

**TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE**

**TSRA BOARD ROOM, THURSDAY ISLAND**

**7-9 JULY 2004**

**RECOMMENDATIONS**

***Membership of Fisheries Consultative Structure***

1) The TSFMAC

- i. noted the nominated new members for the Torres Strait fisheries consultative structure; and
- ii. recommended that the PZJA approve the membership of committees as listed below:

Tropical Rock Lobster Working Group

Chair – John Marrington (AFMA)  
John Kepa (TSRA – Yam)  
Solomon Nona (TSRA – Badu)  
Graham Hirakawa (TSRA – Pt. Kennedy)  
Lota Warriia (TSRA – Yorke)  
Edmund Bani (TSRA – Mabuiag)  
Yen Loban (TSRA – Muralag)  
Dr Ray Moore (Industry)  
Garry Christopher (Industry)  
Barry Ehrke (QSIA)  
Dr John Kung (QDPI & F)  
Jim Prescott (AFMA)  
Peter Yorkston (TSRA)

Finfish Working Group

Chair - Jim Prescott (AFMA)  
Kila Odo (TSRA –Murray)  
Lota Warriia (TSRA – Yorke)  
Samuel Tamu (TSRA – Warraber)  
Ken Bedford (TSRA – Darnley)  
Jack Billy (TSRA – Coconut)  
TBA (TSRA – Stephen)  
Tony Vass (Industry)  
Carl D'Aguiar (Industry)  
Barry Ehrke (QSIA)  
Peter Yorkston (TSRA)  
Dr John Kung (QDPI & F)  
John Marrington (AFMA)

Prawn Working Group

Chair - Jim Gillespie (QDPI & F)  
Lota Warriia (TSRA – Yorke)  
John Kepa (TSRA – Yam)  
Ken Bedford (TSRA – Darnley)  
Jack Billy (TSRA – Coconut)  
TBA (TSRA – Stephen)

Peter Yorkston (TSRA)  
Rosemary Millward (Industry)  
Barry Wilson (Industry)  
Bob Robbins (Industry)  
Mark Millward (Industry)  
Barry Ehrke (QSIA)  
Dr John Kung (QDPI & F)  
Jim Prescott (AFMA)  
Trysh Stone (AFMA)  
Clive Turnbull (research member)  
Dan Sweeney (compliance member)

#### Torres Strait Scientific Advisory Committee

Chair - Prof. Bruce Mapstone (CEO – ACE CRC)  
Executive Officer - Clive Turnbull (QDPI & F)  
Richard Bowie (TSRA – Badu)  
Don Mosby (TSRA – Yorke)  
Peter Yorkston (TSRA)  
Barry Ehrke (QSIA)  
Rosemary Millward (Industry)  
Dr Roland Pitcher (CSIRO)  
Prof. Helene Marsh (JCU)  
Dr John Kung (QDPI & F)  
Dr Rob Coles (QDPI & F)  
William Arthur (ANU)  
Steve Jackson (NOO)  
Jim Prescott (AFMA)  
Kate Wilson (AIMS)\*\*\*  
Dr Peter Harris (GA)\*\*\*  
Toshio Nakata (CRC Torres Strait)  
David Williams (CRC Torres Strait)

\*\*\* CRC Partner representation

#### Torres Strait Fisheries Management Advisory Committee

Chair - Prof. Russell Reichelt (CEO – CRC Reef)  
Solomon Nona (TSRA – Badu)  
John Gibuma (TSRA – Boigu)  
Ken Bedford (TSRA – Darnley)  
Jack Billy (TSRA – Coconut)  
Phillip Bigie (TSRA – Dauan)  
Guyai Newie (TSRA – Kubin)  
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)

John Kepa (TSRA – Yam)  
Lota Warriia (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)\*\*  
Prof. Bruce Mapstone (SAC Chair)  
Mark Millward (Industry)  
Dr Ray Moore (Industry)  
Carl D’Aguiar (Industry)  
Barry Ehrke (Industry)  
Jim Gillespie (QDPI & F)  
Dr John Kung (QDPI & F)  
Jim Prescott (AFMA)  
Trysh Stone (AFMA)  
Simone Retif (DEH)\*\*

\*\* Observer status

### ***Strategic Assessment of Torres Strait Fisheries***

#### 2) The TSFMAC

- i. noted the process required to be undertaken for strategic assessments of Torres Strait fisheries; and
- ii. noted the progress and status of individual strategic assessments of relevant fisheries in Torres Strait.

### ***Strategic Assessment Recommendations for the Tropical Rock Lobster Fishery***

3) The TSFMAC recommends that the PZJA endorse the recommendations arising from the strategic assessment for the tropical rock lobster fishery.

### ***Update on Latent Effort Reduction Process***

#### 4) The TSFMAC recommends that the PZJA

- i. note the status of the latent effort reduction process in the tropical rock lobster, reef line and Spanish mackerel fisheries;
- ii. note that the process will remove substantial latent effort in these fisheries; and
- iii. note the TSFMAC’s high level concern regarding the need for the controlling of effort, licences that pass the latent effort criteria becoming active , the need for a speedy resolution to these issues, and recognised the social issues arising from additional effort in these fisheries.

### ***Report from the 16<sup>th</sup> meeting of the PZJA***

#### 5) The TSFMAC

- i. noted the record of the 16<sup>th</sup> meeting of the PZJA; and
- ii. noted that not all the recommendations for the prawn fishery were considered by the PZJA.

## ***Report from the Australia/PNG bilateral meeting of June 2004***

### 6) The TSFMAC

- i. noted the outcomes of the Bilateral meeting Australia and PNG;
- ii. noted issues raised during discussions regarding:
  - a. TSRA's view that there should be a more balanced representation of Traditional Inhabitants in the Australian delegation; and
  - b. Industries' (both prawn and QSIA) view that larger vessels (greater than 20 metres) should not be permitted in Torres Strait fisheries, particularly prawn; and
- iii. noted the report from Mr Barre Kare (the PNG representative) regarding management arrangements and actions being taken by NFA, in particular NFA's actions to address concerns of suspected trawling of crayfish in the Gulf of Papua prawn fishery.

## ***Reef Line Fishery Recommendations***

### ***Management principles for the reef line fishery***

#### 7) The TSFMAC;

- i. noted the PZJA's advice from the November 2002 meeting of the Authority on the Independent Panel Report regarding the Panel's assessment and the resultant draft principles that were developed by senior government officials;
- ii. noted and reviewed the Finfish Working Group's report on the principles; and
- iii. considered the consultative structure had worked well, on this issue, as there was good participation by stakeholders despite some strongly differing views.

### ***On the draft principles for management of the reef line fishery***

#### 8) The TSFMAC recommends that the PZJA:

- i. note that the draft principles were accepted; and
- ii. note that the options for implementing the principles were not agreed by all stakeholders.

In particular, on Principle 2 regarding restricting total effort to its current level until a sustainable level can be determined, the TSFMAC recommends that the effort management regime designed to control total effort should include all sectors, including future PNG involvement.

### ***On resolving the issue of managing total effort in the reef line fishery***

#### 9) The TSFMAC recommends that the PZJA:

- i. note that resolution of this issue is most urgent;
- ii. note the options discussed by the TSFMAC and the varying support by stakeholders for resolving the issue. The TSFMAC identified a number of options but did not reach consensus on a single preferred option:

<b><i>Option</i></b>	<b><i>Support</i></b>
a. Buyout of non community fishing licences (funding options are to be determined)	<ul style="list-style-type: none"><li>• Islanders supported this option</li><li>• Industry could support this option provided exiting was voluntary</li><li>• Government officials abstained</li></ul>

b. Allocation by decision of government on advice provided by an independent expert panel	<ul style="list-style-type: none"> <li>Supported by government officials</li> <li>Islanders still seek a decision on the hierarchy of access rights as articulated in the report titled “A fair share of the catch” by the Torres Strait Fisheries Independent Advisory Panel.</li> </ul>
c. Mer proposal to exclude non-Indigenous commercial reef fish boats in an “exclusive economic zone” around Mer/Erub defined by these communities	Supported by Islanders but not by industry
d. Use of fisheries management tools that manage effort for all sectors	Supported by all stakeholders in principle, however allocation issues prevent agreement on implementation. Options a, b, and c above address allocation.

### *Finfish Fishery Management Objectives*

- 10) The TSFMAC noted the following management objectives, strategies and performance measures developed by the Finfish Working Group for the finfish fishery:
- 11) The TSFMAC referred the objectives back to the FWG as amended and with the following advice for improvement:
- i. Prioritise objectives and strategies with respect to available resources; and
  - ii. Clarifying management actions explicitly in relation to target, byproduct and bycatch species.
- 12) The TSFMAC recommends that the PZJA note the progress made by the FWG on developing the objectives and that the TSFMAC has referred the objectives back to the FWG to consider prioritising objectives to available resources and assessment work required.

Management Objective	Strategies to achieve objective
<p><b>Objective:</b> 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><b>Performance Measure:</b> The fishery is performing well against the cultural/traditional/livelihood indicators as defined by traditional inhabitants</p>	<ul style="list-style-type: none"> <li>Commission research to identify cultural social and economic indicators</li> <li>List fish species of high traditional importance</li> <li>Maintain a high abundance of fishes of traditional importance</li> </ul>

<p><b>Objective:</b> Ensure that all stakeholder groups retain their right of access to the fishery in accordance with the Treaty and the Act.</p> <p><b>Performance Measure:</b></p>	
<p><b>Objective:</b> Ensure that there is an adequate and effective compliance program for the fishery</p> <p><b>Performance Measure:</b> Levels of non-compliance are minimised; the other managements objectives are met</p>	<ul style="list-style-type: none"> <li>Compliance risks are identified</li> <li>Adequate compliance resources are made available</li> <li>Compliance awareness program is developed and implemented</li> </ul>

<p><b>Objective:</b> Minimise the impacts of fishing operations on the fishery habitat</p> <p><b>Performance Measure:</b> responsible fishing practices are widely adopted</p>	<ul style="list-style-type: none"> <li>• Limit the type and quantity of fishing gear</li> <li>• Limit bycatch</li> <li>• Code of practices and extension</li> </ul>
<p><b>Objective:</b> 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><b>Performance Measure:</b> Successful programs or policies in place, and viable Islander participation grows</p>	<ul style="list-style-type: none"> <li>• Evaluating current and past policies and programs</li> <li>• Commission research on the social, cultural, economic and infrastructure determinants of Islander participation</li> <li>• Implement policies and programs that facilitate participation in the fishery in a culturally appropriate way</li> </ul>
<p><b>Objective:</b> Identify and manage all species taken by the fishery</p> <p><b>Performance Measure:</b> Species composition well documented for target and byproduct, and bycatch species; species specific management targets where necessary</p>	<ul style="list-style-type: none"> <li>• Commission research and monitoring to identify target, byproduct and bycatch species</li> <li>• Collect catch and effort data at the appropriate fish classification (eg. “Islander trout” instead of “coral trout”), area, and time scales</li> <li>• Collect biological data at the appropriate area and time scales</li> </ul>
<p><b>Objective:</b> Maintain the population of <b>primary target species</b> 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><b>Performance Measure:</b> The population(s) is always higher than its most productive size</p>	<ul style="list-style-type: none"> <li>• Commission research to provide stock assessment advice</li> <li>• Consult widely about appropriate biological, social and cultural targets</li> <li>• Establish appropriate population targets</li> <li>• Set appropriate size limits</li> <li>• Establish a process whereby management actions are triggered (decision rules)</li> <li>• Cooperate with other jurisdictions if there are shared stocks</li> </ul>
<p><b>Objective:</b> Avoid localised depletion</p> <p><b>Performance Measure :</b> All fishing areas have healthy populations and acceptable catch rates</p>	<ul style="list-style-type: none"> <li>• Manage effort or catch (at a scale that is effective for this purpose)</li> </ul>
<p><b>Objective:</b> Protect vulnerable species</p> <p><b>Performance Measure:</b> The population(s) is always higher than its most productive size</p>	<ul style="list-style-type: none"> <li>• Identify species at risk</li> <li>• Closely monitor abundance of vulnerable species</li> <li>• Introduce targeted measures to give extra protection to vulnerable species, eg boat or trip limits, closed seasons or closed areas</li> </ul>
<p><b>Objective:</b> Match the harvesting capacity to the sustainable harvest</p> <p><b>Performance Measure:</b> Over capacity controlled</p>	<ul style="list-style-type: none"> <li>• Control the level of participation, and scale of fishing operations (boat sizes etc)</li> <li>• While encouraging economic development, ensure that it is appropriate for the scale of the fishery</li> </ul>
<p><b>Objective:</b> Provide for catch sharing in the Finfish Fishery to occur with PNG and promote good bilateral relations</p> <p><b>Performance Measure:</b> Catch sharing arrangements are soundly based and effort or catches are controlled to allow PNG to harvest its entitlement</p>	<ul style="list-style-type: none"> <li>• Commission research so allowable catches can be determined and divided per Treaty formulae (article 23)</li> <li>• Meet with PNG authorities on a regular basis</li> </ul>
<p><b>Objective:</b> Maximise the value of the catch</p>	<ul style="list-style-type: none"> <li>• Develop capacity to ensure high product standards</li> </ul>

<b>Performance Measure:</b> Prices paid for product	<ul style="list-style-type: none"> <li>• If appropriate promote a live fishery</li> </ul>
<b>Objective:</b> Promote quality catching, handling, and carrying of finfish products from producer to consumer (this should be a strategy for the above, and change 'promote' to 'encourage').	<ul style="list-style-type: none"> <li>• Codes of practice</li> <li>• education and training</li> <li>• Investment in infrastructure</li> </ul>
<b>Performance Measure:</b> Product quality is of the highest standard	
<b>Objective:</b> Reduce conflict between fisher groups	<ul style="list-style-type: none"> <li>• Implement management arrangements that are acceptable to all fisher groups</li> </ul>
<b>Performance Measure:</b> Level of conflict	<ul style="list-style-type: none"> <li>• Resolve issues through the consultative process</li> </ul>

### ***Finfish Fishery Management Arrangements***

13) The TSFMAC recommends that the PZJA agree 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; and
- d) introduce a minimum size limit for barramundi cod of 450 mm.

### ***Transfer of recreational fishing jurisdiction***

14) The TSFMAC

- i. noted the Finfish Working Group’s recommendation to transfer jurisdiction of recreational fishing, including charter fishing, from Queensland to the PZJA;
- ii. noted that further consultation by Queensland, the Australian Government and Islanders is required on the matter; and
- iii. referred the matter back to the FWG for further consideration, including specifying the reasons for recommending the transfer.

### ***Other Finfish Fishery Items***

15) The TSFMAC noted the following recommendations by the Finfish Working Group with progress on these issues to be advised at a later date:

- i. implementing spawning closures into the Finfish Fishery from 2005 following research being undertaken in 2004 to determine the most appropriate times;
- ii. replicating the size limits in place in the Queensland Coral Reef Fin Fish Fishery (this recommendation was endorsed by the PZJA in June 2003);
- iii. placing a high priority on investigating the reproductive biology of barramundi cod and collecting biological data on red emperor (to be collated and analysed when resources become available);
- iv. placing a high priority on management and/or compliance officers visiting communities to advise on the correct method of measuring fish; and
- v. placing 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 meeting of the Finfish Working Group***

16) The TSFMAC recommends that the PZJA

- i. note that the issues of: a) the reef line fishery area closure west of 142°31'49''; and b) the possible closure of the finfish net fishery, have been considered by the TSFMAC;
- ii. note that Traditional Inhabitants continue to support the current reef line area closure west of 142°31'49'';
- iii. note that the TSFMAC is waiting on further advice from Traditional Inhabitants on the possible closure of the finfish net fishery; and
- iv. note that the TSFMAC recommends no changes be made to the current management arrangements while further consultation continues.

### ***Area of the net fishery, barramundi fishery and related matters***

17) The TSFMAC

- i. noted the issues associated with the net fishery, and the opportunities and constraints as outlined in the agenda paper; and
- ii. referred the issue to the FWG, suggesting the formation of a small subcommittee to set a direction for management activity in this fishery as it represents an opportunity to implement effective management before problems arise.

### ***Prawn Fishery Recommendations***

#### ***Accessing Unused Portion of PNG's Preferential Entitlement***

18) The TSFMAC recommends to the PZJA that:

- a) Australia utilise preferential entitlement in the Australian waters of the TSPZ and that a mechanism be developed to access this preferential entitlement;
- b) the appropriate date for the deadline for PNG to nominate for cross border endorsement be 1 December each year;
- c) the optimal date and timing of the mid-season review be early June and second phase allocation of preferential nights be 1 July; and
- d) the PZJA note that a proposal, including the rules for managing the system, is being developed for submission to the National Fisheries Authority Board in Papua New Guinea to seek access to this preferential entitlement.

19) The TSFMAC noted that the proposal, when developed, should be discussed through the current consultative process.

#### ***Bycatch Action Plan/Observer Programme***

20) The TSFMAC recommends that the PZJA approve the draft Bycatch Action Plan for the Torres Strait Prawn Fishery and note that programme costings are to be developed through the Prawn Working Group and built into the fishery budget.

#### ***Strategic Assessment Report***

21) The TSFMAC recommends that the PZJA approve the draft Strategic Assessment Report for the Torres Strait Prawn Fishery for submission to DEH.

#### ***Chair for the Prawn Working Group***

22) The TSFMAC recommends to the PZJA that Mr Jim Gillespie continue as the chair of the Prawn Working Group (this will be reviewed in 12 months) – this is covered in the recommendations under membership to the consultative structure.

## ***Effort Reduction***

23) The TSFMAC noted that the PWG was unable to agree on which stock assessment model to adopt, target level of effort, and timeframe for effort reduction for the prawn fishery. The positions put forward by each stakeholder group are as follows:

### *Management Position:*

The delay-difference model should be adopted for the fishery. The delay-difference model offers advantages over the annual surplus production model in that it uses monthly time series data thus taking into account seasonal effects in the fishery, and incorporates some of the biology of tiger prawns into the model. Dr Peter Young, who has previously reviewed the Torres Strait prawn fishery in 2002 concluded that a stock recruitment relationship should be investigated for Torres Strait based on evidence of such a relationship in three other Australian brown tiger prawn fisheries. The delay-difference model explicitly incorporates a spawning stock recruitment relationship. Furthermore, Dr David Die in his review of the stock assessment in 2003 recommended that the delay-difference model be used as the base for assessments. The delay-difference model is also adopted in assessing the prawn stocks in other fisheries such as the NPF. Therefore, management is of the view that the delay-difference model with the Beverton-Holt stock-recruitment relationship be adopted for Torres Strait. Based on current advice, this results in a Maximum Sustainable Yield (MSY) of 676 tonnes and effort associated with MSY (i.e  $E_{MSY}$ ) of 9,197 days.

Management acknowledges that this level of effort reduction is significant but considers that these reductions could be achieved over 4 years without compromising ESD objectives for the fishery. Management is of the view that an effort reduction process over a four year period should allow operators in the fishery to autonomously adjust their operations.

In relation to the three Torres Strait Islander licences, management is of the view that as these licences will be issued under section 19(2) of the *Torres Strait Fisheries Act 1984* (the Act), they should be treated the same as other Australian commercial licences operating in the prawn fishery (including effort reductions). This view is also consistent with Commonwealth fisheries policy. As one of the objectives for the prawn fishery is to encourage Traditional Inhabitants to participate in the fishery, the licences (including days) should not be able to be sold and should remain as a long term asset of the Torres Strait people.

### *Torres Strait Islander Position:*

The TSRA recognise the need to ensure both the economic and environmental sustainability for the Torres Strait prawn industry, adjust effort, ensure flexibility as part of the adjustment process and provide certainty for all stakeholders.

The TSRA strongly supports the use of the delay-difference model and understands that the model parameters provide the best model for long-term sustainable management

The TSRA interests lie in ensuring the fishery contributes to the economic well being of the traditional inhabitants and that there is the capacity for the equitable participation in the prawn fishery by traditional inhabitants. The overall aim is to ensure the development of commercial capacity through the take up of the three licences.

The TSRA is of the view that traditional inhabitants own the 825 fishing nights and three licences. They feel that there should be no reduction in available nights

either now or into the future for the TSI licences. The proposal to reduce these to fewer than 129 nights for each licence will seriously curtail the opportunity they represent to make a potential return and will limit the opportunity for traditional inhabitant participation.

The TSRA note that while traditional inhabitants would not wish to 'sell' their entitlements, the condition also means that they do not have the same commercial opportunity as existing operators.

The report *A Fair Share of the Catch* establishes *prima facie* order of priority ranking for Torres Strait fisheries of:

- Traditional fishing
- Community fishing
- Commercial fishing

Whatever the legal view of this report the PZJA has a declared policy of maximising the participation of traditional inhabitants. The time has arrived to further promote the implementation of this policy. Increasing the participation of traditional inhabitants in the prawn fishery represents a legitimate and compelling policy issue in the process of restructuring. Because TS islanders have limited economic development opportunities, the TSRA sees greater participation in community fishing as a high priority for management.

#### *Industry Position:*

1. The Association does not agree with the Government Agencies position that the existing total fishery effort cap is 16,200 plus allocated fishing days (AFDs). The Association believes that the existing legal total fishery effort cap is 13,454 AFDs. Additionally, the Association does not support the Government proposal to reduce the total (AFDs) legally allocated to "Australian" licensees by 51%, nor does it support the reduction over four years from the existing cap.

- the Association has significant concerns that the Government position:

- i. fails to take into account the significant economic and social consequences of its proposals;
- ii. will in fact blow the total effort cap out to 16,200 plus AFDs, which is not in the best interest of the biological well being of the Fishery nor the best interests of good management of the Fishery;
- iii. to reduce effort over four years will leave the Industry in a position of instability and uncertainty and is totally unacceptable to Industry. This process potentially also leads to an even greater forced loss of legal entitlements below the current proposed cut of 51% through the capacity for "double" loss in the year by year percentage removal of effort process. The Association rejects this proposal and asks that the final agreed cut be implemented as a once off process so that Industry can deal immediately with the consequences and then settle down.

2. The association propose that the AFDs allocations to go to the PNG and TS Islander sectors of this commercial fishery are included in the existing total fishery effort cap of 13,454 AFDs by way of Government buying the number of AFDs required from existing licensees holding AFDs and transferring these to, or holding these for, the TS Islander and PNG groups;

ie the 13,454 AFDs cap is sub-divided into 1,925 AFDs for PNG interests	
	825 AFDs for TSI interests
	10,704 AFDs for “Aust” licensees
Total	13,454

3. The buying of these 2750 AFDs (1925 and 825) be effected by a Government buy-back, implemented through a voluntary tender process to a structural adjustment scheme, where the \$/day is determined by some reasonable mechanism (eg average market price/day for the period July 1998 to June 2003).

4. Then transfer the AFDs obtained through this process for PNG and TS Islanders to their entitlements.

5. Once all groups have received their legal allocations of AFDs within the existing cap of 13,454 AFDs, then reduce the total number of AFDs within the Fishery to 11,353 (15.8% drop) based on one outcome of the modeling work of the Independent scientist.

6. Keep this 11,353 AFDs cap in place for the 2005 and 2006 fishing years to allow time for the additional scientific work to be undertaken on the ground. Advice is that tiger prawn stock is not over fished and endeavour prawn stock (the key target species) is under fished. The association believe that any urgency that might have existed in the minds of Government officers should be removed by the reduction in both licence numbers as well as days that will result from the combined process of structural adjustment and 15.8% effort reduction from the existing cap of 13,454 AFDs.

(NB Industry believe that the outcomes of the modeling work to date remains flawed as it is based on significant amounts of incomplete and unvalidated data. We believe that it is unfair and unreasonable to enshrine in law the massive fishing effort cuts proposed by Government when additional scientific work in the next one to two years will, most probably, amend upwards the outcomes of the scientific assessment models preferred by Government.

Government officers at the 5/7/04 PWG said that if the revised scientific advice suggested that the cap could be higher than the 9197 AFDs, then they could change the law and bring the cap up again. Industry suggest that a more reasonable approach, given the healthy state of the Fishery, would be to not go so low in the first place and then only make further reductions should the need arise. The Association pointed out to Government that every 300 AFDs it forcibly takes from Industry to deliver its much lower effort cap costs the Industry \$1,000,000m in lost real legally saleable assets.

The Association believes it would be better not to force this massive loss on Industry up front and then try to return it later. Instead, implement a reasonable cut to 11,353 AFDs and work forward from there, based on better scientific outcomes.

The Association also believes it is not acceptable to impose the expected massive economic losses and social dislocation on Industry and the Torres Strait regional economy arising from the Government’s proposals when a more reasonable effort level and additional work will, most probably, lead to a more reasonable total fishery effort cap and a minimization of the economic and social consequences of the fishery management changes.

#### 24) The TSFMAC

- i. agreed that this matter requires urgent resolution; and

- ii. recommends that the PZJA take into consideration the positions put forward by management, Torres Strait Islanders, and industry.

25) The TSFMAC recommends that the PZJA note industry's concern that if additional conditions applying to the Torres Strait Islander licences are to be approved, then the details should be referred to the Prawn Working Group for development, prior to being considered by the PZJA.

### ***Carry over of Recommendations from December 2003 Prawn Working Group meeting***

#### ***Recommendation 3 (December 2003 Prawn Working Group)***

26) The TSFMAC recommends that if there is a reduction, the PZJA should retain the minimum 50 days, but boats that fall below 50 days following reduction be allowed to continue to operate. Once they trade days or transfer the licence, the 50 day minimum requirement should apply.

#### ***Recommendation 4 (December 2003 Prawn Working Group)***

27) The TSFMAC recommends to the PZJA that the policy on trading days only in multiples of 10 be abolished and that this be reviewed at the end of the year.

#### ***Recommendation 9 (December 2003 Prawn Working Group)***

28) The TSFMAC recommends to the PZJA that the *Fisheries Levies Act 1991* be amended to allow the collection of levies from licences that have been granted and may not be active in the fishery.

29) The TSFMAC

- i. noted a previous recommendation from the TSFMAC to the PZJA that the boat replacement policy be waived for the 2004 season and that it be reviewed again at the end of the year. The policy involves a surrender of 20% of days transferred if the transfer is from a smaller to larger vessel based on vessel length; and
- ii. requests that the PZJA note that in relation to waiving the boat replacement policy, industry proposed that this be waived for the first 12 months following a reduction in order to avoid inhibiting industry adjustment. Government and Torres Strait Islanders reserved judgement until the PZJA makes a decision on effort reduction and until the risks of waiving the policy can be assessed.

### ***Tropical Rock Lobster Fishery Recommendations***

#### ***Fisheries Assessment Group (FAG)***

30) The TSFMAC

- i. supported the formation of a TRL FAG to contribute to the stock assessment process, review research results and advise the Working Group; and
- ii. requested that the TRL WG in forming the TRL FAG clarify in the terms of reference the relationship between the FAG and TSSAC, operations, and proposed membership.

#### ***Research Priorities***

31) The TSFMAC noted the TRL Working Group's priorities for research:

- 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; and
- iv. Integrated stock assessment involving Torres Strait, Queensland east coast, PNG.

- 32) The TSFMAC noted the potential mechanisms for funding the prioritised research tasks. Priority tasks 1 and 2 above have been identified through fisher cooperation. Funding for Tasks 3 and 4 has not been identified. Task 3 is required under preliminary recommendations from DEH (strategic assessment) with short term funding potentially from CRC Torres Strait and long term funding from FRDC. On Task 4, also required under preliminary recommendations from DEH (strategic assessment), additional contributions could potentially be obtained from PNG, Queensland, and FRDC.
- 33) The TSFMAC requests that the TSSAC should take up the issue of funding with CRC Torres Strait and report back to the TSFMAC.
- 34) The TSFMAC noted that the Chair of the TSFMAC and Chair of the TSSAC would take up the issue of funding with FRDC.

### ***Fisheries Management Objectives***

- 35) The TSFMAC noted the management objectives, strategies and performance measures developed by the TRL Working Group for the TRL fishery.
- 36) The TSFMAC endorsed the progress to date and referred the objectives back to the TRLWG with the advice that the management objective relating to managing fisheries interactions should be discussed with the Prawn Working Group, and objectives and strategies be prioritised with respect to available resources.
- 37) The TSFMAC endorsed all the objectives developed by the TRL WG subject to the highest priority work requested being carried out first.

### ***Boat Replacement Policy***

- 38) The TSFMAC recommends to the PZJA that the current Boat Replacement Policy be maintained and should be reconsidered as part of the implementation of the effort management system.

### ***Long term management arrangements for tropical rock lobster fishery***

- 39) The TSFMAC noted that tropical rock lobsters are a limited resource used by different sectors with different aspirations and that there is an underlying resource allocation issue in the fishery.
- 40) The TSFMAC recommends that the PZJA note
- i. in the long term, there is a need for an overall effort management system to be implemented;
  - ii. that a number of solutions have been discussed by the Working Group but agreement could not be reached because of unresolved allocation issues;
  - iii. there is a fundamental need for the issue of priority of access, as discussed in the “Skehill” report, to be resolved by the PZJA;
  - iv. in the short term there is agreement to have separate areas closed to hookah; and
  - v. there is agreement in principle to cap the use of hookah while the effort management system is being developed.
- 41) The TSFMAC agreed to 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.*

- 42) The TSFMAC recommends that the PZJA approve development of a plan for separate areas to be closed to hookah and request the Working Group to report back to the PZJA on the development of this arrangement.
- 43) The TSFMAC noted a briefing on the possibility that expansion of the Queensland fishery south of 14 degrees South could have implications for alleviating effort issues in Torres Strait and requested that Qld Harvest MAC provide more information on this proposal. Torres Strait Islander members of TSFMAC expressed concern that any change on the east coast should not adversely affect indigenous communities in that region.

#### ***Recreational fishing closure in Torres Strait***

- 44) The TSFMAC recommends that the PZJA:
- i. note that there is agreement for a full two month recreational fishing closure for tropical rock lobster from October to November each year to occur in Torres Strait;
  - ii. note that recreational fishing in Torres Strait is managed by Queensland; and
  - iii. agree to make a request to Queensland to implement this closure in Torres Strait.

#### ***Act amendment***

- 45) The TSFMAC recommends that the PZJA agree to an amendment of the *Torres Strait Fisheries Act 1984* to prevent more effective fishing effort arising as a result of assistance from unlicensed fishing vessels (i.e. redefining “take and carry” along the lines defined in the *Fisheries Management Act 1991*).

#### ***Live cage registration***

- 46) The TSFMAC noted work in progress by the TRLWG to implement a live cage registration/ID system.

#### ***Financial assistance request***

- 47) The TSFMAC noted the view by the tropical rock lobster industry and Islanders for financial assistance to be sought from the Australian government for a buyback scheme in the TRL fishery for sustainability purposes and long term management planning.

#### ***Working Group industry membership nomination***

- 48) The TSFMAC agreed that the QSIA remain the organisation nominating industry membership for the Working Group.

#### ***TIB Amnesty***

- 49) The TSFMAC noted the progress of the TIB amnesty process and the issues as discussed in the agenda paper.
- 50) The TSFMAC noted that at the end of the amnesty process, a paper will be prepared reviewing TIB Licensing and a report made to the PZJA at a later date.

#### ***Sea Cucumber Fishery***

- 51) That TSFMAC noted;
- i. the current management arrangements of the Torres Strait Sea Cucumber Fishery;
  - ii. the recommendations from CSIRO; and

- iii. the consultation processes that had been undertaken as part of the DEH strategic assessment for the fishery.

52) The TSFMAC noted the intention to review management arrangements and that this issue will be considered at the next meeting.

### ***Torres Strait NHT-2***

53) The TSFMAC noted developments in this process.

### ***Turtle and dugong***

53) The TSFMAC

- i. endorsed the TSRA proposal to trial dugong and turtle management projects in the Torres Strait region and supported the bid for \$1,300,000 to Northern Australian Indigenous Land Sea Managers Alliance (NAILSMA) to implement the proposal; and
- ii. agreed to advise the PZJA of the TSFMAC's strong support for the proposal.

### ***Compliance Risk Assessment***

54) The TSFMAC

- i. noted the Executive Summary of the Torres Strait Compliance Risk Assessment;
- ii. noted the intention to develop a Torres Strait Compliance Plan;
- iii. recommends that the PZJA note the Torres Strait Compliance Risk Assessment;
- iv. recommends that the PZJA note the importance of an effective compliance strategy to deal with compliance risks identified in the Torres Strait.

### ***Intellectual Property***

55) The TSFMAC noted the importance of intellectual property relating to cultural knowledge and the discussions underway with researchers and the developments aimed at resolving this issue to the satisfaction of all stakeholders.

### ***Torres Strait Docket Book***

56) The TSFMAC

- i. noted the progress and problems following the implementation of the Torres Strait Docket Book (TDB01); and
- ii. the sensitivity surrounding the information collected on where catches are taken and Islanders' request that they be consulted before results from that data are circulated.

### ***Legal advice on the control of GPS and depth sounders in Torres Strait fisheries***

57) The TSFMAC noted the advice provided in relation to controlling the use of GPS and sounders.