.83	660.76	3,788.90	4,449.66
JULY	851.92	2,280.59	3,000.60	5,281.19
AUGUST	631.80	1,691.33	6,028.87	7,720.20
SEPTEMBER	141.11	377.75	175.84	553.59
OCTOBER		-	573.05	573.05
TOTAL	5,935.02	15,888.05	56,851.81	72,739.86

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
Overview of TRLRAG 33 Outcomes and Advice	Agenda Item 6 For Noting

RECOMMENDATIONS

1. The Working Group:

- a. **NOTE** an overview of the discussions and advice of the 33rd TRL Resource Assessment Group who will meet from 13-14 December 2022, to be presented by the TRLRAG Chair, Dr Ian Knuckey.
- b. In particular:
 - (i) the total catch and CPUE analyses;
 - (ii) the pre-season survey results;
 - (iii) the inputs to the empirical Harvest Control Rule (eHCR);
 - (iv) the preliminary stock assessment results; and
 - (v) the advice on a Recommended Biological Catch for the TRL Fishery.
- c. Having regard to the advice of TRLRAG 33, **NOTE** that the Working Group will be asked to provide advice on a Total Allowable Catch for the TRL Fishery for the 2022-23 fishing season – to be discussed under **Agenda Item 7**.

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 13 15 December 2022
TOTAL ALLOWABLE CATCH	Agenda Item 7 For Discussion and Advice

RECOMMENDATIONS

1. The Working Group:

- a. **NOTE**, on 4 October 2022, Senator the Hon. Murray Watt determined a total allowable catch (TAC) of 200,000 kilograms of TRL in the Australian waters of the TRL Fishery for the 2022-23 fishing season.
 - (i) It is expected that the TAC will be increased once the outcomes of the scientific assessment process and the TAC sharing arrangements under the Treaty between Australia and Papua New Guinea (PNG) have been taken into account.
- b. **DISCUSS** and **PROVIDE ADVICE** on a global total allowable catch (TAC) for the Torres Strait Protected Zone (TSPZ) Tropical Rock Lobster Fishery (TRL Fishery) for the 2022-23 fishing season, taking into consideration:
 - (i) the advice from the TRL Resource Assessment Group (TRLRAG) 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.
 - the TRLRAG advice and additional supporting information will be presented by the TRLRAG Chair (under **Agenda Item 6**)
 - (ii) 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.

KEY ISSUES

2. The Working Group is asked to provide advice on a global TAC for the TSPZ TRL Fishery for the 2022-23 fishing season¹. This is to include consideration of whether to deduct other sources of mortality from the RBC.
3. The RBC for the TSPZ TRL Fishery for the 2022-23 fishing season will be calculated by applying the TRL Harvest Strategy, with regard to the RBC estimate outputs using the empirical Harvest Control Rule, and the preliminary stock assessment results to ensure the eHCR continues to work within the ranges it was tested for. The TRLRAG 33 will consider the findings of this work at their meeting on 13-14 December 2022 and a summary of the advice will be presented to the Working Group in session.
4. The advice from the TRLRAG will also include additional discussions on options to address the potential implications of having a lower than expected average catch multiplier on the eHCR. Lower than expected average total catch is considered to be a result of ongoing

¹ The Australian TRL Fishery fishing season runs from 1 December through to 30 September the following year. The PNG TRL Fishery fishing season runs from 1 January through to 31 December each year.

COVID-19 impacts and temporary market and export impacts and is also considered to be uncharacteristic of a standard fishing season, as has been the case for the past three fishing seasons.

BACKGROUND

TAC setting process

5. Under subsection 13 of the Plan, the Minister must determine a TAC for the TRL Fishery prior to the start of a fishing season. In making a TAC determination, the Minister must:
 - a. consult with any advisory committee that the PZJA has established under subsection 40(7) of the *Torres Strait Fisheries Act 1984*, to provide advice relating to the TRL Fishery; and
 - b. have regard to Australia's obligations under the Torres Strait Treaty.
6. Under section 13 the Minister may also consider the views of any person with an interest in the TRL Fishery or the ecologically sustainable use of the TRL Fishery and take into account the amount of TRL taken in the TRL Fishery as a result of other fishing, such as traditional fishing or recreational fishing.
7. Subsection 14 provides for the Minister to determine an increase to the TAC for a fishing season. Subsections 8-11 prescribe how a TAC is to be administered, including the issuing of a notice when the TAC for the Traditional Inhabitant sector has been reached.
8. Further background on the TAC setting process, how catch is shared between Australia and PNG, and how each sector's catches will be managed for the 2022-23 fishing season is provided in the Tropical Rock Lobster Fishery Management Arrangements Booklet 2022-23 available from the [PZJA website](#).
9. At their meeting on 4 October 2022, the PZJA agreed to an amended process for setting the TRL TAC which removes the step of seeking PZJA consideration of start of season and global TAC subject to TRLRAG and TRL Working Group advice. As the TAC setting process for the TRL Fishery has evolved in recent years, this decision by the PZJA seeks to achieve administrative efficiencies and streamline the overall process by removing two largely administrative additional step unless there are exception circumstances.
10. The exceptional circumstances which would require further PZJA consideration on the advice of the TRL RAG and TRL Working Group are:
 - a. If any of the Harvest Strategy outputs are outside the bounds of the decision rules. Examples include:
 - (i) If in any year the pre-season survey average standardised number of 1+ age lobsters per survey transect is 1.25 or lower; or
 - (ii) If a stock assessment is triggered outside of the normal three-year stock assessment cycle;or
 - b. In circumstances where the TRL stock abundance is exceptionally low and the final RBC is likely to fall below the start of season catch limit (200 tonnes).

Setting the start of 2022-23 season TAC

11. At its meeting on 18-19 October 2018, the TRLRAG advised that the start of season catch limit should cover 1 December through to the end of February, and be based on the maximum annual catch amount for the period 2005-2018, being 200 tonnes. This is to minimise the risk that the limit could artificially constrain fishing effort, particularly in a year of high TRL abundance.
12. The TRLRAG further advised that if needed, an additional 100 tonnes be added to the start of season catch limit amount, to account for catches from PNG.
13. It was further agreed that the start of season catch limit be overridden in seasons where the TRL stock abundance is exceptionally low and the final RBC is likely to fall below the start of season catch limit or where overridden by the Harvest Strategy decision rules. In such cases, the use of the start of season catch limit should not be used in subsequent seasons until reviewed by the TRLRAG.
14. The above approach was applied for setting the start of season TAC for the 2022-23 fishing season with no objections from the TRLRAG.
15. At its meeting on 4 October 2022, the Minister PZJA determined start of season TAC of 200,000 kgs (unprocessed weight) for the 2022-23 fishing season under section 13 of the *Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiaar)) Management Plan 2018* (the Management Plan).
16. It is expected that the TAC will be increased once the outcomes of the scientific assessment process and the TAC sharing arrangements under the Treaty between Australia and PNG have been taken into account. Any increase in the TAC is expected to be determined by the end of February 2023. Further details on the expected timeline is provided at **Attachment 7a**.

TRL Harvest Strategy

17. The TRL Harvest strategy uses an eHCR to estimate a RBC annually, with the stock assessment model to be updated every three years (rather than annually) to assess the status of the TRL stock and evaluate the performance of the eHCR. The final Harvest Strategy also details a number of decision rules that are designed to maintain the stock at the agreed target reference point.
18. The eHCR uses the pre-season survey 1+ and 0+ indices, both standardised catch per unit effort (CPUE) indices (TVH and TIB), applies the natural logarithms of the slopes of the five most recent years' data and includes an upper catch limit of 1,000 tonnes. The relative weightings of the eHCR indices are 70% pre-season survey 1+ index, 10% pre-season survey 0+ index, 10% TIB sector standardised CPUE and 10% TVH sector standardised CPUE. The eHCR includes a maximum catch limit of 1000 tonnes.
19. The RAG will be asked to the application of the eHCR and the preliminary stock assessment results in accordance with the TRL Harvest Strategy, and provide advice on a RBC for the 2022-23 fishing season, with regard to:
 - a. section 2.10 Decision Rules of the TRL Harvest Strategy which provides that if in any year the pre-season survey 1+ index is 1.25 or lower (average standardised number of 1+ age lobsters per survey transect) it triggers a stock assessment.

- (i) Having regard to the pre-season survey results presented at the RAG, the pre-season survey trigger has not been triggered.
- b. section 2.11 Decision Rule Scenarios of the TRL Harvest Strategy which provides that under Scenario 1 or 2, if the pre-season trigger has not been triggered, the RAG will consider whether the eHCR RBCs remain within the ranges tested by management strategy evaluation (MSE).

Other sources of mortality and global TAC

20. When setting a TAC, all sources of fishing mortality (catch) are taken into account and, if needed, a discount is applied to the RBC. This generally means the TAC equates to the RBC for the species minus expected catches that will be taken outside of the fishery (e.g. recreational and traditional catches). This is consistent with the principles of the *Commonwealth Fisheries Harvest Strategy Policy: Framework for applying an evidence-based approach to setting harvest levels in Commonwealth fisheries (June 2018)*.
21. To date, estimates of catches taken outside of the TRL Fishery (recreational, charter, subsistence) have not been deducted from the RBC when providing advice on the TAC each fishing season.
22. At the TRLRAG meeting held on 2-3 August 2016 (TRLRAG 18), the TRLRAG:
 - a. noted advice from the Independent Scientific Member that if unaccounted fishing mortality, for example catches taken in other sectors, recreational or traditional, remains constant and at low levels, there would be limited impact on the stock assessment if the catches were not included in the model. However, if unaccounted fishing mortality were to increase significantly this may impact on the performance of the stock assessment;
 - b. agreed that overall catches are likely to be relatively low, although some industry members considered recreational catches to be increasing;
 - c. noted currently there was no reliable estimate of recreational or traditional take of TRL but that future Queensland Government recreational fishing surveys may provide some data;
 - d. noting the likely low level of overall catch and the lack of accurate data, recommended that traditional and recreational catches not be estimated in the stock assessment model or when setting the TAC at this time.
23. This advice was re-affirmed at the TRLRAG meeting held on 4-5 April 2017 (TRLRAG 20). At this meeting, scientific members advised that:
 - a. there needs to be a time series of data or an estimate of historical catch to indicate if catch has increased or decreased over time;
 - b. if recreational and traditional catch has remained constant over time then it may not be worthwhile including in the assessment because it is unlikely to adjust the RBC estimate;
 - c. it is important to understand if catches are a lot bigger than assumed as that could impact the stock assessment; and
 - d. recreational and traditional catch data are often expensive to collect because this requires surveys to be conducted periodically, therefore it may not be affordable to collect this information.

**Expected timeline and process for finalising a global total allowable catch (TAC) for the
TSPZ Tropical Rock Lobster Fishery**

Key:

Scientific assessment and advice	PNG-Australia agreement	Administrative step for Australia
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Steps	Description	Indicative timeline
PNG and Australian catch and effort data compiled	Australian and PNG catch and effort data are compiled ¹ .	By end October
Pre-season scientific survey	Survey data are collected and used to update TRL survey abundance indices used to calculate a recommended biological catch (RBC) ² . Survey must be conducted in November to provide comparable results overtime and the most accurate estimate of annual lobster recruitment into the fishery.	Early November
Australian start of season TAC determined	Minister to determine a 200 tonnes start of season ³ TAC for the Australian TRL Fishery for the upcoming fishing season, as per section 13 of the <i>Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiaar)) Management Plan 2018</i> (the Plan) ⁴ . Start of season TAC based on advice received from TRLRAG and TRLWG in October-November 2018. TAC to apply to Australian TRL Fishery only.	Mid-November
RBC calculation	CSIRO to use empirical Harvest Control Rule (eHCR) to calculate a RBC. Every three years (starting in 2019), CSIRO to update and run the stock assessment model to evaluate the performance of the eHCR. Preliminary stock assessment results are usually available within 4-5 weeks of the pre-season scientific survey.	Late November through to early December
TRL Resource Assessment Group (TRLRAG) and TRL Working Group (TRLWG) advice ⁵	TRLRAG to review the survey results, CPUE analyses and application of the eHCR. Advice provided on a final RBC.	Mid December

¹ These data are provided to CSIRO to update catch per unit effort indices used to calculate a recommended biological catch for the coming fishing season.

² A RBC is the total amount of TRL that can be sustainably taken out of the water by all fishers (commercial, traditional, recreational) each season, while leaving enough in the water to breed.

³ The Australian TRL Fishery fishing season runs from 1 December each year to 30 September the following year.

⁴ The Plan is accessible online at <https://www.legislation.gov.au/Details/F2018L01645>

⁵ Officers from PNG NFA are invited to attend all PZJA advisory forums.

	<p>TRLWG to review TRLRAG advice. Advice provided on a final global TAC⁶.</p> <p>Every three years (starting in 2019), TRLRAG and TRLWG to consider preliminary results of stock assessment. Advice provided on finalising the assessment.</p>	
PZJA agreement to final global TAC	PZJA to review TRLRAG and TRLWG advice and agree to final global TAC.	January
Agree final global TAC, shares of the TAC, cross-endorsement apportionments and any preferential entitlements	<p>AFMA CEO and PNG NFA Director General to meet to agree, as per the terms of the Torres Strait Treaty, on:</p> <ul style="list-style-type: none"> - a final global TAC as per article 23(2); - shares of the final global TAC as per article 22(1) (e.g. 15%:85% split); - cross-endorsement apportionments as per articles 23(4) and 25; - preferential entitlement to any unfished cross-endorsement apportionments as per article 25. <p>An exchange of letters is required to formalise the agreement.</p>	By end January
Australian final TAC determined	Minister to determine a final TAC for the Australian TRL Fishery for the fishing season, as per section 14 of the Plan. TAC to apply to Australian TRL Fishery only.	By end February
TRLRAG advice	Every three years (starting in 2019), TRLRAG to review the final stock assessment results. Advice provided on the need to review the eHCR and conduct a stock assessment in subsequent years, as per Harvest Strategy rules.	February/March
If relevant, submit any formal requests for cross-endorsement in accordance with the Cross-endorsement Guidelines (subject to input from NFA and agreement by the PZJA)	PNG and/or Australia to provide formal request to the other Party seeking cross-endorsement pursuant to article 26 of the Torres Strait Treaty. It will take approximately 6 weeks for Australia to complete the domestic processes to issue a Treaty endorsement/s ⁷ .	By end March

⁶ A global TAC is the total amount of TRL that can be sustainably taken out of the water by both Australian and PNG commercial fishers each season.

⁷ Australia's domestic process include requirements to undertake native title notification pursuant to sub-sections 24HA(2) and (7) of the Commonwealth *Native Title Act 1993*, which takes a minimum of 1 month, and to seek approvals to issue a Treaty endorsement/s.

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
OVERVIEW OF COMPLIANCE RISK ASSESSMENT PROCESS	Agenda Item 8 For Noting

RECOMMENDATIONS

1. That the Working Group:
 - a. **NOTE** a presentation on an overview of the AFMA Compliance Risk Assessment Process that AFMA undertakes each year to inform their compliance activities in both Torres Strait and Commonwealth fisheries.

KEY ISSUES

2. To ensure AFMA's compliance efforts are targeted in the right areas an intelligence driven risk based approach is applied as part of the annual National Compliance and Enforcement Program.
3. A risk-based compliance approach enables AFMA's resources to be targeted to the areas where they are most needed and will prove most effective. It involves a series of steps to identify and assess non-compliance risks and then apply appropriate enforcement action to mitigate these risks.
4. Risk assessments are conducted across the major Commonwealth domestic fisheries, as well as all Torres Strait Fisheries.
5. The risk analysis process assesses and ranks risks of non-compliance with management arrangements to identify where non-compliant activity across fisheries may be occurring. The final risk ratings are determined by assessing the average risk rating provided by stakeholder groups, AFMA's intelligence holdings and the history of detected offences.
6. For the first time in September 2020, PZJA advisory committee members, including TRLWG, were invited to provide input to the 2021-23 National Compliance Risk Assessment for Torres Strait Fisheries.
7. To familiarise the Working Group with the overall compliance risk process, the Working Group is invited to note a presentation from the AFMA Senior Manager of National Compliance on an overview of the AFMA domestic compliance risk assessment process.
8. Following TRLWG 13, Working Group members will be asked to provide input on AFMA's 2023-2025 National Compliance Risk Assessment.

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 13 15 December 2022
OTHER BUSINESS	Agenda Item 9 For Discussion

RECOMMENDATIONS

1. That the Working Group **NOMINATE** any further business for discussion.