

**TORRES STRAIT FISHERIES MANAGEMENT ADVISORY  
COMMITTEE MEETING – No. 7  
23 – 24 March 2006  
TSRA BOARD ROOM, THURSDAY ISLAND**

**RECOMMENDATIONS FROM THE TSFMAC**

**1 Adoption of Minutes from TSFMAC No.6**

The TSFMAC **ADOPTED** the minutes of TSFMAC No.6 as a fair and accurate record.

**2 Business/ action arising from TSFMAC No.6**

The TSFMAC **AGREED** that the PZJA 18 decisions have superseded the actions arising from TSFMAC No.6 and that no further action was required in respect of those matters

**3 Outcomes from the out-of-session meeting of the PZJA**

The TSFMAC **NOTED** the outcomes from the out-of-session deliberations of the PZJA

**4 Allocation Advisory Panel (AAP)**

*4.1 PZJA Allocation Advisory Panel Policy*

The TSFMAC **NOTED** the PZJA will consider draft Fisheries Management Paper outlining proposed PZJA policy and guidelines for the formation of Allocation Advisory Panels for the allocation of fishing concessions in PZJA fisheries when fisheries management arrangements change.

*4.2 Creation of two Allocation Advisory Panels*

The TSFMAC **NOTED:**

- i. The proposed formation of two Allocation Advisory Panels by the PZJA; and
- ii. The draft terms of reference for panel 1; and
- iii. The draft terms of reference for panel 2.

The TSFMAC **RECOMMENDED** the Allocation Advisory Panels consider the needs of stakeholders for information to be received in a timely manner when considering consultation timetables including, the remote locations of its members (particularly traditional inhabitants) and the possibility of commercial fishers being at sea for extended periods during consultation periods

#### 4.3 Allocation – Community Fishing Sector

The TSFMAC **RECOMMENDED** that the PZJA NOTES:

- i. the TSRA is liaising with community fishers to ensure traditional inhabitant views are taken into consideration when developing the mechanisms for distribution and utilisation of resources made available in PZJA 18 resource allocation decisions;
- ii. there are a number of issues to be resolved for the allocation of Tropical Rock Lobster and Finfish concessions within community commercial fishing sector including:
  - A. the eligibility criteria to receive an allocation in light of previous PZJA decisions in 1989 and 1999 to permit Papua New Guineans who took on Australian citizenship in the 1978/79 amnesty and their offspring and Aboriginal persons from Cape York to hold community commercial fishing concessions;
  - B. the Department of Foreign Affairs and Trade Treaty Liaison Officer consulting [*with stakeholders/ Papua New Guinea*] in relation to the treatment of Papua New Guineans who have taken Australian citizenship after the 1978/79 amnesty;
  - C. the allocation policy of community commercial fishing to having regard to the options of a single entity community or collective allocation or individual allocation;
  - D. a process for ensuring that eligibility criteria are appropriately enforced by the PZJA licensing authorities in the future.
- iii. That the Community Fishers Group:
  - A. believes the implications of the full range of persons currently eligible to hold a Traditional Boat Inhabitant licence had not been fully considered in developing the PZJA 18 new resource allocation decision but they accept their inclusion within the islander allocation.
  - B. recommends that PZJA should be provided with an opportunity to consider the longer term social issues of including former Papua New Guinea nationals and Aboriginal people from Cape York the eligibility criteria for the allocation of Tropical Rock Lobster and Finfish concessions within community commercial fishing sector, including the potential impacts on the health and employment opportunities of Torres Strait Islander communities.

The TSFMAC **RECOMMENDED** that the PZJA AGREES:

- i. that the PZJA reaffirm previous decisions that the persons considered eligible under community fishers under PZJA policy decisions are eligible to hold community fishing licences and that such persons are to be included in the allocation to the islander sector when reallocating resources in the Tropical Rock Lobster and Finfish fisheries;

- ii. PZJA Agencies will give advice and assistance to the TSRA to prepare background material, including on social implications, and to develop a consultative process on administrative arrangements for the allocation of Tropical Rock Lobster and Finfish concessions to community commercial fishers, including:
  - A. an audit to identify who is currently eligible to hold a Traditional Inhabitant Boat licence, who is currently holding a licence, who should be currently holding a licence, who has fished where, the different levels of participation (full-time and part-time) and the potential impact of inclusion of Papua New Guineans who have obtained Australian citizenship after the 1978/79 amnesty;
  - B. a revised process for assessing and ensuring that Traditional Inhabitant Boat licences are valid; and
  - C. the Community Fisher Group through TSRA will provide advice to the PZJA in October 2006 (PZJA 20) on whether or not a separate Allocation Advisory Panel should be established to advise the PZJA on the allocation of fishing concessions in the community commercial fishing sector, noting their current preference that concessions be utilised on a competitive basis for two years before formal allocation.

## **5. Torres Strait Consultative Structure**

### *5.1 New Policy Guidelines: TSFMAC, Associated Committees and Working Groups*

The TSFMAC **NOTED** its roles and responsibilities as set out in PZJA Fisheries Management Paper No. 1.

### *5.2 Formal Nominations for PZJA Appointment: TSFMAC, Associated Committees and Working Group*

The TSFMAC **AGREED** that Mr Jim Prescott should amend the list of nominees for the TSFMAC and Working Groups in light of the discussions.

## **6. Area Closures**

The TSFMAC **NOTED** the following comments by members in relation to area closures:

- i. the Community Fisher Group confirmed its commitment to the pursuit of the PZJA 18 new resource allocation for the benefit of all Torres Strait Communities and it would defer its suggestion for further area closures until the new resource allocation has been fully implemented; and
- ii. the PZJA Agencies thanked the Community Fisher Group for their support of the PZJA process, acknowledged how difficult this decision was for them and offered any support requested to communicate this outcome to the communities.

The TSFMAC **NOTED** recommendations that the PZJA NOTES that:

- i. the PZJA 18 decision on the 10nm zones applies only to the finfish fishery;
- ii. the PZJA 18 decision on the 10 nm zones for the finfish fishery have not been implemented in law;
- iii. the PZJA 18 decision on the 10nm zones in the finfish fishery, and the notice when made, will provide no legal support for the native title claim and nor will it assist the claim to be made out over a larger area or in more extensive terms, than would otherwise be the case;
- iv. specific decisions were made in relation to a new resource allocation for the Tropical Rock Lobster and Prawn fisheries which do not include similar area closures to non-islander commercial fishers; and
- v. within the scope of the PZJA 18 resource allocation decisions the PZJA agreed that any further increases in the community fishing sector share of the Tropical Rock Lobster and Finfish fisheries must be through an open market and self funded process.

#### **7. Prawn Fishery Establishment of a Torres Strait PrawnMAC**

The TSFMAC **RECOMMENDS** that the PZJA AGREES, subject to the agreement of the industry representatives on the Prawn Working Group:

- i. to elevate the existing Prawn Working Group to a Torres Strait Prawn Management Advisory Committee (TSPMAC);
- ii. that the membership of a TSPMAC comprising four industry representatives, three TIB representatives, the TSRA Fisheries Coordinator, one AFMA member, one QDPI&F member, one DEH observer, one PNG observer and observer status for the DFAT Treaty Liaison Officer; and
- iii. the Chair will be determined from time to time by the PZJA and will report on the TSPMAC meetings to the PZJA and maintain an interface with the TSFMAC.

#### **8. Finfish Fishery - Recommendations from the Finfish Working Group meeting (15 – 17 February 2006)**

TSFMAC **NOTED** that the industry representatives for the finfish fishery were not available to provide their perspective on the following recommendations:

##### *Foreign Fishing Vessels in the Torres Strait Protected Zone*

The TSFMAC **RECOMMENDED** that TSRA and the DFAT Treaty Liaison Officer work together to approach Customs and Coastwatch to discuss protocols and mechanisms for ensuring disposal of Foreign Fishing Vessels in the Protected Zone occurred in a manner consistent with Article's 13 and 14 of the Torres Strait Treaty.

The TSFMAC **RECOMMENDED** that the PZJA NOTES its concerns about the increasing numbers of Foreign Fishing Vessel sightings in the Torres Strait and the increasing and ongoing practice of burning seized vessels at sea.

*Development of a Management System*

The TSFMAC **RECOMMENDED** the PZJA AGREES to the inclusion of the following principles in a Finfish management plan:

- i. the same management system should apply to both the reefline and the Spanish mackerel fisheries;
- iv. subject to further consultation, that an overall Total Allowable Commercial Catch (TACC) be identified for the reefline and the Spanish mackerel fisheries under which:
  - A. the community fishing sector (currently TIB licences) would be managed through a competitive TACC (non-species specific) with appropriate performance indicators and decision rules, including reference and trigger points to ensure the sector is kept within its TACC;
  - B. the commercial fishing sector (currently TVH licences) would convert their TACC into individual tradeable effort (ITE) units, the units being based on days, with appropriate monitoring of the relationship between effort and catch under performance indicators and decision rules including reference and trigger points to ensure the sector is kept within its TACC;
  - C. an appropriate allowance and priority had been made for Traditional Fishing in accordance with the Treaty and the Torres Strait Fisheries Act 1984;
- v. a Resource Assessment Group (RAG) be established to recommend a TACC to the PZJA and in the absence of a stock assessment, that the historical catches from the fishery be used to identify a stable period of production, the average of which would become the TACC;
- vi. the Terms of Reference for the RAG should include:
  - A. the establishment of the relationship between the TACC and effort (for the purposes of allocating effort units, monitoring the use of units and the transfer between sectors);
  - B. consideration of the need for non-fishing days to be included in the calculation of the allocation of days;
- vii. the monitoring of effort units for the commercial fishing sector be by Vessel Monitoring System (VMS) and be based on a binary decision rule of the vessel being either in or out of the area of the fishery. Included in this system would be the identification of safe havens (Yorke, Aureed, Dugong) where anchorage and unloading could occur without deduction of effort units.

The TSFMAC **RECOMMENDED** that the PZJA REQUESTS that priority consideration be given to:

- i. the development of fishery objectives;
- ii. clarification of specific aspects of the catch/effort management system (including how to monitor the deduction of effort units for concession holders with endorsement to fish both reefline and Spanish mackerel); and
- iii. trading arrangements within and between sectors (including temporary trading and/or leasing).

## 9. Tropical Rock Lobster Fishery

### *9.1 Recommendations from the TRL Working Group meeting (28 February – 2 March 2006)*

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the rapid implementation of work to improve the current fisheries data collection system in the TSTRL fishery, in light of the introduction of a quota management system (QMS) 2007.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that in addition to existing 2006 arrangements that apply during spring-tide closures, a new licence condition be adopted to ensure that hookah hoses are removed from boats during these periods.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that the Chairperson for the TRL Working Group continue under the current arrangements

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the inclusion of the following principles in a Tropical Rock Lobster management plan:

- i. The fishery management objectives should be:
  - To maintain the fishing mortality below the point where Maximum Sustainable Yield (MSY) is achieved (accounting for all sources of fishing mortality);
  - In accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of traditional inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster;
  - To provide for the optimal utilisation, co-operative management with Queensland and Papua New Guinea and for catch sharing to occur with Papua New Guinea;
  - To monitor interactions between the prawn and lobster fisheries;
  - To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment;
  - To promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for traditional inhabitants. To ensure that commercial opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community;

- Optimise the value of the fishery;
- ii. That the quota management system should include:
- a prior catch reporting system be for all vessels currently designated TVH and other boats over 7m in length;
  - a paper based monitoring system using a modified docket book system be implemented to capture catch landings information;
  - sales and transfer documentation be introduced to capture the movement of product after its initial sale and for fishers transshipping product out of the Torres Strait before it is sold;
  - a monitoring program be established to capture information from PNG cross-endorsed vessels, probably under conditions of endorsed licences;
  - product be landed only to defined landing points; and
  - a register be kept of live holding enclosure that is consistent with TIB dinghy symbols.
- iii. That administrative penalties, including infringement notices, be a preferred form of enforcement of the management plan.

The TSFMAC **AGREED** that the issue of tail clipping on traditional catch be referred to the Community Fishers Group for further consideration with a view to developing a system for traditional catch which complements the Tropical Rock Lobster quota management system.

The TSFMAC **NOTED** recommendations that the PZJA NOTES:

- i. the concerns raised by the TVH sector in regards to the constraints imposed on their full utilisation of their entitlements under the current PZJA policy to restrict the allocation of Master Fisherman's licences to traditional inhabitants;
- ii. that the Queensland Rock Lobster Association has undertaken to establish a register with a local job network provider of suitably qualified and interested people with Master Fisherman's licences;
- iii. the view of management and the TVH sector that the current PZJA policy is one way to implement the Treaty requirement to have regard to the economic development in the Torres Strait area and employment opportunities for the traditional inhabitants and that this could be reviewed in light of the PZJA 18 new resource allocation which is an alternative mechanism of giving effect to this Treaty requirement;
- iv. the view of the Community Fishing Group that to remove the current PZJA policy would further erode their allocation under the PZJA 18 new resource allocation; and
- v. the view of the TVH sector that under the PZJA 18 new resource allocation they will accommodate traditional inhabitants fishing under their entitlements and this could amount to [30%] of their sector.

## 9.2 RAG Membership

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the following membership of the Tropical Rock Lobster Resource Assessment Group:

- Dr Yimin Ye – Research Scientist;
- Dr Nokome Bentley – Independent Scientist;
- Mr Jim Fogarty – Queensland Industry;
- Mr Clive Turnbull – Queensland Scientist;
- Mr Wez Norris – Queensland Management;
- Mr Meremi Maina – Papua New Guinea Industry;
- Mr Phillip Polon – Papua New Guinea National Fisheries Authority;
- Mr Jim Prescott – AFMA Management;
- Dr Ray Moore – Tropical Rock Lobster Working Group;

Mr Toshi Nakata – Tropical Rock Lobster Working Group.

## 10. Bêche-de-mer (sea cucumber) Fishery

### 10.1 CSIRO East Torres Strait Survey: Preliminary Results

The TSFMAC **NOTED** the preliminary CSIRO Beche-de-mer stock survey conducted in east Torres Strait waters.

### 10.2 DEH Fishery Recommendation: Precautionary Species-based TACs for White teatfish and Prickly redfish

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the establishment of a precautionary species based Total Allowable Catch (TAC) for the white teatfish and the prickly redfish to 15 and 20 tonnes respectively (a reduction from 260 tonnes for each species under current arrangements).

## 11. Turtle and Dugong Fishery

### 11.1 Turtle and Dugong Fishery Strategic Assessment Report: Public Comment

The TSFMAC **NOTED** the summary provided by Mr Jim Prescott of the Turtle and Dugong Fisheries Strategic Assessment Report.

- i. The TSFMAC **RECOMMENDED** AFMA note the following considerations be taken in finalising the report:
- ii. There are differences in turtle and dugong management issues and that there may be some confusion in discussing the two species as one.
- iii. Guideline 1.1.1 – the report should note that, while there is room for improvement in both assessing the status of the fishery and managing the catch, Torres Strait Fisheries stakeholders are working closely on a number of positive initiatives to address the situation.
- iv. Guideline 1.1.2 – TSFMAC supports, in principle, the proposed Experts Group and consideration should be given to islander involvement with the group.
- v. Guideline 1.1.3 – An assessment system for the dugong population exists in its habitat but one doesn't exist for turtle (other than at breeding grounds).
- vi. Guideline 1.1.7 – Reference should be included to the Torres Strait Regional Activity Plan

- vii. Guideline 1.2.2 – The report should reflect that any strategy to limit harvesting of turtle and dugong should recognise:
- a. The Turtle and Dugong fishery is not a commercial fishery. Many of the categories of this assessment (TAC and trigger points) are difficult to report against as harvesting only occurs in the traditional context;
  - b. There are traditional controls in place which have maintained the area as a dugong sanctuary whilst other areas in Australia no longer have dugong;
  - c. The Environment Protection Biodiversity Conservation Act 1999 should be interpreted in light of the Australian obligations under the Torres Strait Treaty, including Article 14(4) which requires that Australia use its best endeavours minimise any restrictive effects of measures to protect flora and fauna on the traditional activities of traditional inhabitants;
  - d. There is inherent social and cultural importance associated with the traditional fishing of turtle and dugong in the Torres Strait. Some island communities rely on turtle and dugong as a source of protein. Considerable stakeholder support will be required to implement turtle and dugong catch management (or catch limitation) systems. If islanders do not support limits or a closure, the closure would be difficult to enforce and unlikely to succeed.

The TSFMAC **RECOMMENDED** that the PZJA **AGREES** that key aspects of the above recommendations be included in the final report.

#### *11.2 Update on the NAILSMA Dugong and Turtle Management Project*

The TSFMAC **RECOMMENDED** that the PZJA **NOTES** the exploration of community based management responses to turtle and dugong and the positive steps taken with the inner islands project and are awaiting the results of this project to be made available and utilised more widely.

## **12. Torres Strait fisheries Act 1984 – Legislative amendments**

The TSFMAC **NOTED** progress in the development of drafting instructions for a Torres Strait Fisheries (Amendment) Bill.

### 13. Research

13.1 TSSAC: Discussion on Future Role

13.2 CRC Torres Strait to the new Marine and Tropical Sciences Research Facility - MTSRF (June 2006): An Overview

13.3 Torres Strait Strategic Research Plan 2005 – 2010

TSFMAC **NOTED** the role of Torres Strait Scientific Advisory Committee of advising the CRC Board is coming to an end due to the completion of the Torres Strait CRC in June 2006.

### 14. Compliance Report/ Update

The TSFMAC **NOTED** the recommendation that the PZJA NOTES the Compliance Report 2006 presented to the meeting.

### 15. Other Business - Dates for Future TSFMAC Meetings

The TSFMAC **NOTED** the proposed next meeting date for the TSFMAC meeting would be 6 and 7 September 2006, subject to further consultation.

## ACTION ITEMS

Number	Action Item	Action Agency
1	<b><i>AFMA Torres Strait Manager to write to the Prawn Industry Association to seek their formal agreement to this [PrawnMAC] proposal.</i></b>	AFMA
2	<b><i>TSFMAC to discuss the Beche de Mer CSIRO report at the next MAC meeting.</i></b>	AFMA
3	<b><i>TSFMAC requested that Mr Jim Prescott raise the issues of the SAC's terms of reference, membership and agenda with TSSAC at its next meeting by August.</i></b>	AFMA

**TORRES STRAIT FISHERIES MANAGEMENT ADVISORY  
COMMITTEE MEETING – No. 7  
23 – 24 March 2006  
TSRA BOARD ROOM, THURSDAY ISLAND**

**AGENDA**

**Preliminaries**

OPENING COMMENTS

DECLARATION OF INTERESTS

APOLOGIES

ADOPTION OF AGENDA

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DRAFT

**TORRES STRAIT FISHERIES MANAGEMENT ADVISORY  
COMMITTEE MEETING – No. 7**

**23 – 24 March 2006**

**TSRA BOARD ROOM, THURSDAY ISLAND**

**DRAFT RECORD OF MEETING**

THESE ARE **DRAFT** MINUTES WHICH HAVE BEEN DISTRIBUTED TO MEMBERS OF THE TORRES STRAIT FISHERIES MANAGEMENT ADVISORY COMMITTEE (TSFMAC) AND WILL BE RATIFIED AT THE NEXT MEETING. IF **NO** COMMENTS ARE RECEIVED BY **FRIDAY 02 JUNE 2006**, THIS WILL REMAIN A TRUE COPY OF MINUTES TAKEN AT THIS MEETING.

**Day 1 Attendance**

Russell Reichelt	Chair
Jim Prescott	AFMA Manager Torres Strait Fisheries
Dorothea Huber	AFMA Senior Manager Northern Fisheries
Jim Gillespie	QDPI&F A/g Deputy Director General, Fisheries
Wez Norris	QDPI&F Senior Fisheries Management Officer
Don Mosby	TSRA Torres Strait Fisheries Portfolio
Toshi Nakata	TSRA Torres Strait Fisheries Co-ordinator
Ken Bedford	CFG – Darnley Representative
Charles David	CFG – Yam Representative
Jerry Babia	CFG – Saibai Representative
Dimis Toby	CFG – Boigu Representative
Harold Townson	CFG - Seisia Representative
Terrence Whap	CFG – Mabuig Representative
Kila Odo	CFG – Mer Representative
John Wigness	CFG –
Samuel Tamu	CFG – Warraber Representative
Lota Warri	CFG – Masig Representative
Yen Loban	CFG – Murulang Representative
Willie Wigness	CFG – Kaurareg Representative
William Bowie	CFG – Badu ( <i>proxy</i> )
Ray Moore	TRL Industry Representative

**Observers**

Lyndon Pedell	QB&FP
John Marrington	AFMA
Sascha Taylor	AFMA (Day 2 only)
Britt Maxwell	DAFF
Stephen Colquitt	DAFF
Stuart Stark	DAFF
Suzy Wilson	DFAT Treaty Liaison Officer
Frank Loban	JCU Postgraduate student
Lachlan Sutherland	TSRA
Brett Arlidge	TRL Industry
Thomas Fuji	TRL Industry

*Apologies*

Augustine Mobiha  
Mark Millward  
Rob Ferguson

PNG National Fisheries Authority  
TSPEHA  
Department of the Environment and Heritage

**DAY 2**

**Attendance**

*Same as Previous*

**Observers**

*Same as Previous*

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**DAY 1 –**

**Preliminaries**

**OPENING COMMENTS**

The meeting opened at 9.05am with prayer and introduction around the forum.

Mr Charles David requested that the Minutes note a formal apology to the members of the Tropical Rock Lobster Working Group present at the TSFMAC for comments made at the last meeting of the working group which had resulted in considerable tension amongst working group members.

The TSFMAC noted that its independent Chair, Mr Russell Reichelt, would be arriving at around 11am. Mr Jim Gillespie chaired in his absence.

**DECLARATION OF INTERESTS**

ADOPTION OF AGENDA

**1. Adoption of Minutes from TSFMAC  
No.6  
(4 July 2005)** FOR DECISION

**2. Business/ action arising from  
TSFMAC No.6** FOR INFORMATION

**3. Outcomes from the out-of-session  
meeting of the PZJA** FOR INFORMATION

**4. Allocation Advisory Panel (AAP)** FOR INFORMATION

4.1 PZJA Allocation Advisory Panel Policy

4.2 Creation of two Allocation Advisory  
Panels

4.3 Allocation – Community Fishing Sector

**5. Torres Strait Consultative Structure** FOR INFORMATION AND  
RECOMMENDATION

5.1 New Policy Guidelines: *TSFMAC,  
Associated Committees and Working  
Groups*

5.2 Formal Nominations for PZJA  
Appointment: *TSFMAC, Associated  
Committees and Working Groups*

**6. Area Closures** FOR DISCUSSION

**7. Prawn Fishery** FOR DISCUSSION

7.1 Establishment of a Torres Strait  
PrawnMAC

**8. Finfish Fishery** FOR RECOMMENDATION

8.1 Recommendations from the Finfish  
Working Group meeting (15 – 17 February  
2006)

**9. Tropical Rock Lobster Fishery** FOR INFORMATION AND  
RECOMMENDATION

9.1 Recommendations from the TRL  
Working Group meeting (28 February – 2  
March 2006)

9.2 RAG Membership

**10. Bêche-de-mer (sea cucumber) Fishery**

FOR INFORMATION AND RECOMMENDATION

10.1 CSIRO East Torres Strait Survey: Preliminary Results

10.2 DEH Fishery Recommendation: Precautionary Species-based TACs for White teatfish and Prickly redfish.

**11. Turtle and Dugong Fishery**

FOR INFORMATION/ DISCUSSION

11.1 Turtle and Dugong Fishery Strategic Assessment Report: Public Comment

11.2 Update on the NAILSMA Dugong and Turtle Management Project

**12. Torres Strait fisheries Act 1984 – Legislative amendments**

FOR INFORMATION/ DISCUSSION

**13. Research**

FOR INFORMATION

31.1 TSSAC: Discussion on Future Role

13.2 CRC Torres Strait to the new Marine and Tropical Sciences Research Facility - MTSRF (June 2006): An Overview

13.3 Torres Strait Strategic Research Plan 2005 – 2010

14. Compliance Report/ Update

FOR INFORMATION

15. Other Business

15.1 Dates for Future TSFMAC Meetings

The A/g Chair asked if there was any additional business. No additional business was proposed.

In light of the late arrival of the Chair, the meeting agreed to amend the order of the agenda and discuss Items 1 – 3, then Item 5, and discuss Item 4 with the Chair in attendance.

### Agenda Item 1: ADOPTION OF MINUTES FROM TSFMAC 6

#### Recommendations:

The TSFMAC **ADOPTED** the minutes of TSFMAC No.6 as a fair and accurate record.

### Agenda Item 2: BUSINESS / ACTION ARISING FROM TSFMAC 6

Mr Jim Prescott noted that subsequent decisions of the PZJA had superseded the Business Arising from TSFAMAC 6.

#### Recommendations:

The TSFMAC **AGREED** that the PZJA 18 decisions have superseded the actions arising from TSFMAC No.6 and that no further action was required in respect of those matters.

### Agenda Item 3: OUTCOMES FROM OOS MEETING OF THE PZJA

#### Recommendations:

The TSFMAC **NOTED** the outcomes from the out-of-session deliberations of the PZJA.

### Additional Agenda Item 4: RESOURCE ALLOCATION PRESENTATION

Mr Wez Norris (QDPI&F) provided a presentation (Attachment A) on the process required to implement the resource allocation decisions made by the PZJA in July 2005. The presentation was a first step towards increasing stakeholder understanding of the implications of the decisions and how they will be achieved.

### Agenda Item 4: ALLOCATION ADVISORY PANEL

#### *4.1 Allocation – PZJA Allocation Advisory Panel*

Mr Stephen Colquitt (DAFF) informed MAC of the proposal to establish Independent Allocation Advisory Panel (AAPs) who would provide advice to the PZJA on the catch ratio between sectors. There would be two AAPs, one which would determine arrangements and catch ratio for the community sector and one would establish a catch sharing ratio for the non-community commercial sector.

Membership from the AAPs will be from one to three members on a case-by-case basis and that considerations of the AAP would form part of the public record.

#### Recommendations:

The TSFMAC **NOTED** the PZJA will consider draft Fisheries Management Paper outlining proposed PZJA policy and guidelines for the formation of Allocation Advisory Panels for the allocation of fishing concessions in PZJA fisheries when fisheries management arrangements change.

#### *4.2 Allocation - Draft Terms of Reference PZJA Allocation Advisory Panel formed to advise on current catch sharing ration between commercial fishing sectors*

Mr Colquitt informed TSFMAC of the proposed Terms of Reference, the proposed AAP process and that PZJA agencies would be required to provide factual briefs to the AAP. Membership would be determined by nominates sought from qualified persons from PZJA agencies. The PJZA would consider nominations and appoint an.

The issue of a Torres Strait Islander member on this panel was raised and MAC was informed that it had been proposed that an Islander representative be party to AAP considerations as an Observer. This representative may then have a role in participating in AAP considerations of community fishing catch sharing ratios.

There was some discussion about the capacity of all Torres Strait stakeholders to respond within certain (say 30 day) timeframes. It was likely that the AAP would undertake Port visits to both Cairns and the Torres Strait.

#### **Recommendations:**

The TSFMAC **NOTED:**

- viii. The proposed formation of two Allocation Advisory Panels by the PZJA; and
- ix. The draft terms of reference for panel 1; and
- x. The draft terms of reference for panel 2.

The TSFMAC **RECOMMENDED** the Allocation Advisory Panels consider the needs of stakeholders for information to be received in a timely manner when considering consultation timetables including, the remote locations of its members (particularly traditional inhabitants) and the possibility of commercial fishers being at sea for extended periods during consultation periods.

#### *4.3 Allocation – Community Fishing Sector*

Ms Britt Maxwell (DAFF) presented a paper setting out a collection of issues which had been identified by PZJA agencies as requiring some resolution prior to the allocation of the community fishing sector catch share ratio. These include: who is eligible to receive a community fishing concession; who should the concessions be allocated to; and what process for verifying eligibility to receive a community fishing concession.

CFG representatives of the TSFMAC expressed a view that while considering 50:50 catch sharing arrangements between TIB and TVH fishers, the status of former PNG nationals and their children and Torres Strait Islanders and Aboriginal people in the Outside but Near area was not considered. The meeting was informed that, should former PNG Nationals and their children and Aboriginal people in the Outside but near area remain eligible, contingency for their catch should either be taken from the TVH sector or from a resource allocation shift from 50:50 to 60:40 and that the 10nm area closures apply to all native title islands.

Mr Wez Norris (Qld) commented that the PZJA had considered former PNG Nationals and their children and Aboriginal People in the Outside but near area in making its decision to fund the process that will lead to new arrangements. This was on the basis that the decisions were focused at the whole TIB sector, which has included those individuals for some time. Mr Norris stated that when the Queensland Minister sought funding to achieve the resource allocation, it was on the basis that all current community fishers would receive the benefit.

Ms Maxwell and Ms Suzy Wilson (DFAT) informed TSFMAC that any consideration of former PNG nationals and Aboriginal people would have to take into account the Torres Strait Treaty, the Torres Strait Fisheries Act 1984 and the subsequent decisions of the PZJA.

CFG representatives considered the matter out of session and reported back to the TSFMAC that the CFG would support the implementation of resource allocation decisions of PZJA 18, but sought that the minutes reflect the CFG's concerns about eligibility for TIB community fishing licences.

The TSFMAC acknowledged that a commitment to implement the PZJA decisions was in the best interests for all Torres Strait Fisheries stakeholders and thanked the CFG for its consideration of the matter. Recommendations "i" through "iii" also reflect this CFG request.

#### **Recommendations:**

The TSFMAC **RECOMMENDED** that the PZJA NOTES:

- iv. the TSRA is liaising with community fishers to ensure traditional inhabitant views are taken into consideration when developing the mechanisms for distribution and utilisation of resources made available in PZJA 18 resource allocation decisions;
- v. there are a number of issues to be resolved for the allocation of Tropical Rock Lobster and Finfish concessions within community commercial fishing sector including:
  - A. the eligibility criteria to receive an allocation in light of previous PZJA decisions in 1989 and 1999 to permit Papua New Guineans who took on Australian citizenship in the 1978/79 amnesty and their offspring and Aboriginal persons from Cape York to hold community commercial fishing concessions;
  - B. the Department of Foreign Affairs and Trade Treaty Liaison Officer consulting [*with stakeholders/ Papua New Guinea*] in relation to the treatment of Papua New Guineans who have taken Australian citizenship after the 1978/79 amnesty;
  - C. the allocation policy of community commercial fishing to having regard to the options of a single entity community or collective allocation or individual allocation;
  - D. a process for ensuring that eligibility criteria are appropriately enforced by the PZJA licensing authorities in the future.
- vi. That the Community Fishers Group:
  - C. believes the implications of the full range of persons currently eligible to hold a Traditional Boat Inhabitant licence had not been fully considered in developing the PZJA 18 new resource allocation decision but they accept their inclusion within the islander allocation.
  - D. recommends that PZJA should be provided with an opportunity to consider the longer term social issues of including former Papua New Guinea nationals and Aboriginal people from Cape York the eligibility criteria for the allocation of Tropical Rock Lobster and Finfish concessions within community commercial fishing sector, including the potential impacts on the health and employment opportunities of Torres Strait Islander communities.

The TSFMAC **RECOMMENDED** that the PZJA AGREES:

- iii. that the PZJA reaffirm previous decisions that the persons considered eligible under community fishers under PZJA policy decisions are eligible to hold community fishing licences and that such persons are to be included in the allocation to the islander sector when reallocating resources in the Tropical Rock Lobster and Finfish fisheries;
- iv. PZJA Agencies will give advice and assistance to the TSRA to prepare background material, including on social implications, and to develop a consultative process on administrative arrangements for the allocation of Tropical Rock Lobster and Finfish concessions to community commercial fishers, including:
  - A. an audit to identify who is currently eligible to hold a Traditional Inhabitant Boat licence, who is currently holding a licence, who should be currently holding a licence, who has fished where, the different levels of participation (full-time and part-time) and the potential impact of inclusion of Papua New Guineans who have obtained Australian citizenship after the 1978/79 amnesty;
  - B. a revised process for assessing and ensuring that Traditional Inhabitant Boat licences are valid; and
- v. the Community Fisher Group through TSRA will provide advice to the PZJA in October 2006 (PZJA 20) on whether or not a separate Allocation Advisory Panel should be established to advise the PZJA on the allocation of fishing concessions in the community commercial fishing sector, noting their current preference that concessions be utilised on a competitive basis for two years before formal allocation.

#### **Agenda Item 5: CONSULTATIVE STRUCTURE**

##### *5.1 – New Policy Guidelines : TSFMAC Associated Committees and Working Groups*

Mr Prescott introduced the new policy guidelines as outlined in the PZJA Fisheries Management Paper No 1.

#### **Recommendations:**

The TSFMAC **NOTED** its roles and responsibilities as set out in PZJA Fisheries Management Paper No. 1.

##### *5.2 – TSFMAC Associated Committees and Working Groups*

Mr Prescott discussed the proposed Consultative Structure membership which was amended as outlined in Tables 1, 2 and 3.

#### **Recommendations:**

The TSFMAC **AGREED** that Mr Jim Prescott should amend the list of nominees for the TSFMAC and Working Groups in light of the discussion. Amendments proposed at the TSFMAC are outlined in the Tables 1, 2 and 3.

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**Table 1.** Torres Strait Fisheries Management Advisory Committee (TSFMAC)

<b>REPRESENTATION</b>	<b>MEMBER</b>
<b><i>Torres Strait Fisheries Management Advisory Committee</i></b>	
TSRA – Yam Island	Mr Charles David
TSRA – Badu Island	Mr Richard Bowie
TSRA – Port Kennedy	Mr Graham Hirakawa
TSRA – Yorke Island	Mr Lota Warri
TSRA – Mabuiag Island	Mr Terrence Whap
TSRA – Waiben, Ngurapai and Muralag	Mr Yen Loban
TSRA – Murray Island	Mr Kila Odo
TSRA – Coconut Island	Mr Jack Billy
TSRA – Darnley Island	Mr Kenny Bedford
TSRA – Boigu Island	Mr Dimis Toby
TSRA – Dauan Island	Mr Phillip Biggie
TSRA – Kubin	Mr Richard Newie
TSRA – Saibai Island	Mr Jerry Babia
TSRA – Seisia	Mr Harold Townson
TSRA – St Pauls	Mr John Wigness
TSRA – TRAWQ	Mr Railey Gibia
TSRA – Hammond Island	Mr Seriako Dorante
TSRA - Stephens Island	Mr Bert Matysek
TSRA – Bamaga	Mr Hodrick Mudu
TSRA – Umagico	Mr Connie Young
TSRA – Horn	Mr Willy Wigness
TSRA – Injinoo	Mr Mac Blarry
TSRA – New Mapoon	Mr Trevor Lifu
TSRA Fisheries Co-ordinator - supporting	TSRA Fisheries Co-ordinator
Prawn Fishery – non-traditional inhabitant	Mr Mark Millward
Tropical Rock Lobster -	Dr Ray Moore
Finfish (Reef Line) - non-traditional inhabitant	Mr Carl D’Aguiar
Finfish (Spanish Mackerel) - non-traditional inhabitant	Mr Shaun Hansen
Non-traditional inhabitant	<i>Vacant</i>
QDPI&F	General Manager - Fisheries Resource Management (QDPI&F)
QDPI&F	QDPI&F Senior Policy Officer (Torres Strait)
AFMA	Manager - Torres Strait Fisheries
AFMA	Senior Manager – Northern Fisheries
Research Member (TSSAC Chair)	<i>Vacant</i>
Chair	Professor Russell Reichelt
DEH **	DEH Sustainable Fisheries
TSRA**	Fisheries Portfolio Board Member
Executive Officers	AFMA/ QDPI&F
<b>** Denotes Permanent Observer Status</b>	

**Table 2.** Torres Strait Fisheries Specific Working Groups

REPRESENTATION	MEMBER
<b><i>Tropical Rock Lobster Working Group</i></b>	
Chair	Chair – AFMA Senior Management Officer
TSRA – Badu Island	Mr Richard Bowie
TSRA – Yam Island	Mr Charles David
TSRA – Port Kennedy	Mr Graham Hirakawa
TSRA – Yorke Island	Mr Lota Warri
TSRA – Mabuiag Island	Mr Terrence Whap
TSRA – Waiben, Ngurapai and Muralag	Mr Yen Loban
Tropical Rock Lobster - non-traditional inhabitant	Dr Ray Moore
Tropical Rock Lobster - non-traditional inhabitant	<i>Vacant</i>
Tropical Rock Lobster - non-traditional inhabitant	<i>Vacant</i>
QDPI&F	Senior Policy Officer (Torres Strait)
AFMA	Manager - Torres Strait Fisheries (AFMA)
TSRA	TSRA Fisheries Co-ordinator
Research Member	Dr Yimin Ye (CSIRO)
Compliance Member	District Officer - QB&FP Thursday Island
Executive Officer	AFMA
REPRESENTATION	MEMBER
<b><i>Finfish Working Group (including Spanish mackerel and reef-line)</i></b>	
Chair – AFMA	Manager - Torres Strait Fisheries
TSRA –Murray Island	Mr Kila Odo
TSRA – Yorke Island	Mr Lota Warri
TSRA – Warraber Island	Mr Samuel Tamu
TSRA – Darnley Island	Mr Ken Bedford
TSRA – Coconut Island	Mr Jack Billy
TSRA – Stephens Island	Mr Bert Matysek
Finfish (Reef Line) - non-traditional inhabitant	Mr Carl D’Aguiar
Finfish (Spanish Mackerel) - non-traditional inhabitant	Mr Shaun Hansen
Finfish non-traditional inhabitant	<i>Vacant</i>
QDPI&F	Senior Policy Officer (Torres Strait)
AFMA	Senior Management Officer
TSRA	Fisheries Co-ordinator
Research Member	<i>Vacant</i>
Compliance Member	District Officer - QB&FP Thursday Island
Executive Officer	QDPI&F

## Agenda Item 6: AREA CLOSURES

Ms Maxwell informed the TSFMAC that there were a range of area closures in effect in Australian fisheries. PZJA 18 had agreed to 10 nautical mile area closures being imposed in the finfish fishery around four islands in the Torres Strait.

In order to make this PZJA decision a law, it was currently proposed that a Management Notice would be prepared. Such a notice is a disallowable instrument under Parliamentary procedures. TSFMAC was informed the timetable for a Management Notice to be prepared would be consistent with the implementation of new management arrangements.

### Recommendations:

The TSFMAC **NOTED** the following comments by members in relation to area closures:

- iii. the Community Fisher Group confirmed its commitment to the pursuit of the PZJA 18 new resource allocation for the benefit of all Torres Strait Communities and it would defer its suggestion for further area closures until the new resource allocation has been fully implemented; and
- iv. the PZJA Agencies thanked the Community Fisher Group for their support of the PZJA process, acknowledged how difficult this decision was for them and offered any support requested to communicate this outcome to the communities.

### Recommendations:

The TSFMAC **NOTED** recommendations that the PZJA NOTES that:

- vi. the PZJA 18 decision on the 10nm zones applies only to the finfish fishery;
- vii. the PZJA 18 decision on the 10 nm zones for the finfish fishery have not been implemented in law;
- viii. the PZJA 18 decision on the 10nm zones in the finfish fishery, and the notice when made, will provide no legal support for the native title claim and nor will it assist the claim to be made out over a larger area or in more extensive terms, than would otherwise be the case;
- ix. specific decisions were made in relation to a new resource allocation for the Tropical Rock Lobster and Prawn fisheries which do not include similar area closures to non-islander commercial fishers; and
- x. within the scope of the PZJA 18 resource allocation decisions the PZJA agreed that any further increases in the community fishing sector share of the Tropical Rock Lobster and Finfish fisheries must be through an open market and self funded process.

## Agenda Item 7: Prawn Fishery Working Group

There were no Prawn industry representatives at the TSFMAC and Mr Jim Prescott (AFMA) informed the TSFMAC of a proposal to establish a separate Torres Strait Prawn Management Advisory Committee (TSPMAC) the Chair of which would report directly to the PZJA. This proposal, if implemented, would recognise that all commercial licences would be held by non-community commercial fishers under new management arrangements and would enable the TSFMAC to concentrate on broader relevant Torres Strait issues. It would also enable a less costly discussion of Prawn meetings – perhaps with Prawn MAC meetings being held in Cairns.

It was envisaged that CFG representation on the Prawn MAC would be lesser than the current six members. Mr Ken Bedford (CFG) informed the MAC that a previous decision had already limited CFG representatives on the Prawn Working Group to three members (plus TSRA).

### Recommendations:

The TSFMAC **RECOMMENDS** that the PZJA **AGREES**, subject to the agreement of the industry representatives on the Prawn Working Group:

- iv. elevate the existing Prawn Working Group to a Torres Strait Prawn Management Advisory Committee (TSPMAC);
- v. that the membership of a TSPMAC comprising four industry representatives, three TIB representatives, the TSRA Fisheries Coordinator, one AFMA member, one QDPI&F member, one DEH observer, one PNG observer and observer status for the DFAT Treaty Liaison Officer; and
- vi. the Chair will be determined from time to time by the PZJA and will report on the TSPMAC meetings to the PZJA and maintain an interface with the TSFMAC.

### **ACTION ITEM:**

***AFMA Torres Strait Manager to write to the Prawn Industry Association to seek their formal agreement to this proposal.***

## Agenda Item 8 Finfish Working Group:

Mr Norris (QDPI&F) informed the TSFMAC of the outcomes of the last Finfish Working Group meeting. The primary issues included: Foreign Fishing Vessels (FFV) in the Torres Strait Protected Zone and the development of a long-term management system.

There were a range of concerns raised about the destruction of FFVs in the Protected Zone. These concerns included the safety/quarantine and in the context of Article 13 of the Torres Strait Treaty regarding the protection of the marine environment. Ms Suzy Wilson (DFAT) invited the TSRA to work together on an approach to the relevant authorities to discuss these concerns.

Mr Norris informed the TSFMAC of a proposal to introduce a new split catch and effort based management system for the Finfish fishery. That is, Islander commercial fishers would work on a catch based competitive quota while non-Islanders would work on an effort based system based on Individual Tradeable Effort.

It was acknowledged that effort based systems worked towards an average catch assessment rather than a total catch. Meaning that in some seasons, non-Islanders will catch more than their 50% of TACC and in other seasons they will catch less. Community Fishers representatives urged consideration of appropriate triggers to reduce effort to minimise over-catch.

The TSFMAC was informed of a letter from the Finfish sector to the Chair of the PZJA advocating a 100% buy-out of the commercial sector.

### **Recommendations:**

TSFMAC **NOTED** that the industry representatives for the finfish fishery were not available to provide their perspective on the following recommendations:

#### *Foreign Fishing Vessels in the Torres Strait Protected Zone*

The TSFMAC **RECOMMENDED** that TSRA and the DFAT Treaty Liaison Officer work together to approach Customs and Coastwatch to discuss protocols and mechanisms for ensuring disposal of Foreign Fishing Vessels in the Protected Zone occurred in a manner consistent with Article's 13 and 14 of the Torres Strait Treaty.

The TSFMAC **RECOMMENDED** that the PZJA NOTES its concerns about the increasing numbers of Foreign Fishing Vessel sightings in the Torres Strait and the increasing and ongoing practice of burning seized vessels at sea.

#### *Development of a Management System*

The TSFMAC **RECOMMENDED** the PZJA AGREES to the inclusion of the following principles in a Finfish management plan:

- ii. the same management system should apply to both the reefline and the Spanish mackerel fisheries;
- xi. subject to further consultation, that an overall Total Allowable Commercial Catch (TACC) be identified for the reefline and the Spanish mackerel fisheries under which:
  - A. the community fishing sector (currently TIB licences) would be managed through a competitive TACC (non-species specific) with appropriate performance indicators and decision rules, including reference and trigger points to ensure the sector is kept within its TACC;
  - B. the commercial fishing sector (currently TVH licences) would convert their TACC into individual tradeable effort (ITE) units, the units being based on days, with appropriate monitoring of the relationship between effort and catch under performance indicators and decision rules including reference and trigger points to ensure the sector is kept within its TACC;
  - C. an appropriate allowance and priority had been made for Traditional Fishing in accordance with the Treaty and the Torres Strait Fisheries Act 1984;

- xii. a Resource Assessment Group (RAG) be established to recommend a TACC to the PZJA and in the absence of a stock assessment, that the historical catches from the fishery be used to identify a stable period of production, the average of which would become the TACC;
- xiii. the Terms of Reference for the RAG should include:
  - C. the establishment of the relationship between the TACC and effort (for the purposes of allocating effort units, monitoring the use of units and the transfer between sectors);
  - D. consideration of the need for non-fishing days to be included in the calculation of the allocation of days;
- xiv. the monitoring of effort units for the commercial fishing sector be by Vessel Monitoring System (VMS) and be based on a binary decision rule of the vessel being either in or out of the area of the fishery. Included in this system would be the identification of safe havens (Yorke, Aureed, Dugong) where anchorage and unloading could occur without deduction of effort units.

The TSFMAC **RECOMMENDED** that the PZJA REQUESTS that priority consideration be given to:

- iv. the development of fishery objectives;
- v. clarification of specific aspects of the catch/effort management system (including how to monitor the deduction of effort units for concession holders with endorsement to fish both reefline and Spanish mackerel); and
- vi. trading arrangements within and between sectors (including temporary trading and/or leasing).

## Agenda Item 9: TROPICAL ROCK LOBSTER FISHERY

### *9.1 Recommendations from Working Group Meeting 28 Feb – 2 March 2006*

The TSFMAC was informed of the outcomes from the Tropical Rock Lobster Working Group.

#### Recommendations:

The **TSFMAC RECOMMENDED** that the PZJA AGREES to the rapid implementation of work to improve the current fisheries data collection system in the TSTRL fishery, in light of the introduction of a quota management system (QMS) 2007.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that in addition to existing 2006 arrangements that apply during spring-tide closures, a new licence condition be adopted to ensure that hookah hoses are removed from boats during these periods.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that the Chairperson for the TRL Working Group continue under the current arrangements.

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the inclusion of the following principles in a Tropical Rock Lobster management plan:

- i. The fishery management objectives should be:
- To maintain the fishing mortality below the point where Maximum Sustainable Yield (MSY) is achieved (accounting for all sources of fishing mortality);
  - In accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of traditional inhabitants, in particular in relation to their traditional fishing for Tropical Rock Lobster;
  - To provide for the optimal utilisation, co-operative management with Queensland and Papua New Guinea and for catch sharing to occur with Papua New Guinea;
  - To monitor interactions between the prawn and lobster fisheries;
  - To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment;
  - To promote economic development in the Torres Strait area with an emphasis on providing the framework for commercial opportunities for traditional inhabitants. To ensure that commercial opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community;
  - Optimise the value of the fishery;
- ii. That the quota management system should include:
- a prior catch reporting system be for all vessels currently designated TVH and other boats over 7m in length;
  - a paper based monitoring system using a modified docket book system be implemented to capture catch landings information;
  - sales and transfer documentation be introduced to capture the movement of product after its initial sale and for fishers transshipping product out of the Torres Strait before it is sold;
  - a monitoring program be established to capture information from PNG cross-endorsed vessels, probably under conditions of endorsed licences;
  - product be landed only to defined landing points; and
  - a register be kept of live holding enclosure that is consistent with TIB dinghy symbols.
- iii. That administrative penalties, including infringement notices, be a preferred form of enforcement of the management plan.

The TSFMAC **AGREED** that the issue of tail clipping on traditional catch be referred to the Community Fishers Group for further consideration with a view to developing a system for traditional catch which complements the Tropical Rock Lobster quota management system.

The TSFMAC **NOTED** recommendations that the PZJA NOTES:

- vi. the concerns raised by the TVH sector in regards to the constraints imposed on their full utilisation of their entitlements under the current PZJA policy to restrict the allocation of Master Fisherman's licences to traditional inhabitants;
- vii. that the Queensland Rock Lobster Association has undertaken to establish a register with a local job network provider of suitably qualified and interested people with Master Fisherman's licences;
- viii. the view of management and the TVH sector that the current PZJA policy is one way to implement the Treaty requirement to have regard to the economic development in the Torres Strait area and employment opportunities for the traditional inhabitants and that this could be reviewed in light of the PZJA 18 new resource allocation which is an alternative mechanism of giving effect to this Treaty requirement;
- ix. the view of the Community Fishing Group that to remove the current PZJA policy would further erode their allocation under the PZJA 18 new resource allocation; and
- x. the view of the TVH sector that under the PZJA 18 new resource allocation they will accommodate traditional inhabitants fishing under their entitlements and this could amount to [30%] of their sector.

#### Recommendations:

##### *9.2 Tropical Rock Lobster Resource Assessment Group Membership*

The TSFMAC **RECOMMENDED** that the PZJA **AGREES** to the following membership of the Tropical Rock Lobster Resource Assessment Group:

- Dr Yimin Ye – Research Scientist;
- Dr Nokome Bentley – Independent Scientist;
- Mr Jim Fogarty – Queensland Industry;
- Mr Clive Turnbull – Queensland Scientist;
- Mr Wez Norris – Queensland Management;
- Mr Meremi Maina – Papua New Guinea Industry;
- Mr Phillip Polon – Papua New Guinea National Fisheries Authority;
- Mr Jim Prescott – AFMA Management;
- Dr Ray Moore – Tropical Rock Lobster Working Group;
- Mr Toshi Nakata – Tropical Rock Lobster Working Group.

#### Agenda Item 10: BECHE-DE-MER (SEA CUCUMBER)

##### *10.1 – CSIRO East Torres Strait Survey: Preliminary Results*

Mr Sascha Taylor (AFMA) presented the preliminary findings of the CSIRO Bêche-de-mer stock survey. Broadly, stocks in the Bêche-de-mer fishery were either stable or in decline. There was some discussion about the sites surveyed and the TSFMAC was informed that the survey sites were consistent with a 2002 survey and therefore the results indicated the changes in population in those sites. The sites were randomly selected and would be considered to be representative in scientific analysis.

#### Recommendations:

The TSFMAC **NOTED** the preliminary CSIRO Bêche-de-mer stock survey conducted in east Torres Strait waters.

*10.2 – DEH Fishery Recommendation: Precautionary Species based Total Allowable Catch for White teatfish and Prickly redfish*

Mr Taylor presented a proposal to the TSFMAC to reduce the current by-species TAC on White teatfish and Prickly redfish in order to give effect to the recommendations made in the *Assessment of the Torres Strait Bêche-de-mer Fishery 2005*.

**Recommendations:**

The TSFMAC **RECOMMENDED** that the PZJA AGREES to the establishment of a precautionary species based Total Allowable Catch (TAC) for the white teatfish and the prickly redfish to 15 and 20 tonnes respectively (a reduction from 260 tonnes for each species under current arrangements).

**ACTION ITEM:**

***TSFMAC to discuss the Beche de Mer CSIRO report at the next MAC meeting.***

**Agenda Item 11: TURTLE AND DUGONG FISHERY**

*11.1 – Turtle and Dugong Fisheries Assessment Report*

Mr Jim Prescott summarised the *Turtle and Dugong Fisheries Strategic Assessment Report*. The TSFMAC acknowledged current systems for monitoring are inadequate but that there is positive activity being undertaken to develop community management systems.

It was noted that the strategic assessment report would be posted on the DEH website and that comments could be made by the public at large, who may not have an understanding of the cultural values associated with turtle and dugong in the Torres Strait. In this light, it was recommended TSFMAC members consider responding to the report once it is on line.

**Recommendations:**

The TSFMAC **NOTED** the summary provided by Mr Jim Prescott of the Turtle and Dugong Fisheries Strategic Assessment Report.

- viii. The TSFMAC **RECOMMENDED** AFMA note the following considerations be taken in finalising the report:
- ix. There are differences in turtle and dugong management issues and that there may be some confusion in discussing the two species as one.
- x. Guideline 1.1.1 – the report should note that, while there is room for improvement in both assessing the status of the fishery and managing the catch, Torres Strait Fisheries stakeholders are working closely on a number of positive initiatives to address the situation.

- xi. Guideline 1.1.2 – TSFMAC supports, in principle, the proposed Experts Group and consideration should be given to islander involvement with the group.
- xii. Guideline 1.1.3 – An assessment system for the dugong population exists in its habitat but one doesn't exist for turtle (other than at breeding grounds).
- xiii. Guideline 1.1.7 – Reference should be included to the Torres Strait Regional Activity Plan
- xiv. Guideline 1.2.2 – The report should reflect that any strategy to limit harvesting of turtle and dugong should recognise:
  - a. The Turtle and Dugong fishery is not a commercial fishery. Many of the categories of this assessment (TAC and trigger points) are difficult to report against as harvesting only occurs in the traditional context;
  - b. There are traditional controls in place which have maintained the area as a dugong sanctuary whilst other areas in Australia no longer have dugong;
  - c. The Environment Protection Biodiversity Conservation Act 1999 should be interpreted in light of the Australian obligations under the Torres Strait Treaty, including Article 14(4) which requires that Australia use its best endeavours minimise any restrictive effects of measures to protect flora and fauna on the traditional activities of traditional inhabitants;
  - d. There is inherent social and cultural importance associated with the traditional fishing of turtle and dugong in the Torres Strait. Some island communities rely on turtle and dugong as a source of protein. Considerable stakeholder support will be required to implement turtle and dugong catch management (or catch limitation) systems. If islanders do not support limits or a closure, the closure would be difficult to enforce and unlikely to succeed.

The TSFMAC **RECOMMENDED** that the PZJA AGREES that key aspects of the above recommendations be included in the final report.

#### *11.2 – Dugong and Marine Turtle Management Project*

The TSFMAC **RECOMMENDED** that the PZJA NOTES the exploration of community based management responses to turtle and dugong and the positive steps taken with the inner islands project and are awaiting the results of this project to be made available and utilised more widely.

## Agenda Item 12: TORRES STRAIT FISHERIES ACT 1984 – LEG AMENDMENTS

Mr Stuart Stark (DAFF) informed the TSFMAC that a DAFF was developing a set of drafting principles for approval at PZJA 19, in consultation with PZJA agencies. The TSFMAC was informed that once endorsed, drafting instructions would be developed and that consultation would occur through the PZJA consulting mechanisms. Once a Bill is drafted, an extensive consultation process will be undertaken.

### Recommendations:

The TSFMAC **NOTED** progress in the development of drafting instructions for a Torres Strait Fisheries (Amendment) Bill.

## Agenda Item 13: FUTURE ARRANGEMENTS FOR THE TSSAC

There was discussion on the role of the TSSAC in light of the formation of additional science advisory groups (the resource Assessment Groups). Acknowledging these changes, the Chair suggested that the TSSAC advice be sought on the merits of revising the SAC's terms of reference, membership and agenda.

### Recommendations:

TSFMAC **NOTED** the role of Torres Strait Scientific Advisory Committee of advising the CRC Board is coming to an end due to the completion of the Torres Strait CRC in June 2006.

### **ACTION ITEM:**

*TSFMAC requested that Mr Jim Prescott raise the issues of the SAC's terms of reference, membership and agenda with TSSAC at its next meeting by August.*

## Agenda Item 14: COMPLIANCE REPORT

### Recommendations:

The TSFMAC **NOTED** the recommendation that the PZJA NOTES the Compliance Report 2006 presented to the meeting.

**Agenda Item 15: OTHER BUSINESS**

The TSFMAC **NOTED** the proposed next meeting date for the TSFMAC meeting would be 6 and 7 September 2006, subject to further consultation.

The meeting closed with prayer at 5.45pm.

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