

TORRES STRAIT FINFISH WORKING GROUP MEETING

**11-12 NOVEMBER 2003
PEARLS BUILDING - THURSDAY ISLAND**

AGENDA ITEM 1

REVIEW RECORD OF PREVIOUS MEETING

Present

Mr Jim Prescott (Chair)
Mr John Marrington (AFMA)
Dr John Kung (QFS)
Mr Peter Yorkston (TSRA Fisheries Coordinator)
Mr Lota Warria (Community Fish Rep)
Ms Nazareth Faud (Community Fish Rep)
Mr Kila Odo (Community Fish Rep)
Mr Joey Saylor (Community Fish Rep)
Mr Samuel Tamu (Community Fish Rep)
Mr Barry Ehrke (QSIA)
Mr Larry Hudson (Industry Rep – Line)
Mr John Smith (Industry Rep – Mackerel)

Observers

Mr Don Mosby
Dr Bruce Mapstone (CRC Reef)
Mr Cameron Murchie (CRC Reef)

Absent

Mr Joey Saylor (day 2)

Meeting opened at 0840 by the Chair

A) OPENING COMMENTS

The Chair welcomed the members of the working group and went briefly over the new consultative structure.

The Chair also clarified for which fisheries the Finfish Working Group was responsible under the new consultative structure and that issues in the barramundi and the net fisheries were now be the responsibility of the TSFMAC.

B) APOLOGIES

Mr Jack Billy

C) AGENDA

Agenda adopted (Attachment 1).

1) *Review record of previous meeting (21-22 August 2001)*

The working group noted the meeting papers from the last Finfish Working Group meeting (August 2001).

Dr John Kung explained to the Working Group the licensing splitting policy.

2) *Business arising from previous meeting*

The working group noted the preliminary recommendations from the last Finfish Working Group meeting in respect of the reef line fishery. The working group was advised that no recommendations could be found in respect of the Spanish mackerel fishery.

Mr John Marrington went through each of the agenda items and indicated what progress, if any, had been made with each item. A summary of this follows.

Agenda Item	Details of Progress
1	Interim Report on the Review of Reef Line fishing in the Eastern Torres Strait <i>Progress: Draft final report completed. To be discussed under agenda item 7.</i>
2	Proposed objectives, strategies, performance indicators for the reef line fishery. <i>Progress: Were supported by the Working Group but were not put through TSFMC in October 2001 for their endorsement. This is still work in progress</i>
3	Licensing Issues.

	Progress: none required
4	Data Issues. <i>Progress: New line logbook developed and implemented into line fishery. New freezer docket book being developed. Freezer records continuing to be sought.</i>
5	Management Issues – Reef line. <i>Progress: Latent effort Sub-committee formed to address latent effort in the reefline and mackerel fisheries. Fisheries Management Notice introduced banning the taking of live fish. By-catch Action Plan drafted.</i>
6	Future Research issues. <i>Progress: Two research projects proposed for 2003-2004. The proposals titled, “Evaluation of the eastern Torres Strait reef line fishery” and “Status assessment of the Torres Strait Spanish Mackerel Fishery” are to be put to the CRC for funding in the near future.</i>
Agenda items 7 to 16	As no record can be located indicating the outcomes for these agenda items no progress report was provided. .

During this discussion Dr John Kung provided a summary of the licence splitting policy.

Also during discussion the fishery objectives were questioned. There was agreement by the Working Group that a separate agenda item be established to consider the objectives agreed to at the previous Finfish Working Group meeting. The meeting did not have time to return to this item.

3) *Report on the November 2002 PZJA meeting.*

Mr John Marrington provided the Working Group with a summary of the outcomes relevant to the Finfish Fishery.

Mr Larry Hudson questioned to status of the PZJA decision to impose a 30% reduction in tenders. Mr John Marrington advised the Working Group that the PZJA is yet to consider this matter further but is expected to have a telephone hook up in late March to discuss this and other issues.

Mr Larry Hudson suggested that a 30% reduction in time in the fishery would be more palatable.

Mr Kila Odo indicated to the Working Group that the 0 TAC on two more species of sea cucumbers that are economically important in ETS has resulted in an increase in Islander participation in the reef line fishery.

4) *Report on the PNG Bilateral Meeting.*

Mr Jim Prescott provided a summary of the outcomes of the PNG Bilateral meeting held on 3-4 March.

Mr John Smith expressed concern that the fishery could not sustain the extra effort of the 16 PNG boats Australia may endorse if nominated by PNG.

- Mr Jim Prescott informed the Working Group that under the Treaty PNG is entitled to 25% of the catch and that Australia needs to have the ability to adjust its effort to accommodate the PNG boats.

The Working Group discussed the fact that there are no restrictions on where PNG boats can take their Australian share of mackerel. Under the current arrangements the entire PNG catch could be taken from Bramble Cay. The Working Group felt that any PNG effort should be spread across the fishery.

The Working Group also discussed the issue of no restrictions existing on the length of time PNG boats can operate in Australian waters. It was felt that PNG boats should be limited to a specified number of days in the fishery. In addition concern was expressed that under the catch sharing arrangements, PNG is entitled to bring in 3 x 20 meter vessels which could still operate efficiently in poor weather conditions and impact on the already limited anchorages.

Recommendation 1. The Finfish Working Group recommends that PNG effort be limited to the number of days used in the three year catch sharing calculations, ie. 40 days per vessel or a total of 640 vessel days.

Recommendation 2. The Finfish Working Group recommends that the PNG effort be distributed in proportion to the effort used in the three year catch sharing calculations, ie. 25% in Australian waters and 50% in northern territorial waters (eg. Bramble Cay, Black Rocks, Anchor Cay, etc.).

5) *Report on the Latent Effort Sub-committee*

Mr John Marrington provided the working group with an overview of the work undertaken by the Latent Effort Sub-committee and went through each of the recommendations being made to the PZJA.

- Subsequent discussion followed regarding qualifying criteria and the numbers of operators likely to be removed from the fishery. Mr Jim Prescott explained that the sub-committee deliberately avoided analysing the likely impact so as to avoid being accused of targeting any one or group of operators.

The working group noted the recommendations and raised no objections to the qualifying criteria proposed.

- Mr Kila Odo stressed the importance of addressing this quickly as many of the island Communities are already in poor economic state.

6) *Update on the Queensland Reef Line Management Plan*

Dr John Kung provided the working group with a report on the progress of the Queensland Reef line Management Plan and that the process should be completed by 1 July 2003. This includes the introduction of individual transferable quotas (effort or catch units yet to be determined) and numerous new requirements such as new size limits.

Recommendation 3. The Finfish Working Group notes the work being undertaken with the development of the Queensland Reef Line Management Plan, and acknowledges the need for future management arrangements developed in the Torres Strait to take into account those arrangements introduced in Queensland.

7) *Research*

Dr Mapstone provided an overview of the results of the project “Review of Reef Line Fishing in the Eastern Torres Strait”. Dr Mapstone highlighted the need for determining how much effort exists from the Islander sector and highlighted that Islanders taking small fish in the course of traditional fishing have the potential to severely reduce the spawning potential of some of the long lived cod species. He pointed out that it would be wise to adhere to the size limits when fish for food to ensure that fish have had the opportunity to spawn at least once.

Mr Kila Odo expressed that he would like to see some research undertaken on spawning stocks with the aim of closing areas to fishing during the spawning period. Mr Odo added that closures would mean Islanders having to travel further to fish and competing against the larger commercial boats.

Dr Mapstone indicated that the reef line fishery may be biologically sound but economically unviable. This would likely require management strategies to be tailored to suit operational and economic characteristics of both sectors involved in the fishery.

The working group noted comments from the Islander members that Islanders will continue to confront the commercial reef line operators out of frustration at their continual presence.

- Mr Kila Odo requested it be noted that confrontation would be in the form of verbal requests for these operators to leave the area.

Dr Mapstone also provided an overview of the CRC and how it will function.

Ms Vanessa Moore gave the working group a verbal report on the new finfish logbook and an update on the development of the Freezer Docket Book.

- Concern was raised by the Islander members that Islander fishers will be reluctant to provide information on where they have taken their catch if it is going to be available to anybody who walks into the freezer. Members were then provided with a copy of the area sectors that will be specified in the docket book. The Islander members were satisfied that these areas were sufficiently large to address this concern.

7) *Independent Advisory Report*

Mr Jim Prescott led the discussion on the Independent Advisory Panel report and drew to the working group’s attention the relevant sections that needed to be considered. The working group made the following comments in regard to the report.

- **Executive Summary**

The working group considered the comment made in respect to the prawn fishery regarding the panel's finding that an *ex gratia* payment should be made to displaced fishers. Industry and Islander representatives were of the view that the same argument can be applied to the line and mackerel fisheries as reductions will affect commercial fishing interests in these fisheries as well.

- **Status of the Fishery**

The working group agreed with the panel's assessment of the reef line and mackerel fishery status. The group recognises that there is very limited information on the stocks on which to base an informed opinion.

The working group supported the panel's findings with respect the urgent need to remove latent effort from the reef line and mackerel fisheries, and the need to urgently improve data collection. (The working group noted under other agenda items progress being made on these matters.) The working group stressed the importance of the research proposals for the reef line and mackerel fisheries being submitted to the CRC board for funding.

- **Legal assessment of the fishery**

The working group noted the legal advice. In particular, note was made of the advice on the grant and renewal of licences and the conditions under which compensation may or may not be payable if challenged. The working group also noted that there is evidence to suggest that a market has "existed or been allowed to exist" which implied ongoing access (in the working group's opinion), and further that financial transactions have continued to take place on the understanding among fishers that the licences will be renewed.

- **Priority Ranking of Fisheries**

Special note was made of the advice in the independent Panel report, Appendix 1, where it is stated that there is a *prima facie* order of priority with respect to access for traditional and community fishing being a higher rank than commercial fishing by non-traditional inhabitants.

The Working agreed unanimously that traditional fishing has primacy. However, the working group also agreed that traditional fishing should be regulated for sustainability reasons if such a situation occurs.

The working group was split on the *prima facie* order of priority. Islander representatives maintained that Community Fishing has a higher priority than

“Commercial fishing that is not Community Fishing”. Whereas, Industry representatives maintained that all commercial fishing licences (be they TIB or fully transferable Torres Fishing Boat Licences) should be treated equally.

The working group requires a clear policy statement on the order of priority from the PZJA before any progress can be made on management arrangements in the reef line and mackerel fisheries. The importance of this cannot be overstated.

The Industry representatives requested that it be noted that the legal opinion expressed in the Panel’s report is a single interpretation and other legal interpretations are possible.

- **Maximising opportunities for Torres Strait Islanders**

Appendix 3 of the report suggested some possible management directions to give effect to stated policies of the PZJA. The working group considered the following possibilities that were raised by the panel.

- ***Partnerships/joint ventures***

Islander and Industry representatives did not consider this to be a workable proposition as a more capital intensive venture will simply lead to higher rates of exploitation than already exist and business ventures between partners are generally difficult to maintain.

- ***Maximising Participation***

The working group considered the option of restricting new master fisherman’s licences to traditional inhabitants only. The Islander representatives expressed that they were not willing to work on non-traditional inhabitant vessels as it was more financially attractive to catch their own fish to sell the island freezer than to work as crew on another vessel (it was noted that crew are paid approximately \$3/kg versus \$8-10/kg paid by island freezers).

- **Economic Development**

The panel’s report suggests that the Minister may use his powers to impose conditions on licences that are consistent with the objectives of the Act. Conditions on licences requiring them to, for example, sell catch to Island freezers would be consistent with the objective of promoting economic development in Torres Strait. This solution was not thought to be workable. The problems associated with this approach are that Industry presently are able to obtain higher prices and a full range of support services by shipping their product via mother ships for sale in mainland centres. Islanders were also concerned that selling to the freezers may also attract more effort closer to their Islands. There were also concerns raised by industry members of possible delays in payment for product and infringements on their freedom of trade.

If circumstances changed and services equivalent to those provided by mother ships could be supplied by Island Freezers then the possibility would be reconsidered. There was a specific comment made with respect to the possibility

of cooperating to develop infrastructure on the islands to support a live fishery for coral trout (live fish cannot currently be carried but this prohibition is only temporary until effort is managed more effectively in the fishery).

- **Maintaining viable catch rates in reef areas adjacent to Island communities**

The working group also considered the Panel's proposal for zoning areas for traditional inhabitant and non-traditional inhabitant fishing sectors. The working group considered that compliance resources were not sufficient to enforce exclusion zones. The group also considered quotas being allocated in the zones but found that this would only exacerbate the compliance issues.

Industry's position on zones was that it would not support any proposal to impose area restrictions until the Sea Claim is resolved.

- **Summary**

The working group noted that the report offered no clear guidelines for maximising opportunities for Torres Strait Islanders, but rather suggested very general possibilities. Until there is clarity about access rights the working group felt that it is difficult to progress any serious policy changes that will make any substantial difference to the economic wellbeing of Torres Strait Islanders.

9) *By-catch Action Plan*

This item was deferred until the next working group meeting.

10) *Strategic Assessment Report*

This item was deferred until the next working group meeting.

11) *Fisheries management Notices*

- Spanish mackerel size limits (45 cms to 75 cms)

The working group were informed that this item had been discussed at the last working group meeting. Industry members indicated that this proposal had been agreed to at that working group and should have already been implemented. The working group agreed that to this proposal.

Recommendation 4. The Finfish Working Group recommends that the size limit for Spanish mackerel be increased from its current minimum size limit of 45 centimetre to 75 centimetres.

- Day time closure (0900 to 1500 each day):

This matter was deferred until the next working group meeting. Islanders sought to consult with their constituents in regard to this proposal and report back to the working group for its next meeting. ACTION ITEM

- Maximum distance between primary and tender vessels:

This matter was deferred until the next working group meeting. ACTION ITEM –(background paper to be prepared).

- Reduction in by-catch limits:
This matter was deferred until the next working group meeting. ACTION ITEM – (background paper to be prepared).

11) Other Business

Following discussion on the proposed fishery objectives under Agenda Item 2, it was agreed by the working group to revisit this issues under Agenda Item 12. Due to insufficient time this was not possible and the matter remained unresolved. The fishery objectives will be raised again at the next working group meeting. ACTION ITEM

Meeting closed at 1330

**Finfish Working Group Meeting
Pearls Building, Thursday Island
12-13 March 2003**

**Draft Recommendations and Comments on the Independent
Advisory Panel Report**

Recommendation 1.

The Finfish Working Group recommends that PNG effort be limited to the number of days used in the three year catch sharing calculations, ie. 40 days per vessel or a total of 640 vessel days.

Recommendation 2.

The Finfish Working Group recommends that the PNG effort be distributed in proportion to the effort used in the three year catch sharing calculations, ie. 25% in Australian waters and 50% in northern territorial waters (eg. Bramble Cay, Black Rocks, Anchor Cay, etc.).

Recommendation 3.

The Finfish Working Group notes the work being undertaken with the development of the Queensland Reef Line Management Plan, and recommends that future management arrangements developed in the Torres Strait take into account those arrangements introduced in Queensland (where justifiable).

Recommendation 4.

The Finfish Working Group recommends that the size limit for Spanish mackerel be increased from its current minimum size limit of 45 centimetre to 75 centimetres.

The Finfish Working Group comments on the Independent Advisory Panel Report.

The Finfish Working Group makes the following comments in regard to the Independent Advisory Panel report.

- **Executive Summary**

The working group considered the comment made in respect to the prawn fishery regarding the panel's finding that an ex gratia payment should be made to displaced fishers. Industry and Islander representatives were of the view that the same argument can be applied to the line and mackerel fisheries as reductions will affect commercial fishing interests in these fisheries as well.

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- **Legal assessment of the fishery**

The working group noted the legal advice. In particular, note was made of the advice on the grant and renewal of licences and the conditions under which compensation may or may not be payable if challenged. The working group also noted that there is evidence to suggest that a market has existed or been allowed to exist which implied ongoing access, and further that financial transactions have continued to take place on the understanding among fishers that the licences will be renewed.

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If circumstances changed and services equivalent to those provided by mother ships could be supplied by Island Freezers then the possibility would be reconsidered. There was a specific comment made with respect to the possibility of cooperating to develop infrastructure on the islands to support a live fishery for coral trout.

- **Maintaining viable catch rates in reef areas adjacent to Island communities**

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- **Summary**

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TORRES STRAIT FINFISH WORKING GROUP MEETING

11-12 NOVEMBER 2003
PEARLS BUILDING - THURSDAY ISLAND

AGENDA ITEM 2

BUSINESS ARISING FROM THE PREVIOUS MEETING HELD ON 21-22 MARCH 2003

Purpose

To inform the Working Group on the progress of action items from the March 2003 Finfish Working Group meeting.

Background

Agenda Item	Details of Progress
4	PNG Bilateral Arrangements <i>Progress: To be discussed under agenda item 4.</i>
6	Qld Reef Line Management Plan. Progress: To be discussed under agenda item 6
11	<i>Fisheries Management Notice – increase SM size limit from 45 cms to 75 cms</i> Progress: Implemented
11	Spanish Mackerel Fishery - daytime closures <i>Progress: Deferred until next WG meeting. Islanders to consult and report back to working group at next meeting.</i>
11	Maximum distance between primary and tender vessels <i>Progress: Withdrawn</i>
11	Reduction in bycatch limits

Progress: Deferred until next WG meeting

TORRES STRAIT FINFISH WORKING GROUP MEETING

**11-12 NOVEMBER 2003
PEARLS BUILDING - THURSDAY ISLAND**

AGENDA ITEM 3

REPORT ON THE JUNE 2003 PZJA MEETING

Purpose

**To inform the Working Group on the outcomes of the June 2003
PZJA meeting.**

Background

The following is an extract from the official record of decisions of the PZJA June meeting on issues relevant to the Finfish Fishery.

Consultative Structure: Membership, Meeting Frequency, Roles and Responsibilities, and Protocol

Membership of Torres Strait Consultative Bodies

The PZJA:

- i) APPROVED the proposed membership of each of the consultative bodies as listed below:

Finfish Working Group (FWG)

Mr Kila Odo	TSRA
Mr Lotta Warria	TSRA
Mr Samuel Tamu	TSRA
Mr Tony Vass	Industry
Dr John Kung	QFS
Mr Peter Yorkston (supporting)	TSRA
Mr Barry Ehrke	QSIA
Mr Joey Saylor	TSRA
Mr Jack Billy	TSRA
TBA (Stephen Is.)	TSRA
TBA	Industry

Mr John Marrington	AFMA
Chair	AFMA

Torres Strait Fisheries Management Advisory Committee (TSFMAC)

Ms Raina Martin	TSRA
Mr Solomon Nona	TSRA
Mr Graham Hirakawa	TSRA
Mr Lotta Warria	TSRA
Mr Tabitai Joseph	TSRA
Mr Yen Loban	TSRA
Mr Kila Odo	TSRA
Mr Jack Billy	TSRA
Mr Joey Saylor	TSRA
Mr Donald Banu	TSRA
Mr Phillip Biggie	TSRA
Mr Richard Newie	TSRA
Mr Jensen Warusam	TSRA
Mr Thomas Reuben	TSRA
Mr John Wigness	TSRA
Mr Riley Gibia	TSRA
TBA (Stephen Is.)	TSRA
Mr Peter Yorkston (supporting)	TSRA
Dr Bruce Mapstone	TSSAC
Mr Mark Millward	Industry
Dr Ray Moore	Industry
TBA	Industry (Finfish)
Mr Barry Ehrke	QSIA
Mr Mark Elmer	QFS
Mr Jim Gillespie	QFS
Mr Jim Prescott	AFMA
Interim Chair	AFMA
Ms Celeste Shootingstar**	EA
TFC**	TSRA
Dr John Kung – Executive Officer	QFS
Mr Ryan Murphy – Executive Officer	AFMA

Torres Strait Scientific Advisory Committee (TSSAC)

Mr Richard Bowie	TSRA
Mr Don Mosby	TSRA
Mr Peter Yorkston (supporting)	TSRA
Mr Barry Ehrke	QSIA
Mr Greg Anderson	Industry
Dr Roland Pitcher	CSIRO
Prof Helene Marsh	JCU
Dr John Kung/Mr Mark Elmer	QFS
Dr Rob Coles	QDPI
Mr Clive Turnbull (secretary)	QDPI

Mr William Arthur	ANU
Mr Jim Prescott	AFMA
Dr Peter Doherty***	AIMS
Dr Peter Harris***	GA
Dr Bruce Mapstone (Chair)	CRC TS

* *Nominated* ** *Observer status* *** *CRC partner representation*

Terms of Reference for the TSSAC

The PZJA:

- ii) APPROVED the revised terms of reference (listed below) for the TSSAC encompassing changes needed for this committee to operate with the new Cooperative Research Centre for Torres Strait; and

Revised Terms of Reference for the Torres Strait Scientific Advisory Committee (TSSAC)

- i. Identify information needs and document research gaps and priorities for fisheries in the Torres Strait.
- ii. Provide a forum for expert consideration of research issues referred to the TSSAC by the TSFMAC.
- iii. Provide a forum for detailed consideration of research issues raised by Torres Strait Fishery Working Groups and relevant stakeholder representative bodies and advise Torres Strait Fishery Working Groups and relevant stakeholders on the feasibility and merits of suggested research.
- iv. Update the strategic plan for Torres Strait Fisheries research.
- v. Solicit and review research proposals in line with the strategic plan and recommend proposals for implementation to the Australian Fisheries Management Authority Research Committee (ARC) and the CRC Torres Strait as relevant.
- vi. Provide advice to the TSFMAC on matters consistent with TSSAC functions.
- vii. Review research / consultancies, stock assessments, and other reports and outputs relevant to Torres Strait fisheries and advise the TSFMAC, Torres Strait Fishery Working Groups and the CRC on their merits.
- viii. Advise the TSFMAC and Torres Strait Fishery Working Groups on the management implications identified by the research projects or the TSSAC's own assessment of fisheries data.
- ix. Convene Fisheries Assessment Group workshops as appropriate to review and address assessment needs for Torres Strait fisheries and recommend research priorities for future assessments.
- x. Provide advice to research providers, the TSFMAC, and CRC Torres Strait on appropriate mechanisms and protocols for engaging research providers in the Torres Strait fisheries.

- xi. Provide advice on effective delivery of research results to stakeholders.
- iii) APPROVED a formal adjustment to the title of the Torres Strait Fisheries Scientific Advisory Committee to the Torres Strait Scientific Advisory Committee.

Frequency of meetings

The PZJA:

- iv) AGREED to a meeting schedule for the Authority on a six monthly basis, but acknowledged that issues which cannot be resolved within this timeframe can be referred to a subsequent meeting and that not all meetings need be face-to-face.

Distribution of meeting agenda papers (protocols)

The PZJA:

- v) APPROVED the proposed protocols for the distribution of papers as follows:
- AFMA will distribute papers to industry members and the TSRA;
 - TSRA will distribute papers to its representative members;
 - AFMA (and others) should attempt to distribute papers at least two weeks prior to the relevant meeting;
 - observers will be provided with papers at meeting time or before if possible; and
 - in the case of the PZJA meeting, one copy of the papers will be provided to a representative of each observer group, eg Industry, Papua New Guinea (PNG). Management will liaise with the Queensland Seafood Industry Association (QSIA) representative to advise the latter of which Industry representatives have been invited as observers at the PZJA.

Consultative process

The PZJA:

- vi) AFFIRMED the consultative process.

The normal consultative process will follow a bottom up approach where recommendations would normally flow from the Working Groups to the TSFMAC (except for fisheries for which there is no working group). The TSFMAC will consider recommendations from the working groups and may accept (with or without modification) or reject recommendations. The TSFMAC may make its own recommendations where a working group is not established for the relevant fishery, or where a working group has failed to make a recommendation on a matter the TSFMAC considers important.

The TSSAC may consult with any of the working groups or the TSFMAC and may make recommendations or receive recommendations from any of these bodies. Any

recommendations intended for the PZJA will be directed through the TSFMAC.

Notwithstanding this general approach, the PZJA may request specific recommendations from any one of its consultative/advisory bodies without triggering the full consultative cycle. Furthermore, the PZJA may choose to make decisions without the full consultative cycle being followed where a member of the PZJA believes such a process is not necessary or would unnecessarily delay decisions important to managing Torres Strait fisheries.

Data Collection Strategy

The PZJA:

- v) DISCUSSED priorities of existing and proposed new activities;
- vi) AGREED in-principle that the following activities needed to be included in the 2003-2004 budget:
 - the implementation of the latent effort proposals (Independent review panel and information verification process);
 - Vessel Monitoring System (VMS) for the prawn fishery;
 - docket book data collection system; and
 - independent review for the prawn fishery;
- vii) AGREED to appoint a working group of representatives of the PZJA to provide an urgent report, out of session, to identify alternatives to deliver a balanced budget; and

Legal interpretations of the Torres Strait Treaty and *Torres Strait Fisheries Act 1984*

The PZJA:

- i) NOTED the legal presentation and interpretation of the Torres Strait Treaty and *Torres Strait Fisheries Act 1984* presented by Mr Stephen Skehill, SC and, in particular, the *prima facie* order of priority for administration of the Torres Strait fisheries under which traditional fishing has primacy, followed by community fishing and, lastly commercial fishing.

It was noted that the PZJA could alter this priority by a policy decision, but must be careful that its reasons for doing so were in accord with the requirements of the Torres Strait Treaty and *Torres Strait Fisheries Act 1984*.

These legal interpretations are presented in the report by Menham, G., Skehill, S., and Young, P. submitted 21 November 2002 titled *Torres Strait Fisheries Independent Advisory Panel Report "A fair share of the catch"*.

Working Group/Stakeholder Responses to the legal analysis of the Independent Advisory Panel Report

The PZJA:

- i) NOTED the recommendations from the Fisheries Working Groups on the legal analysis and conclusions in the independent panel report.

Strategic Assessment of Torres Strait Fisheries

The PZJA NOTED:

- i) the requirement for strategic assessment of Commonwealth Fisheries;
- ii) the status of the strategic assessment reports of Torres Strait Fisheries; and
- iii) the fisheries specific issues that are likely to be of concern to Environment Australia (EA) i.e

Finfish

- there is no adequate mechanism to manage effort in the fishery;
- the data collection system is deficient – data only collected from some fishers; and
- there is no limit on the number of licences in one sector.

Torres Strait Finfish Fishery

Reponses of Finfish Working Group to the Independent Panel Report

The PZJA:

- i. NOTED the (FWG) did not consider partnerships to be a viable means of promoting Islander participation and Islander representatives expressed that they were not willing to work on non-traditional inhabitant vessels;
- ii. NOTED the FWG did not consider that putting conditions on licences to promote economic development was workable unless support services in Torres Strait could be competitive with mother boats;
- iii. NOTED the FWG also considered the Panel's proposal for zoning areas for traditional inhabitant and non-traditional inhabitant fishing sectors would present insurmountable compliance problems.

30% Reduction in Tenders

The PZJA:

- iv) AGREED to implement a 30% reduction in tenders in the Torres Strait Line Fishery to operate as an interim measure until the work of the Latent Effort Sub-committee has been implemented; and
- v) AGREED to set the timeframe for implementation of the 30% reduction to coincide with the implementation of the Queensland Line Fishery Plan, currently expected 1 August 2003.

Mr Palaszczuk advised that removal of latent effort in the Queensland line fishery commercial sector would commence from 1 August 2003 with the individual allocation process to apply from July 2004. The plan should be fully operational by July 2004 but qualified his advice that the plan is subject to Cabinet approval.

Distribution of PNG effort in the Torres Strait Spanish Mackerel Fishery

The PZJA:

- vi) SUPPORTED the **desire** of refining the PNG catch sharing calculations so that PNG effort is spatially distributed between the “Australian waters” and northern territorial waters in proportion to the effort from those respective areas used in the three year catch sharing calculations, but noted that no practical way of enforcing this has been identified;
- vii) NOTED that PNG had agreed to limit effort in the Spanish Mackerel Fishery to the number of days used in the three-year catch sharing calculations, ie. 40 days per vessel or a total of 640 vessel days;
- viii) NOTED that the monitoring of PNG fishing days in the fishery would be a new activity and would incur costs over and above existing available funding; and
- ix) NOTED that the issues raised by the FWG be considered at the next bilateral fisheries meeting between Australia and PNG in August 2003.

Update on the Queensland Reef line Management Plan

The PZJA:

- x) APPROVED in principle the preparation of a FMN to reflect new size limits introduced under the Queensland Coral Reef Finfish Management Plan ensuring complimentary arrangements exist between the Torres Strait line fishery and the Queensland recreational and commercial arrangements.

Reduction of take and possession limits for commercial fishing boat licences

The PZJA:

- xi) AGREED to refer the reduction of the take and possession allowances described in FMNs 54 and 55, to a maximum of 20kg for both finfish and Spanish mackerel, to the FWG to allow for further consultation and the issue to be considered at the next meeting of the PZJA.

Increase in Mackerel Size Limits

The PZJA:

- xii) APPROVED an increase in the minimum legal size of Spanish mackerel from 450 mm to 750 mm and spotted mackerel from 500mm to 600 mm.

Draft Fisheries Management Notice

The PZJA:

- xiii) NOTED the draft FMN, which is an amalgamation of all existing mackerel FMNs and the proposals outlined in this paper (excluding the proposed amendments outlined in xi above).

Management of the Finfish Fishery

The PZJA AGREED to refer to the FWG the development of a strategy to address the historic difficulties of allocation of access to the finfish fishery and a report to be made to the next meeting of the PZJA. The principles of the strategy are to be determined by the PZJA out of session and provided to the Working Group.

The Chair acknowledged the sectoral issues evident in this fishery and emphasised that this has been a long-standing issue and it is now time to resolve it.

Managing Effort in the Traditional Inhabitant Boat (TIB) Licensed Sector

The PZJA:

- i. CONSIDERED determination of a priority of access ranking on a fishery by fishery basis and NOTED the priority ranking implied in the Torres Strait Treaty;
- ii. NOTED the current TSRA stocktake of TIB licenses;
- iii. AGREED to refer future management arrangements to the respective working groups for a report by the next PZJA meeting (addressed through decisions under *Management of the Finfish Fishery* and viii under *Managing Fishing Effort for the Tropical Rock Lobster Fishery*); and
- iv. AGREED not to consider the capping of TIB licenses until the respective working groups have considered the future management arrangements.

PZJA Policy Statement on Licence Amalgamations

The PZJA:

- i) APPROVED a moratorium on licence amalgamations until 30 September 2003 and urgently required the development of a policy on licence amalgamations. The PZJA AGREED that if a policy was not developed and approved by this date, then an extension of the moratorium would be considered, out of session, by the PZJA.

Review of Fisheries Compliance in Torres Strait

The PZJA:

- i) NOTED that the review document is still being finalised by management and enforcement staff and will be discussed at the next meeting.

Torres Strait Cooperative Research Centre

The PZJA:

- i) NOTED the formation of the Torres Strait Cooperative Research Centre.

THE FOLLOWING DECISIONS OF THE PZJA WERE MADE FOLLOWING CORRESPONDENCE FORWARDED TO MEMBERS IN MAY 2003.

Torres Strait Line Fishery – 30 percent Reduction in Tenders

The PZJA APPROVED a 30 percent reduction in the number of tenders in the line fishery as a precautionary measure against effort increases arising from flow-on effects to Torres Strait following the rationalisation of the Queensland line fishery and agreed that the date of implementation would be discussed at the forthcoming meeting of the PZJA in June 2003.

Removal of latent effort in the tropical rock lobster, line and mackerel fisheries

The PZJA:

- i) NOTED that the Torres Strait Latent Effort Sub-committee has now finalised its recommendations;
- ii) ENDORSED:
 - a) a qualifying catch criterion for each fishery as follows:
Line: 1000 kg (gutted and gilled) in each of any 2 out of 3 years from 1 April 1999 to 15 February 2002.
Mackerel: 1500 kg fillet weight in each of any 3 out of 5 years from 16 February 1997 to 15 February 2002.
 - b) each year of the qualifying criteria as follows:

Line	Year 1:	1 April 1999 – 31 March 2000
	Year 2:	1 April 2000 – 31 March 2001
	Year 3:	1 April 2001 – 14 February 2002
Mackerel:	Year 1:	16 February 1997 – 15 February 1998
	Year 2:	16 February 1998 – 15 February 1999
	Year 3:	16 February 1999 – 15 February 2000
	Year 4:	16 February 2000 – 15 February 2001
	Year 5:	16 February 2001 – 14 February 2002
 - c) the decision-making process suggested by the sub-committee;
 - d) the non-renewal of single endorsed licences that do not satisfy the catch criterion in (ii)(a) above; and
 - e) the amendment of multiple endorsed licences to remove the relevant fishery symbol from those licences not meeting the catch criterion and a 'take and possession' limit of 20 kg of reef fish or mackerel to be applied to these licences for the relevant fishery.
- iii) AGREED that expertise be acquired from AFMA to ensure that the integrity and transparency of the catch validation process is achieved (pending the identification of appropriate funding sources);
- iv) APPROVED the formation of an advisory panel consisting of a government official, an independent fisher not associated with Torres Strait fisheries and a Traditional Inhabitant to advise the delegate (pending the identification of appropriate funding sources);
- v) AGREED that the Tropical Rock Lobster and Finfish Working Groups should develop respective management plans for each of these fisheries that addresses the capping of effort and an effort management scheme; and
- vi) DID NOT AGREE to industry's recommendation that an *ex-gratia* payment be made to each licensee that does not qualify.

Proposal to Stop Renewing Latent Licences in the Line Fishery

The PZJA AGREED to set aside the previous decision of the PZJA not to renew licences, as the latent effort removal process, once underway, would achieve the same outcome.

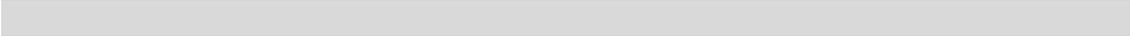
Moratorium on Traditional Inhabitant Boat (TIB) Licences

The PZJA NOTED that resolution of the TIB licensing system is yet to be finalised and SUPPORTED further discussion of this issue at the forthcoming PZJA meeting in June 2003.

Outcomes of the Australia - Papua New Guinea Bilateral Meeting

The PZJA APPROVED the catch sharing arrangements for 2003 –2004:

ie. for Spanish Mackerel - the endorsement of up to 16 PNG Spanish mackerel vessels to operate in Australian waters of the TSPZ under the 2003-2004 catch sharing agreement and each vessel would be allowed to access the fishery for 40 days throughout the period of the agreement.



TORRES STRAIT FINFISH WORKING GROUP MEETING

**11-12 NOVEMBER 2003
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AGENDA ITEM 4

REPORT ON THE PNG BILATERAL MEETING – AUGUST 2003

Purpose

**To inform the Working Group on the outcomes of the August 2003
PNG Bilateral meeting.**

Background

The following is a summary of the outcomes from the Australia-PNG Bilateral meeting held in August 2003. The official record of decisions has not yet been received.

Mackerel Fishery:

1. Australia presented catch sharing calculation which included only Australia's catches from the Protected Zone, ie excluded catches from the Australian outside but near area. These data reduced the Australia catch from that reported at previous bilateral meetings.
2. Australia proposed that PNG consider reducing the number of vessels cross-endorsed to fish in the mackerel fishery and increasing the days allocated to each licence. Australia demonstrated that the season for mackerel in Torres Strait is not limited to a narrow period and catch rates for much of the year would support commercial fishing for mackerel.

PNG agreed to Australia's proposal to include in the catch sharing calculation a nominal catch total of 6690 kgs in the PNG jurisdiction which is based on 10% of the total catch taken in the Australian jurisdiction. PNG also agreed with the proposal to fewer PNG boats operating in the Australian jurisdiction and the increase in the number of days nominated boats could remain in the fishery. PNG will consider the issue of boat numbers and will advise Australia of their preferred option.

3. Based on the data provided PNG understood that it would be entitled to nominate boats for endorsement to participate in the mackerel fishery in the Australian area of jurisdiction for a maximum of 507 fishing days.

- 4 It was hoped that cross-endorsing a smaller number of vessels to fish over a greater length of time in Australian waters will address the potential problem of all PNG effort being directed to waters around Bramble Cay.
- 5 Australia invited PNG to participate in the mackerel stock assessment workshop expected to be held in the near future.

SURVEILANCE AND ENFORCEMENT:

1. Australia sought PNG's assistance in assuring that information collected by coastwatch about suspected illegal activity in PNG waters was being delivered to the correct parties in PNG.
2. PNG reaffirmed its commitment to undertake 10 days of joint patrolling work. Both countries agreed that particular attention should be given to directing joint patrols to areas where migrating lobsters may be found.
3. PNG suggest Australia write to PNG NFA to request officers be cross-endorsed under the NIUE Treaty arrangements to provide additional personnel to conduct compliance activities with PNG compliance.

PZJA BOAT REPLACEMENT POLICY:

1. Australia presented PNG with information on the boat replacement policies that apply to Australian licensed vessels in the Torres Strait fisheries. The purpose of this presentation was to inform PNG of the existence of the policies and the effect they have had on the length of Australian vessels, in particular the Spanish mackerel fishery. PNG was requested to consider the application of Australia's boat replacement policy to PNG boats operating in Australian waters. PNG agreed to consider the proposal and report their position at the next meeting.

SEAFOOD TRADE ISSUES:

1. AFFA will organise a meeting with quarantine officials and PNG industry and the NFA in Brisbane to discuss frozen and fresh product issues.
2. AFFA will follow-up AQIS for an updated list of requirements for AQIS certified authorities.

ENVIRONMENTAL ISSUES:

- Fishing Debris:
Both countries acknowledged the increasing problems associated with fishing debris and that environmental issues such as these should be considered under our treaty obligations to protect the Torres Strait environment.

- AFFA would talk to Environment Australia about what work has been undertaken to date and prepare a report for the next meeting.
- Australia agreed to send PNG industry some information pamphlets on responsible handling of fishing waste products.
- Environment Australia's Strategic Assessment:
 - Australia would provide PNG with copies of the assessment report for TRL and copies of reports for other fisheries as they are released for public comment.

DEVELOPING A FORMAL CLEARANCE PROTOCOL FOR CROSS BORDER RESEARCH IN THE PROTECTED ZONE

- Australia would write to the AHC to progress the development of a protocol out of session.

RESEARCH AND DEVELOPMENT ISSUES:

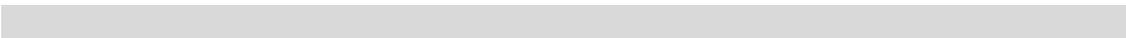
- Australia offered to provide ongoing reports and updates on developments within the Torres Strait CRC.
- Toshio Nakata will be the extension officer for the Torres Strait CRC, with a primary role in communicating research developments with Torres Strait communities. Toshio noted that it would be useful to have a contact at NFA to liaise with PNG and to assist in organising consultations with PNG western province communities.
- Barre Kare would be the appropriate contact at PNG NFA.
- Fisheries Issues from the last Traditional Inhabitant Meeting:

REPORT ON STATUS OF NATIVE TITLE SEA CLAIM IN THE TORRES STRAIT

- TSRA to provide PNG with a list of claimants to Torres Strait Native Title sea claims.

FISHERIES ISSUES FROM THE LAST TRADITIONAL INHABITANT MEETING

- Report from Edward Patching.



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AGENDA ITEM 5

UPDATE ON THE LATENT EFFORT REDUCTION PROCESS

Purpose

To inform the Working Group on the progress of the latent effort reduction process.

Background

At its June 2003 meeting, the PZJA gave its support to the recommendations from the Latent Effort Subcommittee on reducing latent effort in the reefline and Spanish mackerel fisheries. Unfortunately though, endorsement of the official record from that meeting has been delayed.

As a result, at the time of writing this report, the latent effort reduction process had not yet commenced. It is hoped though that work will begin within the next week or so with a letter to industry advising of the process to be sent out.

Recommendation

That the Working Group note the progress of the latent effort reduction process.

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**11-12 NOVEMBER 2003
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AGENDA ITEM 6

Update on Queensland Coral Reef Fin Fish Management Plan

Purpose

To inform to Finfish Working Group on developments in the Queensland Coral Reef Fin Fish Fishery (CRFFF).

Background

The Coral Reef Fin Fish Management Plan 2003 has now been implemented.

Features of the Plan include:

- Introduction of no take species: Humphead Maori wrasse, Barramundi cod, Potato cod, Queensland grouper, Red bass, Chinaman fish, and Paddletail;
- Three 9-day closures in October, November, December;
- Reducing the number of Reef finfish licences from 1700 to less than 400. The commercial catch will be allocated as Individual Transferable Quotas to operators who can demonstrate they have a history in the fishery;
- New size and possession (bag) limits for a range of species as well as fishing gear restrictions and catch recording; and
- Capping commercial catches at the pre-1997 investment warning level. The total commercial catch will be reduced from the 2001 level of 4830 tonnes to 3061 tonnes.

Species covered by the plan include:

- Cods and trout;
- Tropical snapper and sea perch;
- Emperors;
- Wrasses;
- Sweetlips;
- Parrot fish, surgeon fish, fusiliers and banana fish.

The plan will be implemented over three stages:

- December 2003 (measures taking effect)
 - Size and bag limits;
 - Limited licensing of the commercial sector;

- ❑ Bans on filleting of fish;
- ❑ Marking of recreationally-caught fish;
- ❑ No-take species;
- ❑ Changes to fishing apparatus; and
- ❑ Arrangements for licensed aquarium fishers.
 - July 2004 (measures taking effect)
 - ❑ Commercial fishing quotas;
 - ❑ Commercial fishing tagging; and
 - ❑ New catch reporting obligations.
 - ❑ October 2004 (measures taking effect)
 - ❑ Spawning season closures.

Size and possession (bag) limits

The size limits have been chosen to allow at least 50% of the fish to reach maturity and spawn at least once before being able to be taken.

The size and bag limits will vary between fish species; however, the combined total recreational bag limit reduces from 30 to 20 reef fish per individual except for extended charter trips.

Recreational anglers on extended charter fishing trips (more than 72 hours) are to continue to be able to take twice the individual species limit and total limit; and on trips greater than seven days, a total of 60 fish.

(Spanish Mackerel 620 tonnes commercial quota, recreational bag limit =3, SM symbol effective 1 February 2004, quota implemented 1 July 2004).

Recommendation

That the Finfish Working Group note the management arrangements in the Coral Reef Fin Fish Management Plan 2003.

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AGENDA ITEM 7

FINFISH FISHERY OBJECTIVES

Purpose

That the Working Group review and update where necessary, the current fishery objectives.

Background

At the March 2003 Finfish Working Group meeting, the WG were asked to review the Line Fishery objectives. Due to time constraints this issue was not discussed at that meeting and remains outstanding. The objectives, which were agreed to at the Finfish Working Group's August 2001 meeting, were seen as a "starting point" and would require revisiting as the fishery evolved.

The current fishery objectives are:

- to preserve and protect the traditional way of life and livelihood of the traditional inhabitants;
- to limit catch at a level that maintains the stocks at ecologically viable levels;
- to ensure that access to the fishery is shared fairly between the different stakeholder groups;
- to minimise the impacts of fishing operations on the ecosystem generally; and
- to encourage Islander participation in the fishery, promote economic development in the Torres Strait and employment opportunities for the traditional inhabitants.

Recommendation

That the Working Group review and update where appropriate, the current Line Fishery objectives.



TORRES STRAIT FINFISH WORKING GROUP MEETING

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AGENDA ITEM 8 Future Management of the Reef Line Fishery

8.1 Arising From Queensland Plan

Management Principle:

Torres Strait management arrangements should complement Queensland management arrangements as much as possible given:

- the linkages between the Torres Strait and Queensland reef line fisheries;
- recreational fishing and charter fishing in Torres Strait managed under Queensland jurisdiction.
- Compliance and enforcement issues.

8.1.1 Spawning Closures

Purpose

To inform to Finfish Working Group on the spawning closure in the Queensland Coral Reef Fin Fish Fishery (CRFFF) and discuss its applicability in Torres Strait.

Background

- This agenda relates to spawning closures, seasonal closures are a separate issue.
- The spawning closures in Queensland have been implemented to protect the spawning stock at a period when they are most vulnerable to fishing pressure.
- Closure begins 6 days prior to the new moon and ends 2 days after, in each month of October, November and December.

Issues

- Spawning closures may have some biological relevance to Torres Strait, however this is yet to be established.
- A similar closure during this period in Torres Strait would mean that line vessels including TIB licences would not be able to fish in the reef line fishery;
- Boats would fish entirely in the Spanish mackerel fishery during this period if appropriately endorsed.
- Queensland licensed vessels that qualify to remain in the Torres Strait could likely return to Torres Strait during this period.

Recommendation

That the Finfish Working Group not recommend implementing an identical spawning closure to Queensland at this stage.

8.1.2 No Take Species

Purpose

To inform to Finfish Working Group on the no take species in the Queensland Coral Reef Fin Fish Fishery (CRFFF) and discuss its applicability in Torres Strait.

Background

- No take species in Queensland are Humphead Maori wrasse, Barramundi cod, Potato cod, Queensland grouper, Red bass, Chinaman fish, and Paddletail.

Issues

- Species such as Barramundi cod and Maori wrasse are highly valued in overseas markets but occur in relatively low numbers.
- The historical catch of these species can be ascertained to determine the value foregone if implemented as no take.
- Closure of this species would mean greater pressure on the Torres Strait, if they remain to be taken here.

Recommendation

That the Finfish Working Group recommend implementing the same no take species for Torres Strait.

8.1.3 Size Limits

Purpose

To inform to Finfish Working Group on the size limits in the Queensland Coral Reef Fin Fish Fishery (CRFFF) and discuss its applicability in Torres Strait.

Background

- Where scientific information is available, the size limits have been chosen to allow at least 50% of the fish to reach maturity and spawn at least once before being able to be taken. In the absence of information, a precautionary limit of either 25cm or 35cm was used.
- Size limits in Queensland are listed below:

Cods

- The minimum size for the following cods will be 38 centimetres - Redmouth rockcod, White-lined rockcod, Peacock rockcod, White-spotted rockcod, Coral cod, Six-spot rockcod, Tomato rockcod, Brown-barred rockcod, Flagtail rockcod, Areolate rockcod, Blue-spotted rockcod (or Bommie cod), Blue Maori, Trout cod, Chinaman rockcod, Speckled-finned rockcod, Black-tipped rockcod, Black Saddle rockcod, Snub nosed rockcod, Strawberry rockcod, Dothead rockcod, Blue-lined rockcod, Leopard rockcod, Speckled grouper, Comet grouper, Eight bar grouper, Oblique-banded grouper, Hexagon rockcod, Four-saddle rockcod, Coral rockcod, Six bar rockcod, Bar rockcod, Thinspine rockcod and Hapuku.
- Flowery cod and Camouflage rock cod will have minimum and maximum size limits of 50cm and 100cm respectively.
- Maori cod will have a minimum size limit of 45cm.
- Greasy rockcod will have a minimum size limit of 38cm and maximum size limit of 100cm.
- Potato cod, Barramundi cod and Queensland groper will be no take species.

Coral trout

- The minimum size limit for the following coral trout will be 38cm. Trout - Squaretail (or Passionfruit trout), Common (or Leopard), Bar-cheeked, Highfin, Lyretail and Coronation.
- Chinese Footballer (or Blue Spot Trout) will have a minimum and maximum size limit of 50cm and 80cm respectively.

Tropical snapper and seaperch

- The minimum size limit for the following species will be 25cm - Black-spot snapper, Yellow-margined seaperch, Blue-stripe seaperch, Dark-tailed (or Maroon seaperch), Big-eyed seaperch, Black and White seaperch, One-spot seaperch, Five-lined seaperch, Maori seaperch, Brown-stripe seaperch (or Brown Hussar), Midnight seaperch and Sailfin snapper.
- The minimum size limit for the following species will be 38cm - Small-toothed Jobfish, Ruby Snapper, Flame Snapper, Goldband Snapper, Green Jobfish, Moses perch and Stripey (Spanish Flag).
- The minimum size limit for Red Emperor will be 55cm.
- The minimum size limit for Rosy Jobfish (or King Snapper) and Lavender Jobfish will be 38cm.
- The minimum size limit for Pink Hussar will be 25cm.
- The minimum size limit for small-mouth Nannygai and large-mouth Nannygai will be 40cm.

Emperors

- The minimum size limit for the following species will be 25cm - Gold-lined sea bream, Collared sea bream, Japanese sea bream, Robinson's sea bream, Spotted sea bream, Yellow-tailed emperor, Yellow-spotted emperor, Lancer,

Thumb-print emperor, Pink-eared emperor, Orange-striped emperor, Yellow-striped emperor, Red-eared emperor, Yellowlip emperor, Variegated emperor, Big-eye bream and Mozambique large-eye bream.

- The minimum size and bag limit for Sweetlip emperor/Red-throat emperor will be 38cm.
- The minimum size and bag limit for Long-nose emperor will be 38cm.
- The minimum size limit for Spangled emperor will be 45cm.

Wrasse

- The minimum size limit for Hogfish, Red-breasted Maori Wrasse and Triple-tail Maori Wrasse will be 25cm.
- The minimum size limit for Anchor Tuskfish, Purple Tuskfish, Blackspot Tuskfish, Venus Tuskfish and Blue Tuskfish will be 30cm.
- Humphead Maori Wrasse will be a no take species.

Parrotfishes, Surgeonfishes and Sweetlips

- The minimum size limit for Bumphead parrotfish, Bicolor parrotfish, Miscellaneous parrotfish, Surgeonfishes, Unicornfishes, Slaty Bream (or Painted Sweetlip) and Miscellaneous sweetlips will be 25cm.

Issues

- Recreational and charter boat fishing in Torres Strait is managed under Queensland jurisdiction and these new size limits would apply to this sector.
- Commercial fishing in Torres Strait would be subject to different size limits if not complementary to Queensland.

Recommendation

That the Finfish Working Group recommend adopting the same size limits as Queensland.

8.2 Torres Strait Specific Measures

8.2.1 Line Fishing Areas

Purpose

To inform to Finfish Working Group on the background of the area closure for the line fishery.

Background

- An area closure exists for all line fishing methods west of 142°31'49" (i.e tip of Cape York). This includes waters around the islands of Moa and Badu.
- This area closure is a remnant of the Queensland regulations when the fishery was transferred to single jurisdiction.

Issues

- This closure means that Traditional Inhabitant fishers and other commercial fishers are not able to fish commercially in this area.
- Reef fish are predominantly caught in the eastern Torres Strait.
- The PZJA has a policy for reserving any opportunity for fishery expansion, if any, solely for traditional inhabitants.

Recommendation

That the Finfish Working Group reconsider the merits of this closure.

8.2.2 Net Fishing Areas

Purpose

To inform to Finfish Working Group on the background of the area closure for the net fishery.

Background

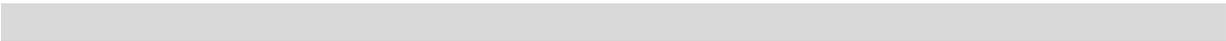
- An area closure exists for all net fishing methods east and west of 142°09' and north of 10°28'. This means that net fishing can only be carried out in the 'outside but near' areas.
- Islander representatives at the time indicated that they did not wish to have any increase in commercial netting in the TSPZ, including by Traditional Inhabitants.
- The fishery is limited to Traditional Inhabitants only.

Issues

- Netting is effectively prohibited around all Island communities except in the 'outside but near' area.
- The concern to ban netting may have arisen from concerns about the undesirable impacts of net fishing, particularly in terms of bycatch, including turtle and dugongs.

Recommendation

That the Finfish Working Group reconsider the merits of this closure.



TORRES STRAIT FINFISH WORKING GROUP MEETING

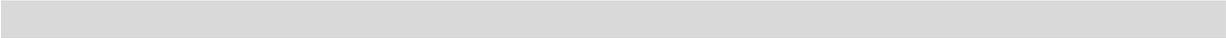
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**AGENDA ITEM 9
RESEARCH**

Purpose

Background

TO BE PROVIDED



TORRES STRAIT FINFISH WORKING GROUP MEETING

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AGENDA ITEM 10 STRATEGIC ASSESSEMENT

Purpose

To provide to Finfish Working Group with a copy of the draft Finfish Fishery Strategic Assessment Report for consideration and feedback.

Background

Commonwealth managed fisheries are subject to the strategic assessment provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Strategic assessment involves assessing all fishing activity under a Management Plan or policy rather than assessing each individual action or permit. The benefit of this approach is that it enables the cumulative impacts of a fishery to be considered and provides a level of certainty about what activities are permitted.

Once the assessment is complete, the Minister for the Environment and Heritage may then “accredit” the Management Plan or policy. He must then make a declaration under the EPBC Act that actions under the accredited Plan/policy do not require further impact assessment approval. In deciding whether to accredit a Plan, the Minister must be satisfied that the assessment report adequately addresses the Terms of Reference, and any modifications the Minister has recommended to the policy, Plan or program have been made.

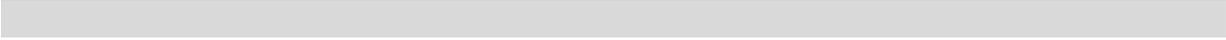
Under the strategic assessment provisions of the EPBC Act, the Australian Fisheries Management Authority (AFMA) have all assessments commenced by July 2005, this includes the PZJA managed fisheries. Where an export component exists, the native wildlife export provisions require the fishery to be assessed against the Guidelines for the Ecologically Sustainable Management of Fisheries by 1 December 2004, to enable exports to continue. This was extended from 1 December 2003 primarily to ensure that assessments are completed properly and not rushed to meet the deadline.

The strategic assessment process is quite extensive. The draft assessment will reviewed by the Working Group, Environment Australia, and the AFMA Environment Committee prior to being released for public comment. Submissions received on the draft assessment will then be taken into account by the previously mentioned groups. The report will then be finalised and submitted to the Minister for the Environment and Heritage. Environment Australia will then consider the report and make draft recommendations to their Minister.

The Minister will decide whether or not to grant an exemption to the fishery for the next five years. If the fishery receives an exemption then exporting can proceed the same as it does currently.

Recommendation

That the Finfish Working Group consider and provide comment on the draft Finfish Fishery Strategic Assessment Report by COB 24 November 2003.



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AGENDA ITEM 11

BY-CATCH ACTION PLAN

Propose

To provide the Finfish Working Group with a copy of the draft “Torres Strait Finfish Fishery By-catch Action Plan - Background Paper” and “Torres Strait Finfish Fishery By-catch Action Plan” for consideration and feedback.

Background

The requirement to develop a Bycatch Action Plan arises from the Commonwealth Policy on Fisheries Bycatch and commitments entered into by the Government under Australia's Oceans Policy. The primary reason for the Commonwealth Bycatch Policy is to “ensure that direct and indirect impacts (of fishing) on aquatic systems are taken into account and managed accordingly.”

The Commonwealth policy defines bycatch as that part of a fisher's catch which is returned to the sea either because it has limited commercial value or because regulations preclude it being retained. Under the definition, bycatch is also considered as that part of the ‘catch’ that does not reach the deck of the fishing vessel but is affected by interaction with the fishing gear.

The Bycatch Action Plan is aimed at contributing to the ecological sustainability of the fishery and will help to address the requirements of the *Commonwealth Policy on Fisheries Bycatch* (Policy). The objective of the Policy is to ensure that bycatch species and populations are maintained. The sub-objectives of the Policy are to reduce bycatch, improve protection for vulnerable species, and arrive at decisions on the acceptable extent of ecological impacts.

The Torres Strait Line Fishery is a relatively targeted fishery, with few major bycatch issues. However, it is necessary to demonstrate this in the Bycatch Action Plan through facilitating the monitoring of bycatch data in the fishery, and also assessing risk and produce actions to minimise risk of bycatch where necessary

Recommendation

That the Finfish Working Group consider and provide feedback on the draft “Torres Strait Finfish Fishery By-catch Action Plan - Background Paper” and “Torres Strait Finfish Fishery By-catch Action Plan” by COB 24 November 2003.



TORRES STRAIT FINFISH WORKING GROUP MEETING

11-12 NOVEMBER 2003
PEARLS BUILDING - THURSDAY ISLAND

AGENDA ITEM 12 LOGBOOKS

Purpose

To inform the Working Group on issues associated with the use of the new TFS01 logbook.

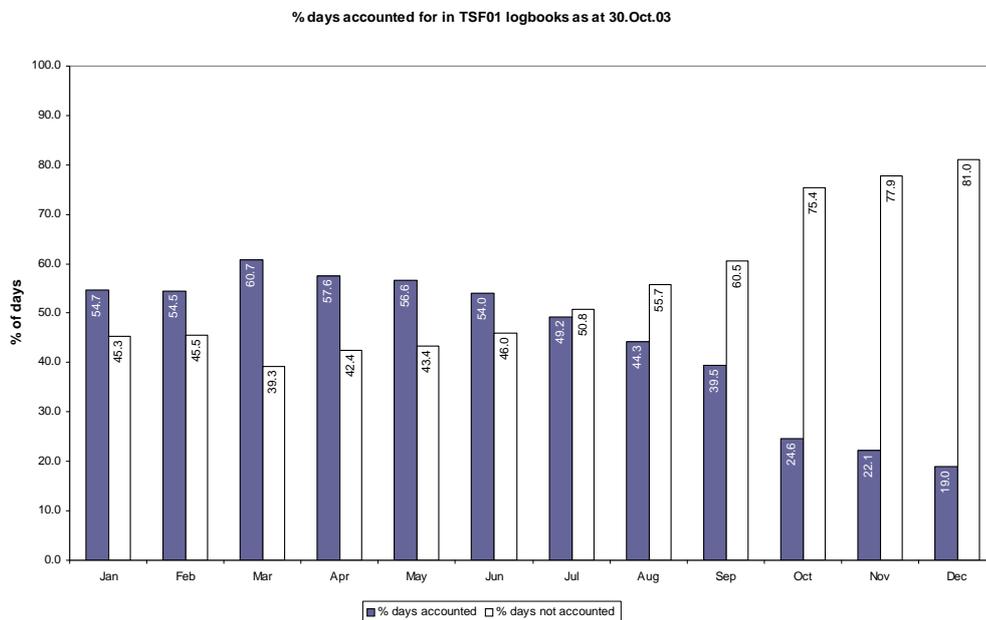


Figure 1. Percentage of days accounted in TFS01 logbooks to date. The majority of unaccounted days is a result of dual endorsed vessels where LN/MCK is not the main endorsement used (e.g Prawn and TRL).

ACTIVE FISHERS

Common Problems with completion of the TFS01 Logbook

1. Accounting for non fishing days
must account for every day in the calendar year
 2. Total No. of Hours fished
 3. Method used
 4. Total No. of lines
- } These areas are usually incomplete

Positives

1. Returns are on time
2. Logsheets are legible
3. Response to my phone calls/letters is immediate

NON ACTIVE FISHERS

Common Problem

1. Chasing Nil Returns