

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7 July 2004
Consultative Structure Membership and Administrative Arrangements	Agenda Item No.1

PURPOSE

To seek the approval of MAC for its new members and to discuss the effectiveness of the current PZJA consultative structure.

BACKGROUND

The PZJA at its 14th meeting in November 2002 approved a new consultative structure. The purpose of the new structure was:

1. To strengthen representation by Australian traditional inhabitants,
2. Streamline the consultation process by disbanding the Torres Strait Fishing Industry and Islander's Consultative Committee (TSFIICC), the Beche de mer, pearl shell and trochus, dugong and turtle and barramundi working groups and all those former working groups became part of the functions of the Torres Strait Fisheries Management Advisory Committee (MAC).
3. Retaining three key working groups for Prawn, Tropical Rock Lobster and Finfish, the MAC and the Torres Strait Fisheries Scientific Advisory Committee (SAC) with an additional function of socio-economics.

It is noted that the consultative structure currently operates on a six-monthly cycle and will follow a bottom up approach where recommendations would normally flow from the working groups and the SAC to the MAC then to the PZJA for decisions.

So far, the new consultative structure has completed two full six monthly cycles in 2003 and the membership have changed since the PZJA approved them at its 15th meeting in June 2003. Therefore it is now appropriate that the PZJA adopts the new members and the MAC discusses whether the structure has been effective to date.

Tropical Rock Lobster	
Current Members	Nominated New Members
Raina Martin (TSRA – Yam)	John Kepa (TSRA – Yam)
Solomon Nona (TSRA – Badu)	
Graham Hirakawa (TSRA – Pt. Kennedy)	
Lota Warriia (TSRA – Yorke)	
Tabitai Joseph (TSRA – Mabuiag)	Edmund Bani (TSRA – Mabuiag)
Yen Loban (TSRA – Muralag)	
Dr Ray Moore (Industry)	
Garry Christopher (Industry)	
Barry Ehrke (QSIA)	

Dr John Kung (QDPI – QFS)	
Jim Prescott (AFMA)	
Peter Yorkston (TSRA)	
Chair (AFMA)	
Finfish Working Group	
Kila Odo (TSRA –Murray)	
Lota Warria (TSRA – Yorke)	
Samuel Tamu (TSRA – Warraber)	
Joey Saylor (TSRA – Darnley)	Ken Bedford (TSRA – Darnley)
Jack Billy (TSRA – Coconut)	
TBA (TSRA – Stephen)	
Tony Vass (Industry)	
TBA (Industry)	
Barry Ehrke (QSIA)	
Peter Yorkston (TSRA)	
Dr John Kung (QDPI – QFS)	
John Marrington (AFMA)	
Chair (AFMA)	
Prawn Working Group	
Lota Warria (TSRA – Yorke)	
Raina Martin (TSRA – Yam)	John Kepa (TSRA – Yam)
Joey Saylor (TSRA – Darnley)	Ken Bedford (TSRA – Darnley)
Jack Billy (TSRA – Coconut)	
TBA (TSRA – Stephen)	
Peter Yorkston (TSRA)	
Greg Anderson (Industry)	Rosemary Millward (Industry)
Barry Wilson (Industry)	
Bob Robbins (Industry)	
Mark Millward (Industry)	
Barry Ehrke (QSIA)	
Dr John Kung (QDPI –QFS)	
Jim Prescott (AFMA)	
Chair (AFMA Kim Parkinson)	Interim Chair Jim Gillespie (QFS)
	Trysh Stone (AFMA)
	Clive Turnbull (research member)
	Dan Sweeney (compliance member)
Torres Strait Fisheries Scientific Advisory Committee	
Richard Bowie (TSRA – Badu)	
Don Mosby (TSRA – Yorke)	
Peter Yorkston (TSRA)	
Barry Ehrke (QSIA)	
Greg Anderson (Industry)	Rosemary Millward (Industry)
Dr Roland Pitcher (CSIRO)	
Prof. Helene Marsh (JCU)	
Dr John Kung (QDPI – QFS)	
Dr Rob Coles (QDPI)	
Clive Turnbull (QDPI - Secretary)	

William Arthur (ANU)	
Jim Prescott (AFMA)	
Dr Peter Doherty (AIMS)***	Kate Wilson (AIMS)
Dr Peter Harris (GA)***	
Dr Bruce Mapstone (Chair)	
	Toshio Nakata (CRC Torres Strait)
	David Williams (CRC Torres Strait)
Torres Strait Fisheries Management Advisory Committee	
Solomon Nona (TSRA – Badu)	
Donald Banu (TSRA – Boigu)	John Gibuma (TSRA – Boigu)
Joey Saylor (TSRA – Darnley)	Ken Bedford (TSRA – Darnley)
Jack Billy (TSRA – Coconut)	
Phillip Bigie (TSRA – Dauan)	
Guyai Newie (TSRA – Kubin)	
Tabitai Joseph (TSRA – Mabuiag)	Edmund Bani (TSRA – Mabuiag)
Kila Odo (TSRA – Murray)	
Yen Loban (TSRA – Muralag)	
Graham Hirakawa (TSRA – Pt. Kennedy)	
Jensen Warusam (TSRA – Saibai)	
Thomas Reuben (TSRA – Seisia)	
TBA (TSRA – Stephen)	
John Wigness (TSRA – St. Pauls)	
Riley Gibia (TSRA – TRAWQ)	
TBA (TSRA – Umagico)	
Raina Martin (TSRA – Yam)	John Kepa (TSRA – Yam)
Lota Warria (TSRA – Yorke)	
	Sammy Tamu (TSRA – Warraber)
	Hodrick Mudu (TSRA – Bamaga)
	Les Brown (TSRA – Hammond)
	Thomas Savage (TSRA – Horn)
	Danny Salee (TSRA – Injinoo)
	Trevor Lifu (TSRA – New Mapoon)
Peter Yorkston (TSRA supporting)	
TFC Member (TSRA)**	
Dr Bruce Mapstone (SAC Chair)	
Mark Millward (Industry)	
Dr Ray Moore (Industry)	
Barry Ehrke (Industry)	
Dr John Kung (QDPI – QFS)	
Jim Prescott (AFMA)	
Interim Chair (AFMA)	Trysh Stone (AFMA)
Celeste Shootingstar (DEH)**	Simone Retif (DEH observer)
Prof. Russell Reichelt (Independent Chair)	

** Observer Status *** CRC partner representation

RECOMMENDATIONS

That the MAC recommended to the PZJA the above new members and discuss the effectiveness of the current PZJA consultative structure.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7–9 July 2004
Status of Strategic Assessments of Torres Strait Fisheries	Agenda Item No. 2

Purpose

To inform the TSFMAC on the processes required to be undertaken for strategic assessments of Torres Strait fisheries, and to provide an update of status strategic assessments of Torres Strait fisheries.

Background

Strategic Assessment Reports

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

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

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

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

At the completion of the assessment process, the Minister for the Environment and Heritage will make a number of decisions based on advice from DEH. The Minister may make one of three decisions relating to the export of products from a fishery:

- **Exempt**

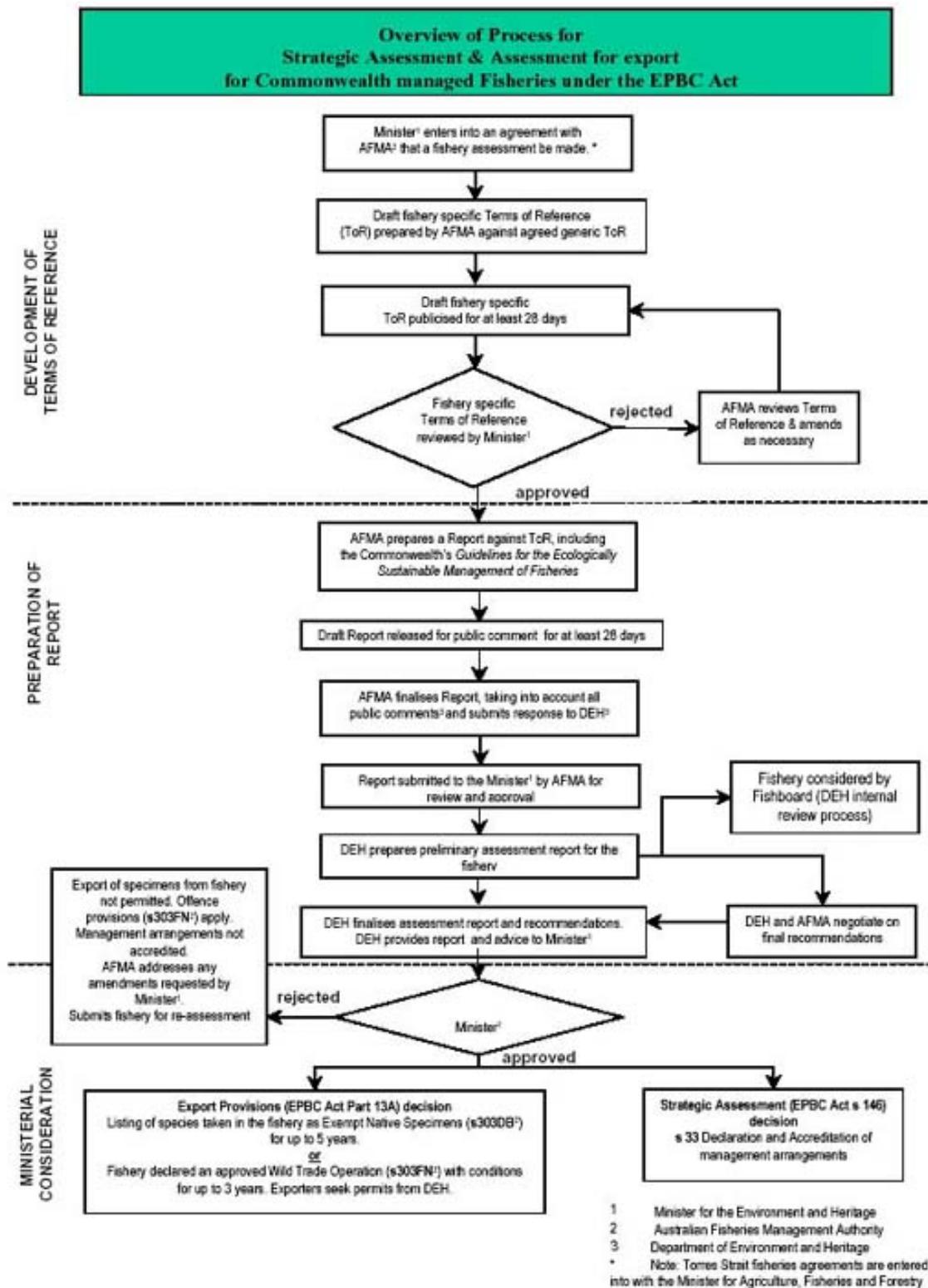
The fishery is being managed in an ecologically sustainable way, in accordance with the Guidelines. Products or species sourced from the fishery are added to the list of exempt native specimens for up to 5 years and recommendations for action over that time may be made; or

- **WTO**

The fishery is consistent with the objectives in the EPBC Act and is not likely to have an unacceptable impact in the short term. However there are uncertainties and further action required. This fishery is declared an approved Wildlife Trade Operation (WTO) and export can occur while conditions are being met; or

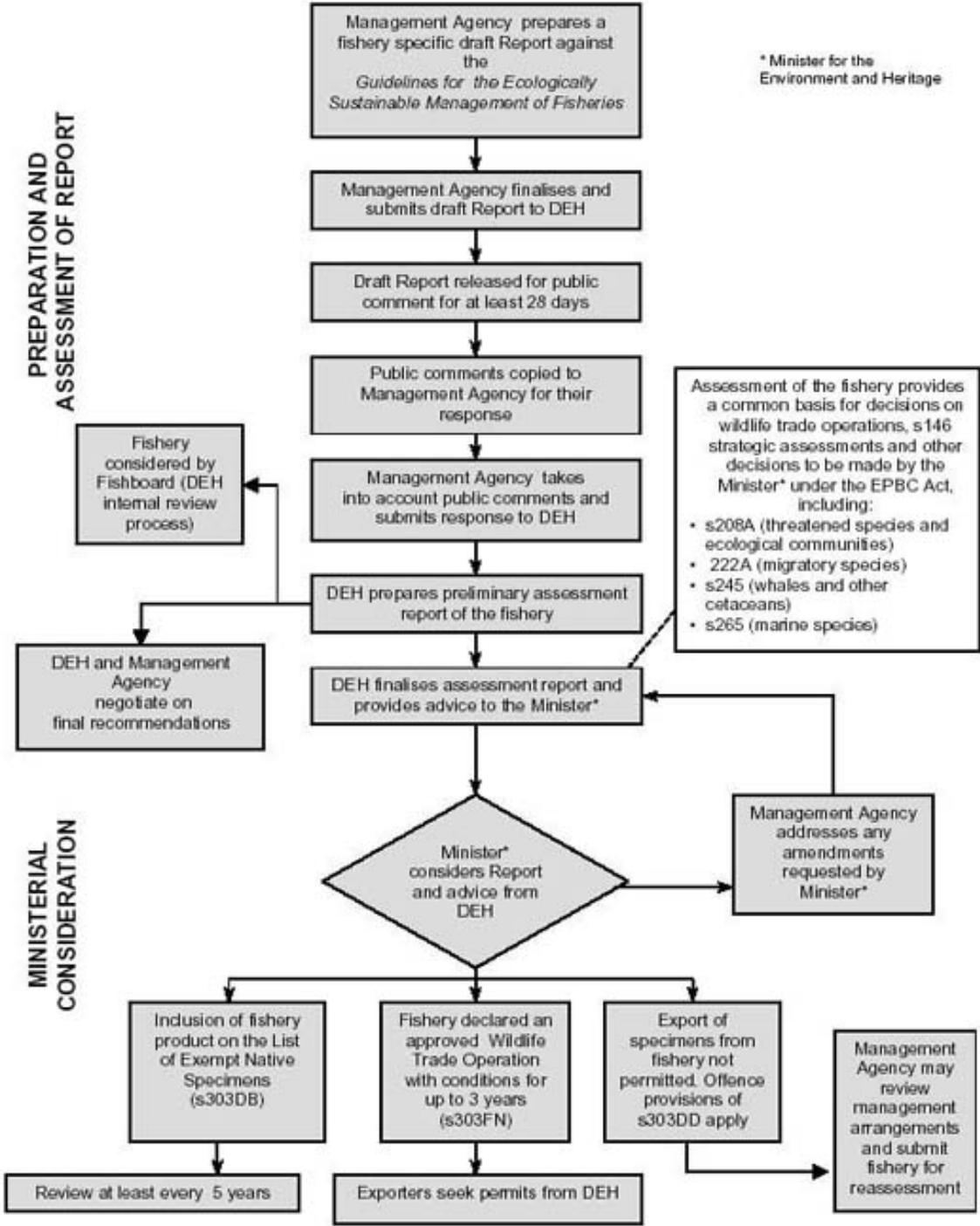
- **Prohibition**

The fishery has significant environmental impacts that cannot be mitigated through conditions. Export is not permitted. This is an undesirable situation and in every case DEH will strive to find mutual ground and a positive way forward in order to achieve either exemption or a WTO.



* On completion of the flowchart, a fishery is being managed in an ecologically sustainable way in accordance with the *Guidelines*. Each fishery will be added to the exempt list for 5 years and recommendations for actions over that time may be made. Products from these fisheries may continue to be exported without permits.

Overview of Assessment Process for Fisheries to Export under the Wildlife Trade provisions of the EPBC Act 1999



* On completion of this flowchart, a fishery is consistent with the EPBC Act and is not likely to have an impact in the short term. However, there are uncertainties and further action required. These fisheries would be declared an approved Wildlife Trade Operation (WTO) and export can occur while conditions are met.

Draft Recommendations for the Torres Strait Rock Lobster Fishery for Discussion

Draft Recommendation	Outcome to be achieved/discussion	Proposed AFMA reply	DEH response	Final Recommendations
<p>Recommendation 1: The PZJA/AFMA to develop clear objectives, performance measures and indicators for the fishery linked to management strategies and actions. The performance of the fishery to be reviewed annually against these measures and the outcomes published and made publicly available. A biological reference point to be developed and implemented within [one year] for rock lobster stocks.</p>	<p>Management targets were exceeded for most of the 1990's and as a consequence, spawning stock size has been reduced to below optimum. A limit ref (not target) has been breached several times in recent years. There is currently no mechanism to prevent this from occurring.</p>	<p>AFMA can develop clear objectives for the fishery within one year. AFMA can also suggest performance measures for the fishery in line with the work CSIRO has done previously. However, AFMA may be in a position to provide appropriate reference points within one year but may not be in a position to implement them for up to three years. This will depend on the outputs from the CSIRO stock assessment modelling.</p>	<p>The PZJA/AFMA to develop clear objectives, performance measures and indicators performance criteria for the fishery linked to management strategies and actions relating to target species, byproduct, bycatch, protected species interactions and ecosystem impacts within 1 year. The performance of the fishery to be reviewed annually against these measures and the outcomes published and made publicly available. A biological reference point to be developed and implemented within [one year] for rock lobster stocks.</p> <p>Rec 1a: The PZJA/AFMA to develop a clear process and timeframe for determining the reason for a performance measure breach and implementing appropriate management measures within specified timeframes.</p>	<p>Recommendation 1: AFMA to develop clear objectives and performance measures for the fishery relating to target species and ecosystem impacts within 1 year. The performance of the fishery to be reviewed annually against these measures and the outcomes published. A biological reference point to be developed and implemented for rock lobster stocks.</p>
				<p>Recommendation 2: AFMA to develop a clear process and timeframe for determining the reason for a performance criteria breach and implementing appropriate management measures within specified timeframes.</p>

<p>Recommendation 2: Annual catch and effort statistics should be published and publicly available.</p>	<p>DEH notes that Management arrangements in the fishery are regularly reviewed through the working group and MAC. As there are currently no performance measures or indicators however, there are currently no regular reports available for public viewing. Information on the fishery on the AFMA website is several years old. PZJA Annual report for 1998-1999 only available on the AFMA website. Transparency of the performance of the fishery is critical to good governance.</p>	<p>AFMA will be in a position to publish catch and effort statistics by the end of the calendar year provided the extra resources proposed in recent internal discussions are forthcoming. Specifically AFMA requires work on the collection and collation of processor records for the period 2001-2003 inclusive. There will also be some effort made to collect corresponding shipping records for the period so that there can be a transitional/validation period from the old to new system of estimating catch.</p>	<p>Annual catch and effort statistics should be published and publicly available by the end of 2004.</p>	<p>Recommendation 3: Annual catch and effort statistics to be published and publicly available by the end of 2004.</p>
<p>Recommendation 3: The PJZA/AFMA to continue to implement all necessary steps to rebuild stocks to sustainable levels. Progress in meeting this objective to be reviewed regularly and reported on in the annual performance report as discussed in Recommendation 1.</p>	<p>Noting the BRS 2002-2003 Fishery Status Report assessment that the Tropical Rock Lobster Fishery was overfished.</p> <p>DEH notes that there has been a considerable increase in catches this season.</p>	<p>It is not clear what DEH actually wants. This recommendation, as stated, would be difficult to achieve as there is no measure for a rebuilt stock. Catch rates in 2003 were the highest on record – was the stock rebuilt? For a relatively short-lived species where the abundance has been known to vary significantly identifying a target stock condition is probably not very sensible. A more appropriate target would be to bring fishing mortality down to an appropriate target reference value. Assessing the fishery against such an indicator is more achievable, but still difficult.</p>	<p>This may be covered by the recommendation for the development of a biologically based reference point against which the fishery is reviewed annually (as per Rec 1)</p>	

<p>Recommendation 4: Operation of the fishery will be carried out in accordance with the <i>Torres Strait Fisheries Act 1984</i> and the management regime The PZJA/AFMA will inform DEH of any changes to the Act or the management regime.</p>	<p>Standard WTO recommendation</p>	<p>Agreed.</p>	<p>Agreed</p>	<p>Recommendation 4: Operation of the fishery will be carried out in accordance with the <i>Torres Strait Fisheries Act 1984</i> and the <i>Torres Strait Rock Lobster Statement of Management Arrangements</i>. AFMA will inform DEH of any changes to the Act or the Statement.</p>
<p>Recommendation 5: The PZJA/AFMA to continue to ensure that consultative processes are conducted to ensure the timely implementation of management responses essential for the sustainability of the fishery.</p>	<p>DEH recognises that the PZJA has allocated considerable resources to the fisheries consultative structure recognising that it is the backbone for decision-making. DEH notes that there is still a process to up-skill the members of the consultative bodies and this will continue to take more resources.</p>	<p>The effectiveness of the consultation process is one over which AFMA has limited influence. It is acknowledged that upskilling is needed but effectively doing this is dependent on more than just additional resources.</p> <p>AFMA can ensure that a consultative process is maintained, and make a commitment to try and achieve the best outcomes possible through the process.</p>	<p>Agreed</p>	<p>Recommendation 5: AFMA to continue to ensure that consultative processes are conducted in a manner that ensures the timely implementation of management responses essential for the sustainability of the fishery</p>
<p>Recommendation 6: PZJA/AFMA to ensure that mechanisms are in place and being enforced to ensure adequate and reliable data appropriate to the scale of the fishery on catch and effort are collected from all sectors to ensure sustainable management of the TSRL resource.</p>	<p>While catch statistics are not, on their own, a good indicator of stock status or abundance (due to variations in fishing effort), they are essential for assessment. Current available information on rock lobster catch rates is inadequate to enable any informed assessment of the extent to which latent effort should be withdrawn. DEH notes that the docket book system, which will replace the monthly data returns systems, will improve the data collection process and will also collect effort data from the TIBL sector. However, the</p>	<p>AFMA has introduced a new data (catch and effort) collection system for the fishery designed to provide more reliable data. In the first instance the system has been introduced on a voluntary basis, but legal advice is being sought on an avenue to make it compulsory. There is a commitment to do what is necessary to make the system work.</p> <p>Catch rate data are not used in the current assessment process because they have appeared to be hyper stable.</p>	<p>Agreed – Remove “and being enforced” as the TI fishers are not required to lodge logbook information. Legal requirement for other fisheries to submit logbooks is implied.</p> <p>DEH will highlight in the text that “all sectors” includes recreational catch which AFMA has advised in their submission is currently negligible.</p>	<p>Recommendation 6: AFMA to ensure that mechanisms are in place to ensure that adequate and reliable data on catch and effort, appropriate to the scale of the fishery, are collected from all sectors to ensure sustainable management of the TSRL resource.</p>

	<p>effectiveness of this new data collection system has not yet been determined.</p> <p>There is no system in place to monitor fishing effort in this fishery at this point in time. DEH notes the establishment of a subcommittee in 2001 to recommend a strategy to remove latent effort. DEH notes the strategies recommended by the latent effort subcommittee and adopted by the PZJA that are currently being implemented and are expected to reduce the potential effort among approximately 40 licences by about 40 %. As AFMA acknowledges, this still leaves latent effort among the TIBL sector. DEH notes that AFMA is working with the TIBL sector to identify a strategy to deal with this issue.</p>			
<p>Recommendation 7: The PZJA/AFMA to implement appropriate measures to control effort in all sectors of the fishery at sustainable levels to allow recovery of stocks to ecologically viable levels as well as removing latent effort [within 2 years].</p>	<p>At current stock sizes it estimates that the current closed season and minimum size level should enable stock recovery provided that there is no increase in effective effort. Management measures should be implemented to control effort and remove all latent effort. This could include the cost benefit analysis of banning the use of hookah gear.</p>	<p>The control of effort in the non-Islander sector is relatively achievable. There are only 28 licences which are expected to reduce following the latent effort process.</p> <p>AFMA recognises the challenge of controlling effort in the Islander sector where there is widespread resistance to the notion of ‘external’ controls on effort. The decision to cap the number of endorsements in this sector is evidence that leaders among the Islander sector understand the need to control effort but convincing many of</p>	<p>The PZJA/AFMA to implement appropriate measures to control actual effort in all sectors of the fishery at ecologically sustainable levels to allow recovery of stocks to ecologically viable levels as and to remove latent effort [within 2 years].</p> <p>OR</p> <p>The PZJA/AFMA to control fishing mortalities, through effort control or other mechanisms across all sectors, at sustainable levels.</p>	<p>Recommendation 7: AFMA to control fishing mortality, through effort controls or other mechanisms across all sectors, to maintain stocks at ecologically sustainable levels.</p>

		the fishers will be difficult. The complexity of the issue will make its resolution uncertain and the PZJA may not be able to meet the recommended guideline. If effort cannot be controlled then AFMA will consider other measures, eg eliminating hookah, to control fishing mortality. The PZJA will be undertaking a full review of the TIB licencing system in 2004 which should also identify ways of controlling islander effort.		
Recommendation 8: PZJA/AFMA to conduct a formal compliance risk assessment of the TSRLF [within 1 year] and develop a strategy to implement any resultant recommendations.	Particularly covering the issues of: <ul style="list-style-type: none"> • unlicensed fishing (no Master Fisherman's licence or no boat licence with correct endorsement) • Catch taken below minimum size limits • Fishing during seasonal closure or hookah ban • Retention of lobsters by trawlers DEH notes that AFMA expects to undertake a compliance risk assessment for the fishery later in the 2003-04 financial year and that it will address the above components.	Agreed	Agreed	Recommendation 8: AFMA to conduct a formal compliance risk assessment of the TSRLF within 1 year and develop a strategy to implement any resultant recommendations.

<p>Recommendation 9: PZJA/AFMA to continue to pursue complementary management arrangements with other jurisdictions responsible for managing rock lobster fisheries to ensure that all removals and other relevant impacts on the stock are properly accounted for in stock assessments.</p>	<p>Fisheries that may share stocks include the Coral Sea and the Queensland Tropical Rock lobster fishery. It essential that estimates of removals are used when accurate information is not available. DEH notes AFMA's comment that inclusion of rock lobster harvest from other fisheries in the assessment process will require additional resources. DEH also notes that the TSSAC has discussed the desirability of attempting a combined assessment and will further consider this in the future when it will prioritise the fishery assessment group meetings for each fishery.</p>	<p>The fishery on the East Coast of Qld managed by QFS is a small fishery that is used exclusively by commercial operators. The data collected from this fishery is thought to be of high quality in recent years.</p> <p>While complementarity with PNG exists on paper, the effectiveness of their data collection program is beyond the control of Australia. Nevertheless, Australia encourages and will assist PNG to maintain its catch and effort data.</p> <p>Australia meets with PNG annually to discuss catch-sharing and complementary management arrangements for Torres Strait fisheries in accordance with the Torres Strait Treaty.</p>	<p>PZJA/AFMA to continue to pursue complementary management arrangements with other jurisdictions responsible for managing shared rock lobster stocks fisheries to ensure that all removals and other relevant impacts on the stock are properly accounted for in stock assessments.</p>	<p>Recommendation 9: AFMA to continue to pursue complementary management arrangements with other jurisdictions responsible for managing shared rock lobster stocks to ensure that all removals and other relevant impacts on the stock are properly accounted for in stock assessments.</p>
<p>Recommendation 10: PZJA/AFMA will provide an annual report to the DEH on the progress in implementing recommendations 4 – 9, noting that the information provided to the public will be adequate for reporting on recommendations 1, 2 and 3.</p>	<p>Standard WTO reporting condition</p>	<p>AFMA prefers to report against all recommendations in the Annual Report.</p>	<p>PZJA/AFMA will provide a report annually to the DEH on the progress in implementing the recommendations. 4 – 9, noting that the information provided to the public will be adequate for reporting on recommendations 1, 2 and 3.</p> <p><i>DEH notes AFMA's preference to report against all recommendations in the annual report and strongly supports this proposal</i></p>	<p>Recommendation 10: AFMA will provide a report annually to the DEH on the progress in implementing the recommendations.</p>

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7–9 July 2004
Recommendations for the TRL Fishery	<i>Agenda Item No. 2.1</i>

PURPOSE

To seek Torres Strait Management Advisory Committee support for the recommendations arising from the strategic assessment of the Torres Strait Rock Lobster Fishery.

BACKGROUND

On 23 December 2003 AFMA, on behalf of the Torres Strait Protected Zone Joint Authority (PZJA), submitted a draft strategic assessment of the Torres Strait Rock Lobster Fishery to the Minister for the Environment and Heritage. The Australian Government Department of the Environment and Heritage (DEH) subsequently sought informal technical advice from AFMA on strategic assessment of the fishery. As the fishery is managed by the PZJA, AFMA sought input from the Australian Government Department of Agriculture, Fisheries and Forestry (DAFF) and the Queensland Fisheries Service (QFS) in formulating that advice.

The Minister for the Environment and Heritage recently wrote to the AFMA Chair notifying her of his proposed recommendations for the fishery. The recommendations are at Attachment 1.

DISCUSSION

The PZJA is scheduled to meet on 27 to 28 July 2004. For the recommendations from the Minister for the Environment and Heritage to be considered by the PZJA they will need to be supported by this Committee and the AFMA Environment Committee. The next Environment Committee meeting is on 12 August 2004. Therefore, the Environment Committee will need to consider the recommendations from the Minister for the Environment and Heritage out-of-session.

AFMA has sent copies of the recommendations from the Minister for the Environment and Heritage to the members of the Environment Committee. They will be advised of the outcome of this Committee's consideration of the recommendations to allow them to advise the PZJA whether the Environment Committee supports the recommendations.

RECOMMENDATION

That members advise whether they support accepting the recommendations arising from the strategic assessment of the Torres Strait Rock Lobster Fishery.

FOR DECISION

AFMA Environment Policy Section

June 2004

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7 July 2004
Update on Latent Effort Reduction Process	Agenda Item No. 3

Purpose

To inform the TSFMAC of the status of the latent effort reduction process being undertaken in the tropical rock lobster, reefline, and Spanish mackerel fisheries.

Background

On 11 February 2004 each licence holder in the tropical rock lobster, reefline, and Spanish mackerel fisheries was written to and informed on the logbook data held on the AFMA logbook database in respect their licence. In addition, each licence holder was advised if that logbook data was sufficient to meet the qualifying criteria set by the PZJA.

Where a licence holder was informed that they did not meet the qualifying criteria based on logbook data held by AFMA, they were provided with a 45 day period to provide additional catch information, known as supplementary information, which will demonstrate additional catch history. In addition, where additional catch information can not be provided, a licence holder could lodge a submission outlining any exceptional circumstances that may have applied that prevented them from acquiring sufficient catch history to meet the qualifying criteria. Licence holders were also provided with 45 days in which to lodge a submission.

Submissions received outlining exceptional circumstances will be assessed by the Latent Effort Independent Advisory Panel which will comprise of a State government representative, an independent commercial fisher (with no interests in the Torres Strait), and a Torres Strait traditional inhabitant.

The following table details the current status of the latent effort reduction process. It is hoped that the latent effort reduction process will be completed by the end of June 2004. It should be noted that these figures may have changed since this table was prepared.

Fishery	Licence holders that meet criteria	Licence holders that do not meet criteria	Licence holders who have lodged supplementary information	Licence holders who have lodged submissions (except circ.)
CR	18	19	8	2
LN	4	96	2	6
MK	13	25	2	2

Recommendation

That the Finfish Working Group note the status of the latent effort reduction process in the tropical rock lobster, reefline, and Spanish mackerel fisheries.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7 July 2004
Report from the 16th meeting of the PZJA	Agenda Item No. 1

PURPOSE

To provide the record of the 16th meeting of the PZJA as background for Meeting 3 of the TSFMAC.

BACKGROUND

The PZJA last met in December 2003. The full text of the decisions is at Attachment 1. Due to the limited time available for the PZJA meeting only essential issues were placed on the agenda.

TSFMAC members are advised that these decisions have been discussed by the Finfish, Tropical Rock Lobster and Prawn working groups. Members are requested to have a general familiarity with the decisions before the meeting because there will be insufficient time to go through the decisions during the meeting.

RECOMMENDATION

That the TSFMAC note the record of the 16th meeting of the PZJA.

ATTACHMENT 1. Record of the 16th PZJA meeting.

  <p>Torres Strait PZJA Protected Zone Joint Authority</p> <p>Queensland Government</p>	TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY	Meeting No. 16 11 December 2003
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MEETING OUTCOMES

The Prawn Fishery

1. Each member of the PZJA made comment on the proposed 4 year reduction plan for the Prawn fishery tabled by Senator Macdonald (Attachment E). Mr Waia agrees with the proposed management strategy subject to resolving the application of effort reductions to the TSRA licences and increased flexibility in their use. Minister Palaszczuk thought it was a good plan but that further consultation was required.

2. The PZJA AGREED
 - i) that the issue of effort reduction and associated future management arrangements in the Torres Strait Prawn Fishery be considered at a special meeting of the PZJA in Cairns on Monday 19 January 2004. This would allow stakeholders to conduct consultation on the new proposal introduced by the Chair to reduce effort in the fishery using a staged approach over the next 4 years; and

 - ii) that the agenda for this meeting will be based on the proposed prawn items for this December 2003 meeting of the PZJA (Attachment D), with the addition of an item to consider arrangements to allow more flexible use of the Torres Strait Islander entitlements.

3. The PZJA AGREED to revert the overall net length from 80m back to 88m, including words in the relevant FMN to define the use and possession of nets including try gear.

4. The PZJA APPROVED:
 - i) the process for testing and evaluating new BRDs in the prawn fishery as recommended by TSFMAC;

 - i) that the following BRDs (square mesh codend, square mesh panel, fisheye, bigeye, and radial escape section) be implemented as approved BRDs commencing 1 March 2004 (subject to subsequent review given any new information);

- ii) the continued use of these BRDs and that their respective specifications be revisited at the end of the 2004 season once pertinent research information is available; and
- iii) the V Flap BRD for use in the 2004 season, subject to review by the PWG following receipt of information from east coast trials.

Tropical Rock Lobster Fishery: 2004 management arrangements

- 5. The PZJA AGREED to implement for 2004 a ceiling on TIB licences that existed on 11 December 2003 with “CR” symbol and a reduction in TRL commercial tenders in line with the following table.

Number of Tenders before reduction	Number of Tenders 2004
1	1
2	2
3	2
4	3
5	4
6	4
7	5

The PZJA will review these arrangements at the end of 2004 with the expectation that significant progress will be made on developing longer term arrangements for controlling effort in the fishery, which are in line with the spirit and objectives of the *Torres Strait Fisheries Act 1984* and *Torres Strait Treaty 1985*.

- 6. The PZJA expressed concern regarding the seriousness of the trawling for tropical rock lobsters during their spawning migration in PNG waters and noted that the PNG authorities had taken action against a PNG operator allegedly involved in this activity.

Tropical Rock Lobster Fishery: Longer term arrangements with specific reference to a TAC

- 7. The PZJA NOTED that:
 - i) the TRL Working Group concluded that a TAC management approach is not recommended because research resources are insufficient to set the TAC, there are difficulties in allocating the TAC (cultural and other issues), and the limitations on compliance resources preclude effective compliance and monitoring;

ii) stakeholders are unsure of their access rights in the fishery and are not willing to compromise sufficiently so management can make real progress on fishery management issues; and

iii) until a clear decision is made regarding priority of access in the rock lobster fishery, Management's ability to implement effective, agreed mechanisms to control effort is limited.

iii). That the PZJA AGREED to amend FMN 58 to clarify the method of measurement of tropical rock lobster.

iv). The PZJA REQUESTED a report on fisheries compliance in Torres Strait Fisheries.

Strategic Assessment: Assessment Report and Statement of Management Arrangements

8. The PZJA ENDORSED

i) the Statement of Management Arrangements for the Torres Strait Rock Lobster Fishery subject to any minor corrections for submission to the Department of Environment and Heritage (DEH); and

the rock lobster Strategic Assessment Report for submission to DEH on the basis that the TRLWG and AFMA Board Environment Committee have both supported the document.

Finfish Fishery: 2004 management arrangements

9. The PZJA:

i) NOTED the Finfish Working Group's view that the potential additional effort during the 2004 season is unlikely to exceed 10%;

ii) NOTED the Finfish Working Group's view that there is potential for more interaction between the two sectors should any additional effort be realised, but the risk was considered to be low enough to be acceptable for the short term;

iii) NOTED that there is some disagreement with these conclusions and that there remains a residual risk of latent effort being activated; and

iv) The PZJA reaffirmed its decision of 12 June 2003 to implement a 30 percent reduction in commercial tenders in the line fishery to operate as an interim measure until the latent effort process is implemented.

Finfish Fishery: Allocation of Access

10. The PZJA:

- i) NOTED the statements regarding conflict made by representatives of the non-indigenous commercial line fishers and Traditional Inhabitants;
- ii) NOTED the Finfish Working Group was unable to provide a resolution to the access issues in the fishery; and
- iii) AGREED to provide a set of principles to the FWG to guide the development of long term management arrangements and these should be guided by the "Skehill" report.

Finfish Fishery: Finfish Possession Limit

11. The PZJA AGREED that:

- i) the take and possession limits for Spanish mackerel for holders of Section 19 licences, and reef fish for holders of Torres Strait prawn licences, be reduced to a maximum combined allowance of 20kgs fillets in possession; and
- ii) these take and possession limits will be reviewed at the December 2004 meeting of the PZJA.

Licence Amalgamation Policy

12. The PZJA AGREED to extend the moratorium on licence amalgamations until the latent effort process is complete and consultation on the amalgamation policy goes through the normal cycle, which ever is later.

Dated this day of 2003

IAN MACDONALD
Commonwealth Minister for Fisheries, Forestry and Conservation
Chairman of the Protected Zone Joint Authority

For and on behalf of the Protected Zone Joint Authority

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7 July 2004
Report from the Australia/PNG bilateral Meeting of June 2004	Agenda Item No. 5

PURPOSE

To inform the TSFMAC about the outcomes of the bilateral meeting between Australia and PNG, held in Cairns on 7-8 June 2004.

BACKGROUND

Australian and PNG officials and representatives of traditional inhabitants and fishing industry met in Cairns in June 2004. This meeting was brought forward to coincide with a bilateral workshop being held to develop of a new catch sharing model for the Tropical Rock Lobster Fishery.

The record of this meeting has not been formally approved by either Government so should be read as a draft of the official record the discussion and agreements reached by officials. The draft record is at Attachment 1.

RECOMMENDATION

That the TSFMAC note the outcomes of the Bilateral meeting between Australia and PNG.

ATTACHMENT 1

Bilateral Fisheries Discussions between Australia and Papua New Guinea under the Torres Strait Treaty	MEETING NUMBER: 7
	LOCATION: Cairns
	DATE: 7 June 2004
MEETING RECORD	

Item 1 – Preliminary business (Chair)

1. Daryl Quinlivan, as Chair, opened the meeting at 0930, and welcomed the participants. He provided a brief overview of fisheries matters that are of particular importance to the Australian Government, including increased incursions by Indonesian FFVs.
2. Sylvester Pokajam, the head of the Papua New Guinea delegation thanked Daryl for his introduction. He advised on a number of fisheries matters of importance to PNG, particularly the costs and logistical difficulties PNG operators face if they wish to fish in the Torres Strait Protected Zone. He advised that a proposed jetty and fuel supply depot in Daru under the Asian Development Bank (ADB) loan would address these issues.
3. Brief introductions were made round the table, before the meeting split into two working groups dealing with fisheries management and compliance issues. Outcomes from discussions in each of the Working Groups are included in this record of the meeting.
4. The following people attended the meeting

Australian participants

Daryl Quinlivan	Chair Executive Manager Fisheries and Forestry Industries Department of Agriculture Fisheries and Forestry
Trysh Stone	Senior Manager Northern Fisheries Australian Fisheries Management Authority
Jim Prescott	Manager Torres Strait Fisheries Australian Fisheries Management Authority
Peter Venslovas	Senior Manager Compliance Australian Fisheries Management Authority
Mike Yates	Compliance Officer Australian Fisheries Management Authority
John Pollock	Deputy Director-General Queensland Department of Primary Industries and Fisheries

John Kung	Policy Officer (Torres Strait) Queensland Department of Primary Industries and Fisheries
Dan Currey	General Manager (Fisheries Resource Protection) Queensland Department of Primary Industries and Fisheries
Dan Sweeney	District Officer (Thursday Island) Queensland Boating and Fisheries Patrol
Peter Yorkston	Torres Strait Regional Authority
Kenny Bedford	Torres Strait Islander fishing representative from Darnley Island
Rob Giddins	Prawn Industry representative
Barry Ehrke	Queensland Seafood Industry Association
Jim Fogarty	Crayfish Industry
Richard Mason	Senior Policy Officer Department of Agriculture Fisheries and Forestry
Christian McDonald	Torres Strait Fisheries Policy Officer Department of Agriculture Fisheries and Forestry
Clive Turnbull	Prawn Scientist Queensland Department of Primary Industries and Fisheries (QDPI)

Papua New Guinea participants

Sylvester Pokajam	Acting Managing Director and PNG delegation leader National Fisheries Authority
Augustine Mobiha	Fisheries Management Advisor National Fisheries Authority
Philip Polon	Manager Sedentary Fish National Fisheries Authority
Barre Kare	Manager Prawn and Crayfish National Fisheries Authority
Joyce Agaru	Enforcement team leader National Fisheries Authority
Dennis Bebego	Director-General Department of Foreign Affairs
Jack Kariko	Lawyer Attorney-General's Department
Karl Yalo	Gulf of Papua and Torres Strait prawn fisher
Meremi Maina	Torres Strait lobster operator

Fisheries Management Working Group

Item 1 – Adoption of Draft Agenda for the Working Group

5. The draft agenda for the working group was adopted.

Item 2 Catch sharing arrangements for the Torres Strait prawn fishery

- 2 a) PNG entitlement under the proposed effort adjustment in the Australian area of jurisdiction

6. Jim Prescott provided a presentation on process followed for the determination of the prawn fishery effort shares in the Australian area of jurisdiction that were included in a prawn discussion paper released about the same time as the meeting.. The discussion paper proposes to remove effort within the fishery and ensure that allocated effort does not exceed Emsy and at the same time meet Australia's obligations to PNG under the Treaty.
7. Barry Ehrke and Rob Giddins made it clear that Australian Torres Strait prawn operators are not satisfied with the catch sharing formula, particularly in respect of the amount of prawns available in the PNG area of jurisdiction.
8. Sylvester Pokajam sought clarification on the robustness of the stock assessment that identified the need to reduce fishing days within the Torres Strait prawn fishery.
9. Jim Prescott advised that the stock assessment on which the current estimates of MSY and EMSY are based, was undertaken using data from the Australian area of jurisdiction and did not include any PNG data. He also noted that without an extensive prawn fishery within PNG waters it is difficult to acquire all the requisite data from that area. Nonetheless he noted that Management believed the 8,257 days proposed in the Discussion paper was a sustainable level effort for brown tiger prawns on the Australian side of the fishery. He also noted that the number of days could be higher if a harvesting strategy could be developed to better target endeavour prawns.
*Note: Further work to improve the stock assessment by addressing the recommendations from the independent review has since been completed by QDPI scientists. Available data from PNG fishing records in the Torres Strait has now been incorporated into the stock assessment models.
10. Augustine Mobiha indicated that he was concerned about the lack of data on the PNG side of the fishery. However, it is not possible to obtain data when there is very limited or no fishing at all in the PNG area by PNG operators. Present constraints to PNG exercising its entitlements to the fishery include the size of current boats, which limits their fuel and holding capacity, and a lack of refueling facilities at the nearby port of Daru. This would be overcome if the proposed port facility at Daru is developed. He emphasized the need for consistent information to be available across all areas of the fishery.
11. Daryl Quinlivan asked what may be required to gain a better understanding of the stock on the PNG side of the fishery and what costs may be associated with this for an indication of whether or not they may be affordable.
12. Clive Turnbull suggested that a one-off survey would only give a snapshot. Multiple surveys at different times of the year would need to be undertaken (i.e towards the start and end of the fishing season) to get a clear picture. These surveys would have to be undertaken on an ongoing basis if no fishery developed to provide data.
13. Sylvester Pokajam wanted to know if Australia fished on the PNG side of the fishery.
14. Trysh Stone advised that Australian operators did not fish this area and that their catch on this side of the fishery was traded off for effort on the Australian side of

the fishery. However, it may be possible to have Australian operators fish this area to enable the collection of data.

15. Sylvester Pokajam noted that PNG's inability to utilise its 75% share of the fishery on the PNG side along with its 25% share on the Australian side was a concern resulting in PNG missing out on important revenue.
16. Daryl Quinlivan suggested that there were two issues, namely administrative and logistical. He emphasized that all fishers have to operate under the same rules, and that if PNG wanted to do something different (i.e. access fuel and use larger boats on the Australian side) PNG would have to put forward a proposal so that it could be considered by the PZJA. He also emphasized that Australia would not want to inadvertently increase effort in the fishery.
17. Jim Prescott asked if PNG operators would use their entitlement in the fishery if logistical problems, particularly refueling, could be overcome.
18. Karl Yalo indicated that it (refueling facilities) would enable PNG operators to utilise their 75% per cent entitlement on the PNG side of the fishery as well as the 25% share on the Australian side.
19. Jim Prescott suggested that PNG vessels already have the option of refueling on the Australia side of the fishery, but would have to clear customs and quarantine at Daru and then repeat the procedure on Thursday Island. [The details of how this could be done would have to be further investigated with an answer to be provided to PNG at a later time.]
20. Karl Yalo indicated that he was aware of this, but putting it into practice was not so easy.

Action Item 1: AFMA to provide a copy of the paper on proposed effort reduction in the Torres Strait prawn fishery to PNG. (Done during meeting).

Action Item 2: Determine a cost effective way of estimating the allowable prawn catch on the PNG side of the fishery. NFA to liaise with Clive Turnbull (QDPI) and AFMA on cost-effective methods for estimating prawn stock abundance on the PNG side of the TSPZ.

Action Item 3: NFA to submit a formal proposal to Australia concerning the use of larger boats and refueling within Australian waters.

Action Item 4: The Fisheries and Aquaculture Branch of DAFF will contact AQIS and the ACS to determine if there is a means by which arrangements can be streamlined for PNG vessels (i.e PNG licensed and PNG registered) wanting to refuel and/or land product in Australian waters.

2 b) Catch sharing arrangements for the Torres Strait prawn fishery – Mechanisms for utilising Australia's preferential entitlement to utilise unused PNG effort

21. Jim Prescott read through a paper, which put forth two options for the use of preferential entitlements by Australian operators in the prawn fishery.

22. Karl Yalo suggested that it is not possible for PNG industry to make a commitment without resolving administrative and logistical issues that are impeding PNG participation in the fishery. He would also be reluctant to apply for licenses to fish on the Australian side of the fishery until these matters were resolved, otherwise industry could not utilise the allocated days. He also suggested that it was unfair for Australia to push for the use of entitlements when it was aware of the constraints faced by PNG operators in using their allocated days. He was of the opinion that these issues will not be resolved by March 2005.
23. Daryl Quinlivan indicated that there is a need to separate logistical and practical issues from the proposed arrangement for the use of preferential entitlements by Australian operators. He reiterated that PNG needs to put forward a proposal to address its logistical issues.
24. Jim Prescott and Trysh Stone both indicated that if the days are available then they would like the opportunity for Australian industry to use them.
25. Augustine Mobiha advised that PNG industry was not developed to the point where it is possible to fully consider options. However, at this point PNG would prefer the first option whereby a two-staged process would see unused effort allocated to Australian operators pre-season and then adjusted following a mid-season review.
26. Sylvester Pokajam indicated that without any knowledge of stock on the PNG side, it is possible that effort in the fishery is already sufficient. He further suggested that there should be a study of the prawns in the PNG area of jurisdiction.
27. Sylvester Pokajam stated that PNG would prefer option 1 subject to a review when infrastructure at Daru becomes available. Also reiterated PNG's preference that PNG operators use their entitlement.
28. Jim Prescott suggested that if Australian operators fished the PNG side using preferential entitlements there would be the opportunity to collect data for stock assessment purposes.

Outcome: PNG has provided its in-principle support for Option 1 concerning the use of preferential entitlements by Australian operators. This option consisted of a two-staged annual process, whereby effort could be allocated pre-season and after a mid-season review each year. An example of how this could fit in with the current catch sharing and cross-endorsement process is outlined at Attachment 1.

Action Item 5: Australia to submit a formal proposal to the NFA Board seeking the adoption of Option 1 by PNG and the potential for Australian operators to access the 75% unused entitlement in the PNG area of jurisdiction.

Item 3 Roll over of catch sharing arrangements for other Article 22 fisheries

3 a) Schedule G – Tropical Rock Lobster

29. Agreement that 2004 catch sharing arrangements for tropical rock lobster be rolled over to apply for 2005.

3 b) Schedule B – Spanish Mackerel

30. Agreement that 2004 catch sharing arrangements for Spanish mackerel be rolled over for 2005 with the following amendment made to Schedule B to ensure the fishery remains a line fishery:

It was agreed that the words “to promote the fishery as a line fishery” be deleted from Part 2(c) of Schedule B – Spanish Mackerel and replaced with “to limit the fishery to a line fishery”.

3 c) Schedule C & D – Dugong and Turtle

31. The joint management arrangements for dugong and turtle are still awaiting the signature of the relevant PNG Minister for the Department of Environment and Conservation (DEC). Australia again sought the assistance of NFA and PNG Foreign Affairs in getting this agreement signed off.

3 d) Schedule E – Pearl Shell

32. Agreement that 2004 catch sharing arrangements to continue the freeze for Pearl Shell be rolled over for 2005.
33. During discussions it became apparent that PNG, while nominating vessels for cross endorsement to operate in the prawn, tropical rock lobster and Spanish mackerel fisheries, had had problems in having their nominated vessels cross-endorsed, due to nominated vessels having expired licences.
34. John Kung advised that vessels nominated need to have licences in effect to be cross endorsed. This is the only issue preventing the endorsements and once advised by NFA that the licences are in effect, the cross endorsements can be issued. John Kung also advised that nominations should be made at least 6 weeks prior to the start of the fishing season to allow licensing staff time to address Native Title requirements.
35. Sylvester Pokajam acknowledged that PNG needed to address licensing issues so that license renewal coincided with the start of the fishing season.
36. During discussions on catch sharing Augustine Mobiha advised that PNG had had approaches from China to undertake fishing ventures in northern PNG waters. He indicated that any successful proposal would be limited to 10 vessels. One proposal that has been received involves a group wanting to engage in mid-water trawling. He wanted to know if Australia had any information on the type of species taken in mid-water trawls, particularly in tropical waters.
37. Trysh Stone suggested that such data was likely to be limited, however, AFMA would conduct a search and provide whatever information it held.

Outcome: Catch sharing arrangements for 2004 are rolled over into 2005.

Action Item 6: That the words “to promote the fishery as a line fishery” be deleted from Part 2(c) of Schedule B –Spanish Mackerel and replaced with “to limit the fishery to a line fishery”.

Action Item 7: Trysh Stone to provide information on mid-water trawling to PNG’s National Fisheries Authority.

Item 4 Supplementary fisheries management issues

4 a) Management responses to trawling for crayfish

38. Daryl Quinlivan suggested that this issue would best be discussed with the compliance people when they returned to join the group some time after lunch.

4 b) Long-term funding for annual crayfish survey

39. Sylvester Pokajam provided PNG in-principle support to commit NFA funding for the annual crayfish surveys, and noted its importance to the sustainable management of this fishery.
40. Augustine Mobiha indicated that he would like staff from PNG to get involved in these surveys and subsequent analyses to facilitate transfer of knowledge and capacity building so that NFA staff would be able to carry out their own surveys and analyses. There was concern that PNG is too dependent on the skills of CSIRO staff.
41. Sylvester Pokajam advised that if he was to secure funding for the crayfish survey then he would require costings to include in NFA’s budget for 2004-05.

Outcome: PNG has provided its in-principle support to provide long-term funding for the annual tropical rock lobster survey.

Action Item 8: Costings for tropical rock lobster survey to be provided by AFMA (in consultation with CSIRO) to NFA (by July 2004) for inclusion in the 2004-05 budget.

4 c) Establishing formal information sharing practices

42. Dennis Bebego advised that he would not be comfortable with any information sharing arrangement that required notification or consultation before decisions were made thereby impeding development and PNG’s sovereignty.

43. Daryl Quinlivan indicated that Australia was not seeking to impinge on PNG sovereignty, but rather seeking to keep informed of matters that are of relevance to management of Protected Zone fisheries.
44. Sylvester Pokajam noted that he was surprised that such an arrangement had not already been put in place.
45. Jim Prescott believed that the Treaty has provisions for the sharing of data, but more resources were required to use the data and to make it available to others.
46. Daryl Quinlivan queried if there was a need to undertake a stock take of what is currently being done with respect to data.
47. Augustine Mobiha indicated that PNG was already sharing information. He cited the recent visit by a CSIRO scientist to NFA where prawn and lobster data were extracted from the NFA database.
48. John Kung proposed that maybe there should be references in the various catch sharing schedules that provide for the sharing of data.
49. Augustine Mobiha strongly believed that any data sharing would have to be reciprocal between the two countries and advised that PNG already held considerable data on fishing activities through its centralized database for all fisheries.
50. John Pollock noted that there was a need for processes so that both countries are aware of developments. Was concerned that Australia was becoming aware of issues through the press. Suggested that the two countries need to share reviews and reports. Also suggested that there were three levels of information that were required namely information on commercial developments, licensing and catch/effort data (e.g in logbooks), and information for compliance (e.g VMS).
51. Daryl Quinlivan indicated that there was a need to develop terms of reference to address the sharing of information between the two countries.
52. Jim Prescott advised that information specialists from the National Oceans Office would shortly be visiting the Torres Strait to address information management requirements for regional marine planning in Torres Strait, and suggested that they may be able to provide advice on data sharing between the two countries.

Outcome: Agreed that there is need to develop protocols to facilitate the sharing of data between the two countries.

Action Item 9: AFMA will form a small working group and develop draft terms of reference for information/data sharing protocols between the two countries. The TOR should focus on, but not be limited to, information on commercial developments, licensing and catch/effort data (e.g in logbooks), and information for compliance (e.g VMS).

Action Item 10: Jim Prescott to liaise with the National Oceans Office and discuss protocols and processes for the sharing of data.

Item 5 Report on decisions/outcomes from discussions

53. The two working groups came together at this point. Christian McDonald provided a report on the discussions of the compliance working group (detailed below) and the outcomes and actions resulting from these discussions. Daryl Quinlivan provided a report on the outcomes and actions arising from the deliberations of the fisheries working group (outcomes contained in this record).

Compliance Working Group Outcomes:

54. AFMA Compliance (Mike Yates) to follow-up on Australia's cross-authorisation of a list of PNG officers nominated to be cross-authorised by Australia to perform MCS operations in Australian waters.
55. Australia to investigate and take measures to cross-authorise Australian officers (to target 3rd party fishers) and carryout MCS operations on the PNG side of the Torres Strait Protected Zone (TSPZ) under PNG law. Mike Yates to follow-up and look at training requirements for Australian officers.
56. In relation to the increasing occurrence of illegal Indonesian fishers, both countries to consider writing joint letters to present our shared concerns to Indonesia and suggest how we can work together better to address these issues. Potential for joint ministerial and/or joint management agency level letters.
- May be possible to identify suspected financier companies in this letter.
 - Should be signed by all PZJA members from Australia.
- A final decision on what should be done in regard to a letter to Indonesian officials was not made by the meeting.
57. Potential for continued placement of PNG officers on Thursday Island during high risk periods for incursions by Indonesian vessels:
- PNG is willing to continue to discuss this but PNG's main concern is that Australia would have to share some of the costs for food and accommodation, etc.
 - Limited manpower on PNG side could also be an issue. PNG noted there is a possibility of using PNG defence officers, which in that case may require Compliance agencies to review their cross-authorisation agreement and amend if necessary. Australia noted it would need to clear any proposal with the agency that provides the platform - Customs.
 - Under such an arrangement, we would need to consider how apprehensions/seizures would work in terms of hand-over.
 - o Working in this capacity would require PNG approval to determine what action to take. Could establish an additional agreement such as an MOU, MOA or alike to determine what action to take.
 - Australia's preference for handling this issue is for a PNG officer to be based on TI during high risk periods but could look at using Australian officers cross-authorised under PNG law with an operational MOU or MOA for handling of seizures, processing cases, etc.

- When considering the use of cross-authorized Australian officers to work in PNG it is important not to overlook potential areas for building PNG's capacity to do the work required.

Cray trawling:

58. NFA to analyse (PNG) data and documentation for volumes of product sourced from Daru versus the total volumes of exports leaving Port Moresby. This work should be completed by mid-July and a report sent to Australia with data and results.
 - o This analysis should look at data from the period from July to December inclusive from the previous 2 years.
 - o Depending on the results of this assessment, officials may meet again in mid-August to discuss the outcomes of the review and appropriate on-ground MCS activities to address these concerns.
59. In plenary discussions after the Working Group, NFA agreed to increase port sampling/inspection of trawlers at landing ports and would consider extending the closure and/or observer coverage to cover the October/November period when the Crays begin to turn-up in the Gulf of Papua.
60. NFA also noted it was looking at introducing TEDs and BRDs in its Gulf of Papua and Torres Strait Prawn Fisheries, which would significantly reduce the by-catch of crayfish by trawlers.
61. NFA will issue a circular to prawn trawlers to remind operators it is illegal to retain crayfish dead or alive and that they risked tough penalties if they were caught.

<p>Action Item 11. PNG to analyse and compare export data with the records for product moved from Daru to Port Moresby by mid July.</p>
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Sea Cucumber

62. There have been 2 cases so far in 2004 when illegal fishers from PNG have been apprehended on warrior reef by Australian officers but could not be brought back to Thursday Island due to Australian Migration law.
 - o Australia to look at how its Migration Act interacts with the Torres Strait Fisheries Act and Torres Strait Treaty – AFMA Compliance.
63. It was noted that there could be potential for NFA to charter an Australian vessel, such as the Australian Customs Vessel (ACV) to deliver or pick-up offenders.
 - o For this approach to be considered further a more detailed proposal of how it could work would need to be done and some form of cost sharing arrangement considered. – AFMA Compliance and DAFF to followup and send to PNG.
 - o PNG noted its main constraint would be availability of an appropriate charter boat and that the safety of officers in Daru would also be a very serious issue after any hand-over took place.
64. In relation to Australia's broad proposal for assistance and the initiation of a 2-3 yr program for joint compliance activities. PNG was supportive of the content of

the proposal and Australia will send a more detailed proposal for PNG's consideration and refinement for formal agreement out-of-session.

Action item 12: DAFF/AFMA Compliance to provide a proposal to PNG for joint compliance activities for the next 2-3 years.

65. Australia to provide PNG with a copy of its Torres Strait compliance risk assessment for its information with a proposal for PNG's consideration to extend it to cover the PNG side of the Torres Strait.

Action Item 13: DAFF/AFMA Compliance to forward Torres Strait Risk assessment to NFA with a proposal for conducting a similar exercise with PNG officials to assess the compliance risks for PNG's area of the Torres Strait.

66. Issues of joint patrolling jurisdiction were briefly discussed and the meeting noted the possible need to amend the Treaty and/or legislation to allow for patrols outside the Torres Strait Protected Zone (TSPZ).

Action Item 14: AFMA Compliance (Mike Yates) and DAFF (CM) to follow-up the joint patrol agreement between Australia and PNG to check details, funding, etc.

Item 6 Follow-up from last meeting

67. Action Item 1: Australia re-affirmed the need for PNG to give forward notice of possible or intended anchorage locations to enable assessment of the relative risks posed and appropriate conditions of clearance to be determined if necessary. It was noted that PNG were yet to advise on all other potential anchoring locations whilst cross-endorsed fishing in Australia's waters of the TSPZ.

Access to ports and mother ships:

Actions to progress issues of PNG access to Australian ports and/or mother ships are picked-up under Action items 3 and 4 from this meeting.

68. Action Item 2: Done. NFA invited to prawn working group meeting in Cairns.
69. Action Item 3: Actions 2,4 and 5 picked up in Agenda and paper at this meeting.
70. Action Item 4: “
71. Action Item 5: “
72. Action Item 6: NFA is still to realign its licensing system to facilitate the cross-endorsement of PNG licenses.
73. Action item 7: Done.
74. Action Item 8: The NFA Board has still to receive information from CSIRO on the “Top Hat” area. DAFF to follow-up CSIRO for relevant data.

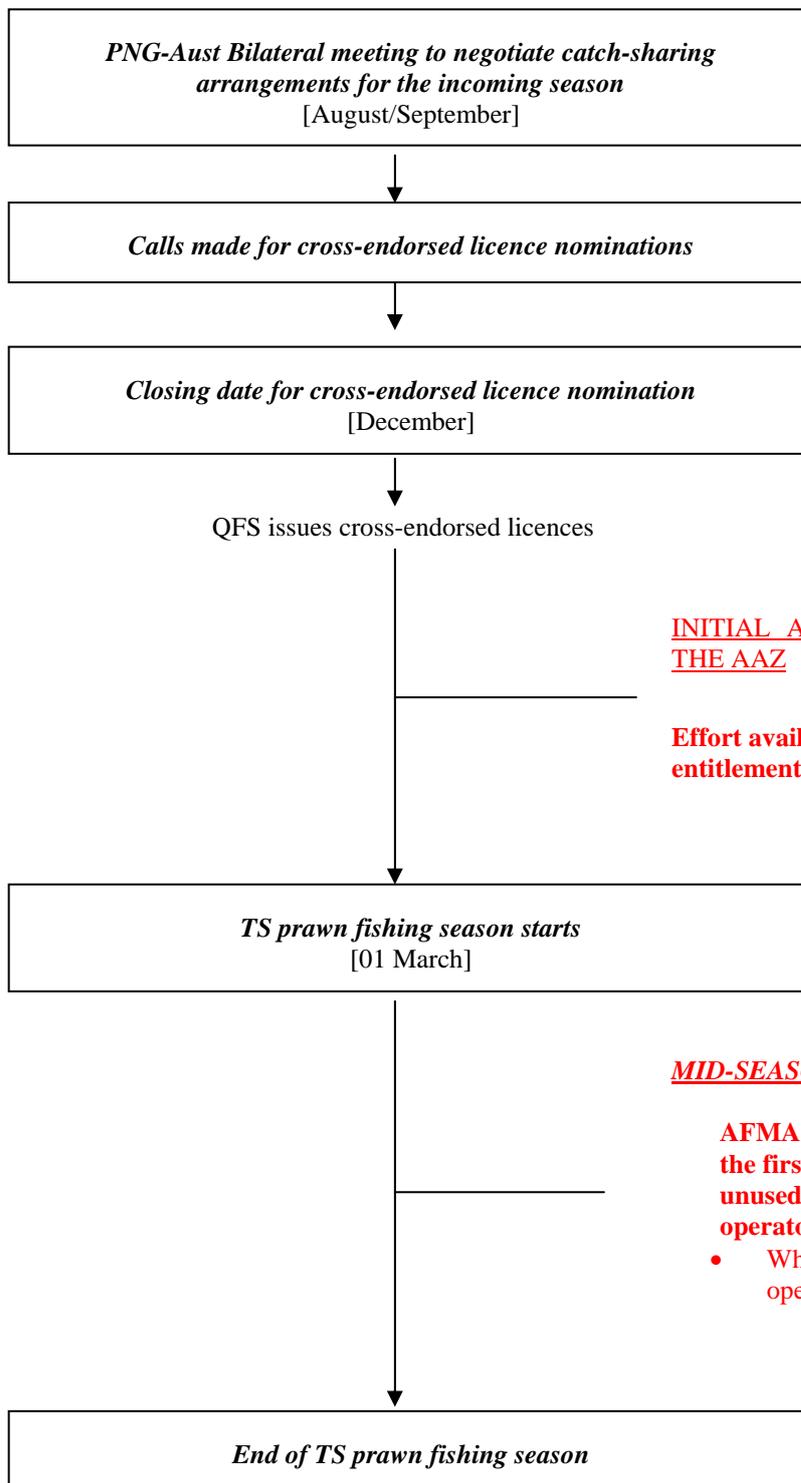
75. Action Item 9: Actions 9 and 10 have now been superseded by the US involvement and hosting of a workshop with PNG. PNG did not however that specialist representation from Australian industry would be sought through this process.
76. Action Item 10: “
77. Action Item 11: NFA and AFMA did undertake one joint operation in the Torres Strait, but no undersized tropical rock lobster was detected during the patrol. There are, however, three investigations currently underway as a result of routine patrols.
78. Action Item 12: Little effort has been put into this as AFMA has had no more reports of Australian operators purchasing product from PNG operators. Is still outstanding and to be followed up by AFMA. Was noted that it is difficult to focus resources on Torres Strait fisheries issues as resources are regularly diverted to deal with the incursion of FFVs. There is a need to ensure that officers are not diverted from Torres Strait Protected Zone tasks.
79. Action item 13: Done.
80. Action Item 14: Issues related to long-term funding for the Joint Crayfish survey were discussed in the meeting. NFA agreed to fund this work in the future. AFMA/CSIRO to provide NFA with costings for the annual TRL survey in PNG waters.
81. Action Item 15: Agreed.
82. Action Item 16: Informally done. John Kung (QFS) to put a formal request to remind the CRC to invite PNG to the mackerel stock assessment workshop.
83. Action Item 17: Meetings are continuing between NFA and DEC to discuss turtle and dugong management issues.
84. Action item 18: Potential still exists for Australia to assist PNG authorities to source funding to extend Australian turtle and dugong projects into PNG areas, however, it is unlikely that this funding would be available from the Natural Heritage Trust. Australia noted that PNG probably had better access to funds for these types of activities and would be happy to assist PNG in preparing funding proposals.
85. Action Item 19: Christian McDonald to follow-up with DFAT.
86. Action Item 20 – PNG reaffirmed its existing prohibition on retaining trawl caught TRL.
87. Action Item 21 – PNG and Australian compliance areas liaising to address these issues out-of-session.
88. Action Item 23: Not done yet. DAFF to coordinate with DFAT.
89. Action Item 24: Done.

90. Action Item 25: Done. Australia noted that the onus was now on PNG authorities to provide a submission with all information detailing operational processes, legislation, regulations, etc. on their side to allow the Market Access and Biosecurity (MAB) section of DAFF to begin the formal Import Risk Assessment (IRA) process.
91. Action Item 26: Not done yet.
92. Action Item 27: Done. AHC are expected to be in contact with PNG authorities in the not too distant future. CM to follow-up with Andrew Rose at AHC.
93. Action Item 28: AFMA to check and follow-up if not done.
94. Action Item 29: Done.
95. Daryl Quinlivan thanked people for attending and complimented the group on its good working relationship
96. Close of Meeting

FOR INFORMATION: Upcoming Torres Strait Fisheries Meetings

Prawn Stock Assessment Meeting	28 June 2004, Cairns Cruising Yacht Squadron
Prawn Working Group	5 July 2004, Cairns Cruising Yacht Squadron
Torres Strait Fisheries Management Advisory Committee (TSFMAC)	7-9 July 2004, Thursday Island.
Torres Strait Protected Zone Joint Authority (PZJA)	27 and 28 July 2004, Thursday Island.

ATTACHMENT 1. Existing framework for cross-endorsing PNG licences to fish in Australia's waters of the Torres Strait Protected Zone and proposed mechanisms for Australian operators to utilise unused effort entitlements under Article 25:



INITIAL ALLOCATION OF PNG'S UNUSED EFFORT IN THE AAZ

Effort available from PNG's unused proportion of its entitlement to fish in the AAJ is distributed to Australian

MID-SEASON REVIEW OF PNG'S FISHING

AFMA (TI) analyses PNG's actual fishing effort for the first part of the fishing season to date and predicts unused effort that could be allocated to Australian operators

- When is the best time for this review to occur so that operators can effectively utilise unused effort ?

UNUTILISED EFFORT ALLOCATED UNDER ARTICLE 25 ENTITLEMENTS

- Can this unused allocated effort be carried over across to next season?
- What issues would need to be considered or managed?

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7 July 2004
Recommendations from the May 2004 Finfish Working Group meeting.	D) Agenda Item No. 6

FINFISH FISHERY MANAGEMENT OBJECTIVES

PURPOSE

For the TSFMAC to support the Finfish Working Group recommendation that the proposed management objectives be adopted for the Finfish Fishery.

BACKGROUND

At the March and November 2003 Finfish Working Group meetings, the Finfish Working Group has attempted to review the Finfish Fishery objectives. On both occasions due to time constraints this issue was not discussed and remains outstanding. The current objectives were agreed to at the Finfish Working Group's August 2001 meeting and were seen as a "starting point" and would require revisiting as the fishery evolved.

The Finfish Fishery Working Group has now had time to consider suitable objectives for the fishery and have agreed on the following:

Fisheries Management Objectives determined by the Finfish Working Group

Preamble

The Torres Strait Finfish Fishery comprises of Traditional fishing (as defined in the Treaty), Community fishing (which is defined as commercial fishing carried on by traditional inhabitants) and Commercial fishing (carried on by non-traditional inhabitants). Papua New Guinea also has an interest in the fishery because of the catch sharing provisions of the Torres Strait Treaty. In addition there are recreational fishing interests in the fishery (including charter operations). These interests, however, are managed under Queensland legislation.

The over-arching objective is to maintain a sustainable fishery and a healthy ecosystem. The management strategies for the fishery are designed to give effect to this objective as well as other obligations conferred upon Australia by the Treaty and *Torres Strait Fisheries Act (1984)*.

All parties recognise that mutual respect is essential to achieve the following objectives.

Management Objective	Strategies to achieve objective
<p>Objective: To protect the "traditional way of life and livelihood of the traditional inhabitants" in respect to this fishery, as per Article 1 of the Treaty and section 8 of the Act.</p> <p>Performance Measure: The fishery is performing well against the cultural/traditional/livelihood indicators as defined by traditional inhabitants</p>	<ul style="list-style-type: none"> • Commission research to identify cultural social and economic indicators • List fish species of high traditional importance • Maintain a high abundance of fishes of traditional importance

<p>Objective: Ensure that all stakeholders retain their right of access to the fishery in accordance with the Treaty and the Act.</p> <p>Performance Measure:</p>	
<p>Objective: Ensure that there is an adequate and effective compliance program for the fishery</p> <p>Performance Measure: Levels of non-compliance are minimised; the other managements objectives are met</p>	<ul style="list-style-type: none"> • Compliance risks are identified • Adequate compliance resources are made available • Compliance awareness program is developed and implemented
<p>Objective: Minimise the impacts of fishing operations on the fishery habitat</p> <p>Performance Measure: responsible fishing practices are widely adopted</p>	<ul style="list-style-type: none"> • Limit the type and quantity of fishing gear • Limit bycatch • Code of practices and extension
<p>Objective: Encourage Islander participation in the full range of fishery occupations, through promoting responsible economic development in the Torres Strait and creating employment opportunities for the traditional inhabitants</p> <p>Performance Measure: Successful programs or policies in place, and viable Islander participation grows</p>	<ul style="list-style-type: none"> • Evaluating current and past policies and programs • Commission research on the social, cultural, economic and infrastructure determinants of Islander participation • Implement policies and programs that facilitate participation in the fishery in a culturally appropriate way
<p>Objective: Identify and manage all species taken by the fishery</p> <p>Performance Measure: Species composition well documented for target and byproduct, and bycatch species; species specific management targets where necessary</p>	<ul style="list-style-type: none"> • Commission research and monitoring to identify target, byproduct and bycatch species • Collect catch and effort data at the appropriate fish classification (eg. “Islander trout” instead of “coral trout”), area, and time scales • Collect biological data at the appropriate area and time scales
<p>Objective: Maintain the population of each species at target levels (that are determined to meet traditional fishing, social, economic or other objectives) and prevent the population falling below its most productive size for any individual species. Maintaining the target levels of populations for each species implies that the ecosystem and environment function will be maintained.</p> <p>Performance Measure: The population(s) is always higher than its most productive size</p>	<ul style="list-style-type: none"> • Commission research to provide stock assessment advice • Consult widely about appropriate biological, social and cultural targets • Establish appropriate population targets • Set appropriate size limits • Establish a process whereby management actions are triggered (decision rules) • Cooperate with other jurisdictions if there are shared stocks
<p>Objective: Avoid localised depletion</p>	<ul style="list-style-type: none"> • Manage effort or catch (at a scale that is effective for this purpose)

Performance Measure : All fishing areas have healthy populations and acceptable catch rates	
Protect vulnerable species Performance Measure: The population(s) is always higher than its most productive size	<ul style="list-style-type: none"> • Identify species at risk • Closely monitor abundance of vulnerable species • Introduce targeted measures to give extra protection to vulnerable species, eg boat or trip limits, closed seasons or closed areas
Objective: Match the harvesting capacity to the sustainable harvest Performance Measure: Over capacity controlled	<ul style="list-style-type: none"> • Control the level of participation, and scale of fishing operations (boat sizes etc) • While encouraging economic development, ensure that it is appropriate for the scale of the fishery
Objective: Provide for catch sharing in Mackerel Fishery to occur with PNG and promote good bilateral relations Performance Measure: Catch sharing arrangements are soundly based and effort or catches are controlled to allow PNG to harvest its entitlement	<ul style="list-style-type: none"> • Commission research so allowable catches can be determined and divided per Treaty formulae (article 23) • Meet with PNG authorities on a regular basis
Objective: Maximise the value of the catch Performance Measure: Prices paid for product	<ul style="list-style-type: none"> • Develop capacity to ensure high product standards • If appropriate promote a live fishery
Objective: Promote quality catching, handling, and carrying of finfish products from producer to consumer Performance Measure: Product quality is of the highest standard	<ul style="list-style-type: none"> • Codes of practice • education and training • Investment in infrastructure
Objective: Reduce conflict between fisher groups Performance Measure: Level of conflict	<ul style="list-style-type: none"> • Implement management arrangements that are acceptable to all fisher groups • Resolve issues through the consultative process

RECOMMENDATION

That the TSFMAC support the Finfish Working Group recommendation that the proposed management objectives be adopted for the Finfish Fishery.

FINFISH FISHERY MANAGEMENT ARRANGEMENTS

PURPOSE

For the TSFMAC to **support** the Finfish Working Group recommendation to:

- a) introduce Red Bass, Potato Cod, Queensland Groper, Chinaman Fish, and Paddletail as “no take” species in the Torres Strait;
- b) introduce a take and possession limit on Maori wrasse of one (1) fish per licence held in a licence package;
- c) introduce a minimum and maximum size limit for Maori Wrasse of 750 mm minimum and 1200 mm maximum, respectively;
- d) transfer jurisdiction over recreational fishing including charter fishing, from Queensland over to the PZJA; and

for the TSFMAC to **note** Finfish Working Group’s recommendation to:

- e) implement spawning closures into the Finfish Fishery from 2005 following research being undertaken in 2004 to determine the most appropriate times;
- f) replicate the size limits in place in the Queensland finfish fishery (this recommendation was endorsed by the PZJA in June 2003);
- g) place a high priority on the investigation of the reproductive biology of barramundi cod and the collection of biological data on red emperor (to be collated and analysed when resources become available);
- h) place a high priority on management and /or compliance officers visiting communities to advise on the correct method of measuring fish; and
- i) place a high priority on the collection of historical freezer data from the community freezers on Warraber, Poruma and Iama to make historical catch records more complete.

BACKGROUND

With the introduction of the Queensland Coral Reef Finfish Management Plan 2003 came a number of new management initiatives for the east coast fishery. Among these were the introduction of no take species (Humphead Maori wrasse, Barramundi cod, Potato cod, Queensland grouper, Red bass, Chinaman fish, and Paddletail), new size and possession (bag) limits for a range of species, and three 9-day closures (in October, November, December).

The Finfish Working Group believes that some of the Queensland east-coast initiatives had merit and could have application in the Torres Strait Finfish Fishery.

No Take Species

Under the new Queensland management arrangements humpheaded Maori wrasse, barramundi cod, potato cod, Queensland grouper, red bass, chinaman fish and paddletail all became no take species. The Working Group were informed that species such as humpheaded Maori wrasse, barramundi cod, potato cod were iconic to the Great Barrier Reef sea scape or had significant market pressure and resultant sustainability concerns placed on them, whilst species such as red bass, chinaman fish and paddletail had been implicated in ciguatera poisoning. The protection of juvenile stocks of these latter species would require setting relatively long minimum size limits which would therefore exacerbate the risk of ciguatera poisoning.

After much discussion by the Working Group it was agreed that Queensland’s justification for some of the no take species is not applicable in the Torres Strait fishery. As a result the Working Group recommended that Maori wrasse and barramundi cod would be permitted to be taken but with a possession limit imposed in respect to Maori wrasse and an increased size limit for

barramundi cod to 450 mms. It agreed the the Queensland provisions and recommended making red bass, potato cod, Queensland grouper, Chinaman fish, and Paddletail no take species in the Torres Strait.

Maori Wrasse Possession Limit & Size Limit

Following discussion by the Working Group to recommend allowing the take of Maori wrasse the Working Group agreed a limit on how many can be taken should be introduced. The Working Group felt that a possession limit of one (1) Maori Wrasse per licence held in a licence package would be a practical mechanism to limiting the taken. This would allow for each tender to take one fish and return to the primary without exceeding the possession limit. Crews would then be aware not to retain any more fish. In addition this would prevent any increase in targeting of this species should market forces make this species more attractive. For further protection the Working Group agreed that this a minimum size limit of 750mm and a maximum size limit of 1200mm should be implemented.

Jurisdiction over Recreational Fishing

Recreational fishing including charter fishing fall under Queensland jurisdiction in the Torres Strait. Both of these activities are done in relatively small scale in the Torres Strait yet there are numerous instances where the management arrangements in the recreational sector and commercial sector differ.

The Working Group is of the belief that management of the finfish resources in the Torres Strait should fall under the control of the PZJA. It was pointed out to the Working Group that the PZJA in 1997 agreed that all future management of fisheries in Torres Strait be effected under the *Torres Strait Fisheries Act 1984*.

It should be noted that this recommendation has implications for the Tropical Rock Lobster Working Group who have not yet had the opportunity to discuss this issue.

Spawning Closures

The Queensland coral reef finfish fishery has implemented a series of 3 nine day closures around the full moons in October, November, and December to protect spawning coral trout during these periods.

Industry members of the Working Group have expressed concern with implementing similar arrangements in the Torres Strait as there are differing fishing dynamics in the Torres Strait including:

- Coral trout appear to spawn earlier in the Torres Strait so having spawning closures in Oct-Dec would miss the main spawning period;
- With the isolation of the Torres Strait, to close down for 9 days would not allow for fishers to return home to Cairns (4 day steam each way) and would probably result in them losing crew; and
- the compliance of 3 short closures would be difficult to enforce.

The Working Group did however agree that spawning closures in Torres Strait would be beneficial to minimising the disruption of spawning activity and agreed to support in principle the implementation of spawning closures but would allow the 2004 season for determining the most appropriate times and lengths.

New Size Limits

The current size limits that apply in the Torres Strait have not been reviewed since their introduction in 1999. Advice provided to the Working Group was that the size limits introduced

into the east coast fishery were chosen to allow at least 50% of the fish to reach maturity and spawn at least once before being able to be taken. Where no scientific information existed for a species, a size limit had been set as a precautionary measure. The Working Group was also informed and agreed that the same size limits would be appropriate for the Torres Strait fishery.

Research Priorities

During discussion on research being undertaken in the finfish fishery the Working Group identified three issues which they believe should be given high priority. The three issues are:

1. the investigation of the reproductive biology of barramundi cod and the collection of biological data on red emperor (to be collated and analysed when resources become available);
2. the visiting of communities by management and /or compliance officers to advise on the correct method of measuring fish; and
3. the collection of historical freezer data from the community freezers on Warraber, Poruma and Iama to make historical catch records more complete.

The collection of biological data on barramundi cod and red emperor was proposed as a result of significant quantities of these species being taken as bycatch. Little is known on these species in the Torres Strait and the Working Group agreed that work needs to be undertaken as a priority on the reproductive biology of barramundi cod as part of the CRC Torres Strait Finfish task. In respect to red emperor it was also agreed that the biological data should also be collected as part of the CRC Torres Strait Finfish task but collated and analysed later when resources become available.

The issue of using the correct method for measuring fish arose from concern by the Working Group that many size restrictions apply in the Torres Strait but no work has been undertaken in the communities to ensure Traditional Inhabitants are aware of the correct method for measuring fish. With numerous changes to size limits about to be introduced into the Torres Strait this issue was seen by the Working Group as needing attention in the very near future.

The third issue the Working Group believes requires to be given high priority is completing the collection of historical freezer data from Warraber, Poruma and Iama. This will provide for a more comprehensive data set on fishing activity undertaken by Traditional Inhabitants.

RECOMMENDATION

That the TSFMAC **support** the Finfish Working Group recommendations to:

- a) introduce Red Bass, Potato Cod, Queensland Groper, Chinaman Fish, and Paddletail as “no take” species in the Torres Strait;
- b) introduce a take and possession limit on Maori wrasse of one (1) fish per licence held in a licence package;
- c) introduce a minimum and maximum size limit for Maori Wrasse of 750 mm minimum and 1200 mm maximum;
- d) transfer jurisdiction over recreational fishing including charter fishing, from Queensland over to the PZJA; and

that the TSFMAC **notes** Finfish Working Group recommendations to:

- e) implement spawning closures into the Finfish Fishery from 2005 following research being undertaken in 2004 to determine the most appropriate times;

- f) replicate the size limits in place in the Queensland finfish fishery (this recommendation was endorsed by the PZJA in June 2003);
- g) place a high priority on the investigation of the reproductive biology of barramundi cod and the collection of biological data on red emperor (to be collated and analysed when resources become available);
- h) place a high priority on management and /or compliance officers visiting communities to advise on the correct method of measuring fish; and
- i) place a high priority on the collection of historical freezer data from the community freezers on Warraber, Poruma and Iama to make historical catch records more complete.

OUTSTANDING ISSUES FROM THE NOVEMBER 2003 FINFISH WORKING GROUP MEETING

PURPOSE

For the TSFMAC to note/support the Finfish Working Group recommendations and the outcomes of the consultation that has taken place amongst Traditional Inhabitants in respect to:

- a) the reefline fishery area closure west of 142°31'49"; and
- b) the possible closure of the finfish net fishery.

BACKGROUND

Reefline Fishery area closure

In the reefline line an area closure exists for all line fishing methods west of 142°31'49", (i.e tip of Cape York). This closure includes waters around the islands of Moa, Badu, TI, and Horn. The area closure is a remnant of the Queensland regulations when the fishery was transferred from Queensland jurisdiction to the PZJA in 1999.

The presence of this closure means that Traditional Inhabitant fishers and other commercial fishers are not able to fish commercially in this area.

The Working Group considered this issue at their November 2003 meeting and agreed that, following further consultation between Traditional Inhabitants, it would support the removal of the current line fishing closure if it was widely supported by Traditional Inhabitants. Should this not be the case the matter would be referred back to the Working Group for further consideration. The industry representatives of the Working Group indicated that they had no desire to expand fishing operations into the western area but would consult further with their representatives.

At the May 2004 Working Group meeting it was reported that consultation was still taking place with the traditional inhabitant sector from the western and inner Islands and the NPA and that a report on the outcomes of the consultation would be presented at the July 2004 TSFMAC.

Net Fishery Closure

An area closure exists for all net fishing methods west of 142°09' and north of 10°28'. This means

that net fishing can only be carried out in the 'outside but near' area. In the past traditional inhabitant representatives have indicated that they do not wish to have any increase in commercial netting in the TSPZ, including by Traditional Inhabitants.

The fishery is restricted to Traditional Inhabitants only and is effectively prohibited around all Island communities except in the 'outside but near' area. The concern in regard to netting has arisen from concerns about the undesirable impacts of net fishing, particularly in terms of bycatch, including turtle and dugongs.

The Working Group considered this issue at their November 2003 meeting and agreed that, subject to further consultation between traditional Inhabitants, it would support a total prohibition on commercial net fishing in the area of the finfish fishery.

At the May 2004 Working Group meeting it was reported that consultation was still taking place with traditional inhabitants and that a report on the outcomes of the consultation would be presented at the July 2004 TSFMAC.

RECOMMENDATION

That the TSFMAC note/support the Finfish Working Group recommendations and the outcomes of the consultation that has taken place amongst Traditional Inhabitants in respect to:

- a) the reefline fishery area closure west of 142°31'49"; and
- b) the possible closure of the finfish net fishery.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7 July 2004
Finfish Working Group Comments on the Draft Line Management Principles	D) Agenda Item No. 6.1

PURPOSE

For the TSFMAC to note and support the Finfish Working Group's comments on and suggested improvements to the draft management principles.

BACKGROUND

At the June 2003 PZJA meeting, the PZJA made a decision to refer to the Finfish Working Group the development of a strategy to address the historic difficulties of allocation of access to the finfish fishery. The principles of the strategy were to be determined by the PZJA out of session and provided to the Working Group. Unfortunately due to unforeseen circumstances the draft principles were unable to be provided to the Working Group for its November 2003 meeting.

Following this at the December 2003 PZJA meeting, the PZJA again reaffirmed its decision to provide a set of principles to the Finfish Working Group to assist it with developing long term management arrangements for the fishery. The PZJA also stated that the development of the principles should be guided by the "Skehill" report.

In May this year the Finfish Working Group were provided with a set of draft management principles and an accompanying handling note prepared by senior agency officials (DAFF, QFS, & TSRA). The Working Group discussed each of the principles provided and came up with a number of changes which it believes are more appropriate for the fishery. Where consensus could not be reached the members on a particular issue, the views of each party were noted.

The Working Group hopes that the officials will consider the rewording of some principles and actions, notes the stakeholders concerns, and adopts the suggested changes.

The Finfish Working Group's proposed amendments to the principles are detailed in Attachment 1. The principles and handling notes as provided by the senior officials are detailed in Attachment 2.

RECOMMENDATION

That the TSFMAC note and support the Finfish Working Group's comments on and suggested improvements to the draft line management principles.

Revised principles as proposed by the Finfish Working Group.

Principle 1

That the management arrangements for the finfish fishery be underpinned by a compliance program commensurate with the scale of the fishery.

Principle 2

There should be no increase in the overall fishing effort until a sustainable effort level can be determined from scientific advice

Recognising the requirement for precautionary management of fish stocks, and concerns regarding stock levels, the PZJA believes that it would be irresponsible to allow fishing effort in the fishery to grow.

Possible actions to address this include:

- a) capping effort at the level during the 12 months prior to the investment warning issued on February 14 2002, and developing an effort management scheme for the fisheries; and/or
- b) investigating the use of seasonal, spawning or area closures (as appropriate) as a measure to control total effective fishing effort.

Principle 3

That localised depletion is avoided. The precautionary approach should be applied until sufficient data is available to determine the level of fishing effort that would be acceptable in particular areas or on individual reefs/reef systems.

Possible actions to address this include:

- a. defining interim management measures to reduce effort on selected areas in the fishery until appropriate long-term decisions are made about the allocation of effort throughout the fishery.
 - i. *Traditional inhabitant members were concerned that they are dependent on their local waters and might be disadvantaged if the same principles were applied to them.*
 - ii. *The non-traditional inhabitant industry members maintained that it could support this action provided that it was applied to both commercial sectors.*
- a. considering seasonal and/or area closures for all commercial fishing, excluding TIB licences where possible, to ensure that economic development of Islander Communities.
 - i. *The non-traditional inhabitant industry members could not agree with this action because they do not believe that it is in the*

spirit of the attached document (paragraph 4 - functions and principles states that it is not intended to provide a definitive answer on priority of access, and in the first sentence of action b of principle 3 (this document) TIB licences are to be excluded where possible).

- ii. *Traditional inhabitant members agreed with action b because it has regard for the traditional livelihood of the traditional inhabitants and enhances economic development for Torres Strait Islander communities.*
- a. identifying projects that could assist the PZJA to determine the feasibility of a voluntary reduction of effort from areas considered sensitive through, but not limited to, appropriate market based measures.
 - i. *The non-traditional inhabitant industry members stated that they were unsure of the meaning of action item c, but noted that they would support a voluntary buyback in the fishery if it was sufficiently funded (and not by Industry).*
 - ii. *The traditional inhabitant industry members, and Management were also unclear about the meaning. Traditional inhabitant members also reaffirmed their support for a buyback scheme,*
 - iii. *noting that they did not want to see anyone forced out of the industry without compensation.*

Principle 4

Management measures should account for the obligations conferred by the Torres Strait Treaty and the Act on Australia with respect to Traditional Inhabitants.

Possible actions to address this include:

- a. preparing a description of the traditional inhabitant fishery, outlining the contribution of the fishery to maintaining the traditional livelihood of traditional inhabitants;
- b. detailing potential development of the fishery that might assist in the future economic development of traditional inhabitant communities, for example, moving to a live take fishery.

The working group supported the principle and the actions and notes that a project under the CRC Torres Strait will address the action detailed in (a) to some extent.

Handling Note

Principles for managing fishing activity in the Torres Strait Reef Line Fishery

Consultative Process:

The draft principles (Attached) have been developed by senior officials in all PZJA member agencies. It is intended that these principles be considered by the Finfish Working Group and the Torres Strait Fisheries Management Advisory Committee (TSFMAC) before final consideration and approval by the Protected Zone Joint Authority (PZJA).

The draft text of the principles will not be re-opened at the FWG or the TSFMAC, however the working group and TSFMAC may provide comments on the text, which will be considered by the PZJA before agreeing to a final text at its meeting on 27 and 28 July.

Functions of the Principles:

It is intended that the Working Group (WG) will use these principles as a basis for its work over the coming year(s). These principles set out the various elements which the PZJA must give regard to when making long-term decisions in this fishery and the associated information these principles are seeking will be essential to allow the PZJA to make long-term decisions on access in the Reef Line Fishery.

In the absence of robust scientific advice on the status of these stocks and the sustainability of the current level of fishing, precautionary measures should be implemented for an interim period until more robust scientific advice on the fishery becomes available. Such measures may be applied to all commercial fishing operations (Islander and Non-Islander).

The PZJA recognises that this fishery serves as a basis for Islander livelihood in the eastern Torres Strait. However, to ensure this livelihood is upheld and given opportunities to be enhanced and developed, relevant information on exactly how islanders use and depend on this fishery is required.

These principles are not intended to provide a definitive answer on a priority of access to the Reef Line Fishery. They serve to provide a basis from which such decision may be made.

DRAFT

Management Principles in the Torres Strait Reef Line Fishery

In the administration of obligations under the Torres Strait Treaty and the Torres Strait Fisheries Act 1984 (the Act):

Taking due regard for:

- a. the traditional livelihood of Traditional Inhabitants; and
- b. the desirability of promoting economic development in the Torres Strait and employment opportunities for Traditional Inhabitants.

The following principles to guide management are forwarded to the PZJA Finfish Working Group (WG) and Management Advisory Committee (MAC) for consideration and to assist in developing recommendations to the PZJA:

Principle 1

There should be no increase in overall fishing effort until a sustainable effort level can be determined from scientific advice.

Recognising the requirement for precautionary management of fish stocks, and concerns regarding stock levels, the PZJA believes that it would be irresponsible to allow fishing effort in the fishery to grow. Possible actions to address this include:

- a. investigating the use of seasonal, spawning or area closures (as appropriate) as measure to control total effective effort;

Principle 2

The incidence of localised depletion in heavily fished parts of the fishery must be reduced to an acceptable level. The precautionary approach should be applied to heavily fished areas until sufficient data is available to allocate the level of fishing effort that would be acceptable on areas or individual reefs.

Possible actions to address this include:

- a. defining interim management measures to reduce effort on selected areas in the fishery until appropriate long-term decisions are made about the allocation of effort throughout the fishery;
- b. considering seasonal and/or area closures for all commercial fishing, excluding Traditional Inhabitant Boat licences where possible, to ensure the economic development of Islander Communities;
- c. identifying projects that could assist the PZJA to determine the feasibility of a voluntary reduction of effort from areas considered sensitive through, but not limited to, appropriate market-based measures.

Principle 3

Management measures should account for the obligations conferred by the *Torres Strait Treaty* and *the Act* on Australia with respect to Traditional Inhabitants.

Possible actions to address this include:

- a. preparing a description of the Traditional Inhabitant fishery, outlining the contribution of the fishery to maintaining the traditional livelihood of Traditional Inhabitants;
- b. detailing potential development of the fishery that might assist in the future economic development of Traditional Inhabitant Communities, for example, moving to a live take fishery.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7 July 2004
Recommendations for the TRL Working Group	Agenda Item No. 7

PURPOSE

To provide the TSFMAC with the issues and recommendations from the TRLWG. *Recommendations are shown at the end.*

BACKGROUND

The TRLWG met on 13-14 May. The Working Group discussed a wide range of issues but key among these were:

- Research
- Management Objectives
- Management Arrangements; and
- Compliance

Research

In relation to research the Working Group discussed the way in which research results should be provided to the working group. It was noted that the past and current systems had produced progress and final reports that were generally reviewed by the TSSAC and/or an external reviewer. This process has resulted in long delays between the research being done and formally reported to the working group.

The Working Group concluded that a Fisheries Assessment Group (FAG) should be established whereby the research would be provided in a more timely manor, the process would be more open and transparent and there would be interactive peer review. It was noted that for this to occur there would need to be a variation in the contractual arrangements between the research provider and the CRC (during its life). The Working Group did not resolve the membership of the FAG but noted that some working group members would have to be on it.

It was noted by the Working Group that the current research program funded through the CRC was not able to fully fund all aspects of the research sought by the Working Group. The working group discussed alternative sources of funding, including FRDC. The working group also noted that there is no contribution to research by licence holders. The option of “in-kind” research contributions was also possible. One member noted that there was a trade-off between money spent on research and money that could be spent on a buyback and that the latter alternative should not be forgotten. It was resolved that FRDC should be written to and invited to make a presentation (to the TSFMAC).

The Working Group reviewed the strategic research plan as it related to the TRL fishery. The group concluded that the plan had established a good set of research and priorities for the TRL fishery. However it was understood that not all the priority

research had been achieved, in particular a robust data collection program that collected catch and effort data from all sectors and also provided key population statistics (length structure, sex ratios etc).

The group had identified a list of research priorities at its November meeting which was further refined at its May meeting. The updated list of High Priority (immediate) research is shown at ATTACHMENT 1. Again it was noted that the current research program could not achieve all the high priority research and the use of in-kind research by licence holders was discussed. Specifically it was determined that fishers could improve the fishery independent survey by completing some specified transects themselves and by conducting length sampling on their boats. There was doubt expressed about fishers completing transects, however there was in principle support for length sampling.

Management Objectives

The Working Group reviewed the new management objectives it had developed at the November 2003 meeting. The Working Group also considered the objectives that Tasmania had developed for its lobster fishery. After considerable discussion the Working Group agreed on the following list of objectives, performance measures and strategies to achieve the objectives. Note that the performance measures and strategies require additional work and members were asked to comment out of session – no comments have been received.

The new proposed management objectives are shown in ATTACHMENT 2.

Management Arrangements

Boat replacement policy

The Working Group discussed a range of issues in regard to the management arrangements in the fishery. The first discussed was the boat replacement policy in the fishery. This policy limits boat lengths (when replaced) as follows:

- if existing boat is 5 metres in length or less then it can only be replaced by a boat of 5 metres;
- if the boat was greater than 5 metres but 6 metres or less then it can be replaced by a boat up to 6 metres;
- if the boat is greater than 6 metres and measures 10 metres or less then it can be replaced by a boat of 10 metres or less;
- if the boat is greater than 10 metres and measures 14 metres or less than it can be replaced by a boat 14 metres or less; or
- if the boat is greater than 14 metres then it can be replaced as far as practicable by a boat of the same size as the existing boat.

The group noted that this policy made it more difficult for operators to turn to the live fishery, but that it did play a role in controlling effort. The Working Group therefore recommended that the policy remain in effect until there is satisfactory control of effort in the fishery.

Long Term Arrangements

The Working Group previously discussed a range of management alternatives for the long-term. At the May meeting a narrower range of alternatives were discussed in the hope that there might be some common ground found between the sectors on some broad principles. These included:

- capping the number of hookahs in the fishery;
- allocating fishing days (to the one sector where allocated days could be monitored);
- having a two tiered system of access in the TIB sector; and
- and introducing a cap on the number of boats in the TIB sector greater than 6 metres.

Significant attention was given to considering the merits of a TAC system before the last TSFMAC and PZJA meetings and was not discussed further at the recent meeting.

There was consensus at the Working Group that effort in the fishery needed to be brought under greater control and that there was probably too much fishing effort this season. However, despite what might be termed 'in principle' agreement that the suggested alternatives had merit for beginning to control effort the Working Group could not reach consensus on the application of any of these measures to the fishery. Management's understanding was that neither sector found it tenable to agree to any effort limiting measures while the other sector might retain or achieve an advantage. In essence, the Working Group was confronting the same issue of the order of priority of access it has previously.

The Working Group wanted to remind the PZJA of its early request that it clarify its position on the priority of access between community and other commercial fishing for TRL. The QSIA representative urged that the Working Group, or some members there of, pursued funds for a buyback.

Trawl closure west of 143 degrees

The Working Group discussed the closure of an area west of 143 degrees where the Torres Prawn fishery currently has access but apparently rarely trawls. Lobster fishers are in favour of giving this area greater protection. Non-traditional inhabitant representatives were concerned about preventing trawling in this area before it damages what it considers to be an important area of habitat (supporting a large population of lobsters). Traditional inhabitants were keen to protect the area from both trawling and from hookah divers, citing that they consider this area to be an important source of lobsters for the reefs they fish.

The Working Group was not able to resolve the issue but left it such that the lobster sector would communicate their concerns directly to the prawn industry with the hope of resolving the trawl issue at that level.

Areas closed to hookah

It has been a long standing desire among many traditional inhabitants to close areas the TRL fishery to hookah. Some progress on defining the areas of interest was made before the meeting but a meeting of traditional inhabitant fisher reps during the following week were to address the issue in earnest with the hope of presenting a map with the closed areas on it for discussion. This remains an outstanding issue.

Compliance

The Working Group heard that there have been limited compliance resources directed towards the TRL fishery because of the overwhelming workload resulting from the apprehension of a large number of FFVs.

The Working Group was also told that during the limited effort devoted to compliance in the fishery that there had been a number of significant breaches detected.

The Working Group remains concerned about the level of compliance resources being devoted to the fishery.

RECOMMENDATIONS

The TRL Working Group makes the following recommendations to the TSFMAC:

1. that a full two month recreational fishing closure for TRL from October to November should occur in Torres Strait (this should be communicated to the Qld HarvestMac);
2. amend the TSF Act to prevent more effective fishing effort as a result of assistance from unlicensed fishing vessels (redefine “take and carry” along the lines in the FMA);
3. that a live cage registration/ID system be implemented (inform TSFMAC that this is work in progress);
4. that the TSFMAC reiterate a previous recommendation to PZJA in relation to priority of access and future management arrangements as follows
stakeholders are unsure of their access rights in the fishery and are not willing to compromise sufficiently so management can make real progress on fishery management issues; and
until a clear decision is made regarding priority of access in the rock lobster fishery, Management's ability to implement effective, agreed mechanisms to control effort is limited;
5. that the TSFMAC support the formation of a TRL FAG to meet on an annual basis to contribute to the stock assessment process, and review the research;
6. The TRL WG recommends the high priorities for research in this fishery are:
 - i) Size/sex measurements of fisher catches
 - ii) Increase sample size for independent surveys with the use of voluntary dive surveys
 - iii) Develop management strategy evaluation and reference point/decision rule identification

iv) Integrated stock assessment - Torres Strait, Queensland east coast, PNG.

(Funding for Tasks 1 and 2 have been identified through fisher cooperation. Funding for Tasks 3 and 4 have not been identified. Task 3 is required under preliminary recommendations from DEH (strategic assessment));

7. that the current Boat Replacement Policy be maintained and can be reconsidered once satisfactory control of fishing effort in the fishery has been achieved;
8. The TRL WG recommends to the TSFMAC (out of session) that financial assistance be sought from the Commonwealth government for a buyback scheme in the TRL fishery for sustainability purposes and long term management planning;
9. that the management objectives listed in attachment 2 be adopted for the fishery (when the finalised with appropriate performance measures and strategies); and
10. that the QSIA remain the organisation nominating membership for the working group.

ATTACHMENT 1: Torres Strait Lobster Fishery Highest Research Priorities (May 2004)

Research priorities for the Torres Strait Rock Lobster fishery (addressed at TS Lobster Working Group Meeting Thursday Island May 2004)

Priorities should be addressed immediately

1. Monitoring the length composition of the lobster catch

Purpose: *determine the number of lobsters caught from each age group*

Method: select **10** trustable fishers (3 processors and 7 freezer boats), each fisher measures **80** lobsters and record their length and sex in each month.

Funding: No, costs to CISRO for data entry, management, analysis can be absorbed by the lobster project for the next two years.

2. Improving the annual field survey and its estimate of abundance index

Purpose: *more reliable abundance index*

Method: increasing the coverage and number of sample sites to achieve a reasonable (20-30%) coefficient of variation.

Funding: (1) More funds could be made available for the survey; (2) alternatively industry could supplement the fishery independent survey, e.g. 10 commercial boats, each boat doing 5 transects of 2*500M at specified locations during the fishery independent survey period each year.

Priorities should be addressed within the next 1-2 years

3. A management strategy evaluation study

Purpose: establish reference points and decision rules for the management of the fishery (addressing DEH's recommendation 1)

Method: develop an operating model; carry out simulations to determine what indicators are most sensitive to fishing, and what reference points should be used to trigger management actions; and to establish a decision rule for practical management (see Agenda Item No. 9.1 of this working group meeting).

Funding: Seek appropriate funds for a research project

4. Integrated stock assessment of the three lobster fisheries (PNG, TS, ECO)

Purpose: *more scientific assessment of the lobster stock and fisheries*

Method: collect data and develop an integrated approach to modelling all the three fisheries together. Maybe, start with a scoping study.

Funding: coordinated funding should be made available from each fishery.

ATTACHMENT 2: Proposed management objectives, performance measures and strategies.

Management objective (proposed)	Primary Strategy
<p>To maintain the stock above the point where it produces its maximum sustainable yield. Setting the maximum sustainable yield at a conservative level implies that the ecosystem and environment function will be maintained.</p> <p>Performance measure: performance relative to reference point (Bmsy or some variant)</p>	<p>Implement Fishery Performance Indicators and formal Target and Limit Reference Points for the fishery</p> <p>Implement Decision Rules to correct over or under utilisation within a specified time</p> <p>Limit effort (input controls) in line with reference points</p> <p>Maintain appropriate size limits and seasons</p> <p>Cooperate and support research and management in PNG and on Qld east coast</p> <p>Monitor the recreational fishery and promote effective management by Qld to control the recreational catch</p> <p>Provide appropriate compliance resources</p>
<p>To protect the traditional way of life and livelihood of traditional inhabitants, in particular in relation to their traditional fishing for TRL</p> <p>Performance measure: Traditional inhabitants have easy access to TRL to meet traditional/customary and nutritional needs</p>	<p>Protection of traditional sea country areas for traditional fishing</p> <p>Identify reference points for traditional fishing</p>
<p>To provide for the optimal utilisation, cooperative management, and for catch sharing to occur with PNG</p> <p>Performance measure: There is demonstrably good management of the resource and PNG's and Australia's catches area apportioned as per Article 23</p>	<p>Ensure information is collected so utilisation can be optimised</p> <p>Ensure that catch shares are set such as to not jeopardise sustainability</p> <p>Ensure mechanisms are in place to control catch and or effort, and more broadly licensing issues</p> <p>Links are established with the relevant authorities in PNG and with the PNG traditional inhabitants</p>
<p>To manage fisheries interactions in the area of the fishery</p> <p>Performance measure: interactions are minimised or kept to an acceptable level</p>	<p>Segregate free dive and hookah dive areas, and dive and trawl (and other) fisheries</p>

<p>To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise the impacts on the environment and control effective fishing effort</p> <p>Performance measure: gear used causes minimal damage to the environment and minimises harvest of sub-legal size/bycatch</p>	<p>Policy and legislation for appropriate controls developed</p>
<p>To implement closed seasons and/or areas to control effort</p> <p>Performance measure:</p>	<p>Legislate closed seasons and or areas</p>
<p>To promote economic development in the Torres Strait area with an emphasis on providing employment opportunities for traditional inhabitants, and to ensure that these development opportunities are socially and culturally appropriate</p> <p>Performance measure: seeking advice on this</p>	<p>Commission the research necessary to better understand this objective and then give effect to it in a logical manner.</p> <p>Maintain as a dive fishery</p> <p>Implement appropriate policies/legislation</p>
<p>Maximise the value of the catch</p> <p>Performance measure:</p>	<p>Promote the fishery for live lobsters</p> <p>Investigate opportunities for marine farming of lobsters</p>
<p>Promote quality catching handling, carrying and storage practices for TRL at all stages from producer to consumer</p> <p>Performance measure: Product quality is of highest standard</p>	<p>Codes of practices and Industry initiatives</p> <p>Compliance with relevant quality assurance legislation</p>
<p>Ensure that the recreational fishery for TRL in the Torres Strait does not put the traditional or commercial fisheries in jeopardy</p> <p>Performance measure:</p>	<p>Monitor catch of the recreational fishery</p>

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7-9 July 2004
TIB Cray Licence Amnesty Progress Report	Agenda Item No. 7.1

PURPOSE

To inform TSFMAC members of the progress of the Traditional Inhabitant Boat (TIB) Rock Lobster Licence applications received under the 2004 Amnesty and of the related issues arising.

BACKGROUND

- At the December 2003 PZJA meeting, a management decision was made to introduce a ceiling on TIB Licences with a cray endorsement (361) for a period of 12 months.
- The introduction of a ceiling on these licences (and a coinciding new docket book system) resulted in the exposure of poor levels of compliance in the fishery and raised significant questions about the general effectiveness of the TIB licensing system. The PZJA subsequently reviewed their 'capping' decision in April 2004 and agreed on a four-week amnesty to offer qualified, unlicensed fishers an opportunity to apply for a TIB licence with a cray endorsement.
- The Amnesty was announced on the 5th of May 2004, commenced the following week (10th May) and ended on June 4th 2004. A total of 213 applications were received in this period by the PZJA, from 19 communities.

Badu	53	Injinoo	1	Poruma	10
Bamaga	3	Mabuiag	9	Saibai	8
Boigu	2	Masig	18	Thursday Is	30
Dauan	6	Mer	0	Ugar	2
Erub	15	Moa	16	Umagico	1
Hammond	1	Ngurupai	1	Warraber	6
Iama	27	New Mapoon	1	Total Applicants	213

- To qualify for a TIB cray licence under the amnesty, applicants are required to prove they have a recent working history in the fishery. Based on feedback at a consultative meeting at Badu (January 04), it was determined that applicants who could show they caught and sold crayfish at least 10 times in either 2001, 2002 or 2003 would be eligible. Kenny Bedford has been recruited by the TSRA as a Project Officer to assist this process.
- To date, the Project Officer has made contact with all applicants to offer assistance during this stage of the application process. Fishing reps in the respective communities have also been contacted. The Project Officer will start visiting NPA and outer island communities after consultation with the TSFMAC.

- Applicants have been encouraged to contact the Project Officer if they are concerned they may not be able to produce the required proof of a cray fishing history or if they have any questions relating to their application. Issues that have been brought to the attention of the Project Officer by applicants and others include:
 - a) Fishers (traditional inhabitants) who believe they do not require a licence to fish in the Torres Strait
 - b) Applicants who have a cray fishing history prior to 2001 but no history beyond 2000
 - c) Applicants who have a history over one or more of the specified years but the amount of sales are less than 10.
 - d) Applicants who have a working history in the specified years but whose name does not appear on the related sales docket
 - e) Applicants who have a working history in a vessel(s) that is different to the vessel they are seeking to licence
 - f) Applicants who appear to have pre-2001 or no working history but have been fishing this year or have intentions to fish in the future
 - g) Applicants who own the vessel (with a cray history) they are applying to licence but they are not the fisher(s) who worked the vessel.
 - h) Clear concern that the cap will not be lifted or that this is the last chance to apply for a crayfish licence
 - i) The need for a review of TIB licensing

RECOMMENDATIONS

That the TSFMAC,

1. note the progress of the TIB Rock Lobster Licence applications received under the 2004 Amnesty and the related issues arising.

That Community Fisher Reps,

1. assist to report this progress and update back to their local fisher groups and especially to the relevant applicants in their communities.
2. confirm a suitable date with the Amnesty Project Officer for his visit to your respective community.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7 July 2004
Recommendations from the Torres Strait Prawn Fishery Working Group	Agenda Item No. 8

PURPOSE

To inform the TSFMAC of the outcomes from the Torres Strait Prawn Fishery Working Group (TSPFWG) meeting to be held in Cairns on 5 July 2004.

BACKGROUND

The TSPFWG is scheduled to meet in Cairns on Monday 5 July. A draft agenda for this meeting is included at attachment 1.

Recommendations from this meeting will be presented to the TSFMAC at the 7 July meeting.

RECOMMENDATION

That TSFMAC review and endorse the recommendations of the TSPFWG.

For Decision

PRAWN WORKING GROUP MEETING

5 July 2004

Cairns Cruising Yacht Squadron

Draft Agenda

Preliminaries

1. Attendance/ Apologies
2. Adoption of Minutes
3. Actions Arising
4. Review of December PWG recommendations to TSFMAC
5. Outcomes from December PZJA Meeting

Future Management of Torres Prawn Fishery

6. Review of latest stock assessment advice
7. Responses to Discussion Paper
8. Consultation on proposed mechanism for utilising access to unused effort by PNG fishers in the Australian and PNG sides of the Torres Strait Protected Zone.

Discussion / Information Items

9. Outcomes from PNG Bilateral Meeting, 7 June 2004, Cairns.
10. Finance Report
11. US Assessment of TEDs
12. Bycatch Action Plan
13. National Plan of Action for the Conservation and Management of Sharks
14. VMS update
15. Compliance
16. Other Business

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7 July 2004
Traditional Inhabitant Prawn Fishing Licenses	<i>Agenda Item No. 8.1</i>

PURPOSE

To inform the MAC on the status of the 3 Australian Traditional Inhabitant Prawn Fishing Licenses.

BACKGROUND

As per TSRA position in response to the Prawn Discussion Paper.

RECOMMENDATIONS

That the MAC notes the TSRA position

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3 7–9 July 2004
Management of the Torres Strait Beche-de-mer (sea cucumber) Fishery	Agenda Item No. 9

Purpose

To inform the TSFMAC of the current management arrangements of the Torres Strait Beche-de-mer (sea cucumber) Fishery (TSBDMF), the consultation processes that had been undertaken as part of the DEH strategic assessment for the fishery, and to consider the draft documents and provide feedback.

Background

The Torres Strait Beche-de-mer (sea cucumber) Fishery is an important commercial fishery to traditional inhabitants. The fishery was based primarily on sandfish (*Holothuria scabra*) in the past, however harvesting of this species was stopped 1998 to allow stocks to recover. Current fishing effort focuses on white teatfish (*Holothuria fuscogilva*), prickly redfish (*Thelenota ananas*) and to a lesser extent, several lower value species.

Fishing for sea cucumbers in Torres Strait is mainly by free diving from dinghies crewed by 2-3 fishers or by hand collection along reefs at low tide. Once collected, the animal is gutted, graded, cleaned, boiled, smoked and dried. This is a labour intensive process usually carried out on processing vessels or at shore based facilities. This fishery is particularly vulnerable to over-harvesting and is therefore subject to a range of output and input controls. These controls aim to prevent overfishing but also allow Islanders to benefit from the use of sea cucumber stocks. All sandfish, black teatfish and surf redfish fisheries are presently closed.

Management Arrangements

Regulations currently implemented in the Torres Strait Beche-de-mer (sea cucumber) Fishery include:

- a competitive Total Allowable Catch (measured in wet-weight-gutted) for:

Sandfish	0 tonnes
Black teatfish	0 tonnes
Surf redfish	0 tonnes
White teatfishes	260 tonnes
Prickly redfish	260 tonnes
All other species of sea cucumbers (collectively)	80 tonnes;
- minimum size limits for the following species:

Sandfish (<i>Holothuria scabra</i>)	180 mm
Lollyfish (<i>Holothuria atra</i>)	150 mm
Black teatfish (<i>Holothuria nobilis</i>)	250 mm

White teatfish (<i>Holothuria fuscogilva</i>)	320 mm
Elephant's trunk fish (<i>Holothuria fuscopunctata</i>)	240 mm
Prickly redfish (<i>Thelenota ananas</i>)	300 mm
Surf redfish (<i>Actinopyga mauritiana</i>)	220 mm
Black fish (<i>Actinopyga miliaris</i>)	220 mm
Curry fish (<i>Stichopus variegatus</i>)	270 mm
Deepwater redfish (<i>Holothuria echinites</i>)	120 mm

- limiting the method of taking sea cucumbers to either hand or hand held non-mechanical implements;
- a ban on the use of hookah gear or SCUBA gear;
- a bag limit of 3 sea cucumber per person or 6 sea cucumber per dinghy applies to traditional fishing in the area of the fishery;
- restricting Islander dinghies to less than 7 metres in length; and
- limiting the activities of the one non-Islander licensed operator to primarily involve the participation of Islanders in those activities.

Recommendations from CSIRO

The adequacy of the quotas to protect some of these species is a questioned in light of the CSIRO report that was formally released recently¹. The recommendations in the report were as follows:

- 1) manage the fishery at a lower taxonomic level (for example by each species);
- 2) at least divide the species into three categories (high, medium, and low value);
- 3) set level of quota for high value species at 35 tonnes, medium value 179 tonnes, and low value 276 tonnes.

Members should note that there are large differences between the quotas in place and the quotas recommended by CSIRO. This is a major issue for discussion.

Strategic Assessment - Consultation

In late May and early June, AFMA Management officer, Mr Sascha Taylor consulted with Traditional Inhabitants from the following communities of Yam (Iama), Coconut (Poruma), Yorke (Masig), Murray (Mer), Darnley (Erub) and Stephens (Ugar) on the current strategic assessment processes and report.

Presentations included:

1. An extensive overview of AFMA's role in the management of Torres Strait fisheries;
2. An overview of the Department of Environment and Heritage (DEH) strategic assessments - AFMA's and traditional inhabitants role in the processes; and

¹ **AFMA Final Report – R01/1345** *Stock survey and sustainable harvest strategies for Torres Strait beche-de-mer*. Copies of this report were distributed to each individual TSFMAC member during this meeting to consider.

3. The final presentation provided a comprehensive overview of the Torres Strait Beche-de-mer (sea cucumber) Fishery –specifically addressing all aspects of the strategic assessment report.

Strategic Assessment – The Next step

Following this extensive consultation with Island communities throughout central and eastern Torres Strait, all additional comments received on the ‘*working draft*’ of strategic assessment report had been provided to AFMA Environment section in Canberra to finalise the document. Apart from being distributed to TSFMAC members, the final report shall also be forwarded to the AFMA Environment Committee (next scheduled meeting) who will assess it for completeness and consistency. The report will then be released for public comment. A period of 28 days is given for public comments to be lodged.

Comments received thereafter will then be incorporated into the documents where appropriate and the TSFMAC given another opportunity to go through each document with those comments incorporated. The documents will then be provided to the AFMA Environment Committee for one final look before being sent to the PZJA for endorsement. Following endorsement from the PZJA they will go to the Department of Environment and Heritage for formal assessment.

Recommendation

That the TSFMAC note:

- i) the current management arrangements of the Torres Strait Beche-de-mer (sea cucumber) Fishery;
 - ii) the recommendations from CSIRO; and
 - iii) consultation processes that had been undertaken as part of the DEH strategic assessment for the fishery, and to consider the draft documents and provide feedback.
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TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3
Dugong and Turtle Management	<i>Agenda Item No. 10.2</i>

PURPOSE

To seek the TSFMAC support for a TSRA proposal to trail community based management of Dugong (*Dhangal/Deger*) and marine Turtles (*Waru/Nam*) in the Torres Strait.

BACKGROUND

The National Recreational and Indigenous Fishing Survey (NRIFS) undertaken by the Department of Agriculture, Forestry and Fisheries in 2003, identified among other things that Indigenous take of dugong and turtles was unquestionably high and the there was an urgent need to address this problem as a priority. In response the Australian Government established:

- a Working Group chaired by the Department of Environment and Heritage to identify the roles and responsibilities of Australian Government agencies and the range of policies, programs and activities that could be used to sustainably manage dugong and turtles populations.
- a Marine and Coastal Committee (MACC) Task Force in order to engage States and Territories in the development of a nationally coordinated approach to dugong and marine turtles management. This Task Force is also being chaired by DEH.

The TSRA is a formal member of both the Australian Government Working Group and the MACC. Although the NRIFS did not include the Torres Strait region in its sampling design, local reports of Indigenous harvest, particularly dugong, is of immense concern and there is a need to address this as a matter of priority.

In November 2003, the Natural Heritage Trust (NHT) Ministerial Board approved funding of \$3,800,000 over two and a half years to trial regional projects across five regions – Queensland east and west coast, Torres Strait, Northern Territory and Kimberley's in Western Australia. The objective of the project is to assist Indigenous communities to trial appropriate approaches, one per region, for the sustainable management of dugong and marine turtles including Indigenous take.

The TSRA was invited to tender for this project but agreement has been reached by the regions that the Northern Australian Indigenous Land and Sea Management Alliance (NAILSMA) will coordinate the cross jurisdictional projects providing funds management functions while each region shall design, plan and manage their own project.

It is yet to be announced who is the successful tenderer but a decision is expected to be made by 30 June this year.

TSRA submitted an application for cross-jurisdictional funding of \$1,300,000 to NAILSMA to trial community-based management of dugong and turtles (including egg collection) in the Torres Strait region.

The waters of the Torres Strait are internationally recognized as strongholds for dugong and marine turtle populations. The region is home to six of the seven species of marine turtles in the world and has important rookeries for green, hawksbill and flatback turtles. The area is also recognized as having the most important dugong habitat in the world that supports the world's largest dugong population.

Dugong and turtle hunting including turtle egg collection are extremely important in Torres Strait Islander and Aboriginal cultures as well as providing a major source of protein for communities. As such the indigenous peoples of Torres Strait and Northern Peninsula place a high value on the sustainability of these stocks. Both dugong and turtles are hunted as part of the traditional way of life and livelihood of the traditional inhabitants, which is protected by the *Torres Strait Treaty* between Australia and Papua New Guinea.

Dugong and turtles is an Article 22 fishery under the *Torres Strait Treaty* and managed by the Protected Zone Joint Authority (PZJA), which is completely a different arrangement to other Australian jurisdictions and results in additional assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) against the Ecologically Sustainable Management guidelines. Assessments for all PZJA managed fisheries must commence by July 2005.

Therefore, in Torres Strait it makes sense to address both dugong and turtle issues simultaneously to ensure effort is monitored and managed in a sustainable manner. Addressing only one species would most likely result in an increase in effort for the other e.g. concentrating on dugong is likely to increase the turtle harvest (including egg collection) and vice versa.

The TSRA proposal to NAILSMA includes:

1st Year (2004)

- Employment of a coordinator
- Initial community capacity building through a two-day regional workshop involving all stakeholders including users, managers and scientific sectors
- Start the monitoring side of project that is integrated with current and future CRC Torres Strait research projects on dugong and marine turtles
- Develop and implement a traditional catch-monitoring database.

2nd Year (2005)

- Conduct a second community capacity building workshop with the benefit of catch, effort and biological information to assist with the development of a regional plan together with individual community based management plans.
- Monitoring continues and updating of database continues.

3rd Year (2006)

- Implementation of community based management plans that will include a proposed enforcement program by communities
- Monitoring continues and updating of database continues.

Funding Requirements for 2 1/2 Years

<i>Description</i>	<i>Details</i>	<i>Budget</i>
Coordinator salary + on-costs	\$110,000 per annum to coordinate and manage the project at regional level.	\$270,000
Establish catch monitoring database	\$20,000 to develop and implement and \$5,000 per annum for maintenance and upgrades	\$35,000
Establish monitoring program	70 sampling days per annum per community + on-costs and training	\$800,000
2 x Torres Strait Forums on dugong and turtle management	Participation includes traditional owners, other users, managers and scientific sector.	\$165,000
Education and Awareness	Develop communication strategy	\$20,000
Review and evaluation	Management plans reviewed against NHT2 guidelines	\$10,000

Total: **\$1,300,000**

Outcomes include:

- Maintaining the traditional way of life.
- Development of community based management plans at a scale that will be able to maintained in future years.
- Trained traditional catch monitoring monitors.
- Providing employment opportunities.
- Culturally acceptable and scientifically robust monitoring data.
- Improved catch and effort estimates.

- Improved understanding of social, cultural, economic and ecological drivers of hunting.

The proposal ensures that all stakeholders will be involved in the management of dugong and marine turtles with the TSRA undertaking the role of project coordinator and funds manager. The communities will have full ownership of their projects as it will be operating and managed at a community level by users, managers and scientific sectors.

Since the proposal was developed, it has since received support from the TSRA Community Fisher Group (CFG) as well as the TSRA Board.

RECOMMENDATION

That the TSFMAC endorses the TSRA proposal to trial dugong and turtle management projects in the Torres Strait region and the bid of \$1,300,000 to NAILSMA to implement the proposal.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 2 7-9 July 2004
Area of the net fishery, barramundi fishery and related matters	Agenda Item No. 12 For discussion

PURPOSE

To facilitate discussion by the TSFMAC on the management of the net fishery in Torres Strait.

BACKGROUND

The net fishery was originally a fishery managed by Queensland waters under its fisheries jurisdiction.

Because the Queensland net fishery encompassed a large area with many highly mobile fishers it posed a threat to the fisheries in Torres Strait, in particular to the barramundi fishery.

To ensure that the Protected Zone was not fished as part of the Queensland fishery the Protected Zone was closed to net fishing.

A small area, however, was left open between the southern boundary of the PZ and the northern boundary of the GBRMP (map 1).

When the fisheries in Torres Strait came under “single jurisdiction” and under the PZJA, the PZ remained closed to net fishing, perhaps because of an oversight at the time.

Issues

Aside from reserving the net fishery for traditional inhabitants (and a whole host of complicated arrangements that describe the lengths of net permitted in the fishery) the fishery would be relatively unregulated if the area closure was done away with.

Specifically, there is no legislation that controls the numbers of nets or the total length of net in the fishery.

There are two mesh size restrictions:

1. For a “mesh net that is not fixed or hauled the mesh size must exceed 50mm stretched mesh – provided the length of the net does not exceed 400 metres;
2. For a set mesh net or a mesh net that is not fixed or hauled and the net is not more than 600 metres in length the mesh must be between 150 and 245 mm.

It is not clear that these mesh sizes are generally appropriate for the Torres Strait.

Opportunities

The net fishery presents some opportunities:

Although there is a suite of management arrangements in place there is no particular need for these to remain – we could start with a “clean slate”.

Carefully managed, the fishery may provide some economic opportunities, particularly in the Top Western Islands.

There is only one sector ‘in the fishery’. There is a case to be made for carefully planned community management.

Refine the “area of the fishery”. Perhaps the appropriate area is the area around the Top Western Cluster.

Plan the number of nets, net length and mesh size;

Determine seasons for net fishing, if appropriate;

Flesh out a more comprehensive development plan where the net fishery would provide the catch for an appropriate fishing enterprise

- Estimated sustainable catches

- Estimate through-put from the fishing enterprise

- Plan infrastructure needs (currently there are no commercial facilities for ice, processing or freezing of product)

Evaluate development alternatives

Explicitly manage the interactions between traditional and community fisheries (commercial development will diminish traditional fishing opportunities- while the objective of the Act is to protect traditional fishing).

Constraints

What has been outlined above extends beyond Management’s current capacity, and even perhaps Management’s role. It requires financial resources in excess of current resources, for appropriate research and planning. In short, Management can not contemplate such an undertaking at the current time.

Top Western communities have thus far missed out on the fishing enterprises and economic development opportunities that the Near Western and Central Clusters have had from Kaiar, and the Eastern Cluster from the finfish fishery. A case may be made to direct more resources to the Top Western Cluster to provide for more regionally balanced and sustainable fisheries/economic development opportunities there.

RECOMMENDATIONS

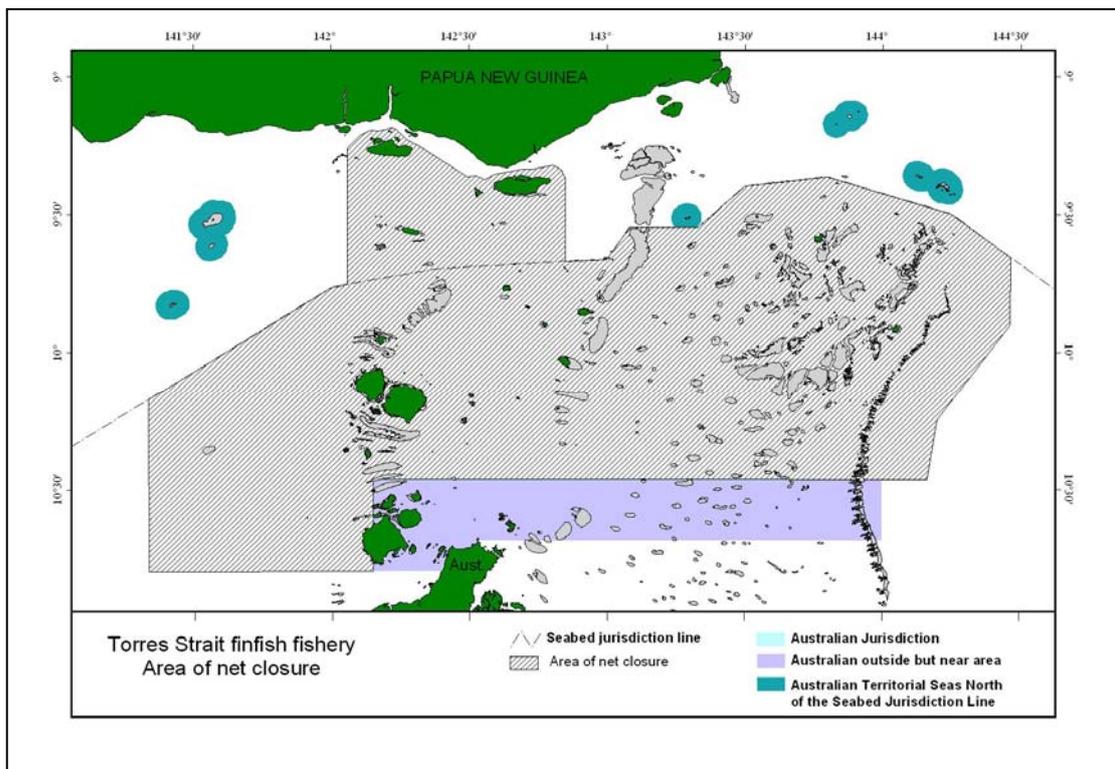
- i) That the TSFMAC note the issues with the net fishery, the opportunities and constraints.

ii) That the TSFMAC encourage the appropriate agencies to fund appropriate research, fisheries resource management planning, and facilitate the completion of a development plan for the fishery.

iii) If desired by the TSFMAC recommend that a small subcommittee be established to set a direction for management activity in this fishery.

iv) That the TSFMAC inform the PZJA about a strategy for this fishery.

Map 1. Area of the net fishery is shown as a solid shaded area extending from approximately number 2 reef in the NW south below Muralag Island, then east to Cape York and then to the outer barrier reef.



TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE (TSFMAC)	Meeting No. 3 7 July 2004
Compliance Plan	Agenda Item No. 13

Purpose

To provide TSFMAC with the attached Executive Summary of the 2004-2005 Torres Strait Compliance Plan. The Draft Compliance plan in full can be provided on request should it be required by any member of the TSFMAC.

Background

AFMA was recently tasked with conducting a comprehensive risk assessment of the Torres Strait fisheries on behalf of the Protected Zone Joint Authority. The outcomes of this risk assessment have been used to formulate a compliance plan for the Torres Strait Protected Zone. An executive summary of this compliance plan is attached for the information of the TSFMAC.

Recommendation

That the TSFMAC:

1. NOTE the Executive Summary of the Draft Torres Strait Compliance Plan;
2. CONSIDER the key outcomes from the recent risk assessment of domestic fisheries in the Torres Strait and provide comments and/or suggestions to management officials on the results of the review and possible options/approaches, which could be taken to address outstanding risks; and
3. NOTE that officials will continue to investigate treatment options for addressing outstanding risks identified by this review, with a view to presenting costed options to the PZJA at its next meeting.

AFMA Compliance

June 2004

Executive Summary

The primary objective of the 2004-2005 Torres Strait Compliance Plan is to ensure that fishing within the Torres Strait Protected Zone is conducted in accordance with the existing management arrangements.

This plan has been based on a series of risk assessments, which sought to prioritise the risks identified in each of the ten individual fisheries, with particular focus on the 3 key fisheries. AFMA has identified these three key fisheries as the *Prawn*, *Tropical Rock Lobster* and *Finfish* fisheries.

This risk assessment process is based on the Australian and New Zealand standard on risk management (AS/NZS 4360.). This process involves identifying risks, then assessing identified risks against the existing compliance controls to determine the residual risks, which are not being addressed.

As Compliance operations in domestic fisheries in the Torres Strait are primarily the responsibility of Queensland, the Queensland Department of Primary Industries and Fisheries and the Queensland Boating and Fisheries Patrol (QBFP) have been closely involved in all steps of this process. Of importance to note is that it will be Queensland's responsibility to implement the outcomes of this work on the ground.

Information used to develop the risk assessment was obtained from various key stakeholders, including fisheries managers, compliance officers from the QBFP, and traditional and commercial fishers.

Risk Analysis

The risk assessment process identified two distinct categories of risk that may be imposed by unlicensed operators including domestic, foreign, PNG and traditional:

External Risks

External risks are those risks that are external to legislative control (ie are not covered by the *Torres Strait Fisheries Act 1984*, fisheries regulations under the Act, fisheries management notices or a statutory management plan). Eg Unlicensed operators, foreign or domestic.

Internal Risks

Internal risks include those activities that are in breach of permit conditions, fisheries management notices or regulations set out under a statutory management plan or the *Torres Strait Fisheries Act 1984*.

Risk Evaluation

The function of a risk assessment is to analyse the likelihood and consequence of individual risks. This can then be used to establish the degree of anticipated risk that a particular activity or issue may continue to occur. The relationship between the likelihood (frequency or probability) and the consequence (impact or magnitude of the effect) of risks is used to determine levels of risk.

Inherent Risk

Each identified risk is rated against a set of specific criteria. The analysis considers the consequence associated with each risk and the likelihood of each risk occurring in the absence of controls. Inherent risk is the product of both the consequence and likelihood factors.

Residual Risk

After controls relevant to the activity have been assessed, they in effect serve to reduce the level of inherent risk. Residual risk is the level of risk remaining after the existing or

proposed controls have been applied. These are the risks for which, current controls are not sufficient. It may be necessary to impose additional measures to address these risks

Risk Treatment / Controls

Risk treatment involves identifying options for treating individual risks, evaluating those options, and implementing them. The assessment of risk treatment for Torres Strait fisheries has been undertaken using the following four units of control:

- **Jurisdictional:** quantifies the level of control the PZJA has over an activity (risk). Basically an assessment of independence. eg Bilateral negotiations
- **Internal Control Characteristics:** quantifies control within the internal administration of a compliance program. eg level of training of field officers and the degree to which PZJA core compliance tasks are out-sourced.
- **Management Characteristic:** assesses effectiveness of compliance strategy for achieving adherence to management arrangements. The combined effectiveness of education, monitoring, surveillance and enforcement. eg Mandatory use of TED/BRDs in the prawn fishery encouraged through education and observed through the inspection process to promote compliance.
- **Management Concern:** rates compliance and fisheries managers concerns and priorities.

Results

The risks identified as being of the highest concern in the three key fisheries, even with existing controls in place include:

- **Prawn fishery:** Operations by unlicensed domestic operators (non-traditional) and unlicensed PNG nationals were of moderate risk. It was further identified that there was a moderate risk that licensed operators would breach area closures and fish in excess of allocated days.
- **Tropical rock lobster fishery:** Unlicensed domestic Operators (traditional) and unlicensed PNG nationals believed to be of high risk, with unlicensed domestic operators, non-traditional being of severe risk. Breach of gear restrictions, in particular the use of Hookah breathing apparatus and seasonal closures were believed to be of moderate risk.
- **Finfish fishery:** Unlicensed operators, both PNG and foreign in origin were both considered to be of high inherent risk in this fishery. The residual risk was considered to be moderate with the existing control measures in place.

The risk assessment process has indicated some shortcomings that exist within current compliance arrangements in the Torres Strait fisheries.

Compliance in the Protected Zone is managed by the Queensland Boating and Fisheries Patrol (QBFP). A full complement of QBFP staff on Thursday Island is not always available due to competing demands on their time;

- QBFP staff are increasingly diverted from TS compliance functions to activities of national importance, ie. post-apprehension administration of Indonesian vessels;
- relief officers do not have time to gain a full understanding of the issues involved in (a) Indonesian fishing crews, or (b) TS fisheries management issues;
- the ability of QBFP staff to carry out compliance activities on the more distant island and reef groups and along the border with PNG is compromised due to officers having to rely on the availability of Customs and Police vessels; fisheries patrols are a lower priority for the agencies who own these boats. Even when Customs vessels are employed, they are limited in their usefulness in that they will not proceed into uncharted waters.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 3
Intellectual Property	Agenda Item No. 14.2

PURPOSE

- To inform the MAC members on latest developments in relation to Intellectual Property emanating from research activities.

BACKGROUND

- The question of Intellectual Property rights was first raised by the TSRA Board member at their meeting on 18-20 August 2003 and again by Mabuiag Council of Elders during a field visit in early May 2004. In particular, the Mabuiag Council of Elders are convinced that the current JCU research agreement does not provide adequate protection for sensitive cultural information.
- Mabuiag Council of Elders stated that they would not support any current or future research activities until the people of Mabuiag Island were informed and given the opportunity to contribute equally to research projects from proposal through to completion stage.
- The Mabuiag Council of Elders would like fisheries management agencies and research institutions to acknowledge:
 1. that Buugar Council of Elders are the custodian of the Mabuiag people culture, worldview, thinking and perception; and
 2. that the Mabuiag Island people want to protect and/or share their specific and cultural knowledge through a process of direct involvement and negotiations with researchers.

LATEST DEVELOPMENTS

- The Community Fisher Group (CFG) at its meeting on 18-19 May 2004 revisited the issue of Intellectual Property due to concerns raised by the Mabuiag Council of Elders. After considerable discussion, the CFG passed this resolution – *“Be it resolved that the Community Fisher Group formally request that the TSRA Principal Legal Officer and the TSRA Policy Unit redraft the existing research agreements with James Cooke University and CRC Torres Strait. Intellectual Property must rest jointly with traditional inhabitants and researchers. Our intellectual and cultural information, as defined by traditional inhabitants, will be held by traditional inhabitants. All material will be subject to scrutiny by the relevant traditional inhabitants and will be excised or redrafted as determined by the traditional inhabitants”*.
- The TSRA Fisheries Coordinator is currently implementing this resolution on behalf of the CFG with a view to resolving the issue of Intellectual Property in a timely and appropriate manner.

- On 23 June 2004, the Mabuiag Council of Elders gave its approval to continue to support current research activities. It has taken several weeks to resolve. This is good news considering that Mabuiag is an area rich of natural resources that are important to the region and its people.

RECOMMENDATIONS

That the MAC notes the foregoing.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 2 7-9 July 2004
Legal advice on the control of GPS and depth sounders in Torres Strait Fisheries	Agenda Item No. 15.1

PROPOSAL

That the TSFMAC note AFMA's legal advice on the ability of the PZJA to control or limit the use of GPS or depth sounders on board boats licensed for the Torres Strait fisheries.

BACKGROUND

- The TRL Working Group has discussed a ban on the use of GPS and depth sounders on board dinghies and tenders involved in the fishery.
- Similar discussion has been had by the Finfish Working Group.
- Both working groups acknowledge that the use of these modern technologies increase the capacity of the operators using them to catch fish lobsters and fish (fish).
- Management's view has been that while these technologies increase fishing effectiveness they serve a potentially equally important role of contributing to safe navigation.
- Management has therefore not supported the banning or control of these technologies, but sought legal advice to resolve the issue.

Legal Questions and Answers

Q1. Is there power under the Torres Strait Fisheries Act (Act) to ban the use of GPS or sounders?

A1. No

Q2. If the answer to question 1 is no, could the Act be amended could the Act be amended for this to occur or would there be some other conflict with maritime and transport safety legislation?

A2. Such an amendment to the Act would be inconsistent with the Treaty.

Q3. Regardless to the answer to question 1, if the power to ban these navigational aids did exist, what would be the Commonwealths legal exposure if such a ban were pursued?

A3. Without specific statutory exclusion of liability, actions by the Commonwealth to ban navigational aides would leave the Commonwealth exposed to legal liability.

In Summary

- There is presently no power for the Joint Authority to ban the use of GPS or sounders.

- There is no power in the Act to make regulations that would have the effect of banning the use of GPS or sounders.
- Conditions cannot be imposed on fishing licences issued under the Act that would have the effect of banning the use of GPS or sounders.

RECOMMENDATION

That the TSFMAC note the legal advice on banning GPS and Sounders, and where appropriate seek alternative measures to control effective effort in the fisheries where this has been an issue.

TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE	Meeting No. 2 7-9 July 2004
Membership of Consultative Bodies	<i>Agenda Item No. 15.2</i>

PROPOSAL

That the TSFMAC discuss and make any necessary recommendations in regard to the membership of the consultative bodies.

BACKGROUND

- There have been a number of changes to membership of the various consultative bodies.
- The TSFMAC may need to make some recommendations on new persons to sit on the consultative bodies in line with the changes that have come about

RECOMMENDATION

That the TSFMAC recommend as necessary any changes in membership.

Torres Strait Natural Resource Management (NRM) Body

*“SUSTAINABLE TORRES STRAIT REGION
THROUGH PARTNERSHIPS BETWEEN GOVERNMENT
AND COMMUNITY”*

New Regional Arrangements – Natural Heritage Trust 2 (NHT 2)

- \$1.8 Bn to be made available nationally (2001 – 2007, 52 regional bodies), for activities associated with Regional NRM plans and Investment Strategy:
 - Biodiversity conservation
(Protecting the environment)
 - Sustainable use of natural resources
(Making industry “clean and green”)
 - Community capacity building and institutional changes
(Your region – Your choices)

New Regional Arrangements – Stages

- **Stage 1 – Foundation Funding:**

- .1 Establish Regional Body (*Designation*)

- .2 Develop NRM plan and Regional Investment Strategy (*Accreditation*)

(12 – 18 months; \$1.6M + Priority Projects)

- **Stage 2 – Implementation**

- » Partnerships

- » Joint ventures

- » Government and non-government funds

- » **Say up to \$3m per year from NHT2**

Establishing Regional NRM Body

- Must be a **legal entity** and represent all significant interests in the region
- Good **mix of skills** and experience, and **“representativeness”**
- **Corporate governance** arrangements in place
- **Community** support
- Open and transparent **processes**

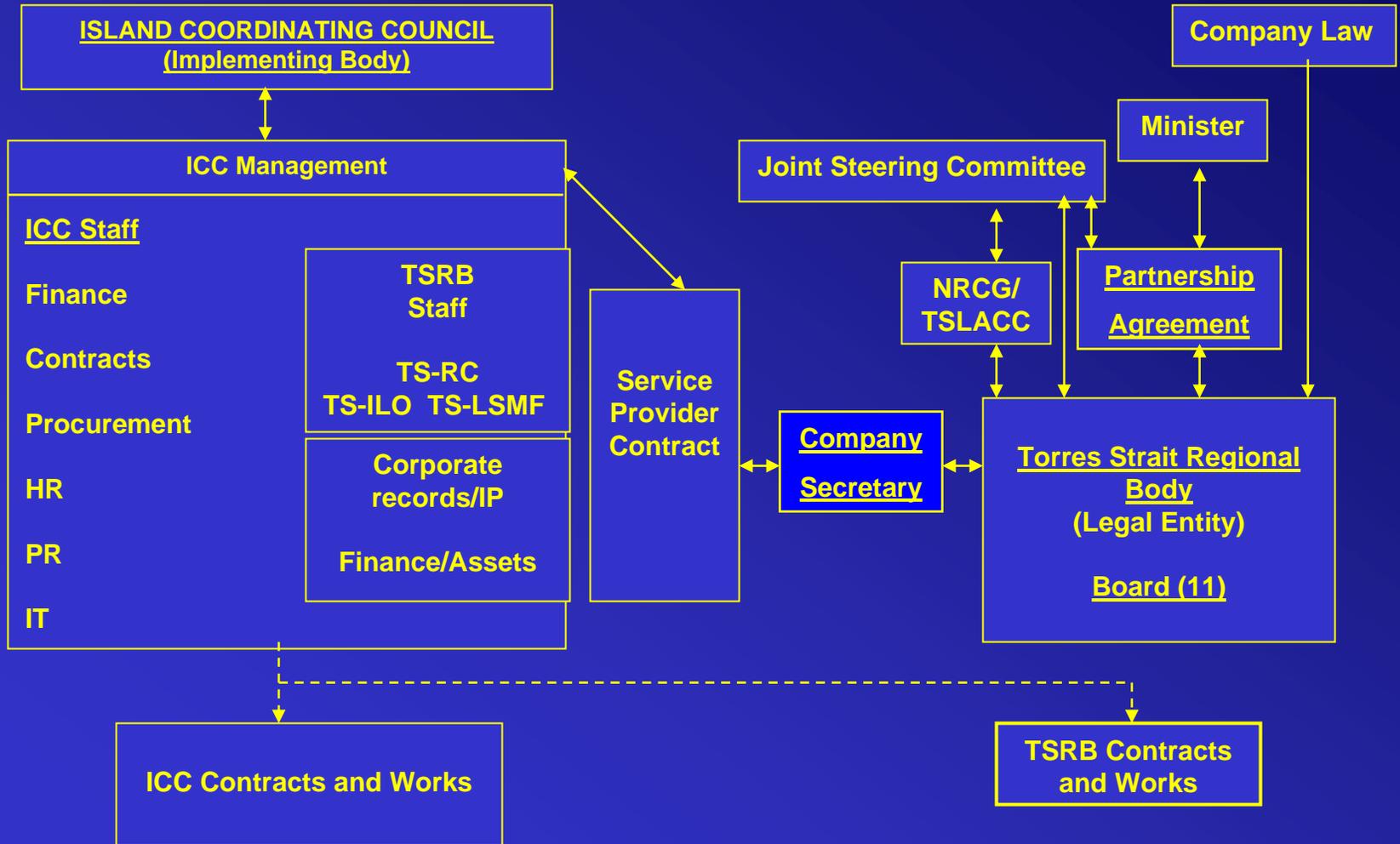
Regional NRM Plan

- Cover the full range of natural resources management issues (Land, water, vegetation or ocean)
- Based on scientific analysis of natural resource conditions, problems and priorities;
- Have effective involvement of all key stakeholders in plan development and implementation;
- Focus on addressing the underlying causes rather than the symptoms of the problems;
- Demonstrate consistency with other planning processes and legislative requirements applicable to the region;

Regional NRM Plan

- Set targets at the regional scale;
- Identify prioritised and achievable actions to address the range of NRM issues and achieve the Regional targets, including the wider social, economic, cultural and environmental impacts of such actions; and
- Provide for monitoring, review and improvement of the plan.

Proposed Regional Body Model



Torres Strait Regional Body

Objects of the Company

- To fill the role of a Regional NRM body for the Torres Strait region *as provided for in the Natural Heritage Trust Bilateral Agreement*;
- To carry out any *expanded or additional role* given to NRM bodies under the Natural Heritage Trust; and
- To carry out *any other activities associated with ecologically sustainable management of natural resources in the Torres Strait region.*

Board Makeup

The NRM Board has been endorsed as 5 *“Interest group”* appointees, and 6 *“community representatives.”* (TSRA)

Interest groups:

- | | |
|-----------------------|------------------------|
| ✓ Local Government | Pedro Stephen |
| ✓ Education and youth | Ned David |
| ✓ Women | Josephine David-Petero |
| ✓ Conservation | Vic McGrath |
| ✓ Fishing | Toshio Nakata |

Board Makeup

TSRA Board appointees:

- Toshi Kris (Chair, TSRA)
- Robert Sagigi (Chair, ICC)
- Terry Waia
- Walter Mackie
- Ron Day
- Maluwap Nona

Responsibilities

- **Develop, implement and monitor the Regional NRM Plan** and investment strategy;
- **Consult widely** on plans and programs with community groups and businesses;
- **Attract and leverage investments** from a range of government and private sources;
- **Liaise with agencies**, authorities and other bodies in order to promote integrated and sustainable NRM priorities;
- **Link to Statutory Planning** processes;
- Operate in a fully transparent manner and **provide public access to information** and effectively communicate decisions made.

Capabilities of Board

- **Knowledge** of the Torres Strait region and values, and **commitment** to the concept of integrated and sustainable natural resource management (Land, water, vegetation or ocean)
- **Demonstrated experience**, knowledge and achievements in industry or business. (Business planning; marketing; brokering; joint ventures etc)
- Significant knowledge and experience in the activities of the **specific interest group, and well known and regarded** within the group

Capabilities of Board

- **Experience on Boards** (Governance; financial management)
- Understanding of **tri-level government systems**
- **Experience in building capacity** within the community to undertake natural resource management
- Ability to **communicate effectively and sensitively** with various communities and cultural groups

TSLACC

The NRM Board will have support from the North Regions Coordination Group (NRCG) which has NRM&E, DPI, EPA, DLG&P, DP&C, DSD, GBRMPA, CYIAG and DEH as core members.

This group is supplemented locally by the Torres Strait Local Agencies Coordination Committee (TSLACC), with membership of:

NOO

AFMA

AQIS

DFAT

TSRA

DPI(F)

DATSIP

ICC

TSC

Many Thanks!



Torres Strait Regional Body