

DRAFT Minutes

TRLWG meeting 11-13 July 2006

Attendance

DAY 1

Members

John Marrington	(Chair)
Jim Prescott	(AFMA Representative)
Elizabeth Cotterell	(AFMA EO)
Ray Moore	(TRL Industry Representative)
Brett Arlidge	(TRL Industry Representative)
Toshio Nakata	(TSRA Fisheries Coordinator)
Lota Warria	(TSRA – Yorke Community Fisher Representative)
Solomon Nona	(TSRA – Badu Community Fisher Representative)
Graham Hirakawa	(TSRA – Port Kennedy Community Fisher Representative)
Yen Loban	(TSRA – Muralag WMN Community Fisher Representative)
Charles David	(TSRA – Yam Community Fisher Representative)
Shane Gaddes	(QDPIF Representative)
Lyndon Peddell	(QBFP Representative)

Observers

Don Mosby	(TSRA Fisheries Portfolio)
Paul Ahmat	(TRL Fisherman)
Thomas Fujii	(TRL Fisherman)
Phil Hughes	(TRL Industry)

DAY 2

Members and observers

All members and observers were present as for Day 1 with the exception of Dr Moore.

Agenda

The meeting opened at 1.40pm on 11 July 2006. No apologies were recorded. The Yam Community Fisher Representative (CFR) said a prayer to open the meeting. The TRLWG accepted the draft agenda with no changes, and agreed to the draft minutes of the May 2006 Working Group meeting with no changes.

There was a brief discussion regarding the frequency with which female crayfish with eggs had been sighted during fishing in the Torres Strait. The Yam CFR asked whether the Badu CFR had ever seen eggs on female crayfish. The Badu CFR reported that he had observed a berried female crayfish on only one occasion, though he had been diving for 40 years. Previously Mr Bowie had also indicated that he had seen few egg bearing females in the area of Torres Strait in which he dived. This issue was not resolved and there remained two divergent views on the matter.

The Yam CFR also stated that he believed the meeting should note that Dr Moore has a conflict of interest because his daughter works on data for AFMA and Dr Moore receives information on these data from her, which is an advantage to his business. The QDPIF representative cautioned the Yam CFR that what he had said constituted a serious accusation. The AFMA representative informed the Yam CFR that the accusation he had made was baseless, that similar accusations made in the past had been shown to be baseless, and that making such statements was unacceptable. He pointed out that most others present at the meeting had an interest in the fishery and potentially something to gain from being there, and that it was precisely because of their expertise gained through

participating in the fishery that they were at the meeting. The Chair suggested that to allay any concerns it would be appropriate for all the members of the Working Group to declare their interests in the fishery, beginning with the Yam CFR.

Statement of interests

Charles David	Holds a fishing licence and represents Yam community fishing interests and the interests of the wider traditional inhabitant community.
Lyndon Peddell	Undertakes compliance in the fishery. No pecuniary interests.
Jim Prescott	Manager of the fishery. No financial interest in the fishery.
Brett Arlidge	TVH representative and manager of MG Kailis, who is involved in the TRL industry. MG Kailis holds 5 licences in the TVH sector and conducts a number of cooperative joint venture operations with TIB fishermen.
Ray Moore	Commercial fisherman, licence holder in the TRL fishery.
Yen Loban	Holds a fishing licence and represents Muralag community fishing interests and the interests of the wider traditional inhabitant community.
Graham Hirakawa	Holds a fishing licence and represents Port Kennedy community fishing interests and the interests of the wider traditional inhabitant community.
Solomon Nona	Does not currently hold a fishing licence but represents Badu community fishing interests and the interests of the wider traditional inhabitant community.
Shane Gaddes	Represents QDPIF. No commercial interest in this or any other fishery.
Lota Warri	Holds a fishing licence and represents Yorke Island community fishing interests and the interests of the wider traditional inhabitant community.
Toshio Nakata	Does not hold a commercial fishing licence and receives no financial gain from the fishing industry.
John Marrington	No financial interests in the fishery.

Actions arising from last meeting

No.	Action Item	Action agency	Progress
1.	Provide members of the TRLWG with a copy of the paper explaining the PZJA decision on how resource allocation percentages are to be applied in the Torres Strait Tropical Rock Lobster fishery under the Treaty, plus the proposal of the movement towards the 70:30 allocation. This paper should also outline funding arrangements to give effect to 50:50 resource allocation in the Torres Strait Tropical Rock Lobster fishery.	Jim Prescott (AFMA)	This has been taken up through the Torres Strait Regional Authority (TSRA) communication strategy. TSRA has started a community newsletter, which is distributed to all Torres Strait communities. The first edition included an article on allocation.
2.	At the request of TSRA Community Fisher Group Representatives (CFR) on the TRLWG, DAFF requested to provide advice on what will happen if the tender process does not remove the target number of licences from the fishery. Incorporate this in the draft paper explaining the PZJA decision on how resource allocation percentages are to be applied in the Torres Strait Tropical Rock Lobster fishery under the Treaty, including the proposal of the movement towards the 70:30 allocation.	DAFF	In progress.
3.	Carry over agenda item improved data collection system to the next scheduled meeting of the TRLWG.	AFMA	Carried over to this meeting.
4.	Add background and application of the criminal code in the Torres Strait Fisheries Act context to their legislative amendments consultation.	DAFF	The AFMA representative has asked DAFF to include this in their consultation.

No.	Action Item	Action agency	Progress
5.	Provide members of the TRLWG with an information handout sourced from AFMA observer data on lobster bycatch in the Torres Strait Prawn fishery	Jim Prescott (AFMA)	The AFMA representative is waiting on a report from AFMA's observer section.
6.	The TRL Resource Assessment Group to consider the strategies and performance measures for Fishery Objective No.1 at the next scheduled meeting (August 2006).	TRL RAG	Pending.
7.	Investigate claims of fishery endorsements missing from renewed Traditional Inhabitant Boat (TIB) licences, as reported by Charles David (Yam Island).	Shane Gaddes (QDPI&F)	The QDPIF representative reported that the QDPIF Licensing section had reported that the endorsements were missing because people had applied for new licences (after missing the opportunity for straight renewal) without correctly filling out the paperwork. Therefore they were not issued with all prior endorsements, and were not charged for them. The Yam CFR stated that this was untrue; they had been charged because the licences were paid for at the time of renewal, and that there was not just one instance of this, it had occurred "across the board". The QDPIF representative requested specific examples so that he could follow up with Licensing. The Yam CFR could not provide specific examples.
8.	Approach TVH operators in order to provide an estimate of the catch taken by traditional inhabitant/former PNG national divers for the period between 2002-2005	Brett Arlidge (QRLA)	In progress – Mr Arlidge has received some feedback but has not spoken to everyone yet. Progress to date is outlined in Attachment 1.
9.	Investigate the two remaining non-traditional inhabitant Processor/Carrier Boat licences (TPCs) in the fishery whether they could be considered in the Australian Government tender process in the Torres Strait TRL fishery.	AFMA	The AFMA representative sent a letter about this to DAFF about 3 weeks ago, but is yet to receive a reply.
10.	Draft a paper outlining the various options for linking boat licences and the catch shares, eg an annual catch entitlement (ACE).	AFMA and QDPI&F	The AFMA representative has drafted a paper for this meeting.
11.	Consult with members of the TRLWG to organise a convenient time and date for the next meeting of the working group.	AFMA	Completed.

There was a discussion among members about "F" licences and the Port Kennedy CFR commented that the government keeps changing the licences all the time. He asked the AFMA representative whether AFMA had any information about transferable commercial licences issued in 1986/1987, which had been taken off people when Peter Channels was the AFMA manager on Thursday Island. The AFMA representative replied that he was not aware of this matter and had no such information.

The Yam CFR asked why some TIB dinghies have symbols showing registration for Yam Island when the operators do not live there and are not listed on the Yam Island register. He noted that if one of these dinghies was seen doing the wrong thing it could reflect badly on the Yam Island community. The Executive Officer suggested that changes of registration could be made as they are for vehicles that move between States. (It should be noted that there is no requirement for any community to maintain a register – this was necessary in the past under the Community Licensing System but the system was replaced by the TIB system between 2000 and now)

ACTION ITEM: The QDPIF representative undertook to look into the issue of TIB dinghy registration and appropriate community symbols.
--

There was a discussion among members of the Working Group about labelling of Torres Strait product. A TRL industry representative, Mr Arlidge, informed members that product caught in the the PNG area of jurisdiction must be labelled "product of PNG", even though it is caught in the Torres Strait. The Yam CFG asked Mr Arlidge whether MG Kailis labelled PNG product as Australian anyway and stated that he had heard that they imported undersized lobsters (e.g. 100mm) because there were no size restrictions in place on the PNG side of the line. Mr Arlidge refuted both statements as completely false, and stated that MG Kailis was diligent in following the rules. The AFMA representative mentioned that PNG has the same size limits as Australia but conceded that there were reports of some undersize lobsters being marketed through 'alternative' channels.

CFR members discussed their ongoing concerns regarding traditional inhabitants currently working in the TVH sector who are eligible to work under TIB licences and who could/would move to the TIB sector following the issue of quota. The matter of former PNG nationals who have been issued with TIB licences was also discussed.

Members enquired as to how the Allocation Advisory Panel (AAP) would make its decision on this issue. The AFMA representative advised members that AFMA had no involvement in the AAP process and had no knowledge as to the views of AAP members. The AFMA representative reminded members that the PZJA had decided that former PNG nationals with TIB licences would be considered as part of the TIB sector under the future allocation. He pointed out that the Working Group could spend a lot of time discussing this issue and make no progress and suggested that if Working Group members had issues with the PZJA decision they needed to put their concerns to the Minister, but in the meantime members needed to continue with the Working Group agenda. He further suggested that the Community Fisher Group (CFG) raise the issue with the Minister when he visits Thursday Island.

The TSRA Fisheries Coordinator advocated that the CFG representatives put their position to the AAP when they next have the opportunity. He noted that while the comments period for written submissions to the AAP had closed on 7 July 2006, there was an opportunity to put forward written submissions on the draft AAP report when it is released in August, with one month to submit comments.

An observer, Mr Fujii, noted that because there was no cap on TIB licences under the proposed system there would be more pressure on the TIB sector over time, resulting in a smaller share for everyone.

The Port Kennedy CFR informed the meeting that before any further discussion on the agenda, the CFG representatives wished to discuss how the 70/30 allocation would be implemented, noting that traditional inhabitants could not afford to pay for this. The Port Kennedy CFR asked the AFMA representative to explain what rules were in place for this to occur. The Muralag WMN CFR stated that the TIB sector needed a buyout, not a voluntary buyback (a term the meeting took to be synonymous with the Tender Process).

The Chair stated that the TSRA would take the lead on this issue, and that no rules had yet been developed. The TSRA Fisheries Coordinator agreed that it had been noted at the May 2006 Working Group meeting that the TSRA would take the lead on issues of allocation, and that islanders had concerns over getting to 70/30 and did not feel they could move forward with any of the other arrangements without clarification on how this would be accomplished. He noted that islanders felt they were being backed into a corner. He suggested that options for moving to 70/30 be explored and an analysis of whether it is viable for islanders to self-fund the move from 50/50 to 70/30 be undertaken. He stated that these options needed to be put on the table, as the TSRA believes there is no room for growth in the islander sector under a 50/50 allocation and that islanders cannot afford to fund a move to 70/30. He also noted that there was not much time to do all of this, and questioned whether it was realistic to meet the Minister in October.

An observer, Mr Mosby, stated that this argument did not constitute a valid reason to stall development of the management plan; the issue of allocation instead needed to be taken up with the Minister and the PZJA. The TSRA Fisheries Coordinator noted that the TSRA is working on the allocation issue, and that the onus was on CFRs and the TSRA to seek a meeting with the Minister, to have a proposed way forward and terms of reference for engaging a consultant to help identify a way forward towards 70/30. He noted that members needed to work quickly to develop the management plan and quota system rather than getting sidetracked by allocation issues, and that the TRLWG is not the appropriate forum for a discussion on allocation.

An observer, Paul Ahmat, stated that there were too many unanswered questions surrounding the PZJA's allocation decision (e.g. what individual allocations will be) for CFRs to agree on a management plan and quota system. The TSRA Fisheries Coordinator reiterated that a management plan still needed to be developed in accordance with the past PZJA decisions, and noted that even if the Minister changed his mind about allocation a management plan must be developed, but if islanders waited for a change to the allocation decision progress would be delayed by about 10 months.

The Port Kennedy CFR stated that CFG representatives wanted the management plan to start at 70/30, not 50/50. The QDPIF representative pointed out that the management plan does not mention the 50/50 decision, that the management plan will be the same whether the starting point is 50/50 or 70/30, and that the only thing that would change are the trading rules (e.g. if they are no longer needed).

Mr Mosby pointed out that if the Working Group was to stall development of the management plan for a second time the Minister, noting that the Working Group could not reach a decision, might scrap the whole process. He pointed out that the Minister could potentially reverse the 50/50 decision and islanders would end up worse off.

A TRL industry representative, Dr Moore, questioned what would happen if nobody in the TVH sector put in for the tender. The AFMA representative stated that the decision had been made that the TIB sector would end up with 50% of the fishery and if there were no tenders put forward the TVH sector would have to share what was left after 50% had been allocated to the TIB sector.

The Yam CFR reported that in November 2005 Britt Maxwell from DAFF had said that those fishers who remained in the TVH sector after the buyback would be compensated because they lost to get to 50%. The AFMA representative stated that this was incorrect; only those operators who tendered successfully would be paid.

Mr Arlidge pointed out that Maori groups have successfully set up corporations to manage community shares in various fisheries in New Zealand, and questioned why islanders were not looking at something similar. He stated that he believed there was no reason why the quota shares in the TIB sector would not have the same value as the TVH sector and why they could not be used as collateral, and that islanders should be looking at the possibilities and the decisions in a positive light rather than being obstructive.

Mr Mosby reiterated that the CFG representatives must not derail the process.

The TSRA Fisheries Coordinator noted that the management plan is the legal framework to give effect to the PZJA decisions. He pointed out that the management plan is the manual to describe how the system will work, and that the decision as to whether the allocation is 50/50 or 70/30 is made outside the Working Group. He noted that the rules described in the management plan are necessary no matter what the decision and that the CFRs had confused the two issues, assuming that one process could not overtake the other, which is not the case.

An observer, Mr Fujii, asked how long it took the Maori to implement their rights. Mr Arlidge responded that he understood it had taken some time to allocate the rights but he was unsure of the exact timeframe. The AFMA representative provided members with background on the process of identifying and allocating Maori fishing rights, noting that:

- the *Maori Fisheries Act* was passed in 1989, at which time Maori received \$10-million cash and 10% of all fish stocks introduced into the QMS;
- the *Treaty of Waitangi (Fisheries Claims) Settlement Act* became law in 1992, giving Maori a 50% shareholding in Sealord Products Limited and 20% of all new commercial fisheries brought into the QMS and extinguishing any further claims Maori have to marine and freshwater fisheries;
- following extensive consultation on how to allocate the fisheries assets, an allocation model was developed by the Treaty of Waitangi Fisheries Commission and presented to the NZ Fisheries Minister in May 2003 – this was supported by 93.1% of iwi and subsequently accepted; and that
- two companies were then established to hold the fisheries assets on behalf of Maori. The value of the Maori fisheries settlement has tripled since 1992 and is now estimated at around \$750 million.

The Port Kennedy CFR asked what percentage of the 2005 catch was taken by the TVH versus TIB sectors. The AFMA representative replied that he could not answer definitively as the data had not yet been finalised, but he estimated the TIB take for 2005 to be 35-40% of total catch. The Muralag WMN CFR stated that under 50/50 the TIB allocation would be around 37%. The AFMA representative agreed that this was true if the PNG share was 25% but the PNG share may be less than 25% after accounting for catch traded from other areas. He noted that it may be possible for Australia to catch the unused portion of PNG's allocation (though PNG may lease this to Australia), but that there had been no discussion of possible options with PNG.

The Chair restated that he believed it was time the Working Group moved onto other items on the agenda, the allocation issues had been given a fair hearing and the Working Group was not the appropriate forum to address such issues. He noted the time and suggested that he call Day 1 of the meeting to a close and that discussions begin again tomorrow. He reiterated the need for the Working Group to move on from the allocation issues and start afresh with comments on the draft management plan and quota management system (QMS) on Day 2. Day 1 of the meeting finished at 5.10pm.

Day 2 of the meeting began at 2.05pm on 12 July 2006. The meeting was due to start at 8.30am but was delayed due to the late arrival of islander members of the Working Group. [EO's note: The CFR's and TSRA fisheries coordinator indicated after the close of meeting on 11 July that the group would take time on the morning of 12 July to draft a letter to the Minister for Fisheries, Forestry and Conservation and indicated that they would arrive for the meeting after 10 am]

The Chair reiterated that the Working Group must continue with its discussions on the draft management plan and that if issues raised on Day 1 were raised again he would call the meeting to a close. He informed members that Mr Mulawhap Nona had asked to address members and would attend at 3.30pm, at which time the meeting would be temporarily suspended to provide Mr Nona with the opportunity to address the meeting.

The TSRA Fisheries Coordinator asked what would happen with the management plan if discussions did not go according to plan. The AFMA representative replied that the agencies would continue to develop the management plan outside the meeting with whoever wished to have input. He noted that the expectation from Canberra was that the management plan would continue to be developed in line with the PZJA decision.

Draft Management Plan

The Working Group continued discussion of the draft Plan from page 10 (section 19), where the last TRLWG meeting left off.

The QBFP representative pointed out that there was no definition of “possession” under section 14(3) on page 8 of the draft Plan and queried what was intended by the term. He noted that possession is defined under the *Queensland Fisheries Act* and that for the purpose of prosecution it is necessary for compliance to know what constitutes possession (e.g. does having hookah gear in the boat constitute possession). The AFMA representative asked whether there should be an exemption to the prohibition on hookah gear for traditional fishing. The TSRA Fisheries Coordinator asked CFG representatives whether they wanted to be able to use hookah while fishing for traditional purposes during closed periods. All islander representatives and observers agreed that it would be best not to allow any fishers to use hookah in closed periods for reasons of easier compliance.

The AFMA representative advised members that there had been some discussion in Canberra about the merits of a single management plan versus two separate management plans, one for commercial fishing and one for traditional fishing. He explained that there was some question as to whether an Indigenous Land Use Agreement (ILUA), which is an agreement between the government and indigenous users to manage fishing, is needed to manage traditional fishing in the Torres Strait (for both PNG and Torres Strait Islander traditional inhabitants). He discussed the application of the *Native Title Act 1991* (NTA) and in particular the rights of traditional owners under section 211 of the NTA, and explained that an ILUA is used to manage the rights under section 211. The TSRA Fisheries Coordinator confirmed that this was his understanding of how an ILUA is used. The AFMA representative stated that legal advice was being sought by DAFF on the best course of action.

The Yam CFR stated his belief that there should be no bag limits for traditional fishing regardless of impacts on sustainability, as he has a native title right to take fish.

Members discussed the merits of the present bag limit, which was introduced to control fishing by PNG traditional inhabitants. The AFMA representative pointed out that if the bag limit was abolished there would be a loophole for commercial fishers to use – they could continue to fish after their quota had been filled.

The Yam CFR expressed his view that a plan should not be introduced for traditional fishing because it could not be enforced. The QBFP representative asked whether a plan for traditional fishing would be enforceable. The AFMA representative responded that there were various views about this issue, including that section 211 of the NTA does not preclude conservation measures. The AFMA representative further pointed out that uncertainties remain as to the future roles of the respective agencies (e.g. Licensing).

Industry members of the Working Group were not happy with the proposed requirement to carry an extract of the register on board the boat (section 19(f) of the draft Plan) and questioned why this would be necessary, whether it would apply to all vessels (including dinghies) and suggested it would be negated by the proposed registration sticker system. The TRLWG recommended that this requirement apply only to boats greater than 7 metres in length.

ACTION ITEM: AFMA undertook to find out the background to the requirement in other AFMA fisheries to carry an extract of the register on board the boat and report back to the Working Group.

ACTION ITEM: AFMA to apply the requirement to carry an extract of the register on board the boat under section 19(f) of the draft Plan only to boats greater than 7 metres in length.

The TRLWG agreed that “in accordance with the instructions” should be appended to section 19(3) of the draft Plan.

ACTION ITEM: AFMA to append “in accordance with the instructions” to section 19(3) of the draft Plan.

Members discussed the appropriateness of imposing limitations on the distance at which dinghies/tenders could operate away from the primary vessel. Mr Arlidge pointed out that under an output control system this would be an unnecessary restriction on business. The AFMA representative proposed that tenders be prohibited from fishing in more than one jurisdiction on the same day. Members agreed to this suggestion and AFMA undertook to include this in the Plan after seeking appropriate wording.

ACTION ITEM: AFMA to include in the draft Plan a prohibition on tenders fishing in more than one jurisdiction on the same day.

The Working Group held a discussion about single jurisdiction trips. Members noted that if dual jurisdiction trips were allowed, the potential exists for operators to declare Torres Strait-caught fish as East Coast-caught fish to prevent them being deducted from their quota. Lobster caught in other jurisdictions would need to be separated and declared prior to the boat entering the fishery. The Working Group agreed to further discuss this matter under the appropriate section of the management plan.

The Working Group agreed to specify “primary vessels greater than 7 metres in length” under section 19(4) of the draft Plan.

ACTION ITEM: AFMA to specify “primary vessels greater than 7 metres in length” under section 19(4) of the draft Plan.

Industry members of the Working Group challenged the proposed requirement for a personal computer under section 19 (4)(c) of the draft Plan, as this would require skippers to have an additional communications qualification. Industry members felt there were additional risks associated with this requirement, for example with maintenance of equipment, noted that if the computer breaks down the VMS will fill up with messages, and asked how operators would be contacted if the VMS breaks down and whether they would be expected to carry satellite phones. The Working Group agreed that the requirement for a personal computer should be justified in a Torres Strait context before members would support it. The Executive Officer pointed out that the draft Plan was consistent with other Commonwealth fisheries and with AFMA’s VMS policy, but undertook to seek advice from AFMA’s VMS staff on the Working Group’s proposal.

ACTION ITEM: AFMA to seek advice from AFMA VMS staff on whether a personal computer is necessary as part of the VMS requirements for Torres Strait fisheries.

The Working Group agreed that 3 hours was an appropriate timeframe for prior reporting under section 19(6) of the draft Plan and that a sentence should be added to account for changes to landing arrangements. The QBFP representative stated that he would like to revisit the 3 hour timeframe for prior reporting later, to enable input from other compliance officers.

ACTION ITEM: The QDPIF representative undertook to provide wording from QDPIF management plans (e.g. spanner crab and reef line) regarding changes to landing arrangements and prior reporting to AFMA for inclusion in the draft Plan.

The QBFP representative queried whether there would be reporting requirements for holders of Fish Receiver Permits (FRPs) to enable compliance to conduct spot checks. The Executive Officer stated that she believed this could be done through conditions on FRPs.

ACTION ITEM: AFMA to determine whether holders of FRPs can be required to report.

Members enquired about the relevance of section 20 "Obligations relating to interactions with certain species and communities" to Torres Strait fisheries. The Executive Officer informed members that this section was included as a matter of course in all AFMA management plans, and related to the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). She stated that she was not sure how the EPBC Act applied to Torres Strait fisheries (noting the involvement of PNG fishers) and undertook to seek advice from AFMA Legal and DEH.

ACTION ITEM: AFMA to seek advice on the application of the EPBC Act to Torres Strait fisheries and PNG fishers from AFMA Legal and DEH.

The TRLWG agreed that a requirement that PNG-endorsed operators clearly identify in their logbooks the area of jurisdiction in which they have fished should be added to section 21(3) of the draft Plan. The TRLWG agreed that in relation to section 21(4) of the draft Plan, it needed to be established whether the PZJA can require PNG-endorsed operators to have a vessel monitoring system (VMS) monitored by the PNG fisheries agency, or whether it could be an Australian system administered by the PZJA.

ACTION ITEM: AFMA to include a requirement that PNG-endorsed operators clearly identify in their logbooks the area of jurisdiction in which they have fished under section 21(3) of the draft Plan.

ACTION ITEM: AFMA undertook to seek legal advice on whether the PZJA can require PNG-endorsed operators to have a vessel monitoring system (VMS) monitored by the PNG fisheries agency, or whether it could be an Australian system administered by the PZJA.

Day 2 of discussions closed at 5.50pm on 12 July 2006.

DAY 3

Day 3 started at 10.00am on 13 July 2006. The start of the meeting was delayed due to the late arrival of islander members of the working group (with the exception of Lota Warri).

The Port Kennedy CFR stated on behalf of CFG representatives that, following consultation with their constituents, the CFG representatives wished to withdraw from the meeting and to hold off on providing further input on the draft Plan until after they meet with the Minister.

The Yam CFR expressed a view that without CFG involvement the management plan would be "illegal" because it would not represent the views of both sectors.

The Port Kennedy CFR stated that CFG representatives have a lot more to contribute to development of the management plan but that their hands have been forced by their constituents. The QDPIF representative pointed out that by taking such action, the CFG representatives have effectively forced the hands of the agencies as the management plan must continue to be developed in order to give effect to the PZJA decision.

The Port Kennedy CFR asked what would happen with the management plan now. The AFMA representative stated that, to take advantage of the other TRLWG members present and because significant monies had already been expended on the meeting, AFMA would continue to workshop the issues outside of a formal meeting. He noted that the management

plan still needed to be progressed and that there was no time to hold another TRLWG meeting before the PZJA next meets.

The TSRA Fisheries Coordinator pointed out that as there is unlikely to be another TRLWG meeting in the near future, CFG representatives will need to take responsibility for workshopping the issues within the community, which will be a lot of work. He noted that this approach will probably not be as effective a forum as the Working Group.

Mr Mosby stated that, while he respected and understood the position of CFG representatives, he was concerned that the decision they had taken [not to continue to provide input on the draft management plan] would not be viewed positively politically. He noted that if the TSRA did not participate in the process [of developing the management plan], there could be negative effects on their lobbying on allocation.

The AFMA representative noted that the decision by the CFG representatives would put a lot of pressure on the TSRA Chair as a member of the PZJA and stated that he was concerned about the political ramifications of this.

The Port Kennedy CFR stated that the CFG representatives understood the implications of taking this position, but that their constituents must come first, and that the CFG representatives were prepared to suffer any consequences of their decision.

The Badu CFR reported that the constituents from the cluster of islands had advised him not to continue with discussions on the management plan until after the meeting with the Minister.

The meeting closed at 10.20am.

Actions arising

No.	Action Item	Action Agency
1.	Look into the issue of TIB dinghy registration and appropriate community symbols.	QDPIF (Shane Gaddes)
2.	Find out the background to the requirement in other AFMA fisheries to carry an extract of the register on board the boat and report back to the Working Group.	AFMA (Liz Cotterell)
3.	Apply the requirement to carry an extract of the register on board the boat under section 19(f) of the draft Plan only to boats greater than 7 metres in length.	AFMA (Liz Cotterell)
4.	Append "in accordance with the instructions" to section 19(3) of the draft Plan.	AFMA (Liz Cotterell)
5.	Include in the draft Plan a prohibition on tenders fishing in more than one jurisdiction on the same day.	AFMA (Liz Cotterell)
6.	Specify "primary vessels greater than 7 metres in length" under section 19(4) of the draft Plan.	AFMA (Liz Cotterell)
7.	Seek advice from AFMA VMS staff on whether a personal computer is necessary as part of the VMS requirements for Torres Strait fisheries.	AFMA (Liz Cotterell)
8.	Provide wording from QDPIF management plans (e.g. spanner crab and reef line) regarding changes to landing arrangements and prior reporting to AFMA for inclusion in the draft Plan.	QDPIF (Shane Gaddes)
9.	Determine whether holders of FRPs can be required to report.	AFMA (Liz Cotterell)
10.	Seek advice on the application of the EPBC Act to Torres Strait fisheries and PNG fishers from AFMA Legal and DEH.	AFMA (Liz Cotterell)
11.	Include a requirement that PNG-endorsed operators clearly identify in their logbooks the area of jurisdiction in which they have fished under section 21(3) of the draft Plan.	AFMA (Liz Cotterell)

No.	Action Item	Action Agency
12.	Seek legal advice on whether the PZJA can require PNG-endorsed operators to have a vessel monitoring system (VMS) monitored by the PNG fisheries agency, or whether it could it be an Australian system administered by the PZJA.	AFMA (Liz Cotterell)

Attachment 1

Progress to date against Action Item 8

Pegasus – no divers just drivers

Wave Dancer – no divers just drivers

Teisan Y – no divers just drivers

Shogun – no divers just drivers since 2004 (before not sure)

Taurumi J – not sure

Norlaus – 1 diver, 50% of catch taken by TIB diver this year. Prior to this, no divers just drivers.

Reality 3 – no divers no drivers

Jodee – no divers no drivers

Bad Attitude – no divers no drivers

Rest are uncertain