

Finfish Working Group Meeting

Pearls Building, Thursday Island

12-13 March 2003

Draft Record of Meeting

Present

Mr Jim Prescott (Chair)
Mr John Marrington (AFMA)
Dr John Kung (QFS)
Mr Peter Yorkston (TSRA Fisheries Coordinator)
Mr Lota Warriia (Community Fish Rep)
Ms Nazareth Faid (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. <i>Progress: none required</i>
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. [John should put a concise summary of that policy in here]

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.

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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.

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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*

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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.

Mr Kila Odo informed the working group of the poor current economic state of many of the Island Communities. [\[we need to record here how the committee felt about the recommendations being made by the LESC – My recollection was that the WG did not disagree with either the qualification periods or the catch levels recommended by the LESC\]](#)

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 (ITQs) [\(effort or catch units yet to be determined\)](#) 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 the [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.

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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.

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7) *Independent Advisory Report*

Mr 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.

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- 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.

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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

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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.

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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.

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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.

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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.

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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.](#)

- Maximum distance between primary and tender vessels:

This matter was deferred until the next working group meeting. [Background and action item](#)

- Reduction in by-catch limits:

This matter was deferred until the next working group meeting. [Background and action item](#)

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

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Draft Recommendations and Comments on the Independent Advisory Panel Report

Recommendation 1.

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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 [\(where justifiable\)](#).

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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.

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