

Agenda Item 1 Consultative structure – Membership and Administrative arrangements (TSRA)

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 19 8-10 April 2003
Status of Strategic Assessments of Torres Strait Fisheries	Agenda Item No. 2

BACKGROUND

All Commonwealth managed fisheries must be strategically assessed by the Minister for Environment and Heritage under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The requirements for assessment are set out in the EPBC Act and the Minister for Environment and Heritage has advised AFMA that strategic assessment reports must, as part of their terms of reference, address the ecological sustainability guidelines which were initially prepared for schedule 4 of the *Wildlife Protection Regulation of Exports and Imports Act 1982* (WP(REI) Act). All fisheries that have an export component need to have their assessment completed by December 2003 for continued export approval. One report for each fishery will be written to address both strategic and export assessment requirements. Through these reports, accreditation is also being sought to interact with protected species, on the basis that the management regime for the fisheries includes all reasonable measures to avoid interaction with protected species.

The AFMA Environment Section is coordinating the development of strategic assessments for each Commonwealth fishery. A timetable has been prepared for the strategic assessment of Torres Strait fisheries and is outlined below. Those fisheries with an export component have been given priority over those fisheries without an export component:

Fishery	Proposed submission to EA
Torres Prawn Trawl	June 2003
Torres Rock Lobster	June 2003
Torres Sea Cucumber	June 2003
Torres Finfish	June 2003
Torres Trochus	June 2005
Torres Spanish Mackerel	June 2005
Torres Pearl Shell	June 2005
Torres Barramundi	June 2005
Torres Mud Crab	June 2005

A strategic assessment is essentially an Environmental Impact Assessment. The assessment report has three parts:

- Part I provides a description of the PZJA
- Part II provides a description of the fishery
- Part III is the main part of the report and provides a response to Guidelines for Ecologically Sustainable Management of Fisheries. The Guidelines form part of the Terms of Reference.

For each fishery, the generic process is as follows:

Stage	Process
1	AFMA Environment Section drafts assessment report with input from fishery managers
2	Input sought from the relevant Working Group/forum, and endorsement for submission to AFMA Environment Committee
3	AFMA Environment Committee endorses release of report for a period of public comment
4	Report released for public comment for a period of 28 days
5	AFMA management and relevant Working Group/forum consider comments received and report amended accordingly
6	AFMA Environment Committee considers and endorses final report
7	Report submitted to PZJA for consideration, endorsement and submission to the Minister for the Environment and Heritage
8	Minister for the Environment and Heritage assesses the fishery and: <ul style="list-style-type: none"> - approves the fishery as 'exempt', which means that product from the fishery may be exported for a period of five years, after which time the fishery will be reassessed <p style="margin-left: 0;">OR</p> <ul style="list-style-type: none"> - conditionally approves the fishery as a 'Wildlife Trade Operation' for a three year period, which means that product from the fishery can be exported provided the exporter obtains a permit from Environment Australia. The fishery will be reassessed after three years. Particular consideration will be given to how the conditions of the approval have been met.

The status of each fishery's strategic assessment report in relation to the above process is as follows:

Prawn Fishery

The Chair of PZJA at the last meeting of the Authority undertook to write to the Minister for Environment and Heritage seeking an extension to the December 2003 deadline for assessment of the prawn trawl fishery. This request was made on the basis that effort reduction measures in the fishery were being delayed by the independent review of the prawn stock assessment. The Minister for Environment and Heritage replied: "I see no reason to delay the submission of the working draft of the submission until the completion of this (assessment) review, however. Management arrangements are undergoing review in the majority of fisheries that are submitted to me....". AFMA's environment section has continued work on the SAR on the basis of the advice received from the Minister.

The Strategic Assessment Report for the prawn fishery is currently at Stage 2 where the draft report was discussed at the March 2003 meeting of the Prawn Working Group, and stakeholders are to provide comments to the AFMA fishery manager.

Tropical Rock Lobster

The Strategic Assessment Report for the tropical rock lobster fishery is currently at Stage 4. The report was endorsed for release for public comment by the AFMA Environment Committee in March 2003 and released for public comment on 4 April.

Sea Cucumber

The Strategic Assessment Report for the sea cucumber fishery is currently at Stage 1. The draft report is expected to be completed in April 2003 and sent to the TSFMAC, out of session, for input (Stage 2). As issues for the sea cucumber fishery are considered by the TSFMAC, this committee would be the appropriate forum.

Finfish

The Strategic Assessment Report for the finfish fishery is currently at Stage 1. Upon completion of the draft report, input will be sought from the Finfish Working Group out of session.

RECOMMENDATIONS

That the TSFMAC note:

- i) the requirement for strategic assessment of Commonwealth Fisheries;
and
- ii) the status of the strategic assessment reports of Torres Strait fisheries.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 19 8-10 April 2003
Report of the Latent Effort Subcommittee	Agenda Item No. 3

BACKGROUND

In October 2001, the PZJA approved the formation of a latent effort subcommittee (hereafter referred to as the subcommittee) to address latent effort issues in the tropical rock lobster, line and mackerel fisheries. The subcommittee was to make its report and recommendations to the PZJA within twelve months. However this project was not budgeted at the time and owing to staff commitments, this timeframe was not achieved.

The subcommittee has now completed its work and a report is to be made to the next meeting of the PZJA.

The terms of reference for the subcommittee are:

- a. identify a set of principles to reduce potential effort from the commercial non-Islander fishing boat licences and including islander owned fully transferable licences in the tropical rock lobster, mackerel and line fisheries;
- b. identify a range of different strategies and likely outcomes associated with each strategy;
- c. evaluate the effectiveness of different strategies; and
- d. recommend a preferred approach.

The subcommittee met on three occasions and took into consideration the outcomes of three industry consultative meetings. The recommendations of the subcommittee are listed in attachment 3.1. There are several implications of note arising from these recommendations.

i) Clarification of priority of access

The subcommittee acknowledges that its recommended strategy will not completely remove latent effort from these fisheries. For complete removal, effort will need to be capped and an effort management system developed for all sectors of the fishery. This task was considered outside of the scope of the terms of reference of the subcommittee and recommended for referral to the relevant fisheries working groups. However, for effort in the various sectors to be managed, the subcommittee considers it essential that the PZJA clarify its position on the priority of access to fisheries resources in the Torres Strait.

ii) Process projected costs

To prevent any flow on effects into Torres Strait from management events on the east coast, it is desirable that the latent effort removal process be completed by July 2003 at least for the line fishery. The associated costs have not been budgeted and projected costs include \$4,500 for a review panel and approximately \$5000 for submitted data verification by AFMA compliance.

iii) Possession limit

For licences that do not qualify under the subcommittee's recommendations to retain the fisheries symbol for line and mackerel, a possession limit for personal use will be allowed. However, recommended possession limits, at least for reef fish (50 kg of which 10kg can be coral trout, are considered by management as excessive, commercially viable, and presents difficulties for species identification when processed and enforcement. Therefore, management will consider and recommend an alternative possession limit for reef fish.

iv) Licence tenure and legal status of the investment warning

Since April 1999, licences have been renewable for a 5 year period. Currently some licences that may be affected by the latent effort process will not expire until 2006. For licences not passing the recommended criteria, this presents a dilemma as the legal advice of the Independent Review Panel suggests that to suspend or cancel a licence during its currency (if the scenario arises) could create a liability for compensation.

Options are being examined on how a resultant decision can be implemented on these licences following the latent effort process. However, the legal standing of the investment warning would need to be clarified and stakeholders made aware of this standing so that further fishing effort is not accumulated, which could undermine the intent of latent effort removal.

RECOMMENDATIONS

That the TSFMAC:

- i) note that the latent effort subcommittee has completed its work and a report is to be made to the next meeting of the PZJA;
- ii) note the recommendations made by the subcommittee regarding removal of latent effort in the tropical rock lobster, mackerel and line fisheries; and
- iii) support the subcommittee's recommendations where relevant.

Recommendations of the Latent Effort Subcommittee

Recommendation 1

The recommended qualifying criteria for each fishery is as follows:

- Line: 1000 kg in each of any 2 out of 3 years from 1 April 1999 to 15 February 2002.
- Rock Lobster: 400 kg in each of 2 out of 5 years from 16 February 1997 to 15 February 2002.
- Mackerel: 1500 kg in each of 3 out of 5 years from 16 February 1997 to 15 February 2002.

Recommendation 2

The recommendations for what constitutes a year are 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 April 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
- Rock Lobster: 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

Recommendation 3

The subcommittee recommends that the following decision making and review process in Figure 3.1 be adopted in implementing latent effort removal.

Recommendation 4

Industry recommended that a structural adjustment package be made to each licensee that does not qualify. This could be in the form of an *ex gratia* payment. This payment to be offered at the decision making stage (between steps 2 and 3 in the decision making/review process). Acceptance of this payment will invalidate their rights to appeal. The rationale for this being to lessen the financial and human resources required to administer appeals.

Recommendation 5

Data Verification process – The subcommittee recognises the seriousness of the catch validation process and recommends that appropriate expertise is acquired to ensure the integrity and transparency of the catch validation process is achieved. The subcommittee also recommends a statement be made on the consequences of licence holders making any fraudulent claims.

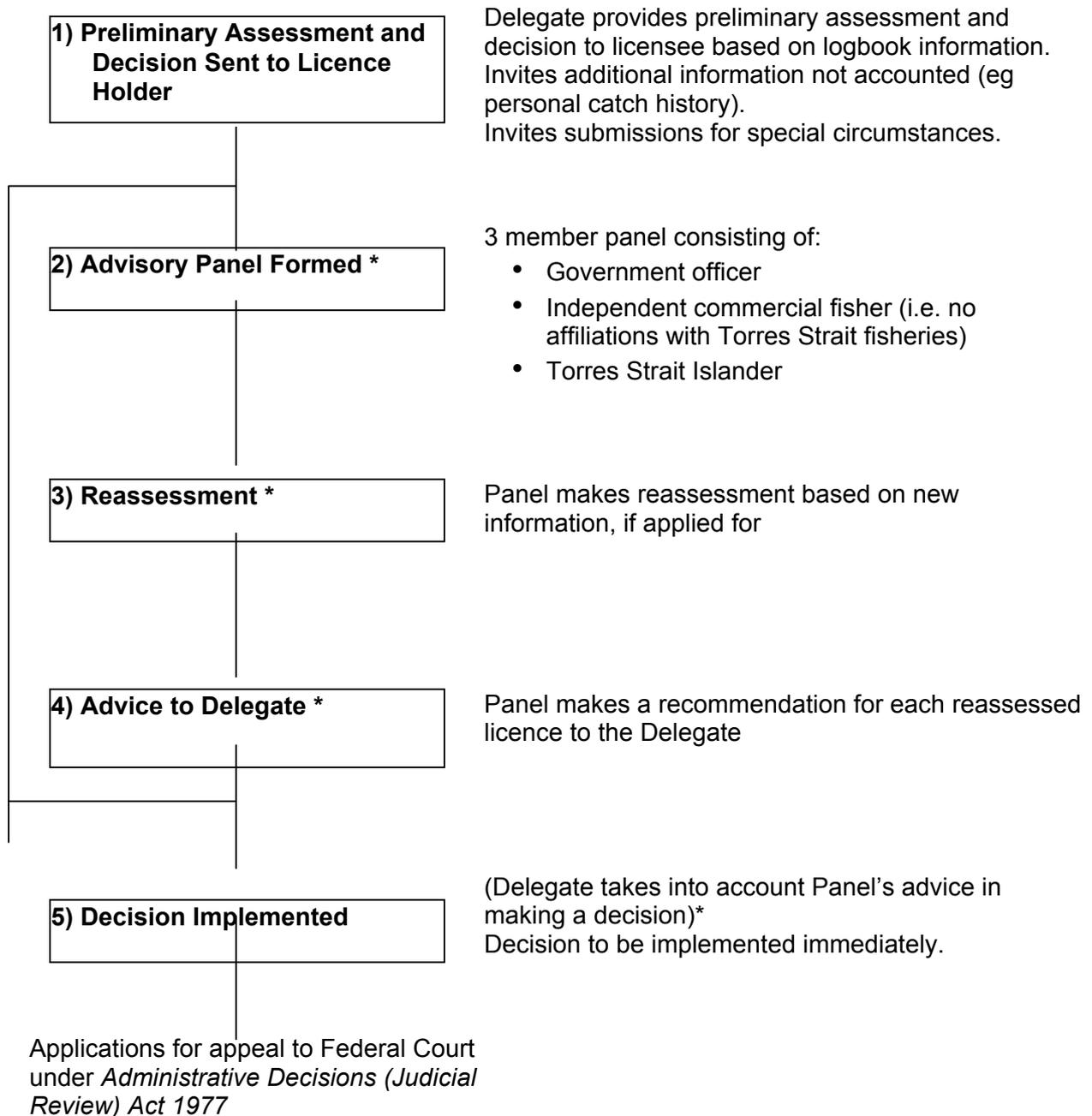
Recommendation 6

In completing its work, the subcommittee recognises that its recommendations only address the removal of latent licences according to its Terms of Reference, and that a further process to manage fishing effort is required. The subcommittee recommends that a process be created by the PZJA to develop a management plan for each of these fisheries that addresses the capping of effort and an effort management scheme. The respective fisheries management plans should include all commercial sectors and meet the requirements of both the *Torres Strait Fisheries Act 1984* and the *Environment Protection and Biodiversity Conservation Act 1999*.

Recommendation 7

To facilitate the work of the fisheries working groups in developing management plans for these fisheries, the subcommittee recommends that the PZJA clarifies its position on the priority of access in Torres Strait fisheries.

Figure 3.1 Decision making and review process



*** Note that Steps 2 – 4 will only be relevant if the licensee applies for a reassessment by submitting additional information or special circumstances. The licensee is notified of the preliminary decision (Step 1) and notified of a 28-day period by which to submit additional information or special circumstances. If a reply is not received by the end of this period, then the decision is implemented (Step 5).**

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 1 8-10 April 2003
Co-operation with Papua New Guinea: Report from Bilateral Meeting	Agenda Item No. 4

ISSUE

On 3 and 4 March 2003, representatives from the Australian and Papua New Guinea (PNG) Governments met in Cairns to discuss fisheries issues of common interest. During the meeting, particular attention was given to the management of the Torres Strait fisheries and issues related to the Torres Strait Treaty.

PURPOSE

To provide the TSFMAC with a summary of the discussions undertaken at the recent Australia/PNG bilateral fisheries meeting.

BACKGROUND

1. Under the Torres Strait Treaty, Australia and PNG are required to “co-operate in the conservation, management and optimum utilisation of the Torres Strait Protected Zone (TSPZ) commercial fisheries”. In order to facilitate this process, the two countries agreed to meet in Cairns to discuss issues related to the management of the TSPZ fisheries and other areas of joint interest.
2. The Australian delegation to the meeting included representatives from AFFA, AFMA, DFAT, CSIRO, the Queensland Fisheries Service (QFS), the Torres Strait Regional Authority (TSRA), the National Oceans Office (NOO) and selected industry representatives. PNG was represented by officials from their National Fisheries Authority (NFA), Department of Environment and Conservation (DEC), Department of Foreign Affairs (DFA) and members of their fishing industry.
3. During their opening statements, both parties noted that it had been a significant period of time since they had last met in July 2001. As a consequence, it was agreed that all future meetings would be held on an annual basis and timed to fit in with fishing season requirements. Following on from this decision, both countries agreed to meet again in Port Moresby in August 2003.

Catch Sharing Arrangements

1. With regard to the development of new catch sharing arrangements for 2003, the two countries agreed to the endorsement of up to 8 PNG prawn vessels, 16 PNG spanish mackerel vessels and 27 PNG tropical rock lobster (TRL) tenders to operate in the Australian waters of the TSPZ. It was also agreed to continue the freeze on the endorsement of vessels in the Torres Strait pearl-shell fishery.

2. In coming to this position, both parties agreed to base catch sharing calculations on 3 years of catch data (compared to the previous 5 years of data) and in the case of the TRL fishery, that all vessels would be limited to 33 days of fishing effort. Similarly, both parties have agreed to limit Spanish Mackerel vessels to 40 days of fishing effort per year to account for its susceptibility to excessive levels of fishing effort.
3. PNG also gave in principle agreement to the development of a long-term alternative to the process currently used to calculate catch-sharing entitlements. This alternative, which would be based on science based management practices, is to be progressed by the holding of a joint scoping workshop in July 2003.
4. In discussing the catch sharing process, PNG noted its concern over delays in the endorsement of its vessels and stressed that its vessels needed to gain access to Australia waters at the beginning of the fishing season. Australia noted these concerns and highlighted current moves to streamline this process, whilst also giving an undertaking that this problem would be addressed..

Fisheries Management Issues

1. In order to develop appropriate performance indicators for the Torres Strait fisheries, Australia and PNG agreed to meet in the wings of the August 2003 meeting to discuss possible management objectives and biological reference points for the shared fishery resources.
2. Australia indicated its continued interest in having PNG management arrangements amended so that trawling in the areas west of Warrior Reef and around the western islands such as Deliverance Island was banned.
3. PNG agreed in principle to the extension of the TRL stock assessment process to include their waters of the TSPZ.
4. Both countries expressed concern over the serial depletion that seems to be occurring in the Torres Strait sea cucumber fishery and agreed that there was potential for developing a joint management plan between PNG and Australia.
5. Australia noted its concerns over the status of the pearl-shell fishery and proposed that the two parties work together to develop new management arrangements that would allow the fishery to recover. Australia agreed to write to PNG to further set out its concerns on this matter.
6. Both parties expressed concerns over the sustainability of current harvest levels in both the dugong and turtle fisheries. A number of common themes were identified by the two countries, with a general recognition that the two parties should work together to develop a more sustainable approach to the management of dugong and turtles stocks. It was recognised that this was a serious problem that both parties had to confront in the near future.

Enforcement Issues

1. A Joint Enforcement Meeting (JEM) was held in the wings of the main meeting, in which a number TSPZ surveillance and enforcement issues were discussed. As part of the JEM, both countries made a commitment to undertake 30 days of joint patrolling in the PNG waters of the TSPZ.
2. PNG strongly encouraged Australian authorities to consider implementing a VMS system and a structured observer program for all of its commercial fishing vessels operating in the Torres Strait.

Other Issues

1. PNG was briefed on the new Torres Strait Cooperative Research Centre (CRC) program and indicated their interest in further engaging with the program.
2. Australia notified PNG of the recent Torres Strait Protected Zone Joint Authority (PZJA) decision to offer PNG an observer role on the TRL and prawn working groups, the TSFMAC and the PZJA. PNG indicated its interest in engaging in these meetings and requested that Australia provide it with appropriate material to allow it to participate in these meetings.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 1 8-10 April 2003
Recommendations from the Finfish Fishery Working Group: Report on the November 2002 PZJA MEETING	Agenda Item No. 5 (For information and decision)

REPORT ON THE PNG BILATERAL MEETING (for decision)

Proposal

For the TSFMAC to support the Finfish working group recommendation that:

- i) 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; and
- ii) PNG effort should 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.). the PZJA decisions in respect of the Finfish Fishery and the working groups comments in respect of these decisions.

Background

The Finfish Fishery Working Group was provided a summary of the Australia-PNG Bilateral fisheries discussions that took place on 3-4 March 2003 in Cairns. The working group noted the outcomes of that meeting and in particular those with direct are relevance to the Finfish Fishery. They are:

- Australia and PNG agreed to hold all future bilateral fisheries meeting on an annual basis. These meetings will be scheduled to fit in with fishing season requirements. In light of this commitment, both countries agreed to meet again in Port Moresby in August 2003.
- PNG gave in principal agreement to the development of a long-term alternative to current catch sharing arrangements, which would be based on science based management practices. This process would be based on the development of a scientifically based risk assessment model and would be progressed by the holding of a scoping workshop in July 2003.
- In order to develop appropriate performance indicators for the Torres Strait fisheries, Australia and PNG agreed to meet in the wings of the meeting in August 2003 to discuss possible management objectives and biological reference points for the shared fishery resources.
- Both parties agreed that Australian fishery authorities should develop a closer relationship with the PNG Department of Environment and Conservation (DEC). DEC has portfolio responsibility for the management of dugong and turtles in PNG waters.
- A Joint Enforcement Meeting (JEM) was held in the wings of the main meeting, in which a number of issues related to the two countries surveillance and enforcement duties were discussed. As part of the JEM, both countries made a commitment to undertake 30 days of joint patrolling in the PNG waters of the Torres Strait Protected Zone (TSPZ).
- PNG was briefed on the new Torres Strait CRC program and indicated their interest in further engaging with the program.

- Australia formally notified PNG of the recent PZJA decision to offer PNG a formal observer role on the TRL and prawn working groups, the TSFMAC and the PZJA. PNG indicated its interest in engaging in these meetings and requested that Australia provide it with appropriate material and timelines as necessary.
- Australia agreed to formally invite PNG to participate in the next Northern Fisheries Managers Workshop. The Workshop is scheduled to be held in Darwin on 18 August 2003.
- Australia and PNG agreed to 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. Like the prawn fishery, this was based on the average of 3 years of catch data.

During subsequent discussion working group members raised concerns regarding the extra effort that would be placed on the fishery should PNG choose to take up its option of fishing in Australian waters.

- Members were reminded that under the Treaty PNG is entitled to 25% of the catch in Australian waters (south of the jurisdictional line) and 50% within the territorial seas of Anchor Cay Bramble Cay, etc. and that Australia needs to have the ability to adjust its effort to accommodate the PNG boats.

This led to discussion on the fact that there are no restrictions on where the PNG boats can take their Australian share of mackerel. Under the current arrangements the entire PNG catch can be taken from Bramble Cay, the most productive area of the fishery. Yet the calculations used to determine how many PNG boats are entitled to access the Australian fishery is based on catches from right across the fishery. The Working Group believes that the current arrangement could be detrimental to the fishery and 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 to this concern was also 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.

Recommendations

That the TSFMAC support the Finfish working group recommendation that:

- i) 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; and
- ii) PNG effort should 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.).

REPORT ON THE LATENT EFFORT SUB-COMMITTEE (for information)

Proposal

For the TSFMAC to note the Finfish Working Group's support of the recommendations being made to the PZJA by the Latent Effort Sub-committee.

Background

The Finfish Working Group was provided with an overview of the work undertaken by the Latent Effort Sub-committee with particular focus on the recommendations being proposed to the PZJA for addressing latent effort in the reefline and Spanish mackerel fisheries.

Some discussion took place on the likely effect that the proposed qualifying criteria will have on numbers of operators likely to be removed from the fishery. It was pointed out to the working group that the sub-committee had deliberately avoided analysing the likely impact so as to avoid being perceived as targeting any one or group of operators.

The working group noted the recommendations and raised no objections to the following qualifying criteria or proposed review process:

- a qualifying criteria for the reef line fishery of 1000 kg in each of any 2 out of 3 years from 1 April 1999 to 15 February 2002 with each year of the qualifying criteria to constitute as follows:
 - Year 1 - 1 April 1999 – 31 March 2000
 - Year 2 - 1 April 2000 – 31 March 2001
 - Year 3 - 1 April 2001 – 14 April 2002

- a qualifying criteria for the Spanish mackerel fishery of 1500 kg in each of 3 out of 5 years from 16 February 1997 to 15 February 2002 with each year of the qualifying criteria to constitute as follows:
 - 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

Recommendation

That the TSFMAC note the Finfish Working Group's support of the recommendations being made to the PZJA by the Latent Effort Sub-committee.

UPDATE ON THE QUEENSLAND REEF LINE MANAGEMENT PLAN (for information and decision)

Proposal

For the TSFMAC to

- i) note the progress of the Fisheries (Coral Reef Fin Fish) Management Plan 2002;
- ii) note that the process for implementing the new Plan should be complete by 1 July 2003; and
- iii) support the Finfish Working Group recommendation acknowledging the need for future management arrangements to be developed in the Torres Strait to take into account those arrangements introduced in the Queensland east coast fishery.

Background

A report was provided to the working group on the progress of the Fisheries (Coral Reef Fin Fish) Management Plan 2002. The group was advised that the process for implementing the new Plan should be completed by 1 July 2003. This is of particular interest to the working group as the consequences of the implementation of the east coast management plan could be severe for the Torres Strait line fisheries. Many east coast operators are unlikely to meet the criteria set under the Management Plan and will be forced to look at alternative fisheries to operate. With the value of coral trout steadily increasing there is a strong likelihood that many of those affected and who are dual licensed with appropriate endorsements, will consider moving their operations to the Torres Strait. However, it is uncertain at this time how many east coast line operators may be in a position to shift to Torres Strait.

The working group was also informed that the new Management Plan will include changes to size and possession limits for reef fish species. Commercial fishing in Torres Strait is managed under the PZJA which means that the PZJA can adopt those measures it believes to be appropriate but does not necessarily need to adopt all (however, recreational fishing remains under Queensland jurisdiction, so changes in the recreational size and possession limits will come into force in the recreational sector in Torres Strait). While the validity of generalising the biological characteristics of reef fish species in Queensland to the Torres Strait is yet to be confirmed, it would be appropriate for consistency (in size limits) to occur between the commercial and recreational fisheries in the Torres Strait. It is anticipated that the Finfish Working Group will consider this at a later meeting when Queensland proposals become available.

Recommendations

That the TSFMAC:

- i) note the progress of the Fisheries (Coral Reef Fin Fish) Management Plan 2002;
- ii) note that the process for implementing the new Plan should be complete by 1 July 2003; and,
- iii) support the Finfish Working Group recommendation acknowledging the need for future management arrangements developed in the Torres Strait to take into account those arrangements introduced in the Queensland east coast fishery.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 1 8-10 April 2003
Recommendations from the TRL Working Group	Agenda Item No. 6

Purpose

To bring to the attention of the TSFMAC issues arising and recommendations from the TRL Working Group.

Background

The tropical rock lobster working group held its meeting on 18-19 March 2003. Arising from this meeting are a series of recommendations made to the TSFMAC (MAC) and several issues that the working group wished to be reported to the MAC for its consideration. Background is provided for each of the recommendations below.

Recommendations from the Working Group

- 1. The working group recommends that there is an urgent need for catch and effort data to be collected and sufficient resources provided to enable the development and implementation of the AFMA docket book and to input data obtained through that docket book into a computer database. The committee felt that one full time position would be required for the collection and processing of this data in addition to the one AFMA staff member already working part-time on fisheries data. This recommendation was fully supported by all members of this working group. The stock assessment researchers stressed the need for more data on catch and effort on a monthly basis from all sources and also size grading data.*

Background: Management is proposing significant management changes in the lobster fishery including the introduction of an effort management system. The absence of catch and effort data to establish the relative position of the non-islander and islander sectors is now an impediment to making progress on the issues. Likewise, the most recent assessment of the stocks were for 2002 owing to the absence of more recent catch data to be used in the analysis. There has also been a problem of Australia providing catch data to PNG for the bilateral meetings where catch sharing was discussed.

There is a long standing issue with regard to the lobster data where only the catches of operators with freezer boats has been recorded in logbook programs that have themselves produced data of questionable accuracy in some cases. Total catches from the fishery were established by records received from shipping companies where the catches of freezer boats, dinghies landing to shore processors, catches imported from Daru (PNG) and the Queensland east coast have been confounded. In 2002 one of the shipping companies was sold to the other. Jardine shipping records were sent to archive in Melbourne and seaswift has been more reluctant to provide data since the workload of its staff increased. AFMA's solution to this problem was to collect the data directly from the processors. To date these data are incomplete.

There has been numerous agenda items about strategies to improve data at the working groups, MAC, and PZJA but so far there have been no extra resources provided to collect, key-punch, and manage these data. The recommendation from the TRL Working Group is justified and attention should be urgently given to correcting this problem.

- 2. The working group recommends that further work be undertaken to develop the catch sharing arrangements that will result in PNG effort being distributed over a greater area of the fishery.*

Background: The catch sharing arrangements with PNG that provide for Australia to endorse up to 27 PNG tenders to take lobster has the unfortunate consequence of allowing PNG effort to be focused on just one part of the Australian area of jurisdiction, namely Warrior and Dungeness Reefs. There are two aspects to this outcome that are troublesome. The first is that there is an unwanted targeting of effort on reefs close to the islands of Iama and Poruma whose communities depend on the lobster catches from these nearby reefs for their livelihoods. Secondly, in the calculations (as crude as they are) for catch sharing, the catch of the whole Australian area of jurisdiction is taken account of (including the outside but near area). It is possible that in focussing all their effort on Warrior and Dungeness reefs that the PNG operators may possibly exceed their share – this would only happen when all the allowable effort was expended and if the catch rates on these two reefs were higher than the average of the whole area on which the calculated number of tenders was based.

- 3. The Working Group recommended a stock assessment workshop/FAG workshop with QLD, Torres Strait and PNG and that this advice be provided to the SAC for priority funding. The timing of the workshop to depend on acquiring the data needed but no later than the end of the next financial year.*

Background: The working group is concerned that the stock assessments are: a) missing out on the fact that there are spawning lobsters on the Queensland coast and, b) the assessment may be over-estimating the level of escapement because lobsters migrating from the Australian area of jurisdiction into the PNG area are still vulnerable to the PNG diver fishery and therefore may not escape. The working group considers that it would be preferential to attempt to do a stock assessment of the fishery that takes into account the whole unit stock. It recommends that funding be provided to facilitate the “bigger picture” approach. This also picks up on recommendations at the SAC for more regular assessment workshops for the significant fisheries from the SAC’s last meeting.

CSIRO scientists have pointed out that the surveys conducted in Torres Strait can’t be replicated on the deeper reefs on the east coast and thus, estimating the “spawning stock” size (estimated number of 2+ lobsters in TS) would be difficult on the east coast. CSIRO has also pointed out that there are multiple adult year classes on the east coast that will contribute to spawning. And, working out the spatial dynamics may prove particularly challenging because of the cost and time need to be spent to tag lobsters in sufficient numbers to work out movement patterns at the required spatial scale in Torres Strait would be prohibitive.

- 4. The Working Group recommended that the TSFMAC and PZJA adopt the recommendations of the Latent Effort Subcommittee as a matter of urgency on the basis that this reduces the extent of the latent effort problem in the fishery.*

Background: Industry believes that removing the latent effort among the non-islander commercial sector should be done before any further action is taken to manage effort. The rationale for this is that until the scope of the remaining latent effort problem has been identified after the process (described in Agenda Item 3) is gone through there is no basis for further reductions. Management is less concerned about the need to identify the amount of latent effort remaining in the fishery after the process has been completed. There is abundant

evidence that there will still be a large amount of latent effort in the fishery because the subcommittee set "soft" qualifying criteria.

Nevertheless, it would be highly useful to begin the removal of latent effort as soon as possible. This will demonstrate a commitment to sustainable fisheries for the purposes of Strategic Assessment and equally demonstrate to Islanders that the Torres Fishing Boat Licence sector (excl will be managed more tightly).

5. *The working group recommended that the TSFMAC note and PZJA adopt the recommendation from the Latent Effort Subcommittee that there must be additional measures taken to control potential effort through and effort management system.*

Background: As noted above, removing licences that are essentially latent will still leave substantial, though unquantified, amounts of latent effort among the remaining non-islander licences. Because there is evidence that fishing mortality is still high, possibly too high, there is a need to be able to control effort to maintain fishing mortality at a target level.

Moreover, when PNG takes up its rights to its share of the catch in the Australian area of jurisdiction there must be a way to reduce effort among the Australian fleet. This has been agreed to by the TRL Working Group (reported to the last TSFMC meeting). However, there is contention and acrimony over the fact that only the non-islander sector has been "singled out" by Management. It is true that there are more advanced plans to manage effort among the non-islander licences than the islander licences. This is not a deliberate strategy by Management to take effort from one sector while allowing the other to grow. Instead, this reflects the simple reality that the islander sector has not yet reached a point where it accepts the need to limit its effort. Key among the reasons is that Islanders believe that they have a higher priority of access and should therefore not be required to reduce effort so long as there is room in non-islander sector to absorb the reductions.

This difference of opinion poses a significant problem for Management and the working group as a whole agrees that a policy decision on the priority of access is important to progress this issue.

6. *The Working Group recommended that a consultation process be initiated with the TIB sector that will lead to recommendations for the control of potential effort in that sector, including a timetable for implementation. (Islander members advised that a consultation process is already under-way to look at TIB fisheries where potential effort could be reduced, and that the required information is being sought from the communities to be provided by the 15 April 2003). The working group noted that these consultations are not trivial and may require resources beyond current levels.*

Background: The TSRA fisheries coordinator briefed the TRL Working Group on the consultative process. The relevant parts of that report, which was in the form of a letter from Mr Don Mosby to Minister Macdonald follows:

"Two meetings were attended on Badu and Yorke Island and the Community Fisher representatives for Dauan, Port Kennedy, Coconut and Prince of Wales were consulted. Sixty-two (62) members of the Badu Fisheries Association attended the meeting at Badu on 15 January 2003.

The general consensus so far is that Traditional Inhabitant fishers do not support the proposed moratorium for the following reasons:

1. *they should have a higher priority for fishing than non-Traditional Inhabitants in the Torres Strait as they are the Traditional Inhabitants;*
2. *commercial fishing is the most viable source of employment due to limited employment opportunities in the Torres Strait; and*
3. *Traditional fishers operate out of a single vessel no greater than 6 metres.*

While I was not able to visit other communities to consult with them, I am of the firm belief that I would get an outcome similar to the ones on Badu, Masig, Coconut, Port Kennedy and Prince of Wales for the same reason. Traditional inhabitants strongly believe that they have a higher priority to access fisheries in the Torres Strait than non-Traditional Inhabitants. This is spelt out in the Independent Review Panel report entitled 'A Fair Share of the Catch'.

However, it was evident from the meetings and consultation, that Traditional Inhabitants are growing more aware of the need to conserve tropical rock lobsters and other sea resources in the Protected Zone. The TSRA will continue discussions with traditional inhabitants on reduction of effort for all commercial fisheries in the Torres Strait sector. The TSRA Fisheries Committee will facilitate meetings in each of the traditional inhabitant communities in the Torres Strait and Northern Peninsula Area and the results are expected to be available on 30 June 2002.

In conclusion, I can report to the PZJA that consensus to date shows that traditional inhabitant fishers do not accept a moratorium being imposed on the issue of new TIB to fish for tropical rock lobster.

This report will be provided to formal members of the Tropical Rock Lobster Working Group as well as the Torres Strait Management Advisory Committee for their consideration."

- 1. The working group noted that several operators with two tender packages expressed concern over the viability of the operations following a reduction to one tender. A report be made to the TSFMAC on the impacts of the 30% reduction that would include the impacts for licence packages with various tender numbers to allow the MAC to consider the situation on an informed basis. Also contained in the report will be an analysis of any variation of the decision.*

Report on the reduction follows as a separate report.

- 2. The Working Group recommended that a legal opinion be sought on the legal standing of the investment warning and, subject to that advice, the PZJA confirm that activity in the fishery after the date of the investment warning not be taken into consideration in any allocation of effort that may follow, and also that all operators should be advised of this confirmation.*

Legal advice has been sought on this matter but at the time of writing has not been provided.

- 3. The working group agreed to refer the matter of turtle and dugong catches on commercial fishing vessels (excluding TIBs) to the TSRA fisheries consultation process before making any recommendations on this matter and requested the TSRA to report back the outcomes of the consultation by the next TRLWG meeting.*

Background: The taking of dugongs and turtles is managed through Management Notices No. 13 and 41, and 14, respectively. In the dugong fishery Fisheries Management Notice 13, paragraph (c) prohibits the taking in the area of the dugong fishery other than the part of that area specified in the Schedule (the sanctuary), of dugong (*Dugong dugon*) except in the course of traditional fishing. And Management Notice 41 specifies in paragraph 6.1, pursuant to paragraph 16(1) (c) of the Act a person is prohibited from taking dugong in the area of the of the dugong fishery by any method other than with the use of a spear thrown by hand. And in paragraph 6.2 specifies, pursuant to paragraph 16(1)(a) of the Act, the taking or carrying of dugong in the area of the dugong fishery, is prohibited. Exemption In paragraph 6.3 it is stated that pursuant to paragraph 16(1A) (d) a person who does not have in his/her possession any equipment capable of being used for taking dugong other than a spear or spears is exempt from the prohibition in paragraph 6.2.

In the turtle fishery the notice specifies, pursuant to paragraph 16(1)(a) of the Torres Strait Fisheries Act 1984, (a) revokes the instrument known as Fisheries Management Notice No. 5

published in the gazette No. S44 on 19 February 1985; and (b) prohibits the taking of turtles, in the area of the turtle fishery, of turtles except in the course of traditional fishing.

Management considered that it was prudent to strengthen these measures by publishing other Fisheries Management Notices that explicitly prohibit the taking, carrying or processing of dugongs or turtles on commercial fishing vessels owned and operated by non-islanders.

Vessels licensed under the TIB system fall into another category and AFMA Management has previously given verbal advice to traditional inhabitants that they would be allowed to continue taking dugongs and turtles from their vessels (recent legal advice is that unless there are specific measures to ban the taking, carrying or processing of turtles or dugongs on commercial vessels under the control of traditional inhabitants does not contravene the legislation). It was considered that prohibiting the taking of dugongs and turtles from this class of licensed vessel would be extremely unpopular and therefore unenforceable. Furthermore, it was considered that community management would ultimately restrict the take of dugongs and turtles to sustainable levels and therefore the boat used to take them was not relevant.

Since this advice has been given there have been two new freezer vessels licensed under the TIB system. This brings the number of large TIB vessels active in the TSPZ to 3. Consideration may have to be given to the taking, carrying and processing of dugongs and turtles from these vessels too.

Management is of the view that the proposed Management Notices should be implemented without further delay, and that with all traditional inhabitant members/observers present at the TSFMAC it should be possible to resolve the matter satisfactorily.

- 4. The Working Group recommends that a zero (0) bag/possession limit be introduced for TRL where the take would be by TSFBL holders without a CRAY endorsement until the stock recovers when this limit may be reconsidered.*

Background: The TRL Working Group members considered the recommended bag / possession limits for licence holders who lose some of their endorsements through the latent effort process. In the course of these discussions the QSIA member suggested that if TRL fishers should be entitled to quantities of reef fish and mackerel, then other licence holders should be entitled to small quantities of lobster. The Working Group pointed out that the circumstances in the lobster fishery were different from the other fisheries as there was evidence that fishing mortality was already too high in the fishery, therefore allowing any other mortality from other commercial fishers would be imprudent.

- 5. The TRLWG recommends that the finfish Working Group consider a bag limit on reef fish for any licence without a LN endorsement. The Working Group noted that the sub committee's recommendation was 50 kg of reef fish but with only 10 kg of coral trout for licences with pre-existing LN endorsements. Management was concerned that this possession limit is excessive and would prefer a 20kg limit of all reef fish and 20 kg of mackerel, but was not able to address this at the last finfish working group. The islander perspective was that a total limit of 20 kg was sufficient.*

Background: The TRL Working Group discussed the bag/possession limits in the finfish fishery and noted that the limit recommended by the Latent Effort Subcommittee was large enough to be a concern as it could be seen to be commercial quantities. Furthermore it was noted that the forensic work that would have to be done to identify coral trout among other reef fish would be prohibitively expensive and difficult. The group thought that the Finfish Working Group should address this at its next meeting.

- 6. Industry and Islander members of the Working Group recommended that the proposal to amalgamate tender licences of two primary vessels be accepted on the basis that one primary and one tender vessel be surrendered and with the proviso that the islander representatives support the proposal after wider consultation. Industry and Islander*

members agreed to consult further and report to the TSFMAC. Management was concerned that the licence amalgamation should only be considered in the context of a management plan for the fishery where effort has been managed and there is an explicit policy to guide the decision

Background: Under correspondence, the TRL Working Group read through a proposal by a Torres Fishing Boat Licence holder to amalgamate 2 licences. The proposal was to transfer 4 tenders from one licence and add them to an existing licence with 5 tenders. In this process there would be a forfeiture of the primary licence to which the 4 tenders were attached. During the discussion it was determined that the licence holder proposing the amalgamation would also sacrifice one tender bringing the total number of tenders to 8 on that licence.

Management was concerned that there is presently no policy on licence amalgamations and no history of this in the lobster fishery. Management considers that amalgamation of licences could be useful in the fishery but that it should only be permitted once there are tighter controls on effort and there is a clear licensing policy that specifies exactly what rules would be applied before any amalgamation is permitted.

Industry and Islanders were of the view that this could be a good measure as it would reduce the number of primary and tender vessels in the fishery by one each. Further, it was noted that if the amalgamation is not allowed to proceed that the licence may be sold which would activate more effort, and that the licence holder buying the licence a) may be from outside Torres Strait, and b) if carrying a debt may be forced to fish hard. The counter argument is that the licence may not be sold quickly and by the time it is sold there may be an effort management system that will control the level of fishing effort by that licence in any case. It is also likely that following an amalgamation at least some of the effort is guaranteed to be activated as the licence to which the tenders would be attached is active in the fishery and has a capacity to work with more tenders. The best course of action in relation to the short-term effects on effort is impossible to know.

7. This Working Group reiterates its concerns about the lack of resources for compliance in Torres Strait Fisheries. Without proper compliance any management measures introduced through the working group will not be fully effective.

Background: The Working Group discussed the issue of compliance in the context of the growing complexity of fisheries legislation in Torres Strait. Specifically, the Working Group was discussing the need to manage the use of hookah in the fishery. QBFP noted that any new legislation, for example areas closed to hookah diving, may simply add to/worsen the current situation where compliance resources are stretched to the limit.

Recommendations

That the TSFMAC;

- I. support the TRL Working Group's view that extra resources are urgently needed to ensure that a data collection program is implemented with the required resources to routine collect, analyse and disseminate Torres Strait Fisheries catch and effort data;
- II. support the development with PNG of a better catch sharing model that will, among other things, serve to distribute PNG effort in the fishery over a wider area;
- III. support a FAG workshop for the TRL fishery with a view to broadening the scope of the assessments to include PNG and Queensland's east coast where possible;
- IV. support the recommendations of the Latent Effort Subcommittee as they related to the TRL fishery, and as a matter of urgency communicate that support to the PZJA for an early decision by the Authority;
- V. note that it is necessary to further control of effort in the fishery – and a system to manage effort must be introduced with a minimum of delay
- VI. note that it would be possible to control/allocate effort in the TSFBL sector relatively soon as there is a basis on which to allocate effort, but also note the concerns of this sector that this would erode their access;
- VII. note that consultation with the TIB sector on managing effort in this sector has commenced but further note that this process is necessarily a long and complicated one, for which resources have not been specifically allocated;
- VIII. note the legal advice on the standing of the investment warning and implications for an interim period when some licences may accumulate catch/effort history while their licences are current;
- IX. recommend the passage of the Management Notices prohibiting the taking, processing, or carrying of turtles or dugongs from non-traditional inhabitant operated commercial fishing vessels;
- X. note the working groups recommendations regarding bag limits and support a zero bag/possession limit in the lobster fishery and review of the bag/possession limits in the other fisheries;
- XI. recommend that no licence amalgamations be implemented until there is a clear policy developed and adopted by the PZJA – this policy should be embedded in a management plan for each fishery; and,
- XII. note and support the working group's concern about the lack of compliance resources for the TSPZ.

Report on 30% reduction in Tenders

At the October 2002 meeting of the TRL Working Group concern was expressed about the possibility the activation of latent effort in the fishery during the 2003 season as there was evidence from the CSIRO survey and from fishers that the 2003 season may be substantially better than recent seasons. The working group did not recommend any specific actions to the TSFMC from that meeting. The TSFMC considered this situation and after a long “brain storming” session made a recommendation to limit the total number of hookah units on vessels operating in the fishery to two.

Industry consulted over this recommendation and found it to be unequitable. A meeting was subsequently held between AFMA, QFS, QSI and members of the Queensland Rock Lobster Fishermen’s Association in Cairns on 13 November 2002. At this meeting Industry representatives suggested that the only equitable way to reduce effort was to remove 30% of tenders across all licences. This proposal was put to the TSFMC members out of session and the TSFMC adopted Industry’s recommendation.

At its 14th meeting the PZJA decided to adopt the recommendation for a 30% reduction in the number of tenders, referred to below as the “policy”. [Since that PZJA decision some industry members suggested that the 30% reduction was contingent upon a freeze on the numbers of TIB licences in the fishery. Some in Industry also contended that the reduction did not apply to tenders but to hookahs. Managements position on this was that the recommendation from industry was clearly for a reduction in tenders and that the freeze on TIB licences was requested by Industry after agreement was already reached on the 30% reduction]. The decision was implemented by QFS writing to licence holders asking them to surrender licences for tender(s) of their choosing. Some licence holders complied, but others did not and QFS removed the cray endorsement from the tenders they chose and notified the licence holders in writing.

At the start of the season there is evidence of some “extra” tenders being used, however it appears that at the time of writing there are few if any tenders in use that should not be.

The 30% reduction did not reduce the number of tenders in equal proportions across all licences. The effect of the reduction is shown in Figure 1. The number of tenders to be removed was calculated by multiplying the number on the licence by 0.7 and subtracting this number from the numbers on the licence. [It is interesting to note that the alternative of multiplying the licensed tenders by 0.3 and rounding that number produces a different result for a licence with 5 tenders. Under the former method the licence was reduced by 1 tender, and if the latter had been done there would have been a reduction of 2 tenders.]

The outcome shown in Figure 1 is not ideal. Management has received correspondence from two licence holders pointing out the inequity of the “30%” reduction. The Working Group also considered a proposal from one operator using a 2 tender licence, who attended the meeting as an observer, to allow him to fish with both tenders for the last three months of the season. This would bring any operator with a two tender licence much closer to a 30% reduction than the 50% reduction they have been given. His proposal was based on tender months. The operator who make the proposal believed that the season for him is 8 months (February to September, inclusive, and exclusive of the free diving period in December and January). A licence with 2 tenders could fish for 16 “tender months” under this “season”. Applying a reduction according to the same formula used initially to reduce tenders results in fishing effort of 11 tender months. The 11 months could be achieved by one tender fishing for 8 months and the other for 3.

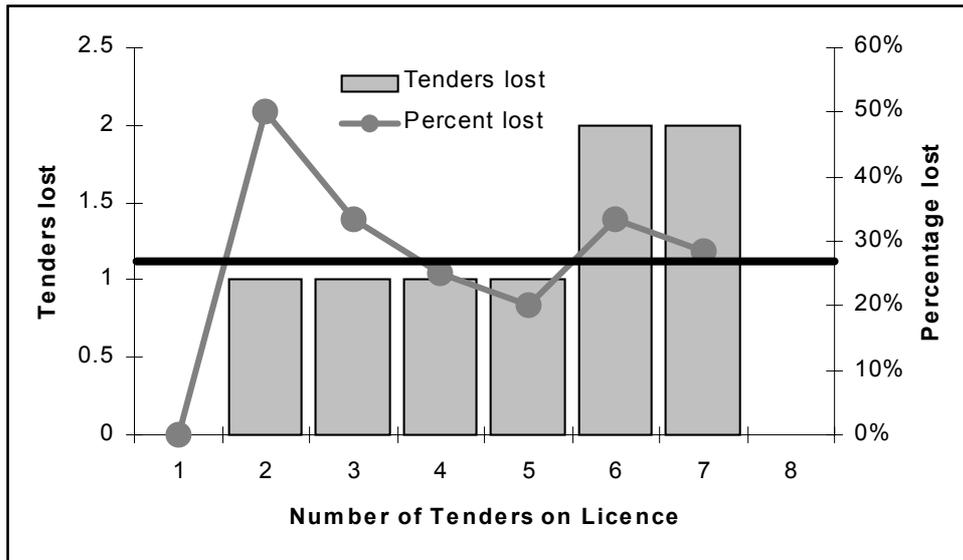


Figure 1. The effect of the 30% reduction of tenders is shown graphed as the absolute numbers of tenders removed and the percentage removed from licences with 1 to 7 tenders on the licence. The mean percentage reduction is shown for reference.

Management considers that it would be more appropriate to consider the season to be 10 months because there legally only two months of closed season and as some vessels do fish during December and January. Under the 10 month scenario, a licence holder with two tenders could fish for 20 months and a 30% reduction would bring this back to 14 months: 10 months with one tender and 4 months with a second. The problem is establishing which 4 months of the season could be fished with the second tender. Catches are not uniform during the 10 month season because of the changing abundance of lobsters.

Calculations are provided to assist the TSFMAC consider how 1) allowing 2 tender licences to fish with both tenders for part of the season might affect effort and 2) how effort might change if the policy was applied to all licence holders. Relevant licensing data are presented in Table 1.

Table 1. The number of licences with various numbers of tenders is shown.

Number of tenders attached to licence	Licences with various number of tenders
1	7
2	5
3	7
4	5
5	2
6	1
7	1

Based on the data in Table 1, there are 5 licence packages with two tenders. The present policy where these are reduced to 1 tender for the 2003 season results in a potential of 50 tender months among the 5 licences. Modifying the policy to use months instead of tenders will allow a total of 70 tender months. In practice it would not be this simple as different operators have and may continue to respond to the policy in different ways.

If the policy was changed to apply to all operators there is an overall slight decrease in potential effort from 580 tender months to 567 (see Table 2). Twenty one of the months removed are from single tender licences that would be reduced from 10 to 7 months. As noted above, how this change in policy would be reflected in practice is difficult to determine, however there is a strong possibility that it might increase effort rather than decrease it.

On top of the management aspects of the policy there are compliance risks and clearly a requirement for additional resources to monitor tenders on a monthly rather than a season basis.

Table 2. The potential impact of a change in policy from reducing tenders only to reducing the number of tender months attached to each licence is presented

		Current policy based on tenders		Alternative policy based on months	
tenders	licences with this number of tenders	Months remaining after 30% reduction based on tenders	total months available to licence holders	Months remaining after 30% reduction based on tender months	total months available to licence holders
1	7	10	70	7	49
2	5	10	50	14	70
3	7	20	140	21	147
4	5	30	150	28	140
5	2	40	80	35	70
6	1	40	40	42	42
7	1	50	50	49	49
Totals		200	580	196	567

Despite the fact that the policy to reduce tenders by 30% has not resulted in an entirely equitable reduction in effort for each licence, Management recommends that the PZJA's decision not be changed as it does not believe that the compliance resources necessary to monitor the more complicated situation created by allocating tender months to licence holders are not available.

It should be noted that the 30% reduction was for the 2003 season only. It was always an interim measure. However, unless an alternative measure is implemented to limit effort in 2004 a like measure may need to be implemented again in 2004. Because the measure was a crude method of controlling effort it would be much more favourable to adopt a long-term effort management system.

Recommendation

That the TSFMAC note:

- I. That the reduction of tenders by 30% as applied had a variable impact ranging from 0 to 50% reduction of tenders; and,

that the TSFMAC reaffirm

- II. the decision of the PZJA to reduce the number of tenders by 30% while acknowledging that this was not as equitable as hoped.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 19 8-10 April 2003
Recommendations from the Prawn Working Group	Agenda Item No. 7

BACKGROUND

Review of stock assessment and effort reduction

Stakeholders have agreed on an independent reviewer, Dr David Die of the University of Miami, to review the Torres Strait prawn stock assessment. This work was to be completed in March 2003, however, owing to immigration difficulties in the United States, Dr Die has not been able to obtain a travel visa. The review and related stakeholder meetings have now been postponed tentatively until late April/early May. If Dr Die is unable to travel to Australia by this timeframe then an alternative reviewer will be sought.

Effort reduction/sustainability discussions also hinge on this independent review and no progress has been made on this matter since last reported to the TSFMAC and PZJA.

Under catch sharing obligations, PNG have nominated five trawlers for cross border endorsement under the new agreement. At least three of these trawlers are expected to operate in the Australian area of jurisdiction from May this season representing a potential of at least 600 days of additional fishing effort in the fishery. While the independent panel report of the fishery indicated that effort should not be allowed to increase in the fishery until the fishery stock assessment has been reviewed, the impact of the PNG trawlers will be dependent on the amount of fishing effort by Australian trawlers. this season relative to the current stock size.

Assuming prawn stocks are comparable to last season, whether action will need to be taken to account for the PNG effort will be determined by the extent of Australian fishing effort this season, which in turn is governed by catch rates and economic conditions such as fuel price and beach prices for prawns. The preferred course of management action would be to monitor both the uptake of Australian and PNG effort and address the situation accordingly with the range of fisheries management tools available.

Independent Chair for the Prawn Working Group

At the last meeting of the PZJA, the Authority approved the appointment of an independent chair for the TSFMAC but left it to the working groups to decide on their need for an independent chair and how this should be funded.

The prawn fishery is cost recovered and industry has previously agreed to provide \$6,000 to fund an independent chair. However, given the management issues in the fishery and likelihood of at least three Prawn Working Group (PWG) meetings per year, it is expected that

an independent chair would cost at least \$10,000, which is in excess of what industry is prepared to fund. While Islander members on the PWG have indicated a preference for an independent chair, industry have indicated that the associated costs would not be affordable to their members given additional costs imposed by the implementation of an observer program and the likelihood of VMS implementation.

Consequently, the PWG recommended that the selection panel not progress with the appointment of an independent chair for the PWG and that the chair of the PWG remain as is.

Amendment to legislation: gear stowage on season opening and closure

Current arrangements in the prawn fishery cause crew to be working on the gear late in the evening on the opening day and early in the morning of the closing day. It is considered that for management of effort in the fishery it is unnecessary to force this work to be undertaken during darkness which puts crew at risk. The proposed new arrangements have been approved by the working group at several meetings and for one reason or another have not been implemented. The draft Fisheries Management Notice is attached.

Compliance

The working group was generally concerned about the level of compliance resources devoted to the prawn fishery. Specifically, Industry was concerned that some operators may be using more net than they are entitled to through the use of try nets.

Fisheries Management Notice 59 restricts the combined length of net that may be used to no more than 80 metres. If an operator wishes to use a try net, then the total combined length of net must include the try net, ie. the combined length of the main nets must be of a length that when added to the length of try net, does not exceed 80 metres.

Industry members expressed concern with the current arrangements in place for measuring nets in the fishery and wanted to see that it be done so no operators would exceed the permitted net length. Of particular concern is that try nets used during fishing operations may be stowed when the nets are measured by fisheries officers so are therefore not included in the overall measurement.

From a compliance perspective this is a very difficult thing to police as many boats carry numerous nets on board as spares or for use in other fisheries. The current wording used in the fisheries management notice does not impose a tight enough control over this situation and may need to be reworded to ensure the enforceability of the maximum net length requirements.

Industry members believe that issues such as this could be combated more effectively if Queensland Boating and Fisheries Patrol (QBFP) had the appropriate resources to deal with it. This was strongly supported by the Islander members.

Recommendation

Industry and Islander members of the working group recommended that:

- i) Fisheries Management Notice number 59 be reviewed with the aim of ensuring the enforceability of the net length measurement requirements; and
- ii) the QBFP be provided with additional resources (i.e appropriate vessel and human resources) to enable more effective enforcement in the Torres Strait Prawn Fishery.

RECOMMENDATIONS

That the TSFMAC:

1. note that the independent review of the prawn stock assessment has been delayed due to travel constraints experienced by the preferred reviewer, and consequently, discussions on effort reduction have not progressed;
2. note that PNG has nominated 5 trawlers to date under a new catch sharing agreement. While fishing effort should not increase in the fishery, the impact of these trawlers will need to be monitored in relation to actual uptake of Australian effort and the situation addressed accordingly with the range of fisheries management tools available.
3. note that the Prawn Working Group recommended that the selection panel not progress with the appointment of an independent chair for the Prawn Working Group and that the chair of the Prawn Working Group remain as is; and
4. recommend that the PZJA approve the attached Fisheries Management Notice to amend the arrangements for gear stowage on season opening and closure.

3. This Notice applies in conjunction with any other Notice in force in the area of the Torres Strait Prawn Fishery.

INTERPRETATION

- a. In this Notice, unless the contrary intention appears “the Act” means the *Torres Strait Fisheries Act 1984*.
- 4.2 Terms used but not defined in this Notice have the same meaning as in the Act and the Torres Strait Fisheries Regulations.

AMENDMENT OF FISHERIES MANAGEMENT NOTICE NO. 40

5. Fisheries Management Notice No. 40, dated 25 February 1994, is amended by deleting paragraph 9.2 and substituting the following:

“9.2 CARRIAGE OF EQUIPMENT

Pursuant to paragraph 16(1)(o) of the Act a person is prohibited in an area where and at the time during which, a prohibition is in force under paragraph 9.1 of this notice from having in that persons possession or in that persons charge in a boat, equipment that is:–

- (i) capable of being used for any kind of trawling; or
- (ii) capable of being used for taking prawns

unless

- (iii) all of that equipment including nets, boards, beams and skids are carried either in the racks or on the decks; except
- (iv) between 1200 hours and 1700 hours local time on 1 March (in any year), the boat is anchored; or
- (v) between 0600 hours and 1800 hours local time on 1 December (in any year), all equipment is out of the water or if any part of the equipment is in the water:
 - a) that part is drawn up to the boat; and
 - b) that part is visible from nearby aircraft or boat;

and

if the equipment includes cod ends, the cod ends are open

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 19 8-10 April 2003
TORRES STRAIT PRAWN FISHERY INTRODUCTION OF VMS	Agenda Item No. 7.1

PURPOSE

For TSFMAC to consider the introduction of a vessel monitoring system (VMS) into the Torres Strait Prawn Fishery.

BACKGROUND

History

VMS, utilising Inmarsat C, is now well established technology that is used all over the world. AFMA has been using this system on fishing boats since 1993 and today most Australian fisheries agencies are using VMS to various extents in their respective fisheries.

The introduction of VMS into the Torres Strait Prawn Fishery has been on the agenda for over three years. Much discussion has taken place and numerous papers written with little or no progress being made. Industry members on the working group have raised numerous concerns during this period which they believed to be sufficient justification to delay its introduction.

Management on the other hand sees VMS as a major component for effective and efficient overall management of the fishery and would like to see its introduction as soon as possible. It is seen as performing three basic but very important functions in the fishery. It will provide:

- a means to validate the spatial distribution of effort recorded in logbooks;
- a major additional compliance tool for the fishery;
- an efficient mechanism for counting fishing days; and,
- information to assist with effective fisheries management.

Industry members have indicated on several occasions that they are not opposed to VMS and acknowledge its benefits. What is of major concern to Industry members is the cost associated with its introduction and whether these costs are offset by the benefits VMS brings to the fishery, and reductions in costs elsewhere in the budget.

Benefits of VMS

The value of VMS to a fishery varies depending on whether you are looking at it from an Industry or Management perspective. An example of this is that Management places a lot of value on knowing where a boat or boats are in the fishery at any given time (within acceptable limits). This provides confidence that boats are not operating inside area closures (sensitive areas) or in waters outside the Australian jurisdiction. It also enables a visual analysis of real time information on where they are fishing and the numbers of vessels fishing in specific areas. This up to date and accurate information enables early identification of trends in the fishery that can be subsequently monitored as they are occurring.

Management also considers VMS as a valuable compliance tool. Its use as an integral component to the compliance program has been documented in several previous discussion papers prepared for the working group. In addition to providing confidence that boats are operating in accordance with the requirements associated with closures and boundaries as previously stated, VMS also enables the focusing of compliance resources during surveillance and enforcement operations. This results in more efficient and effective utilisation of both aerial and surface platforms. During the working group meeting, Industry and Islander members recommended "that the Queensland Boating and Fisheries Patrol be provided with more resources (i.e appropriate vessel and human resources) to enforce fisheries in Torres Strait more effectively. Implementing VMS goes part way to addressing the need for these resources without the cost of providing them.

Another important aspect to VMS in the compliance context is its deterrent value. It has been well documented in fisheries around the world that VMS changes the behaviour of fishermen. It encourages operators to think twice before undertaking an illegal activity. Its deterrent value cannot be overstated.

Implementation

Both QFS and AFMA were approached in regard to providing a VMS service on the PZJA's behalf. QFS was subsequently chosen on the basis they have already developed a system that will monitor fishing days which was being used in the east coast fishery. It was believed that this system could be easily adapted to perform a similar function in the Torres Prawn Fishery.

AFMA on the other hand does not administer any fisheries where fishing days are required to be monitored. As a result AFMA would be required to develop a system from scratch which would likely attract substantial costs for the development work alone. AFMA also indicated that it would be difficult to take on this function under their current staffing levels.

At the last Prawn working group meeting Management proposed taking a phased approach for implementing VMS into the fishery. This would involve starting with very basic arrangements where a requirement to have an operational VMS would be implemented and the data used for basic monitoring but would still provide a substantial improvement to the effectiveness of the compliance program and the integrity of our fisheries jurisdiction line.

A number of advantages were stated with taking this approach. Firstly, it would allow for a bedding down period where faults or problems that arise within the system can be identified and rectified before it becomes the key tool for monitoring fishing days. Faults and problems referred to here are primarily those associated with unit breakdowns and dealing with the logistics associated with addressing faulty units, and issues associated with the transfer of VMS data to a VMS terminal located in the QBFP Thursday Island office. This would create an opportunity to sort out any issues as they arise without significantly impacting on the operations of boats in the fishery.

Costs

Should a staged approach be undertaken, costs initially would be limited to those associated with reporting, ie. the cost of each position report sent from the boat (currently 5 cents per position report), costs associated with QFS staff administering the VMS base station located in Brisbane, and a one off set up cost.

QFS has provided AFMA with a costing for QFS to provide a basic VMS service for the second half of the 2003 prawn season. An explanation of each cost follows the table.

Cost Type	Industry	Government
Set up for basic reporting (one off cost)	\$1,500	\$1,500 *

Boat position reports	\$2,500	\$2,500 **
QFS administration	\$5,000	\$5,000 ***
Total	\$9,000	\$9,000

- * These are labour costs associated with such things as inputting the fishery boundaries, closures, and transit corridors etc, and setting up appropriate alerts and establishing automated protocols when those alerts are triggered.
- ** Position report costs are based on the number of boats in the Torres prawn fishery during the second half of the 2002 fishing season reporting at 1 hour intervals @ five cents per report.
- *** QFS administration costs are for a full time employee (FTE) to undertake ongoing system maintenance. This is based on a percentage of a FTE time to perform the service. This includes oncosts and any applicable overheads.

It is important to note that under AFMA's cost recovery policy, as VMS costs are part of the Compliance Program, they will be recovered on a 50/50 basis through government funding and industry levies. Therefore the costs that will be attributed to industry will be only 50% of the total costs incurred.

It should also be noted that these costs have not been budgeted for and any costs incurred will be over and above existing available funding.

CONCLUSION

Following the initial implementation of VMS and during the bedding down period, work will commence on the development of arrangements for the accurate recording of fishing days. This will include the formulation of an appeals process to enable operators to appeal the automatic decrementing of fishing days. This would be the mechanism for re-crediting fishing days should an appeal be successful.

Costs likely to be incurred for this development are unknown at this time but it is important to both the PZJA and Industry that any fishing day monitoring system and appeals process is effective, efficient, and not cost prohibitive. AFMA and QFS will be looking into what options are available including their respective costs and effectiveness and in consultation with Industry, will develop a system which meets the requirements of the PZJA and satisfies Industry that it is the most effective and efficient system available.

Again it should be noted that costs incurred for the development of a system for monitoring fishing days and appeals process, and any ongoing costs associated with VMS will be over and above current available funding.

With regard to Industry's concern with QFS charging for a service they already undertake at no cost, although QFS maintains that VMS units should remain on at all times regardless of where the boat is operating, they do not monitor the activities of individual boats whilst they are in the Torres Strait. It has been a practise of QFS to contact boats when their VMS units have ceased reporting.

QFS has made it quite clear that as the requirement for VMS in the Torres Strait will be imposed by the PZJA, the PZJA will be subject to any costs associated with that requirement.

RECOMMENDATION

That TSFMAC recommend the introduction of a vessel monitoring system (VMS) into the Torres Strait Prawn Fishery taking into account Industry's concerns presented in the attachment.

ATTACHMENT

Rationale behind Industry's position on VMS introduction in the Torres Strait Fishery

1. The proposed 4 month trial in 2003 is to cost approximately \$18,000 and will provide nothing that is not already known.
1. A pilot study was conducted by QFMA (QFS) some years ago in the Torres Strait to test units and activities.
1. QFS monitors vessel inside the TSPZ at present at no cost.
1. All vessels bar one are fitted with VMS equipment and it is functional – fitted with QFS DENID.
1. The proposed annual cost of \$33,750 does not include the cost of monitoring days in the fishery - \$438 per year per boat for what they achieve now for nothing.
1. Reporting In and Out of the Zone monitoring cost a total of \$12,000
1. Industry needs a clear and concise proposal on VMS together with factual costings and transparent benefits.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 1 8-10 April 2003
Three Traditional Inhabitant Prawn Fishing Licenses	Agenda Item No. 8

PURPOSE

Seeking support of the TSFMAC to recommend a change to the development policy to allow for the three Traditional Inhabitant Prawn Fishing Licenses to enter into joint venture arrangements with the commercial prawn industry.

BACKGROUND

The PZJA in 1988 agreed to reserve three Development Prawning Fishing Licenses to be wholly owned and solely operated by Australia traditional inhabitants of the Torres Strait in order to encourage active participation in the commercial prawn fishery.

The Island Coordinating Council (ICC) was tasked by the PZJA to recommend the *allocation* of licenses to traditional inhabitant operators and as such is owner of rights to the allocation of the licenses. The PZJA is still the authority/owner of the licenses, not the ICC.

The license entitlements and conditions are identical in some ways to existing Torres Strait Prawn Fishing licenses in that (a) the three boats must not be greater than 20 metres, (b) must comply with the maximum unitisation policy in place in the East Coast trawl fishery, (c) eligible to a maximum fishing days of 275 for each vessel during the Prawn Fishing season and (d) must abide by management arrangements that apply to open and closed season, closed areas, gear restrictions, limits to by product and by catches and levy payments and boat replacement policy.

License entitlements and conditions that are not identical to existing Torres Strait Prawn Licenses are: (a) they must be wholly owned and operated by Australian Traditional Inhabitants of the Torres Strait, (b) they do not have property rights i.e. cannot be sold and accordingly have no collateral value to a lender, (c) they can only be used within the Torres Strait Prawn fishery as they have no East Coast or Gulf entitlement and thus, restricted to trawl fishing in the PZJA Torres sector only and (d) they must be used in either a training programme or an arrangement that involves training Traditional Inhabitants with a programmed takeover or by Traditional Inhabitants allocated the licenses.

ICC, with the assistance of the commercial prawn industry developed the allocation criteria and in 1999, undertook a public process for suitably qualified Traditional Inhabitants or Torres Strait owned business to apply for the licenses. Interested applicants were required to demonstrate and satisfy a set of criteria based on commercial principals, up-front capital, operational training, management and succession planning. Two individuals and one corporation applied for licenses.

At the 69th Meeting of the ICC on 13 December 2002, the Board resolved to withdraw its support for the three applications as the then Prawn Working Group could not support the

applications because they did not comply with the current requirements of the PZJA Development Policy which favours the issuing of licenses to Traditional Inhabitant communities, rather than individuals. The ICC Board decision also seeks to have the Development Policy changed by the PZJA to allow joint venture arrangements with the commercial prawn industry.

At the 71st Meeting in October 2002 the ICC Board (a) reaffirmed the withdrawal of its support for the existing three applications as resolved at the 69th Full ICC meeting, (b) agreed to draft a letter with the benefits of legal advice, inviting the three applicants to reapply under a new process to accept expressions of interest from suitably qualified applicants overseen by a committee including members of the ICC, the TSRA and Torres Strait Fisheries Taskforce and subject to final approval by the ICC and TSRA Boards.

The Torres Strait Fisheries Taskforce was disbanded in June 2002 and the TFC took on the role of advocating Traditional fisher interests and in policy formulation and development.

Since the ICC withdrew its support for the three applications and the TSRA through the TSRA Fisheries Committee (TFC) took on the responsibility to develop the community allocation criteria, the following developments have occurred:

1. The TFC has received four unsolicited expression of interests from two Torres Strait Community Councils and the other two from a local and southern Torres Strait Islander businesses.
1. The release of the Torres Strait Fisheries Independent Panel named 'A fair share of the catch' which strongly advocates for Traditional Inhabitants to engage in the commercial prawn industry under joint venture arrangements with established prawners in the Torres Strait. This approach is based on the premise that the capacity of Torres Strait Islanders to immediately engage in the commercial prawn fishery is limited because of lack of capital and required expertise.
1. Legal advice also supports joint venture arrangements as it allows for a progressive increased involvement of Torres Strait Islander interests and there is little risk of significant capital loss.
1. The TFC meet on 19 February 2002 to progress the allocation criteria and the outcomes are: (a) supported the ICC proposed change to the development policy to allow joint venture arrangements with the commercial prawn industry, (b) agreed as a long-term vision to seek a change to the license conditions in order to have property characteristics like all existing Prawn Fishing Licenses and (c) agreed to procure the service of Profish Consulting under a short term contract to provide advice on a community allocation criteria and report on options for joint venture arrangements with industry. The contract is at signing stage.
1. The Prawn Working Group (PWG) at its first meeting on 25-26 March under the new consultative structure supported in principle the change to the development policy to allow for joint venture arrangements with the commercial prawn industry. Islander reps at the meeting saw benefits in having islanders trained during the current season to prepare them for the season next year. This aspiration is yet to be negotiated with the commercial prawn industry.

Stages of the Allocation Process

7 May 2003 – Profish Consulting provide its report on the outcomes of the consultancy.

8 May 2003 – TSRA Board to consider the consultancy report. The next full board meeting of TSRA will be held on 6-8 May 2003.

3-4 June 2003 – TSRA to table the proposed community allocation criteria and the proposed joint venture arrangements at the full meeting of the ICC that will be held on 3-4 June 2003.

***July 2003* – ICC or TFC invites suitable community operators through a public advertising process.**

August 2003 – Applications are assessed and recommendations made to the PZJA via the PWG and TSFMAC on which communities to be allocated the licenses.

RECOMMENDATION

That the TSFMAC:

1. Note recent developments as outlined above and that traditional inhabitants are keen to activate the licenses in joint venture arrangements by the opening of next year prawn fishing season on 1 March 2004 and receive training in the current season.
1. Note the timetable of events regarding the allocation of licenses.
1. Agree to recommend to the PZJA to change the development policy to allow for joint venture arrangements with the commercial prawn industry, noting that the proposed change was supported in principle by the PWG.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 1 8-10 April 2003
Management of the Pearl Shell Fishery	Agenda Item No. 9

Purpose

To raise the need to re-consider how the pearl shell fishery is managed with the TSFMAC.

BACKGROUND

The Pearl fishery in Torres Strait is legendary. Fortunes were made by the “captains” of the industry in its early developmental period, and “at one time Thursday Island was the centre of pearling activity in Australia”, (Colgan 1989). Even in more recent times production has been significant. Ward (1993) reported that “between 1969 and 1971 numbers of live *P maxima* supplied to culture areas in Torres Strait fell from almost 400,000 [at current prices makes the fishery more valuable than rock lobster] to less than 55,000”. Today, farms in the Torres Strait area struggle to keep the farms fully stocked. Colgan (1989) reported that heavy fishing was a key element in the decline of the pearl shell stocks.

On the basis of past surveys, the abundance of pearl shell (*Pinctada maxima*) on the main fishing grounds is low. The most recent survey to produce estimates of pearl shell abundance in the central part of Torres Strait occurred between May and June 1989 (Pitcher *et al* 1989). This was a lobster survey but as rock lobsters were being counted the numbers of pearl shells, percentage seagrass cover species composition, and other substrata data were also recorded. The survey counted pearl shells larger than 100mm and estimated that there were between 1.2-2.5 million shell in central Torres Strait (Williams and Coles 2000). Because the survey was not designed to estimate pearl shell abundance the results should be used with caution.

Biologically, pearl shells are particularly vulnerable to over harvesting because they are sedentary once they have settled which, unlike most crustaceans and fish prevents males and females from actively aggregating for spawning. Low densities of pearl shells probably have very low reproductive success because they are separated by distances that prevent successful fertilisation.

There were indications of a modest recovery of the stock in the early 1990’s and there was a short period of harvesting on the old grounds. Anecdotal information is that this “mini boom” was fished down to levels that were no longer economic.

There are currently about 125 vessels licensed to harvest pearl shells including both the Torres Fishing Boat licences (primaries and tenders) and TIB licences. Most of this effort is latent effort. As such it poses a similar threat to the pearl shell stocks that latent effort in the line, mackerel, cray and prawn fisheries pose the those respective fisheries.

Current management arrangements for the fishery include:

- Expansion in participation is limited to traditional inhabitants so as to maximise their opportunities;

- Provisions applying to the non-islander segment of the fishery include boat replacement policies, restriction on the issue and renewal of licences, reinforcement of measures to prevent the splitting of licence packages and the linking of tender boats with specific primary boats.
- Restriction in the Torres Strait pearl shell fishery are aimed at promoting the taking of pearl shell for farming purposes and currently include
 - a prohibition on taking of dead shell;
 - minimum and maximum size limits for gold and black lip pearl shells, which are aimed at ensuring the most suitable shells are taken for farming and protecting young shell and spawning stocks; and
 - banning the taking of shell by any method other than diving
- There is also a 4 shell possession limit in the Torres Strait Prawn fishery.
 - this is despite the stated aim of management to promote the taking of pearl shell for farming purposes.

The pearl-shell fishery barely rates a mention in the most recent 5-year strategic research plan for Torres Strait. This probably indicates the fishery's present low value, and the paucity of data. Following concern about the utility of the pearl logbook in August 1993 the PZJA approved the removal of the pearl shell logbook and its replacement with an annual pearl shell fishery survey of operators. It appears doubtful that the farms were surveyed and thus there is no record of catch in this fishery. Even had the surveys been undertaken, a record of the catch without a corresponding record of effort has very limited value. One operator undertook a private survey and harvesting operation between November 2000 and February 2001. Data from this survey (including catch and effort data) were made available to Management. Such data provide limited information on the state of the stocks as the surveys are not conducted in a way that allows estimates of abundance to be made.

Pearl shell is an Article 22 fishery. Since the July 2001 bilateral meeting with PNG, Australia has withdrawn from negotiating catch sharing arrangements because of the lack of information on the stock on which to estimate the allowable catch in Australian waters. PNG noted at the March 2003 bilateral meetings that it was taking 1000-2000 shells per month to support the pearl farm in Daru. PNG also noted that shells were brought in by lobster divers who find them opportunistically. They also noted that many of the shells were large (old) ones. It is important that Australia position itself so as to be able to give effect to Article 22 arrangements in this fishery. This is important in itself and it also has flow on effects for the other Article 22 fisheries.

DISCUSSION

It is impossible to formally compare the current biomass of pearl shells in Torres Strait relative to its virgin biomass. However, it is hard to believe that today's biomass can be more than a tiny fraction of its virgin size. Daily catches now are believed to be in the 10's of shells, not thousands or tonnes as they once were. Having said this, there are areas that were once fished that have not been revisited to Management's knowledge and therefore there may be areas in Torres Strait where shell are abundant, eg the possibility of a recovery in deep water around Darnley Island exists.

In managing the fishery the TSFMAC can either:

- attempt to quantify pearl shell stocks before taking steps to rebuild the biomass to a level where it can support its "optimal yield"; or,
- it can adopt measures now to at least stabilise and hopefully start the stock's recovery.

Regardless, it is hard to imagine that anything more than a very small harvest can be justified.

Management is of the opinion that some interim measures need to be implemented to facilitate the rebuilding of the pearl shell stock and address the key objective of the pearl shell fishery, namely “to conserve the stock of pearl shell so as to achieve optimum utilisation”. Pearl shell, as demonstrated in the past, has the potential to be a high value fishery for the people of Torres Strait. Rebuilding the pearl shell fishery could also have positive implications for other Torres Strait fisheries, for example pearl shell spat fall is common in rock lobster diet.

Experiences in other fisheries

In Western Australia and Northern Territory pearl shell fisheries represent some of the highest value fisheries in those respective States. Fisheries WA web site outlines that the WA pearl culture industry is Australia’s most valuable fishery after the WA rock lobster fishery. “Shell beds” off WA provide the wild shell. In 1997/98 the fishery was valued at \$189 million (added value of the cultured pearls). This fishery is managed as a gauntlet fishery, to allow shell to be caught at the optimum size, 120-160 mm. Shells over 160 mm are not generally suitable for round pearl production and are not usually taken. These large oysters form the basis of the breeding stock and management of the WA fishery by the quota system has kept the breeding stock at healthy levels.

The fishery is managed through the use of output controls with operators complying with strict quota (the entire industry currently has an annual quota of 572 units, with the value of one unit normally 1000 shells, though there may be annual variations). Shells must be a minimum size and collection zones are designated (WA Fisheries 2003).

Rebuilding the Torres Pearl Industry

As outlined above the Torres Strait pearl shell industry has been through a number of boom and bust cycles. Experience in other pearl fisheries suggests that a substantial ecologically and economically sustainable industry can be developed around wild caught pearl shell for use in pearl farms and avoid the boom and bust cycles by effectively managing the stock.

While there are a number of issues to address involving setting up a developing industry the issue of the pearl shell stock status in Torres Strait is one that needs management attention. Rebuilding the pearl shell stocks to provide for a pearl shell industry in Torres Strait is a long term option and it would be beneficial if operations were to develop in line with the sustainability of the resource rather than increase at such a rate that demand on the pearl shell stock caused their decline once more.

At a recent bilateral meeting between PNG and Australia a proposal to rebuild the Pearl stocks was put forward by Australia which suggested that a bilateral working group be established to develop a long-term management strategy for pearl shell stocks. PNG was generally sympathetic to rebuilding the pearl shell stocks but did not make a commitment to establishing a bilateral working group. Given that there was no explicit support for the proposal, it may be better for Australia to establish its own group to work on pearl shell.

The original proposal noted that initially it would be necessary for such a working group to establish, through interviews with local farms and a desktop analysis of the fishery, what might constitute a precautionary level of catch, and whether that would sustain farm demand for shell. If this approach were adopted then it would be necessary for the working group to establish a workable (cost effective and practical) system to limit total catches to the precautionary level.

It would also be necessary for the working group to also develop research priorities and to seek research funding and expertise to undertake high priority research. It will also be necessary for the working group to explain its strategy to the traditional inhabitants of both countries and seek their support for the restoration of the fishery.

Short-term management actions consistent with this strategy are to

- ban the taking of pearl shells by trawlers
- impose a moratorium on the issue of new licences to harvest pearl shell

- remove latent effort from the fishery;
- considering a TAC and area closure/sanctuary

These proposals will need to be fully assessed and developed through the consultative structure. Management proposes that a detailed background paper looking at management options be developed and distributed through the relevant working groups for comment and consideration prior to returning to the TSFMAC meeting for consideration and comment by the PZJA.

RECOMMENDATIONS

That the TSFMAC:

- agree that there is a need for revised management arrangements for the Torres Strait pearl shell fishery to rebuild the stock and consequently the pearl shell industry; and
- agree that a working group be formed to develop a discussion paper that assesses all management options and that this discussion paper be distributed through the relevant consultative structure prior to the TSFMAC making a final recommendation to the PZJA on management of the pearl shell fishery at the end of 2003.
- note the financial implications for management agencies of developing a discussion paper and going through a consultative process (and more generally, actively managing the fishery) and recommend that the PZJA seek additional funding for this work to be undertaken.

Torres Strait Fisheries Management Advisory Committee	Meeting No. 1 8-10 April 2003
<i>Turtle and Dugong</i>	Agenda Item No. 10

PURPOSE

To provide the TSFMAC with an update on the progress of community based management of turtle and dugong fisheries.

BACKGROUND

Current Management Arrangements

Management arrangements for the Torres Strait turtle and dugong fisheries have not changed since 1995. The current arrangements include:

- restricting hunting of dugong and turtle to traditional fishing;
- restricting hunting of dugong to use of a hand held spear, or wap; and,
- a dugong sanctuary West of 142°E where it is prohibited to take dugong

Both dugongs and turtles are also protected species under the Queensland Nature Conservation Act 1992 and the Environment Protection and Biodiversity Act 1999, among other things the commercial sale of dugong and turtle products is prohibited.

Research

The status of the dugong in Torres Strait in November 2001 (Marsh, H., Lawler, I.R., Kwan, D., Delean, S. Pollock, K and Alldredge, M.)

Aerial surveys were used in late 2001 to estimate the numbers of dugong in Torres Strait. Although this paper is still in draft form it has been accepted by the TSFSAC. Relative population estimates from four aerial surveys have varied between approximately 13,300 to 27,900 dugongs between 1987 and 2001. The latest relative population estimate for 2001 was $14,061 \pm \text{s.e. } 2,314$, compared to the 1996 estimate of $27,881 \pm \text{s.e. } 3,216$. These population estimates may change marginally when absolute population estimates become available.

The Potential Biological Removal (PBR) method was used to estimate the sustainable harvests of dugongs in Torres Strait. This method suggests the following annual numbers should be sustainable:

Based on the 1996 population estimate: about 200 dugongs

Based on the 2001 population estimate: about 100 dugongs

These estimated sustainable harvest levels include harvests from the entire Torres Strait area surveyed including the Inner Island group, NPA and PNG areas. One of the main recommendations from the annual report was that current discussions regarding the development and implementation of community-based management of hunting in Torres Strait

be progressed as a matter of urgency with a view to developing concrete initiatives for management planning and implementation.

The traditional fisheries catch of Torres Strait Islanders. Project Final Report, 1996-2001 (Skewes, T.D., A.G. Kingston, D.R. Jacobs, C.R. Pitcher, M. Bishop, C.M. Burrige, S. Lilly (2002))

The final report from the joint AFMA/CSIRO catch monitoring project has been completed. The table below shows the estimated catch for the surveyed years.

	1996	1998	1999	2000/2001 (FY)
Dugong	241 (s.e. 92)	287 (s.e. 131)	692 (s.e. 150)	619 (s.e. 134)
Turtle	1896 (s.e. 445)	1097 (s.e. 340)	1507 (s.e. 358)	1619 (s.e. 574)

There are recognised deficiencies in the monitoring program, and while the numbers are the best available estimates they should be used with caution. These estimates apply only to the Australian area of the TSPZ and do not include information on the catch in the Australian “outside but near” area (inner islands of Hammond, Thursday, POW and Horn, NPA) or PNG. The catches in these areas are likely to be substantial.

The report concluded that there is an urgent need to obtain accurate estimates of the dugong and turtle catch in the Torres Strait and to assess the sustainability of the catch. To this end a workshop has been scheduled for 9-10 May 2003 that will bring together traditional hunters and elders with scientists, managers and statisticians with the aim of developing an economically efficient, scientifically robust and culturally appropriate sampling regime for catches of turtle and dugong in the Torres Strait. This is especially important given that the current catch is most likely exceeding the sustainable harvest levels.

Progress in Management of Turtle and Dugong Fisheries

In 2002 AFMA, with the assistance of the TSRA held two meetings with community representatives to discuss steps forward in community based management. In these meetings community representatives identified possible steps forward in developing management plans and were given the role of disseminating this information back to their communities.

Several community and cluster groups have also conducted meetings to discuss possible management arrangements for their areas. Community interest seems to be at a high level at the moment for dugong management, with some interest in turtle management. Many communities are in the process of developing ideas for management arrangements.

- The top western cluster group held a meeting on Saibai Island in October 2002. They discussed the recommendations put forward in a 1997 report – *Making Indigenous Protected Areas Work in Torres Strait – A feasibility study for the establishment of a dugong management plan in Boigu*. Although AFMA was invited to the meeting, unfortunately a representative was unable to make it. Many possible management arrangements were discussed including protected areas, quotas and restriction on vessel types.
- In March 2003 AFMA attended a meeting at Boigu in order to further progress management arrangements in this area. A first draft of a management plan will be produced for this community in April. It is then proposed that this document can be the basis for further management discussions in the top-western group. Boigu community members have also been liaising with some coastal PNG villages on the need to manage dugong hunting in the area

- A community meeting was held in November 2002 to discuss dugong and turtle management, organised and chaired by the Mabuiag fisheries representative and the chairman of Mabuiag council. AFMA assisted in drafting a document outlining the ideas on the invitation of community and support of the elder group. AFMA representatives returned to Mabuiag in Feb 2003 to further progress the community management plan for this area.
- Several community meetings have been held on Badu which have included discussion about dugong and turtle management. There appears to be strong support for community management and AFMA has been invited to assist in drafting community management arrangement for Badu to then be discussed with the other Western Island cluster group communities.
- Inner Island group held a meeting in December 2002 to discuss possible arrangements. The meeting was organised by the president of the local fishing association (WN&M). Although AFMA was not present at this meeting, on request by the WN&M president AFMA provided equipment and a presentation to help facilitate the meeting. A list of possible arrangement has been produced.
- A meeting was held on Thursday Island in February 2003 with community representatives from the NPA and the Inner Islands. The primary purpose of this meeting was to discuss turtle and dugong management of the NPA in relation to the jurisdictional overlaps with GBRMPA and QPWS. To date no management arrangements have been documented for the NPA.
- There has been little development in the central islands communities to date. AFMA is hoping to organise a trip to this area in the near future to progress community management in this area.
- Management of turtle has been discussed at Mer Island council meetings. The main interest that is coming from this area is for a hatching program for turtles.

There appears to be a great deal of enthusiasm and momentum in most if not all communities for developing community based management. On request by the fishery representatives AFMA is providing support for communities to develop ideas and facilitate the process. However, AFMA's ability to provide resources to the process is limited. There is currently only the time of one staff member based on Thursday Island, with no additional financial support for community members to meet. Communities will need additional assistance and support to draft management plans for each cluster group and to implement the management plans. Representatives have expressed their concern that community members need financial assistance to attend cluster group meetings.

It is very important for the communities to realise that according to the research presented above the catch of dugong is currently somewhere between 2 and 6 times that which is estimated to be sustainable in the long term. Although there is quite a wide difference in these estimates it is apparent that some hard decisions will have to be made to protect this resource for future generations. At present most communities are moving to management arrangements that are 'in line with tradition' in order to reduce catch. While this approach will make a significant and valuable impact on reducing dugong and turtle catches, an increase in the population of Torres Strait Islanders, particularly where dugongs are hunted extensively, and lower numbers of dugong present in the Torres Strait, may result in the need to consider further reductions in catch.

Further to this it is felt that a great deal of cooperation and agreement will need to be reached between communities in the Torres Strait and nearby areas to effectively manage turtle and dugong resources. Without such cooperation it is feared that problems associated with common property resource management will occur where there is no incentive for one person or community to conserve as the resources may simply be harvested by another person or

community. This reinforces the need for a regional management plan throughout the whole of the Torres Strait region. Such a plan would ideally (should) include the NPA and PNG communities.

Proposed Legislation

At present two pieces of legislation have been drafted in order to try to protect dugong stocks.

Fisheries Management Notice – Prohibition the activity of spotlight fishing

AFMA has been approached by a range of community groups and individuals in regard to the specific issue of night spotlight hunting for dugong, and the urgent need to ban it. This practice is not traditional and it is very effective and probably contributes to the total dugong harvest quite significantly.

The wording of the legislation was discussed in detail at the November 2002 dugong and turtle meeting. Representatives from all communities agreed with the idea of banning of night hunting with a spotlight. However, due to safety concerns it was not legally possible to ban the use of a spot light use at night. The legislation as presently drafted (see attachment 1) prevents approaching a dugong at night with a motorised vessel under power. Further to this hunters outside the TSPZ in the outside but near zone must tow a separate 'clinker' vessel in order to hunt dugong at night.

At the November meeting of the PZJA this legislation was given conditional approval in principle on the condition that all communities in the Torres Strait were consulted. Subsequently there has been a series of consultations with stakeholders involving the community fisher group. We are hoping to obtain the opinions of the communities through their representatives by May 2003.

Fisheries Management Notice – Prohibition on the taking or carrying of turtle or dugong on commercial fishing boats

These two pieces of legislation (appendix 2) were drafted to prevent the taking of turtle and dugong on commercially licensed vessels with the exception of Traditional Inhabitant Licences (TIB's). This issue was discussed at the recent TRLWG where there was some concern by Industry about preventing traditional crew members from eating what is considered traditional food whilst working on these vessels. It was argued that commercial fishing operations are not traditional and that this type of activity could have an impact on strategic assessment of fisheries where it is determined that they are interacting with protected species such as turtle and dugong. The matter was refereed back to the TSRA fisheries consultation process to gain further information in regards to the communities views on this legislation.

RECOMMENDATIONS

That the TSFMAC:

- i) note the major outcomes of the recently completed research projects involving dugong and turtle;
- ii) note the progress of the developing community based management plans for turtle and dugong and recognise that there is still a long way to go and that some hard decisions may have to be made in order to preserve this resource;
- iii) highlight to the PZJA the need to allocate resources to support the development and implementation and ongoing management of operations of community based management;
- iv) recommend to the PZJA that sufficient consultation has occurred regarding the notice to ban the activity of spotlight hunting and that this legislation should be endorsed; and

- v) note that further consultation is occurring regarding the prohibition on taking turtle and dugong on board a commercial fishing vessel.

Appendix 1

Torres Strait Fisheries Act 1984

Fisheries Management Notice No. ??

TORRES STRAIT DUGONG FISHERY

PROHIBITION OF THE TAKING OF DUGONG BETWEEN SUNSET AND SUNRISE WITH THE USE OF A MOTORISED VESSEL

The Protected Zone Joint Authority, acting in accordance with the powers conferred on the Authority by paragraph 35(1)(a) of the Torres Strait Fisheries Act 1984, and in accordance with the decisions made by the Authority, make the following Notice under section 16 of the *Torres Strait Fisheries Act 1984*.

Dated this day of 2003

IAN MACDONALD

**Chairman
Protected Zone Joint Authority**

CITATION

1. This Notice may be cited as Torres Strait Fisheries Management Notice No. ??.

COMMENCEMENT

2. This Notice commences on gazettal.

NOTICE TO APPLY WITH OTHER NOTICES

3. This Notice applies in conjunction with any other notice in force in the area of the dugong fishery.

INTERPRETATION

4. (a) In this Notice:

"Area of the Dugong Fishery" means the area the boundaries of which are described in SCHEDULE 4 of the proclamations authorised by sub-section 15(1) of the *Torres Strait Fisheries Act 1984*.

“Area of the outside but near zone of the dugong fishery” means the area of the dugong fishery excluding the area of the protected zone.

“Area of the Protected Zone” means the area the boundaries of which are described in Annex 9 to the Torres Strait Treaty

“dugong” means mammals of the species *Dugong dugon*; and

“the Act” means the Torres Strait Fisheries Act 1984;

- (b) terms used but not defined in this Notice have the same meaning as in the Act and the Torres Strait Fisheries Regulations.

PROHIBITION ON TAKING DUGONG AT NIGHT

1. A person is prohibited from approaching a dugong within a distance of 100 metres using a motorised vessel under power between sunset and sunrise whilst in the area of the dugong fishery.
2. A person is prohibited from having dugong in possession on a motorised vessel in the area of the outside but near zone of the dugong fishery in the period between 9 pm and sunrise unless an unmotorised vessel accompanies the motorised vessel.

Appendix 2

Torres Strait Fisheries Act 1984

Fisheries Management Notice No. XX

TORRES STRAIT DUGONG FISHERY

PROHIBITION ON THE TAKING OR CARRYING OF DUGONG ON COMMERCIAL FISHING BOAT

The Protected Zone Joint Authority, acting in accordance with the powers conferred on the Authority by paragraph 35(1)(a) of the Torres Strait Fisheries Act 1984, and in accordance with the decisions made by the Authority, make the following Notice under section 16 of the *Torres Strait Fisheries Act 1984*.

Dated this day of 2002

IAN MACDONALD

**Chairman
Protected Zone Joint Authority**

CITATION

3. This Notice may be cited as Torres Strait Fisheries Management Notice No. XX.

COMMENCEMENT

4. This Notice commences on *Gazetta*.

THIS NOTICE TO APPLY WITH OTHER NOTICES

5. This Notice applies in conjunction with any other notice in force in the area of the Dugong Fishery.

INTERPRETATION

6. (a) In this Notice:

“dugong” means mammals of the species *Dugong dugon*; and

“the Act” means the *Torres Strait Fisheries Act 1984*;

(b) terms used but not defined in this Notice have the same meaning as in the *Torres Strait Fisheries Act 1984* and the *Torres Strait Fisheries Regulations*.

PROHIBITION ON THE TAKING OR CARRYING OF DUGONG ON A COMMERCIAL FISHING BOAT.

1. Pursuant to paragraph 16(1A)(a) of the Act, a person is prohibited from the taking or carrying of dugong on a commercial fishing boat licensed under Section 19(2) of the Act in the area of the Dugong Fishery.

EXEMPTIONS FROM THE PROHIBITION

2. Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from this prohibition if taking or carrying dugong on a boat licensed under Section 19(2) of the Act that is operating under the conditions of a Traditional Inhabitants Boat (TIB) licence.

Torres Strait Fisheries Act 1984

Fisheries Management Notice No. XX

TORRES STRAIT DUGONG FISHERY

PROHIBITION ON THE TAKING OR CARRYING OF DUGONG ON COMMERCIAL FISHING BOAT

The Protected Zone Joint Authority, acting in accordance with the powers conferred on the Authority by paragraph 35(1)(a) of the Torres Strait Fisheries Act 1984, and in accordance with the decisions made by the Authority, make the following Notice under section 16 of the *Torres Strait Fisheries Act 1984*.

Dated this day of 2002

IAN MACDONALD

**Chairman
Protected Zone Joint Authority**

CITATION

3. This Notice may be cited as Torres Strait Fisheries Management Notice No. XX.

COMMENCEMENT

4. This Notice commences on *Gazetta*.

THIS NOTICE TO APPLY WITH OTHER NOTICES

5. This Notice applies in conjunction with any other notice in force in the area of the Turtle Fishery.

INTERPRETATION

6. (a) In this Notice:

“Turtle” means the species *Chelonia mydas*, *Caretta caretta*, *Eretmochelys imbricata*, *Natator depressus*, *Dermochelys coiacea*, and *Lepidochelys olivacea*; and

“the Act” means the *Torres Strait Fisheries Act 1984*;

- (b) terms used but not defined in this Notice have the same meaning as in the *Torres Strait Fisheries Act 1984* and the *Torres Strait Fisheries Regulations*.

PROHIBITION ON THE TAKING OR CARRYING OF TURTLE ON A COMMERCIAL FISHING BOAT.

1. Pursuant to paragraph 16(1A)(a) of the Act, a person is prohibited from the taking or carrying of turtle on a commercial fishing boat licensed under Section 19(2) of the Act in the area of the turtle Fishery.

EXEMPTIONS FROM THE PROHIBITION

Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from this prohibition if taking or carrying dugong on a boat licensed under Section 19(2) of the Act that is operating under the conditions of a Traditional Inhabitants Boat (TIB) licence.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 19 8-10 April 2003
Management of Sea Cucumber Fishery	Agenda Item No. 11

BACKGROUND

Since the last meeting of the TSFMAC and PZJA, closures have been implemented for black teatfish (*Holothuria whitmaei*) and surf redfish (*Actinopyga mauritiana*) beginning 1 January 2003 and maintained the closure for sandfish (*H. scabra*). Minimum size limits were also implemented for several species that previously had none.

However, three issues are still current for the sea cucumber fishery. These are the review of new management arrangements for the fishery, implementation of an improved fishery-dependent data collection system, and ongoing funding for periodic fishery independent surveys.

Review of management arrangements

Although development of a discussion paper and stakeholder consultation was expected to be completed in April 2003, existing tasks have precluded management staff from meeting this target. The review project and consultations will be rescheduled and recommendations arising will be completed by the latter part of the year for the next meeting of the TSFMAC. Considerations for the TSFMAC will include potential strategies for managing sea cucumbers such as revised Total Allowable Catches (TACs), the principles for deriving the new TACs, and other management measures such as closed areas or seasons, or community management controls.

Fishery-dependent data collection system

The current buyers/processors logbook system has identified deficiencies and therefore leaves managers with a greater reliance on fishery independent data (e.g. field surveys).

AFMA has developed a buyers/processors docket system, which will supersede the current logbook. The new system is expected to overcome many of the deficiencies presently encountered and is expected to be more reliable. The new system will concentrate mainly on the Islander commercial sector for all fisheries, which will cover the sea cucumber reporting needs for this fishery. At this stage, the new docketing system has been developed but legislative constraints need to be amended in that current legislation does not permit mandatory reporting of Islander fisheries data by Island-based buyers/processors. Management staff also need to liaise extensively with all buyers/processors prior to introduction for the new data reporting system to be successful.

Previously, the TSFMAC has considered strategies to improve fisheries data of which the AFMA docket book system in one. However, there have been no complimentary investigations to determine the costs associated with the new strategies. It is now clear that a new data collection system cannot be absorbed into the existing

program. New resources are required. A project document is being developed for this program.

Fishery Independent surveys

While an accurate record of catch and effort is an essential element of a management program for the fishery, sea cucumber fisheries are well known to require additional independent survey data for accurate estimates of biomass. These are necessary for the re-opening of fisheries for some species and for the setting of TACs to ensure ecological and fisheries sustainability.

In the past CSIRO has undertaken surveys of the sandfish on Warrior reef (most recently in October 2002) and of a full range of species in the ETS in April/May 2002. These surveys have been the driving force behind the management decisions that have been made.

The cost of the surveys is high (~150K last year). As noted above, 2 species were closed to fishing in 2002 bringing the total to 3. Before these species can be re-opened surveys must be undertaken to estimate their stock status. The TSFMAC must understand that there is no budget as such for sea cucumber surveys and the money must therefore be found before any new surveys are undertaken. AFMA's research budget for TS is now committed to the CRC Torres Strait, consequently it will be necessary for Management to request its funding through the CRC process.

RECOMMENDATIONS

That the TSFMAC:

- i) note the status of the review of management arrangements for the sea cucumber fishery;

note the status of the new data collection system; and,

- note that funding for the next independent surveys must be found before a survey can be undertaken.

Torres Strait Fisheries Management Advisory Committee	Meeting No. 1 8-10 April 2003
Management of the Torres Strait Barramundi Fishery and Torres Strait Crab Fishery	Agenda Item No. 12

Purpose

To generate discussion at the TSFMAC (the consultative body where Crab and Barramundi fisheries are considered) about the management of these species with respect to what alternatives should be pursued.

Background

The Torres Strait Barramundi Fishery is limited to the territorial waters adjacent to the islands of Saibai, Bouigu, Moimi, Kaumag, Aubusi and Dauan. Barramundi are fished from the inland swamps and shorelines of these islands. The fishery is mainly exploited at a subsistence level but is thought to have limited potential for commercial expansion

The Torres Strait Crab Fishery primarily targets mud crab although a small quantity of blue swimmer crab is also retained. Although the status of the crab stocks in the TSPZ is uncertain at present effort in the fishery appears to be concentrated around the north-western section of the TSPZ and south around the Cape York Peninsula.

Management regulations

Barramundi

- Fishing for barramundi is restricted to taking in the course of community or traditional fishing (FMN 18)
- A minimum size limit of 58 cm and maximum of 120 cm in length applies to the sale of barramundi (FMN 51).
- A closed season exists for the taking of barramundi from 1 November to 1 February, but traditional fishing is exempt from this prohibition (FMN 51).
- The taking of finfish including barramundi by line fishing methods west of Dauan Island is prohibited except in the course of traditional fishing.
- The use of net fishing is prohibited throughout the area of the protected zone including the islands of Saibai, Bouigu, Moimi, Kaumag, Aubusi and Dauan except in the course of traditional fishing

Crab

- Participation in the Torres Strait Crab Fishery is presently limited to traditional inhabitants only
- The take of female crabs is prohibited except in the course of traditional fishing (FMN 50).
- A size limit of 150 mm carapace width exists for all crabs in the fishery (FMN 50)
- No vessels greater than 14 metres of length are allowed to take crab (FMN 50)
- The number of prescribed crab apparatus per operator must be less than 50 (FMN 50)

- Apparatus used to take crabs must have a tag with the owners name and a light coloured float on which is record the registration number of the owners boat (FMN 50)
- Spanner crabs are not allowed to be taken in the fishery (FMN 50).

Discussion

This agenda item has been introduced to give members of the TSFMAC the opportunity to comment on the Torres Strait Barramundi and Crab fisheries and to raise any concerns that have been identified in relation to these fisheries.

Since 1999 there has been little consultation or progress in relation to management of these fisheries. Currently there is a scarcity of information on the catch from both fisheries and limited knowledge about the sustainability of stock levels. Current management regulations in the barramundi fishery appear to leave little potential for commercial activities under community fishing licences with the exception of line fishing in the area of Saibai and Dauan Islands.

Management believes it would be useful for traditional inhabitants to consider the uses to which they would like to see these resources utilised. Because of the small area of barramundi and mud crab habitat in the Torres Strait one can make an educated guess that resident stocks of these species must be limited.

Management sees value in a small scale bio-economic study of the resources to assist traditional inhabitants in management decision making. A question like: "what management strategy would maximise the economic development opportunities for traditional inhabitants of the top western islands" might be answered by such a study. Unless the management choices and their probable outcomes are clarified it is unlikely that Management can do more than it has to date.

Areas of the finfish fishery, line fishing closures, and net closures are provided for information. Maps will be distributed at the meeting.

***Agenda Item 13 TSRA report on Islander Licensing: progress report
(TSRA)***

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 19 8-10 April 2003
Review paper on Compliance Programme	Agenda Item No. 14

Purpose

To advise on progress of the development of a paper on the effectiveness of Torres Strait compliance.

Background

AFMA Compliance has undertaken to write a paper on the effectiveness of the current Torres Strait compliance program. This was noted by the PZJA at its last meeting.

The development of the paper was further discussed at the Torres Strait Officials Meeting held at Bribie Island in February. An outcome of that meeting was that the paper should be developed by a group consisting of both AFMA and QFS compliance officers.

The Minister has been briefed on the delay in developing the paper.

Progress

A small working group was chosen to meet to progress the paper, however due to a number of other events it has not been able to meet to finish the paper.

The group will meet in the last week of April and the paper will be available for TSFMAC (out of session) in early May.

Recommendation

That you note the above.

AFMA Compliance

***Agenda Item 15 - Research Funding – Operation of the CRC
(presentation by SAC CHAIR)***

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 1 8-10 April 2003
Independent panel report– Feedback from working groups and discussion and report to PZJA from TSFMAC.	Agenda Item No. 16 For information

Purpose

To inform the TSFMAC of the reports from the working groups on the Independent Panel's Report: A Fair Share of the Catch, and to seek a similar report on the traditional fisheries for Turtles and particularly Dugongs, and the Beche de Mer fishery.

Background

At its 14th meeting in 2002 the PZJA accepted the independent panel's report. However, there was insufficient time for the PZJA to consider the report. The PZJA referred the report to the working groups and the TSFMAC for their consideration. Reports from each of the working groups are attached. The sections of the report addressed by each working group are underlined and in bold font. Formatting varies slightly between reports.

Report from the Finfish Working Group

- **Report's 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 group 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.

Report from the TRL Working Group

It is the objective of this report to provide feedback to the PZJA via the TSFMAC of the Tropical Rock Lobster working group's response to sections in this report directly relating to this fishery.

The AFMA member read relevant sections of the report to the working group. The working group has attempted to respond to each recommendation made by the independent committee.

Industry felt it was important to note that the information on p19 paragraph 3 was not factual as 8 fully transferable licences were issued to traditional inhabitants. These licences were later sold to non-Indigenous fishers.

P 37 Summary of Peter Young's Report in Appendix II

Analysis 1 – On the basis of the available scientific evidence, to achieve ecological sustainability is it necessary to reduce either:

- ***Actual catch or effort; or***
- ***Latent effort***

There is a need to limit both actual catch and to remove latent effort.

Working Group Response

- The Working Group believes that the statement is too general and that we (working group) should be looking at limiting fishing mortality to a sustainable target level, not to limit the actual catch. This may be achieved by limiting effort to a sustainable level. The working group notes that only latent effort amongst the non-islander sector is being addressed at this point by the recommendations emanating from the latent effort subcommittee, and that the process of addressing latent effort in the Traditional Inhabitant sector has just begun.

Analysis 2: Are management arrangements currently in place adequate and appropriate to control the level of catch.

Working Group's Response

- The new management arrangements implemented in December 2001 (increase in minimum size, increased length of closed season) were expected to lead to a recovery in the fishery as long as total effective effort did not increase. The working group recognises that these measures will not contain total effort and that additional measures will be necessary. The interim response to prevent effort from increasing above the levels from the late 1990's was to implement the temporary reduction in fully transferable licences commercial tenders by 30% for the 2003 season.

Analysis 3:

Australian fishing effort should be adjusted to account for PNG's effort in the Australian area of jurisdiction

Retirement of commercial licences would make room for greater participation by Torres Strait Islanders as currently there is no capacity for expansion

Working Group's Response

- The working group agrees that effort should be adjusted to account for PNG's effort however the Working Group has concern that overfishing on the PNG side which, could include substantial stocks of migrating fish from the Australian side, may reduce escapement to the breeding population to levels below what is desirable and anticipated given Australian management measures. The working group emphasised that stocks on both the Australian and PNG side need to be managed sustainably.
- The Working Group agrees with the statement that there is no capacity for an increase in effort as any expansion in effort would be unsustainable. If commercial licences are to be retired, Industry and Islander members of the working group agreed unanimously that some form of voluntary buyback scheme should be introduced.

The issue of partnerships between commercial fishers and indigenous people.

Working Group's Response

- The working group did not see many benefits in the recommendation regarding partnerships as a means of facilitating Islander participation in the RLF. It was felt that indigenous fishers in the industry have the skills needed to operate viably in the fishery and thus there is little value in partnerships.

- It was also pointed out that some non-indigenous commercial fishers are currently in partnerships with indigenous fishers through marriage. Furthermore an industry member expressed that many non-indigenous fishers lived and worked in the community employing local people and contributing significantly to the local community.

Appendix 1 - Legal Issues Assessment (Stephen Skehill)

Priority ranking of fishing categories P5 appendix 1

The Working Group agreed that traditional fishing and the environment has the highest order of priority. The following comments were made with regards to the ranking of community and commercial fishing.

QSIA – stated that all commercial licences are equal and should be treated as such.

Thursday Island based industry members – Stated that many non-indigenous tropical rock lobster fishers live in the Torres Strait and contribute to the economic development of the area and employment of traditional inhabitants.

- **Indigenous members** – Support the priority ranking listed in the report. These members also want it reflected that they interpret the treaty as reflecting the economic livelihood of Torres Strait islanders not just the traditional livelihood of the inhabitants.

- Under section 8 of the report the Working Group considered the statement “*Such priority of access represents a significant existing and emerging pressure for future effort management and licence allocation, underpinned by the PZJA’s policy commitment to maximise commercial participation by Indigenous Inhabitants in all sectors of the fishing industry*”. The working group agreed that this issue is significant at the current time and that it is expected to grow increasingly more important. The working group believes that a clear policy on the priority ranking is critical for the control of fishing effort. Without clarification management will not be able to bring about the required controls because consensus will never be reached on which sector controls should be placed.

- The Working Group agreed that a clear policy statement was required from the PZJA on whether there is a priority order and what that order should be, before significant progress can be made on management arrangements in the lobster fishery. The importance of this can not be overstated. This is a high priority for the Working Group because **Adoption of an effort management system in the fishery is being jeopardised by the absence of a clear policy on priority of access.**

Compensation for licensees affected by non-renewal or conditional renewal

- The QSIA member stated that Stephen Skehill’s report is one legal interpretation and that there could be other legal interpretations. Non-Indigenous industry representatives felt that operators should be compensated (or have some form of payment) if their licences are not to be renewed. It was clear that licences had been traded in the past for a value above which it would be reasonable to earn in the remaining term of the licence and that AFMA had done nothing to discourage such transactions.

- Non-Indigenous fishing representatives and the TSRA fisheries coordinator stated clearly that they did not issue the licences and that the TSRA would not be willing to pay for the removal of the licences.
- The working group recorded that the report contained numerous inaccuracies and reflected the fact that the authors were unfamiliar with the lobster fishery. The working group expressed disappointment at its last meeting that they had not been consulted during the preparation of the report and that the lack of consultation had manifested itself in the final product.

Report from the Prawn Working group

The PWG reviewed the report at its meeting on 25-26 March 2003. The group noted the legal, biological and Socio-economic aspects of the report primarily as they related to the prawn fishery;

- The PWG noted the advice that the tiger prawn stock was recorded in the report as fully fished. It further noted that the optimal estimate of E_{msy} at the time the assessment was made of the fishery was 10,900 nights (based on tiger prawn stocks) which is approximately 11 percent higher than the 10 year average number of nights fished but only slightly higher than the effort during the 2001 season. The PWG concedes that the sum of the potential effort among the existing Australian boats, 3 inactive licences reserved for Islander participation, and up to 8 PNG vessels endorsed to fish in the Australian area greatly exceeds the interim limit on fishing effort suggested by the Panel;
- The PWG accepted the Panel's advice that a better appreciation of the dynamics of the populations in response to fishing is most likely to be obtained by contrasting a diversity of analyses, therefore the use of alternative models should be examined for this fishery;
- The PWG also noted that while there is advice not to allow effort in the fishery to exceed 10,900 nights that there is also advice that this limit can be revised in the light of a review of the fishery assessment. The review was due for this meeting of the working group but had to be postponed because the reviewer was not available as planned;
- The PWG noted the Panel's comments that the assessment of the stock is based on the tiger prawn component of the fishery only. Industry members of the PWG would prefer to see the assessment of the stocks extended to include the endeavour prawn stocks as well as there was a belief that this species may not be fully fished. However, the PWG also noted the report's advice that the "previous history of recruitment failure in tiger prawn fisheries combined with the observation that the current number of nights used for fishing appears to be related to the availability of prawns during the year suggests that the precautionary management approach should be to hold the fishing effort at around current levels until the further analyses have been completed". The PWG also noted that it would like to see a combined stock assessment with PNG so that the entire stock of prawns (three species) in the fishery. In this regard the PWG was pleased to note that the bilateral meeting with PNG has suggested this approach be pursued;
- On the issue of how latent effort among the existing Australian operators should be reduced, the Industry and Islanders considered that the Panels suggested method of:
 1. removing 10% of allocated days from each licence holder for "steaming and repairs" does not accurately reflect what the allocation was made for. Industry members pointed out that these days were allocated as an allowance to individual operators during the negotiation for allocation of days in the fishery. However, the Industry members agreed that days could

be removed once a system (probably VMS) to count their fishing days was implemented as part of the management plan.

2. “then reducing the residual number of days attached to all licences in total to 10,900” by removing, proportionately, the effort used by licence holders during the 2000-2002 seasons to be flawed. The PWG noted that licences that qualified for the allocation of days in 1993 were in the fishery and that there has never been any warning given to operators that if they did not use their allocated days that they may be removed from them. Therefore the PWG believes that the only way to remove effort, if that must be done, is to do it proportionately across all licences regardless of recent (2000-2002) activity in the fishery (this does not affect the Islander licences). In relation to the removal of days the PWG accepted the panel’s advice that “it would be appropriate for Governments to consult with those affected and provide them with an adequate opportunity to argue that Governments should either implement reductions in some alternative way or make some *ex gratia* financial accommodation”. Industry noted the removal of days for sustainability to be a separate issue to the allocation of days to PNG and Islander operators.

- The PWG considered new information that PNG would be nominating 5 trawlers for cross-border endorsement shortly (report from the bilateral meeting) – not three as written in the Report. It was estimated that in the “worst case” these trawlers may operate in the Australian area for 900 days. In addition to this the group heard that the 3 islander licences are closer to being activated than at any previous time and could possibly fish for a period of a few months during the season. In total then there is the potential for the real effort in the fishery to exceed the limit specified by the Panel during the 2003 season, but probably not by much. These developments underscored the points made in the Report in relation to “other factors impacting, or potentially impacting, on Torres Strait fisheries and the access and allocation process”;
- However, the PWG agreed with “An immediate reduction of licensed nights to allow for these eventualities would be an over-reaction. Instead the preferable course would be for the PZJA to make it known that licensed nights will be reduced progressively over time, as and when and to the extent that these events occur, or are reasonably expected to occur within the licensed year;
- The PWG did not agree with the Panel’s contention that prawn fishing was not seen as a cultural pursuit by Islanders. Islanders have pointed out that traditionally prawning has been an important source of food and continues to this day;

Legal issues

- The PWG noted with interest the advice in relation to compensation for licensees affected by non-renewal or conditional renewal of licences. Allocated fishing days have been traded in blocks of ten since 1994;
- The PWG discussed the issue of priority ranking of access. The working group agreed that traditional fishing has primacy. However the group also agreed that traditional fishing should be regulated for sustainability reasons if such a situation occurs;
- The PWG understood that the situation in the prawn fishery is not the same as in the lobster and finfish fisheries in that there has not been a history of islander involvement in the commercial prawn fishery. Nonetheless, Islanders believed that once they have entered the commercial prawn fishery, the same priority should be accorded to the three prawn licences that would be accorded to any other islander licences they may have in other fisheries.

However the working group noted that joint ventures add another element of complexity to this as the benefits from the fishing would also flow to non-islander interests. However, Islanders noted that while they maintain a priority of access, in the interests of sustainability they would be willing to accept effort reductions for these licences according to the same rules applied to the rest of the fishery. Islanders also pointed out that they would not be solely restricted to joint ventures; and

Maximising opportunities for Torres Strait Islanders

- The PWG group supported the panel's view that there is scope to utilise the Torres Strait Community prawn licences with their attached nights in joint partnership arrangements. However, the working group considered that joint ventures should extend to Industry in general rather than the more narrow view put by the Panel that arrangements should be limited to those with existing commercial licence holders.

Recommendations

That the TSFMAC:

- I. note the reports from the working groups;
- II. review and report on aspects of the Panel's findings as deemed necessary by members of the TSFMAC; and specifically,
- III. report on the Panel's findings in relation to dugongs and Beche de Mer which have not been reported on by other working groups.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 1 8-10 April 2003
Other Business – EA observer status on TSFMAC	Agenda Item No. 17.1 For decision

PROPOSAL

That the Management Committee agree to an Environment Australia (EA) representative be given permanent observer status on the TSFMAC.

BACKGROUND

All Commonwealth managed fisheries must be strategically assessed by the Minister for Environment and Heritage, under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The requirements for assessment are set out in the EPBC Act and the Minister for Environment and Heritage has advised AFMA that strategic assessment reports must, as part of their terms of reference, address the ecological sustainability guidelines which were initially prepared for schedule 4 of the *Wildlife Protection Regulation of Exports and Imports Act 1982* (WP(REI) Act).

In light of this the provision of up to date advice from EA on relevant environmental initiatives and issues associated with the strategic assessment of Torres Strait Fisheries is paramount to effective compliance with these requirements. The attendance at TSFMAC meetings by an EA representative would best facilitate this.

Recommendation

- That TSFMAC recommend to the PZJA that an EA representative be given permanent observer status on the TSFMAC, noting that all costs of attending the meeting will be met by EA.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 1 8-10 April 2003
AMENDMENTS TO THE <i>TORRES STRAIT FISHERIES ACT 1984</i>	Agenda Item No. 17.2 For information

ISSUE

A number of amendments to the Torres Strait Fisheries Act 1984 (the Act) have been proposed by respective fisheries agencies within the Torres Strait to improve its operational and administrative efficiency.

Purpose

The intended amendments to the Act have been provided to the TSFMAC members for their information to notify them that this issue is coming up and will be discussed over the coming months.

Decision required

TSFMAC members should note the intended amendments to the Act and the formal consultation process to be followed.

BACKGROUND

- A number of possible amendments to the TSFA have been identified. Most of these amendments are relatively minor in nature, but all of them would help contribute to the effective running of the Torres Strait Fisheries.
- In following the formal process for amending the Act, there should be adequate consultation with stakeholders and managers on the proposed amendments. Discussion papers will be provided to fishery working group meetings and the Torres Strait Regional Authority (TSRA) for further discussion and refinement. Once appropriate consultation with fishery working groups and the TSRA has taken place the proposed amendments should be endorsed by the Torres Strait Fisheries Management Advisory Committee (TSFMAC). A set of refined amendments would then be tabled at the second meeting of the Protected Zone Joint Authority (PZJA) in 2003 for official ministerial approval. The amendments would then be drafted as a bill for parliamentary approval.
- A list of the intended amendments to the Act is provided at ATTACHMENT 1.

ATTACHMENT 1

List of intended amendments to the Torres Strait Fisheries Act 1984.

- **OBJECTIVES OF THE ACT**

To address the second recommendation of the Report of the Committee of Officials National Competition Policy Legislative Review of the *Torres Strait Fisheries Act 1984* and related acts (1999).

Recommendation 2: The committee recommends that the objectives of the *Torres Strait Fisheries Act 1984* and related Acts be redefined as:

“To implement Australia’s rights and obligations under the Torres Strait Treaty. In pursuing this objective and to reflect the spirit of the Torres Strait Treaty, regard is to be given to the following principles:

- *Recognising that the traditional way of life and livelihood of traditional inhabitants needs to be protected, in particular their rights to traditional fishing;*
- *Recognising the desirability of commercial fishing to provide for economic development within the Torres Strait area;*
- *Ensuring fisheries resources and the marine environment are managed in accordance with the principles of ecologically sustainable development;*
- *Ensuring the optimum conservation, management and utilisation of the marine environment; and*
- *Recognising the need for cooperation with Papua New Guinea in managing Torres Strait Fisheries.”*

- **CUSTOMS POWERS**

Section 3 (1) of the Act needs to be **amended to allow masters of Australian Customs Vessels to undertake enforcement activities in the TSPZ** without the need for a fisheries officer of AFMA delegated identification.

The **Definition of an officer** should be amended in the TSFA to include Customs officers, similar to the Fisheries Management Act 1991. Would require amendment to Section 3(1) along with police and defence personnel.

Qld Government wants assurance that Customs would only be able to intercept FFVs. When authorising Customs officers of the National Marine Unit (NMU), AFMA envisages that the powers conferred to them under the Act will predominantly be used in relation to foreign boats and foreign fishers. Should it be necessary to exercise powers in relation to domestic boats and fishers in the TSPZ, it would be AFMA’s preference to have a fisheries officer accompany the Customs officers of the NMU or that fisheries enforcement actions only be undertaken in close consultation with AFMA.

- **AUTOMATIC FORFEITURE OF POWER**

Inclusion in the Act of an automatic forfeiture power – i.e. boats, catch and gear for 3rd party boats – similar to the powers contained in Section 106 of the Fisheries Management Act 1991 (FMA).

- **OFFENCES AGAINST PNG LAWS**

Section 54 of the Act (which describes offences against PNG laws) should be added to the sections against which the powers at Section 52(1) and Section 46(1) can be enacted.

- **PENALTIES**

The introduction of penalty units into the Act along similar lines to the process used in the FMA. In introducing such units, penalties in place for offences against the Act should be revisited to come into line with the penalties imposed under the FMA.

Furthermore the penalty units that are to apply to fisheries offences should be high enough to act as a deterrent. The current levels (max of \$5,000 for an individual) are outdated and have no deterrent value.

Penalties need to be increased in line with the FMA penalties (Sections 95(1AA) – 95(5), i.e. Australians 250 penalty units Foreigners 500 penalty units. A penalty unit is currently \$110 and can be lifted by proclamation and we no longer have to revise penalties. Currently the maximum fine for foreigner in Torres is \$5000. 250 penalty units = \$27,500.

Penalties need revision from Section 44 – 54 and penalties under Regulations in Section 60.

- **PROVISION FOR INFRINGEMENT NOTICES**

Section 60 of the Act needs to be amended to include a section along the lines of Section 168(2)(i) of the FMA to allow for the provision of infringement notices.

Furthermore, the value of an infringement notice penalty should reflect the nature of the offence. In other words, rather than have a flat rate for every type of offence regardless of what it is (which is what is currently in place under the FMA), there should be a range of penalties that may apply depending on what type of offence has been committed.

In relation to penalties relating to infringement notices, these are prescribed in regulation, what the act needs first is an inclusion that allows for regulations to be made for infringement notices and any scale of penalties, therefore in addition, insert an amendment into Section 60 of the Act for a similar power as provided for in the FMA, which provides a specific head of power to make regulations relating to on the spot fines (subsection 168 (2) (i)).

- **LOGBOOKS**

The Act should be amended so as to clarify PZJA powers to determine logbooks.

One of the proposed amendments to the FMA was to amend the provisions relating to logbooks so that it was beyond doubt that PZJA had the power to determine appropriate logbooks for a fishery.

- **CLARIFICATION OF TSFMAC MEMBERS AS PUBLIC OFFICE HOLDERS**

Introduce into the Act a clause, to mirror Section 67 of the FMA, that clarifies whether TSFMAC members are public officer holders and therefore receive fees and allowances as determined by the Remuneration Tribunal.

- **FORMALISE TSFMAC AND WORKING GROUPS**

Currently the Fisheries Working Groups and the TSFMAC exist under administrative arrangements. These committees need to be formalised including the make up of the membership.

- **PORT PERMITS**

Issue:

While the TSFA provides offence provisions in relation to bringing a foreign fishing boat to a place in the TSPZ (Section 49) and landing catch from a foreign fishing boat (Section 50), there is no provision to grant access to a port or place in Australia. This has become an issue with PNG boats the operation of which is controlled in Australia, requiring access to Thursday Island for purposes of repair, victualling and unloading or product. The current practice of allowing access is through the issue of a port permit pursuant to the Fisheries Management Act 1991.

Section 94 of that Act, provides a requirement for foreign fishing boats to have a Port Permit before entry into an Australian port. The inclusion of a Port Permit provision in the TSFA would allow us to implement controls over foreign boats wishing to visit the Torres Strait.

Proposed change:

49A Grant of port permits

- AFMA may, upon application made in the approved form, if it appears to AFMA to be appropriate to do so for the purpose of monitoring movements of foreign fishing boats, grant to a person a port permit authorising the person, or a person acting on that person's behalf to bring a specified foreign fishing boat in respect of which a foreign fishing licence is not in force:
 - From a point outside the TSPZ to a specified port in the TSPZ; and
 - From that port to a point outside the TSPZ or AFZ.
- An application made for the grant of port permit must provide AFMA with such information as it reasonably requires for a proper consideration of the application.
- A port permit is granted subject to the following conditions:
 - The permit may be revoked under subsection (5);
 - No compensation is payable because the permit is so revoked.
- A permit granted under this section:
 - Is subject to such other conditions as are specified in the permit; and
 - Comes into force on the day specified for the purpose in the permit or, if no day is so specified, on the day on which it is granted; and
 - Subject to this Act, remains in force until the day specified for the purpose in the permit.
- AFMA may, by written notice given to the holder of a permit:
 - Revoke the permit; or
 - Whether or not at the request of the holder, vary or revoke the conditions to which the permit is subject (not being a condition

mentioned in subsection (3) or specify a condition or a further condition to which the permit is to be subject.

- A permit ceases to be in force if the holder of the permit surrenders the permit by written notice given to AFMA.
- A permit is to be in the approved form.

- **DEFINITION OF FISHING**

Issue:

The current definition of fishing is limited and to “the taking of fish, and includes the processing of fish that have been taken or the carrying of fish that have been taken.” This definition could be broadened to include searching, use of fish aggregating devices etc. by mirroring the definition of “fishing” provided under the Fisheries Management Act 1991.

Proposed change:

Fishing means:

- searching for, or taking, fish; or
- attempting to search for, or take, fish; or
- engaging in any other activities that can reasonably be expected to result in the locating, or taking, of fish; or
- placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons; or
- any operations at sea directly in support of, or in preparation for, any activity described in this definition; or
- aircraft use relating to any activity described in this definition except flights in emergencies involving the health or safety of crew members or the safety of a boat; or
- the processing, carrying or transshipping of fish that have been taken.

- **DEFINITION OF AUSTRALIAN BOAT**

Issue:

There are boats which operate in the TSPZ which meet the definition of both an “*Australian boat*” and a “*Papua New Guinea boat*.” These are boats that are Australian in that they are owned, built and operated out of Australia and a PNG boat in that they hold a “PNG licence”. This situation can create a control problem in that boats can transit the TSPZ without the need to either seek approval to enter an Australian port or Australian jurisdiction.

Proposed change:

“**Australian boat**” means a boat the operations of which are based on a place in Australia and which is wholly owned by a natural person who is a resident of, or by a company incorporated in, Australia, being a boat:

- is not a Papua New Guinea boat; and
- was built in Australia; or
- has been lawfully imported into Australia, otherwise than for a limited period; or
- has been sold, or otherwise disposed of, in Australia after having been forfeited or distrained under a law of the Commonwealth or the law of a State or Territory.

- **APPLICATION OF THE ACT**

Make it clearer who the Act applies to. You currently have to go to about six different places to establish exactly who the Act applies to. This very issue of whom the Act applied to came up recently and it took a considerable amount of time by us and the AFMA legal section to work it out.

- **SIESURE OF ILLEGAL CATCHES ON LAND**

Possession of sub-legal sized (undersize) crayfish in TSPZ only applies to the area of TRL fishery basically on the water not on land hence if fisheries officers do not prove the product is or was on the vessel it will be difficult to prosecute.

- **DETENTION OF FOREIGN FISHING VESSELS**

It would be good to mirror the section in AFM act allowing for 168hrs to allow for detention of FFV's in our custody this will allow for us to move them around eg. Darwin and poss/(eventually) back home at little cost to AFMA.

- **TRADITIONAL INHABITANT BOATING LICENCES**

There is no allowance for a person to take crabs as the licence only applies to a vessel, not the person. Because the crab fishery is managed under the TSFA one would need to take out a TSMFL to take species that are taken by hand or spear or other implement (as permitted) by a person not in a boat in the TSPZ, eg like a diver or a person walking through the mangroves looking for crabs.

- **OBTAINING INFORMATION FROM FISH RECEIVERS**

Subsections 14(1) and (2) allow the Minister to require masters operating in both Australian and PNG waters to furnish information. However, these subsections specifically exclude community fishing, which is covered under Subsection 14(3).

There is a need to amend Subsections 14(3) and (4) to require:

- Islander processors/fish receivers to provide information on fish delivered.
- Non-islander processors to provide data on non-islander catch.
- Processors outside the TSPZ to provide data on fish delivered from the TSPZ.

Any amendments to Subsection 14(3) should consider the operation of any other sections linked to it. The operation of Subsection 14(8) may be affected where it makes direct reference to Subsection 14(3).

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 1 8-10 April 2003
Fisheries meetings for remainder of 2003: meeting frequency	Agenda Item No. 18 For consideration and decision

Purpose

To stimulate discussion among members on the appropriate meeting frequency for the PZJA, TSFMAC and Working Groups, and to facilitate a decision on frequency of meetings.

Background

There have been periods of time in Torres Strait fisheries when the various consultative bodies have not met for considerable periods of time. A significant effort has been made to increase the frequency of meetings to ensure that fisheries matters are dealt with in a timely manner.

With a relatively limited resources to, develop meeting papers, organise, run, and follow up on meetings there is need to consider how often the consultative bodies should meet, bearing in mind that this will always be a balance of timeliness and resources.

A second consideration is the cost of running the fisheries consultative and management structure. Less frequent meetings will reduce costs. This funds saved may be put to better use to deal with other aspects of managing Torres Strait fisheries, for example improving the data collection systems or holding more informal meetings stakeholders, to name just two.

Management has been anticipating two full cycles of meetings for 2003. In other words it was anticipated that there would be 2 working group meetings for TRL, prawn and finfish, 2 TSFMAC meetings and 2 PZJA meetings. This plan has resulted in 3 working group meetings in the month of March followed immediately by this TSFMAC. All these meetings were timed to feed into the PZJA meeting that was initially scheduled for May (now scheduled for 12-13 June).

Running the meetings to this schedule has severely strained resources and perhaps compromised some of the strategic thinking that should be applied to Torres Straits' complex issues. Certainly there is no doubt that the schedule has prevented distribution of documents to the consultative bodies in a timely fashion.

Moving towards a 9 month cycle may be a practical solution for many of the issues noted above. On the down side there is the possibility for some loss of momentum between meetings and a slowing of the implementation of some needed changes. There may also be the need to rethink the way the SAC would interact with the TSFMAC, particularly given the fact that the SAC will have a role in the CRC which may have a different cycle. On the upside there will potentially be a 33% cost savings and the potential for greater preparation.

Recommendations

- I. That the TSFMAC consider the proposal to aim for a 9 month cycle of meetings; and,

- II. Having considered an appropriate cycle of meetings recommend to the PZJA how frequently its consultative bodies should meet.

Planned or proposed schedule of meetings for 2003 (and early 2004)

Meeting	Meeting dates	Location
SAC	7-8 May	Thursday Island – Pearls
Technical Workshop on Traditional Catch Monitoring	9-10 May	Thursday Island – Bowls Club?
Prawn Working Group special meeting	May (depending on reviewers availability)	Cairns
Technical Workshop on Prawn Observer Program	Proposed for week of 19-23 May or 26-30 May	Cleveland
PZJA	12-13 June	TI or outer island
Technical Workshop – Catch Sharing model	July date to be specified	Cleveland
Bilateral meeting with PNG	August (date to be arranged)	Port Moresby
SAC	2-3 September	Thursday Island – Pearls
TRL working group	November – proposed*	Thursday Island – Pearls
Finfish working group	November – proposed*	Thursday Island – Pearls
Prawn working group	December – proposed*	Thursday Island – Pearls
TSFMAC	February 2004 – proposed*	Thursday island
PZJA	March 2004 – proposed*	Thursday island

* these meetings proposed as scheduled to give effect to the 9 month cycle.

Agenda Item 19 Summary of recommendations to the PZJA