

Torres Strait Tropical Rock Lobster Working Group Meeting 7

Meeting Record

28-29 March 2018

Thursday Island

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



Australian Government

Australian Fisheries Management Authority

Contents

| | |
|--|----|
| Meeting participants | 3 |
| Members..... | 3 |
| Observers | 4 |
| 1 Preliminaries | 6 |
| 1.1 Meeting preliminaries | 6 |
| 1.2 Adoption of agenda | 6 |
| 1.3 Declaration of interests | 6 |
| 1.4 Action items from previous meetings..... | 6 |
| 2 Updates from members | 8 |
| 2.1 Industry..... | 8 |
| 2.2 Government | 9 |
| 2.2.1 Fish receiver update..... | 10 |
| 2.2.2 TRL Fishery export approval..... | 10 |
| 2.2.3 Legislative amendments update | 11 |
| 2.3 PNG NFA update | 11 |
| 2.4 Native Title | 11 |
| 3 Finalising the total allowable catch for the 2017/18 fishing season | 11 |
| 4 Management arrangements for the 2017/18 fishing season | 13 |
| 5 Progress on developing a Tropical Rock Lobster Fishery Management Plan | 17 |
| 6 Finalising the Harvest Strategy for the Tropical Rock Lobster Fishery | 17 |
| 7 TRL Fishery budget report for 2018/19 | 17 |
| 8 Other Business | 17 |
| 9 Date and venue for next meeting | 17 |

Meeting participants

Members

| Name | Position | Declaration of interest |
|-------------------|--|---|
| Alexander Morison | Chair | No pecuniary or other interest in the Tropical Rock Lobster Fishery or any other Torres Strait fisheries Fisheries Consultant. Chair of SERAG and SharkRAG. Scientific member on SEMAC. Contracted by government departments, non-government agencies and companies for a range of fishery related matters including research and MSC assessments of AFMA managed and other fisheries (by SCS Global Services) |
| Dean Pease | AFMA Executive Officer | Nil |
| Selina Stoute | AFMA member | Nil |
| Charlie Kaddy | TSRA member (Fisheries Programme Manager) | Nil. TSRA holds multiple TVH TRL fishing licences on behalf of Torres Strait Communities but does not benefit from them |
| Tom Roberts | Queensland Department of Agriculture and Fisheries (QDAF) member | Nil |
| Darren Dennis | Scientific member | Nil. Member of other RAGs and research consultant |
| Sevaly Sen | Fisheries Economist member | Nil interest in Torres Strait fisheries. Conducts various FRDC research projects relevant to AFMA fisheries |
| Mark David | Industry member | Traditional Inhabitant Kulkalgal and TIB licence holder |
| Mark Dean | Industry member | Industry representative and TVH operator |
| Terrence Whap | Industry member | Nil. Traditional Inhabitant Maluialgal and Traditional Owner. Does not hold a TIB licence |

| Name | Position | Declaration of interest |
|------------------|-----------------|--|
| Les Pitt | Industry member | Nil. Traditional Inhabitant Kemer Kemer Meriam |
| Phillip Ketchell | Industry member | Nil. Traditional Inhabitant Kaiwalagal and Traditional Owner |

Observers

| Name | Position | Declaration of interest |
|-----------------|--|---|
| Daniel Takai | Industry observer | Pearl Island Seafoods, Tanala Seafoods and TIB licence holder |
| Allison Runck | TSRA observer | Nil. TSRA holds multiple TVH TRL fishing licences on behalf of Torres Strait Communities but does not benefit from them |
| Jerry Stephen | TSRA Deputy Chair, TSRA Member for Ugar and TSRA Portfolio Member for Fisheries | TIB licence holder and Traditional Owner |
| Brett Arlidge | Industry observer | General Manager MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of TVH licences |
| Patrick Mills | Chair of the Torres Strait Fisher's Association | TIB licence holder and Traditional Owner |
| Seriako Stephen | Representative for Malu Lamar (Torres Strait Islanders) Corporation Registered Native Title Body Corporate (RNTBC) | Nil |
| Sandie Edwards | Industry observer | Torres Straits Seafood Pty Ltd and buyer |
| Koro Samai | Industry observer | TIB licence holder |
| Ken McKenzie | Industry observer | TVH licence holder |
| Cyril Stephen | Industry observer | Traditional Owner |
| Pala Rubu | Industry observer | TIB licence holder |
| Yacoba Wena | Industry observer | TIB licence holder |
| Ngukis Asse | Industry observer | TIB licence holder |
| Dr Mark Tonks | CSIRO scientific observer | Project staff for PZJA funded TRL research projects |

| Name | Position | Declaration of interest |
|--------------------|---------------------------|--|
| Dr Eva Plaganyi | CSIRO scientific observer | Project staff for PZJA funded TRL research projects |
| Phil Hughes | Industry observer | TVH licence holder |
| Ryan Hughes | Industry observer | TVH licence holder |
| James Mills | Industry observer | TIB licence holder |
| William Snowdon | Industry observer | TIB licence holder |
| Dr Ian Knuckey | TRLRAG Chair | Chair/Director of Fishwell Consulting Pty Ltd and Olrac Australia (electronic logbooks). Chair/member of other RAGs and MACs. Conducts various AFMA and FRDC funded research projects including FRDC Indigenous Capacity Building project. No research projects in the Torres Strait |
| Kevin Sabatino Snr | Industry observer | TIB licence holder and Traditional Owner |
| Thomas Fujii | Industry observer | TIB licence holder |
| Richard Takai | Industry observer | TIB licence holder |
| Hideo Shibasaki | Industry observer | TIB licence holder |
| Ryochi Sabatino | Industry observer | TIB licence holder |
| Cyril Binjuda | Industry observer | TIB licence holder |
| Kevin Takai | Industry observer | TIB licence holder |
| Kevin Sabatino Jnr | Industry observer | TIB licence holder |
| Morgan Daniel | Industry observer | TIB licence holder |
| Graham Hirakawa | Industry observer | TIB licence holder |
| Jack Bani | Industry observer | TIB licence holder and Traditional Owner |
| Meremi Maina | PNG Industry observer | PNG fisher |
| Natalie Couchman | AFMA observer | Nil |
| Steve Bolton | AFMA observer | Nil |

Notes:

This list of observers may be incomplete as some observers attended at different times and some declined to complete the attendance form.

1 Preliminaries

1.1 Meeting preliminaries

1. Mr Terence Whap opened the meeting in prayer at 1:00 pm on 28 March 2018.
2. The Chair welcomed attendees to the 7th meeting of the Torres Strait Tropical Rock Lobster Working Group (TRLWG7). The Chair acknowledged the Traditional Owners of the land on which the meeting was held and paid respect to Elders past and present.
3. Attendees at the Working Group are detailed in the meeting participant tables at the start of this meeting record.
4. Apologies were received from Maluwap Nona (Chair, Malu Lamar (Torres Strait Islanders) Corporation RNTBC), Aaron Tom (Industry member) and Ian Liviko (PNG National Fisheries Authority (NFA) Invited Participant).
5. The Working Group noted that Luke Dillon (Industry member) had resigned as a member on the Working Group. AFMA sought nominations to refill this position but had not received any applications.

1.2 Adoption of agenda

6. The draft agenda was adopted without change (**Attachment A**).

1.3 Declaration of interests

7. The Chair stated that as outlined 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. Given the number of meeting participants, it was decided it would be too disruptive to ask each participant to leave the room while a decision is made as to whether, for the relevant agenda items, they can participate in the discussion and in the making of recommendations, or remain absent from the meeting. The declarations of interests would be noted under each agenda item. The Chair asked that all participants conduct themselves respectfully in accordance with FMP 1.
8. Declarations of interests were provided by each meeting participant. These are detailed in the meeting participant tables at the start of this meeting record.
9. The Chair noted that the Working Group is a consultative forum of the PZJA that provides advice on the management of the TRL Fishery. The Working Group is not a decision making body.

1.4 Action items from previous meetings

10. The Working Group noted the report provided by the Executive Officer advising of the status of actions arising from previous TRLWG meetings (see below).

| # | Meeting | Action | Status |
|----|-------------------------------|---|--|
| 1. | TRLWG5 held on 5-6 April 2016 | TRLRAG to provide advice on any findings relating to the impacts of changing the season start date to provide industry with a longer TAC notice period. | Ongoing This action item will be considered at TRLRAG meeting 23 before consideration at TRLWG meeting 8. Meeting paper to be provided by CSIRO. |

| # | Meeting | Action | Status |
|----|--------------------------------|--|--|
| 2. | TRLWG5 held on 5-6 April 2016 | TRLRAG review the advice and justification for opening the east coast TRL season on 1 January at the RAG. AFMA present that advice as an update at the next TRLWG meeting. | Complete CSIRO provided a report titled <i>Biology, larval transport modelling and commercial logbook data analysis to support management of the NE Queensland rock lobster Panulirus ornatus fishery</i> . The report was sent to members and observers prior to the TRLWG meeting 6. The report provides information that supports the management arrangements for the East Coast Fishery. The QDAF member provided further information to the RAG at its meeting on 27-28 March 2018. The QDAF member reiterated that the earlier opening was designed to deliver economic benefits by allowing the Fishery to take advantage of high market prices. Measures are in place to mitigate potential impacts to the stock including a conservative TAC (the current TAC reflects to lower range of recommended sustainable catch 191-242t), fishers cannot take tar spot animals and scientific advice that there is likely limited interaction with spawners as TRL on the east coast are thought to breed in deeper waters not readily accessible to the Fishery. |
| 3. | TRLWG6 held on 25-26 July 2017 | Malu Lamar (RNTBC) to provide the Working Group with maps of home reefs for Torres Strait Island communities. | Ongoing AFMA is awaiting advice from Malu Lamar and will assist where possible. Email reminders sent 20/12/2017 and 08/03/2018. CSIRO advised that they have received some maps with information on traditional names but that this is not complete. They will work with Malu Lamar if further information is needed. |
| 4. | TRLWG6 held on 25-26 July 2017 | AFMA to provide the objectives of the <i>Fisheries Management Act 1991</i> and the <i>Torres Strait Fisheries Act 1984</i> to Working Group members and observers. | Complete Provided in the paper for this agenda item. |
| 5. | TRLWG6 held on 25-26 July 2017 | Malu Lamar (RNTBC) to provide AFMA with a written proposal for any further proposed | Ongoing |

| # | Meeting | Action | Status |
|----|--------------------------------|--|---|
| | | amendments to the <i>Torres Strait Fisheries Act 1984</i> . | |
| 6. | TRLWG6 held on 25-26 July 2017 | The following be presented at the next TRLWG meeting: a) an overview of the current understanding of stock connectivity between the Queensland East Coast and the Torres Strait TRL Fisheries; and b) the basis for the Queensland east coast TAC. | <p>Ongoing – stock connectivity CSIRO presented preliminary results of the research project titled <i>Environmental update for the Torres Strait tropical lobster Panulirus ornatus</i>. Once this research project is finalised an overview of the stock connectivity will be provided to the TRLWG.</p> <p>Complete – QLD TAC The QDAF member provided further information to the RAG at its meeting on 27-28 March 2018. The QDAF <i>Policy relating to individual catch entitlement in the Queensland Tropical Rock Lobster Fishery</i> provided which summaries that the QLD TAC is based on 90% of the average MSY estimates for the stock. The latest assessment estimates MSY at between 191 tonnes and 242 tonnes.</p> |

2 Updates from members

2.1 Industry

11. The RAG Chair provided a summary of reports provided at the TRLRAG held from 27-28 March 2018, including:
 - a. Fishers report catch rates at the start of the season have been good, but a slight decline has been observed more recently;
 - b. Fishers may be targeting concentrations of TRL, or 'hot spots', such as around Mabuiag, which is providing good catch rates;
 - c. Some fishers report having to fish harder to maintain good catch rates.
12. The Working Group noted updates provided by Industry members and observers on the recent performance and key issues affecting the TRL Fishery:
 - a. An Industry member advised that TIB free divers are finding it hard to fish when there are hookah divers fishing in shallow waters on top of reefs. It was suggested that the low catch rates experienced by TIB free divers is attributable to these hookah practices. It was noted that there are some TVH fishers that respect the TIB fisher's preference for them to not hookah dive in shallow water.
 - b. An Industry member reported similar concerns as well as concerns that TVH fishers are not respecting local waters. The member suggested that 10nm closures be implemented around inhabited islands.
 - c. An Industry observer (Chair of the Torres Strait Fisher's Association) raised concerns about the low recommended biological catch (RBC) and the serious impact this could have on the livelihoods of Traditional Inhabitant fishers. The

observer recommended that the remainder of the Australian catch share to be reserved for TIB fishers.

- d. An Industry member reported that around Darnley, catches have been very low and he has found it difficult to catch 400kg of tails from 1 December 2017 to end of March 2018.

2.2 Government

13. The Working Group noted an update provided by the AFMA member regarding management initiatives relevant to the TRL Fishery:

- a. Australia and PNG bilateral meeting - the Fisheries Committee met on 5 February 2018 and provided advice to the Joint Advisory Council (JAC). The JAC noted advice regarding the preliminary TRL RBC for the 2017/18 fishing season. The JAC also noted ongoing interest by the PNG prawn trawl industry to retain TRL and agreed that any departures from the current ban must be assessed in line with the Treaty. The JAC recognised the importance of the resource to Traditional Inhabitants noting that it is a shared stock and the potential for trawling to impact spawning migration pathways and biomass in the Torres Strait. PNG also agreed to provide data on catches. The AFMA CEO will be following up again with the NFA Managing Director on these matters.
- b. Australian National Audit Office (ANAO) - the ANAO has commenced a performance audit of Australian Government coordination arrangements in the Torres Strait. ANAO officers will be visiting the Torres Strait in April.

14. The Working Group noted an update provided by the QDAF member regarding QDAF activities relevant to the management of the East Coast TRL Fishery:

- a. East Coast TRL Working Group – this group has been recently formed and will focus on developing a harvest strategy, completing a desktop study to identify data gaps, and an update of the existing models with current catch and length frequency data. This will allow management to move the fishery to a TAC which can be varied based on regular assessments.
- b. Catch to date – approximately 54 tonnes of the 195 tonnes East Coast TAC has been caught. The fishery has limited entry - there are currently 28 licences held by 8 individual quota holders. Catch for the last month has slowed as the industry has decided to wait to fish to higher market prices (CPUE) expected in July.
- c. VMS – VMS will be implemented on all commercial fishing vessels including dories by 2020.

15. An Industry member queried how much of the East Coast quota is held by Traditional Inhabitants. The QDAF member advised that there is 5 tonnes allocated to the indigenous sector and there are currently no plans to change this allocation. QDAF agreed to provide more information to the Working Group on this matter.

Action 1

QDAF to provide further information regarding the eligibility criteria and application process to access the 5 tonnes allocation under indigenous fishing permits, noting QDAF are currently formulating a new policy in relation to this matter and, the new policy and requirements will be circulated when they are finalised.

16. An Industry observer queried as to why they had to surrender their assistant fisher licence in the East Coast TRL Fishery. The QDAF member advised that these were

cancelled because the responsibility to ensure the crew has the relevant qualifications to work on fishing vessels was shifted to the skipper.

17. The Working Group noted an update provided by the TSRA member regarding TSRA activities relevant to the management of the TRL Fishery:
 - a. Fisheries Summit – planned for May 2018. Further details to be provided closer to time but key fisheries issues will be up for discussion and elections for Traditional Inhabitant positions on PZJA forums will be held.
 - b. Community Management Framework – initial consultation has been conducted on a project looking at the establishment of a corporate entity separate from the TSRA to hold in trust and manage commercial fishing assets on behalf of Torres Strait communities. There is general support for the entity and TSRA now need to complete further work on legal and governance structures.
 - c. Export and branding for Torres Strait seafood - a consultant has been engaged to assess the economic feasibility, regulatory requirements and infrastructure needs to export seafood directly from the Torres Strait and the potential value derived from creating a brand for Torres Strait seafood.
 - d. Audit of infrastructure and services – a draft report has been considered by the TSRA Board and the report will be finalised shortly. Recommendations arising from the audit to be communicated in due course.

2.2.1 Fish receiver update

18. The Working Group noted an update provided by the AFMA member regarding implementation of the Torres Strait fish receiver system (FRS). The FRS became mandatory for all Torres Strait Fisheries, excluding the Torres Strait Prawn Fishery, on 1 December 2017. AFMA is currently providing education and support to fish receivers and fishers to ensure compliance with requirements.
19. AFMA have received improved catch and effort information through the FRS to date. This data is more comprehensive and timely than that received under the previous voluntary arrangements, particularly for the Beche-de-mer and Finfish Fisheries. Members have previously identified errors in the voluntary docket book data (e.g. area fished; no data from Mabuiag), and it was suggested that efforts be made to ensure FRS data can be compared with voluntary docket book data collected since 2004. The FRS will be used to support better decision making about how fisheries are managed, including setting and monitoring catch limits.

2.2.2 TRL Fishery export approval

20. The Working Group noted an update provided by the AFMA member regarding the declaration of the TRL Fishery as an approved Wildlife Trade Operation (WTO) under *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for a further three years, until 18 December 2020.
21. The Working Group noted that this approval is necessary in order to legally export commercially wild caught seafood from Australia, including TRL. The approval for the TRL Fishery is subject to conditions which will require ongoing work by the PZJA supported by advice from the Working Group. In particular, advice from the Working Group will be sought on Condition 4, which requires the implementation of a strategy to manage the risks of overfishing and localised depletion in the TRL Fishery.

2.2.3 Legislative amendments update

22. The Working Group noted an update provided by the AFMA member regarding the status of proposed amendments to the *Torres Strait Fisheries Act 1984* and *Torres Strait Fisheries Regulations 1985* (the Regulations), which govern how fisheries are managed in the Torres Strait. Key amendments include:
- Ability to issue Fisheries Infringement Notices;
 - Mandatory catch reporting across all licence holders;
 - Ability to provide electronic licensing and monitoring to licence holders;
 - Simplification of the renewal of licences
23. A number of additional amendments are also being considered for inclusion and will go to the PZJA shortly for approval before being progressed any further. These include:
- the ability for a single licence to be issued for primary and tender packages;
 - the ability for all licences to be granted for up to five years; and
 - the ability for a licence to be issued without a nominated boat.
24. The Working Group noted that the intention behind moving to a single licence for primary-tender packages is to reduce the number of individual licences that a primary-tender operation needs to obtain thus reducing the administrative burden. It was not to change what the licences themselves allow.
25. The AFMA member noted that the legislative amendments process (as detailed in the agenda paper) is lengthy and is underpinned by consultation, and there will be an opportunity for further comment at a later date.

2.3 PNG NFA update

26. An update from PNG NFA was not available as the Invited Participant was not in attendance.

2.4 Native Title

27. The representative for the Malu Lamar (Torres Strait Islanders) Corporation RNTBC advised that Malu Lamar will support the outcomes from this meeting, based on the current RBC of 299 tonnes. The representative advised that Malu Lamar has a position on what the arrangements should be to support TIB fishers for the remainder of the 2017/18 fishing season and will put this forward under the appropriate agenda item.

3 Finalising the total allowable catch for the 2017/18 fishing season

28. The Working Group was asked to provide advice on the notional TAC for the TRL Fishery for the 2017/18 fishing season.
29. The Working Group accepted advice from the TRLRAG that the RBC for the 2017/18 fishing season is 299 tonnes. This is based on the latest stock assessment and application of the interim harvest strategy.

Recommendation 1

The Working Group noted that the RBC covers the Protected Zone (Australia and Papua New Guinea) and recommended the RBC of 299 tonnes be the basis for setting the notional TAC for Australian waters.

30. The Working Group noted the Australian catch share, inclusive of the Australian cross endorsement allocation, would be 201.85 tonnes (includes 11.2 tonnes accessible by Australian vessels if cross endorsed to fish in PNG waters).
31. Prior to making the above recommendation the Working Group had the following discussions.
32. The Working Group considered a report provided by the Chair of TRLRAG regarding the outcomes of the TRLRAG meeting held 27-28 March 2018:
- a. the interim harvest strategy sets a precautionary target to maintain the stock at (on average), or return to, a target biomass reference point (B_{TARG}) of 65 per cent of the unfished biomass ($B_{0.65}$). This takes account of the fact that the resource is shared and important for the traditional way of life and livelihood of traditional inhabitants and is biologically and economically acceptable. The limit is also similarly precautionary and set at 40 per cent of the unfished biomass ($B_{0.40}$).
 - b. the TRL stock is variable and as such it will go up and down from year to year, but the objective is to maintain the stock, on average, at the target.
 - c. CSIRO have completed surveys and assessments for decades using experienced divers to survey 0+, 1+ and 2+ lobsters. The surveys are randomly stratified and are used to estimate the abundance of 1+ lobsters that are to grow into fishable size for the coming fishing season.
 - d. November 2017 pre-season survey results:
 - i. one of the lowest abundances of 1+ lobsters on record, these being the lobsters to be fished in the 2017/18 fishing season. There is good certainty around this data.
 - ii. lowest abundances of 0+ lobsters on record, however there is more uncertainty around this data as 0+ lobsters are harder to survey given their size.
 - e. as there is uncertainty around 0+ lobsters, it is difficult to forecast with any accuracy two years ahead to the time at which they will be a fishable size. If the current forecast of 0+ lobsters is correct, then there will be another low RBC for the 2018/19 fishing season. The next assessment cycle will be informed by a further survey and better CPUE data and by that time we will be far more certain about the abundance of what are currently 0+ lobsters as these will then be 1+ animals.
 - f. the RBC of 299 tonnes is set at this level to pursue the objective of the interim harvest strategy which is to maintain the TRL stock at the B_{TARG} ($B_{0.65}$). The RBC was calculated by applying the interim harvest strategy to the results of the integrated fishery stock assessment. The stock assessment takes into account the results of the November 2017 pre-season survey, catch and effort information from the TIB and TVH sectors, TRL biological information and environmental information.
 - g. the TRLRAG recognised the serious impacts a low RBC has for fishers, including their livelihoods, communities and traditional practices.
 - h. the TRLRAG have reviewed the first few months of catch and effort data from the TRL Fishery and this does not contradict the results of the survey or assessment.
 - i. The fishery in January 2018 was reasonable with moderate catch rates for both sectors and the data suggests these catches are based on a residual 2+ lobsters left over from the previous fishing season. There have been reports that suggest that fishers may be getting good catch rates through targeting concentrations of TRL, or 'hot spots', such as around Mabuiag. This can mask a low overall abundance of TRL. Catch rates are forecast to drop once the residual 2+ lobsters

are caught and only a low number of 1+ lobsters become available to the fishery when they reach fishable size.

33. A number of Industry observers advised that they are not seeing many 1+ lobsters particularly around Thursday Island but also other areas. It was noted that this is consistent with the survey results. An Industry member advised he has observed large numbers of undersize lobsters at Kirkcaldie Reef.
34. The Chair of the TRLRAG advised that a mid-season survey would come too late to provide the additional information on 1+ lobsters needed to verify and possibly change the RBC. With or without a survey, the CPUE index which will rely on the 1+ lobsters will provide an indication whether the survey index for 1+ lobsters and the assessment was incorrect.
35. The Industry member and observers from the TVH sector advised that they have not increased fishing effort in terms of hours spent fishing. Industry observers from the TIB sector advised they have had to increase fishing effort in order to maintain catches.
36. The PNG industry observer advised that catches last season (2016/17) were very poor. There are some indications of a slight improvement to catches from last year in the first two months of the 2017/18 fishing season. The predominant size is 1kg plus. The catch is from diving and lamp fishing, not trawl.

4 Management arrangements for the 2017/18 fishing season

37. The Working Group was asked to provide advice on any additional management measures necessary to ensure catches for the 2017/18 fishing season do not exceed the recommended notional TAC.

Recommendation 2

The Working Group recommended:

- a. catches should not exceed the RBC noting over catching will increase the risk of the Fishery not reaching its interim harvest strategy target. Which is to maintain the stock at (on average), or return to, a target biomass point B_{TARG} ($B_{TARG} = 0.65 B_0$) that takes account of the fact that the resource is shared and important for the traditional way of life and livelihood of traditional inhabitants and is biologically and economically acceptable.**
- b. measures be adopted to prolong the opportunity for the TIB sector to fish for the duration of the season. It was also noted that prolonging fishing would allow the collection of catch per unit effort data over a longer period which will inform the next stock assessment for the Fishery.**

38. The Chair noted that the terms of reference for the Working Group, as detailed in FMP1, do not provide for voting on or the passing of resolutions. The Working Group's role is to provide advice and make recommendations to the PZJA on matters relating to the management of the TRL Fishery. Noting this, the Traditional Inhabitant members and observers passed the below resolution as representing their unanimous views.
39. The Working Group noted the following advice and recommendations from Traditional Inhabitant members and observers:

- a. **RESOLUTION:**

That Traditional Inhabitant representatives on the Working Group STRONGLY RECOMMEND, as a matter of urgency, that the remaining nominal catch allocation in the 2018 season is reserved for the Traditional Inhabitant Boat sector. This advice is provided:

- i. *in accordance with Article 10, Section 3 of the Torres Strait Treaty which protects the traditional way of life and livelihood of traditional inhabitants; and*
- ii. *that based on the low Recommended Biological Catch in the 2018 fishing season there is a need to support the livelihood of the TIB sector and sustainability of the TRL industry.*

b. *Working Group ADVICE:*

In the absence of a Tropical Rock Lobster Management Plan input control measures must be developed to manage the fisheries stock. Traditional inhabitant representatives on the Working Group STRONGLY RECOMMEND, as immediate interim measures in moving towards a Management Plan:

- i. *licence conditions are implemented on all licences in the Tropical Rock Lobster Fishery to limit the catch shares of the TIB and TVH sectors to their agreed nominal catch allocations.*
- ii. *an additional hookah closure period is implemented in each month.*
- iii. *a 10 nautical mile closure around inhabited islands for fishing by TVH licence holders.*
- iv. *a full time compliance presence and increased number of on-water compliance days in the Torres Strait.*

40. The Working Group noted the following advice and recommendations from the TVH member and observers:

a. The TVH member and observers support:

- i. fishing respectfully in the Torres Strait and intend on developing a code of practice that reflects this commitment;
- ii. taking action to prolong the opportunity for the TIB sector to fish for the duration of the season; and
- iii. moving to a quota management system, under a formalised Management Plan, as soon as possible provided the system commences at the start of a fishing season.

b. The TVH member and observers preferred management options for prolonging fishing within the season are:

- i. applying an additional moon tide closure (hookah ban) commencing 13 April 2018. This will have a significant impact on TVH effort. Not only fishing time but in searching time; and
- ii. if at the end of May, 80 per cent of the Australian share has been taken, the minimum body (carapace) size limit should be increased to 95mm (up by 5mm). It was noted that technical advice on this option was provided by the TRLWG and TRLRAG Scientific members during the breakout session. Further this option will impact scientific data for the Fishery and will need careful analysis.

41. An Industry observer noted that broader consultation is needed with the TVH sector prior to providing final advice on what additional management measures they can support, including whether there is support for limiting sectoral catches to provisional catch shares under the draft Management Plan.

42. Prior to the provision of the above advice and recommendations (as detailed in paragraphs 39-41) the Working Group had the following prior discussions (as detailed in paragraphs 43-55) and then the TSRA Fisheries Portfolio member requested that TIB members and observer be given the opportunity to have a closed session. All other members agreed, left the meeting room and convened in separate room. TIB and TVH

members and observers then provided their advice and recommendations to the Working Group (paragraphs 39-41). The two sub-groups comprised of:

- a. Traditional Inhabitant members and observers, TSRA Portfolio Member for Fisheries, TSRA member and observers, PNG Industry observer;
- b. TVH member and observers. The Chair, AFMA Executive Officer, AFMA member and observers, QDAF member, Scientific member, Fisheries Economist member, CSIRO scientific observers and TRLRAG Chair were present and provided technical advice on the management options that were discussed.

43. The Working Group considered a summary provided by the AFMA member regarding reported catch for the 2017/18 fishing season:

- a. since 2006 and in preparation for implementing a quota management system a notional TAC (non-binding) has been advised by the TRLRAG and has been used to agree catch sharing arrangements with PNG.
- b. the reported catch for the TRL Fishery (TIB and TVH sectors only – no PNG catches reported) from 1 December 2017 to 21 March 2018 was 81.688 tonnes or approximately 40 per cent of the Australian catch share of the RBC (201.85 tonnes). It was noted that there are outstanding catch disposal records for March therefore the catch figures presented may be under-reported and landed catch was estimated to be 90 tonnes;
- c. these catches were high against what is a relatively low RBC, and although catch rates can vary throughout the season, current management measures may not keep catches within the Australian catch share of the RBC;
- d. AFMA convened an industry meeting on 27 February 2018 on Thursday Island to outline the preliminary RBC advice, the management process to finalise the RBC advice and the possible need for additional management measures to keep catches within the agreed catch limit. Some industry participants provided recommendations to implement additional management measures to slow down catch rates and allow operators to fish throughout the entire season, including:
 - i. implementing additional hookah closures;
 - ii. a 10 nautical mile closure for the TVH sector around inhabited islands;
 - iii. 30 per cent tender boat reduction for primary licences, which is consistent with the 2007 interim tender boat reduction; and
 - iv. industry entering into voluntary arrangements to limit catches to their provisional catch shares under the draft Management Plan (not currently in force).
- e. The record for the 27 February 2018 industry meeting is currently being finalised.

44. The Working Group discussed the distribution of catch between the TIB and TVH sectors, which was noted to be 45.643 tonnes (56 per cent) and 36.045 tonnes (44 per cent), respectively.

45. The TSRA Portfolio Member for Fisheries proposed that any remaining catch needs to be reserved for the TIB sector and additional management measures only applied after this has happened. The basis of this is that the livelihoods of Traditional Inhabitants should come first. This proposal was supported by the Industry members (TIB sector only), TSFA Chair and Malu Lamar representative.

46. The TSRA member advised that TSRA supported the recommendation of the TRSA Fisheries Portfolio member.

47. The AFMA member advised that whilst acknowledging the rights of the TIB sector to access the TRL resource and the importance of this to the livelihoods of Traditional Inhabitants, licence holders from the TVH sector also have access rights. A decision to remove access to the Fishery for one sector only in the current fishing season is unlikely to be procedurally fair. As a result such a proposal is unlikely to be supported the PZJA.

48. The QDAF Member advised that whilst the Queensland Minister would be advised of the TIB members and observers recommendations the QDAF member also noted that it would also be necessary to advise on the associated risk with such a proposal. These risks are around how consistent such a proposal is with the legislation.
49. The Fisheries Economist member noted that the terms of reference for the Working Group, as detailed in FMP1, do not include providing advice on matters of allocation in the TRL Fishery.
50. The Working Group noted that if the draft Management Plan was in force, the TVH sector would cease commercial fishing when their provisional allocation (33.82 per cent) was reached, and there would not be the competition between the two sectors as is currently being experienced.
51. The CSIRO scientific observer advised that, from a scientific perspective, they supported any management measures that would slow down or control fishing effort, including measures that would sustain the livelihoods of Traditional Inhabitants. However, in advising on additional management measures, there needs to be an objective basis upon which to assess options and having an estimate of the catch level needed to sustain the livelihoods of Traditional Inhabitants would assist. It was noted that on average, TIB catch has been 174 tonnes per season but has also been as low as 50 tonnes.
52. The AFMA member noted that the TRL stock is naturally variable. Current management controls have been largely sufficient to keep catches below the Australian catch share of the RBC without the need for additional management intervention. However, catches this season are tracking to exceed the Australian catch share of what is a low RBC and management action is needed to ensure this does not occur.
53. The Scientific member advised that the TRL stock has been at much lower levels in the past (e.g. 2001 when a total of 100 tonnes was taken by the Australian fishers for the whole year) and additional management measures were implemented in subsequent years, including:
- a. an increase in the minimum size limit;
 - b. two month hookah ban in December and January;
 - c. 30 per cent tender reduction for primary boats. This was introduced in 2005 to reduce effort. It was subsequently removed following an industry buyback in 2007, which effectively reduced the fleet by this amount.
54. Prior to the Working Group breaking into two subgroups, members and observers discussed additional management measures to control catches to ensure they do not exceed the Australian catch share of the RBC for the 2017/18 fishing season:
- a. Additional hookah closures during all new and full moon periods for the remainder of the fishing season;
 - b. 10nm spatial closures for the TVH sector around inhabited islands;
 - c. 30 per cent tender reduction for primary boats;
 - d. Increased minimum size limits;
 - e. No additional measures and close the fishery when the Australian share of the RBC is reached;
 - f. Voluntary arrangements to limit sectoral catches to provisional catch shares under the draft Management Plan (not currently in force). The provisional allocations between the TIB and TVH sectors are 66.18 and 33.82 per cent, respectively.
55. In considering additional management measures, it was noted that measures need to pursue the objectives under the *Fisheries Management Act 1984*. The Working Group discussed criteria against which options could be assessed:
- a. Protects traditional fishing;

- b. Keep catches to the Australian share of the RBC;
- c. Maintain the opportunity to fish throughout the remainder of the fishing season;
- d. Obtain good market prices;
- e. Does not increase operating costs;
- f. Can be enforced.

5 Progress on developing a Tropical Rock Lobster Fishery Management Plan

56. Due to time constraints, this item was not considered and will be deferred to a later Working Group meeting for consideration.

6 Finalising the Harvest Strategy for the Tropical Rock Lobster Fishery

57. Due to time constraints, this item was not considered and will be deferred to a later Working Group meeting for consideration.

7 TRL Fishery budget report for 2018/19

58. Due to time constraints, this item was not considered and will be deferred to a later Working Group meeting for consideration.

8 Other Business

59. Due to time constraints, this item was not considered.

9 Date and venue for next meeting

60. The Working Group noted that the next meeting is tentatively scheduled for May 2018, with a date to be decided out of session.

61. Mr Meremi Maina closed the meeting in prayer at 12:30pm on 29 March 2018.

TORRES STRAIT TROPICAL ROCK LOBSTER
WORKING GROUP (TRLWG) MEETING No.7
WEDNESDAY 28 MARCH 2018, 1:00PM-5:30PM
THURSDAY 29 MARCH 2018, 8:30AM-12:00PM
Thursday Island TSRA conference room

AGENDA

1. Preliminaries
 - 1.1. Meeting preliminaries
 - 1.2. Adoption of agenda
 - 1.3. Declaration of interests
 - 1.4. Action items from previous meetings
2. Updates from members
 - 2.1. Industry
 - 2.2. Government
 - 2.2.1. Fish receiver update
 - 2.2.2. TRL Fishery export approval
 - 2.2.3. Legislative amendments update
 - 2.3. PNG NFA update
 - 2.4. Native Title
3. Finalising the total allowable catch (TAC) for the 2017/18 fishing season
4. Management arrangements for the 2017/18 fishing season
5. Progress on developing a Tropical Rock Lobster Fishery Management Plan
6. Finalising the Harvest Strategy for the Tropical Rock Lobster Fishery
7. TRL Fishery budget report for 2018/19
8. Other Business
9. Date and venue for next meeting