

**TORRES STRAIT LOBSTER WORKING GROUP MEETING**  
**13-14 May 2004**  
**PEARLS BUILDING, THURSDAY ISLAND**

**RECOMMENDATIONS FROM THE TRLWG TO THE  
TSEMAC**

Number	Recommendation
<b>1</b>	<p><b>Recreational Fishing Closure for Torres Strait.</b></p> <p>Recommend to the TSEMAC that a full two month recreational fishing closure for TRL from October to November should occur in Torres Strait.</p>
<b>2</b>	<p>Recommend Act amendment to prevent more effective fishing effort as a result of assistance from unlicensed fishing vessels</p>
<b>3</b>	<p><b>Registering Live Cages</b></p> <p>Recommend to the TSEMAC that a live cage registration/ID system be implemented (inform TSEMAC that this is work in progress)</p>
<b>4</b>	<p><b>Reiterate to the TSEMAC the need for clarification of priority of access</b></p> <p>That the TSEMAC reiterate a previous recommendation for PZJA in relation to priority of access and future management arrangements:</p> <p>i) <i>stakeholders are unsure of their access rights in the fishery and are not willing to compromise sufficiently so management can make real progress on fishery management issues; and</i></p> <p>ii) <i>until a clear decision is made regarding priority of access in the rock lobster fishery, Management's ability to implement effective, agreed mechanisms to control effort is limited</i></p>
<b>5</b>	<p><b>Provision of research and stock assessment advice</b></p> <p>That the TSEMAC support the formation of a TRL FAG to meet on an annual basis to contribute to the stock assessment process, and review the research.</p>
<b>6</b>	<p><b>Research Funding</b></p> <p>The TRL WG recommends the high priorities for research in this fishery as:</p> <p>1) Size/sex measurements of fisher catches</p> <p>2) Increase sample size for independent surveys with the use of voluntary dive surveys</p> <p>3) Develop management strategy evaluation and reference point/decision rule identification</p> <p>4) Integrated stock assessment - Torres Strait, Queensland east coast, PNG.</p> <p>Funding for Tasks 1 and 2 have been identified through fisher cooperation.</p> <p>Funding for Tasks 3 and 4 have not been identified. Task 3 is required under preliminary recommendations from DEH (strategic assessment)</p>

<b>7</b>	<p><b>Boat Replacement Policy</b></p> <p>The TRL WG recommends that the current Boat Replacement Policy be maintained and can be reconsidered once satisfactory control of fishing effort in the fishery has been achieved</p>
<b>8</b>	<p><b>Buy Back</b></p> <p>The TRL WG recommends to the TSFMAC (out of session) that financial assistance be sought from the Commonwealth government for a buyback scheme in the TRL fishery for sustainability purposes and long term management planning.</p>
<b>9</b>	<p><b>TRL Fishery Management Objectives</b></p> <p><i>(following tidying up by AFMA and circulation to TRL WG)</i> The TRL WG recommends that these objectives be adopted for the fishery:</p>
<b>10</b>	<p><b>Industry Membership on Working Group</b></p> <p>The TRL WG recommends that the QSIA remain the organisation nominating membership for the working group.</p>

## ACTION ITEMS

Number	Action Item	Action Agency
1	<p><b>Recreational Fishing Closure for Torres Strait.</b></p> <p>TSFMAC to consider recommendation out of session and advise QFS for HarvestMAC consideration on 8-9 June.</p>	
2	<p><b>Towing</b></p> <p>Redefine “<u>take and carry</u>” in TSFAct similar to Commonwealth <i>Fisheries Management Act</i> and follow through of Act sections (including towing).</p> <p>Provide scenarios for TRL WG to consider.</p>	AFMA/ QFS
3	<p><b>Registering Live Cages</b></p> <p>Develop legislative requirements.</p>	AFMA/ QFS
4	<p><b>Area closed to hookah</b></p> <p>Peter Yorkston to provide a map to the TRLWG with proposed boundaries outlined by the Traditional Inhabitant sector out of session.</p>	TSRA
5	<p><b>Provision of research and stock assessment advice</b></p> <p>Resolve funding issue, provision of scientific advice delivery to TRL WG, Process following = senior manager or TSFMAC Chair write to CRC-TS and AFMA and TSSAC requesting change in the research/stock assessment advice process and committed funding.</p>	AFMA
6	<p><b>Research Funding</b></p> <p>Chair to write to AFMA seeking clarification of continued</p>	AFMA

	funding (\$500,000 pa) for Torres Strait.	
7	<b>Boat Replacement Policy</b> Specify method of vessel measurement as per Fisheries Management Notice No. 47 on the boat replacement application form.	QFS
8	<b>Agenda 1 Record of previous meeting</b> Attach Garry Christopher QRLA letter re opinion on 30% tender reduction.	AFMA
9	<b>Agenda 2 Business arising</b> Check historical conditions on 'F-licences' issued to traditional inhabitants (Graham Hirakawa claims there are no conditions relating to restrictions relating to transfers etc)  Amendment to the <i>Torres Strait Fisheries Act</i>  Clarify ability to tow dinghies by non-fishing vessels  Define "assist" in relation to fishing operations – make explicit as illegal e.g carry fuel, and dinghies, sleeping on board etc  List as a serious fisheries offence.	AFMA/ QFS
10	<b>Agenda 5 Report on PZJA 16</b> <b>Re:</b> TIB Amnesty update – AFMA to forward available correspondence relating the TIB Amnesty decision, Ministers press released and licensing processes to the QSIA representative, Mr Barry Ehrke.	AFMA
11	<b>Agenda 7.1 Research Priorities</b> Mr Yimin Yi to provide estimates of funding required for research priorities:  3) Develop management strategy evaluation and reference point/decision rule identification  4) Integrated stock assessment - Torres Strait, Queensland east coast, PNG.	CSIRO
12	<b>Agenda 9.1 Management Objectives</b> Clarify and publicise definition of " <u>In Possession</u> "	QFS
13	<b>Agenda 9.4 Trawl Closure west of 143 deg.</b> TRL Industry to write to prawn industry, with data and other information seeking trawl closure west of 143 degrees.  Islander sector to discuss with industry to complete	Industry/ TSRA

	closure of Kirkcaldie Reef area to TRL.	
14	<b>Agenda 12 Industry nominations on TRLWG</b> Check terms of membership for PZJA committees Check “contract” for membership QRLA to take up issue with QSIA re Industry nomination.	



**TORRES STRAIT LOBSTER WORKING GROUP MEETING**  
**13-14 May 2004**  
**PEARLS BUILDING, THURSDAY ISLAND**

**MINUTES of MEETING**

THESE ARE **DRAFT** MINUTES WHICH HAVE BEEN DISTRIBUTED TO WORKING GROUP MEMBERS AND WILL BE RATIFIED AT THE NEXT MEETING OF THE WORKING GROUP. IF **NO** COMMENTS ARE RECEIVED BY **24 JUNE 2004**, THIS WILL REMAIN A TRUE COPY OF MINUTES TAKEN AT THIS MEETING.

**DAY 1**

**Attendance**

John Marrington	(Chair - AFMA)
Jim Prescott	(AFMA)
Sascha Taylor	(AFMA)
John Kung	(QFS)
Barry Ehrke	(QSIA Representative)
Ray Moore	(Industry Representative)
Peter Ahloy	(stand-in for Garry Christopher Industry Representative)
Peter Yorkston	(TSRA Fisheries Co-ordinator)
Lota Warri	(Traditional Inhabitant Representative)
Yen Loban	(Traditional Inhabitant Representative)
Manai Nona	(Traditional Inhabitant Representative)
Graham Hirakawa	(Traditional Inhabitant Representative)
Yimin Ye	(CSIRO)
Darren Dennis	(CSIRO)

**Observers**

Brett Arlidge	(Industry Representative - QRLA)
Phil Hughes	(Industry Representative)
Selina Stoute	(AFMA)
Toshio Nakata	(CRC Torres Strait)

**DAY 2**

**Attendance**

John Marrington	(Chair - AFMA)
Jim Prescott	(AFMA)
Sascha Taylor	(AFMA)
John Kung	(QFS)
Dan Sweeney	(QBFP)
Barry Ehrke	(QSIA Representative)
Ray Moore	(Industry Representative)
Peter Ahloy	(stand in for Garry Christopher Industry Representative)
Peter Yorkston	(TSRA Fisheries Co-ordinator)
Lota Warri	(Traditional Inhabitant Representative)
Manai Nona	(Traditional Inhabitant Representative)

Graham Hirakawa (Traditional Inhabitant Representative)  
Yimin Ye (CSIRO)  
Darren Dennis (CSIRO)

**Observers**

Brett Arlidge (Industry Representative - QRLA)  
Phil Hughes (Industry Representative)  
Selina Stoute (AFMA)  
Toshio Nakata (CRC Torres Strait)

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**DAY 1 – 13 May 2004**

*A) OPENING*

The meeting was opened at 0920hrs by the Chair, Mr John Marrington. This was followed by a moment to reflect on the individual contributions towards management in Torres Strait fisheries of the late Mr Tabitai Joseph (Mabuiag Community Fisher Representative and TRL Working group member) who passed away in March 2004. Mr Peter Yorkston personally expressed how Mr Joseph provided guidance, advice and assistance towards fisheries management in Torres Strait. Concluding, Mr Jim Prescott spoke of the Mr Joseph's individual nature to 'move forward' on management arrangements in Torres Strait fisheries and his initial involvement in the move to limit the use of hookahs in and around Mabuiag and the Western Islands. It was asked that the working group should achieve some important outcomes in Tabi's memory.

*B) APOLOGIES*

Garry Christopher (Industry Representative).

*C) AGENDA*

Mr Peter Yorkston wished to discuss the current Traditional Inhabitant Boat (TIB) TRL amnesty – currently in progress. It was agreed that this would be discussed in detail in Agenda Item 5. PZJA 16 decisions.

Under other business it was agreed to discuss (1) the use of Global Positioning Systems (GPS) and Depth sounders and (2) selection and membership of Industry members in the TRL Working Group.

**Agenda Item 1: Confirmation of the record of the previous meeting (18-19 November 2003)**

Mr Manai Nona moved that the minutes are true and accurate record of the meeting, seconded Mr Peter Yorkston.

The minutes of the 18-19 November 2003 meeting were adopted by the working group.

Mr Barry Ehrke expressed concern that the Queensland TRL Association's Table depicting their proposed 30% effort reduction in tenders for the 2004 season was not included in the November minutes. He also was concerned that a letter read by Mr Gary Christopher (Industry Representative) addressing the above subject was also not attached the November

minutes. Jim Prescott could not recall receiving a copy of the letter read by Mr Christopher. However, when the letter was presented by Mr Ehrke did recall receiving a copy from Mr Fogarty prior to the meeting.

**Action Item:** AFMA to approach Mr Gary Christopher for a copy of the letter for attachment in the November WG minutes.

**Agenda Item 2: Business arising from the previous meeting**

Jim Prescott presented an attachment paper- (see Attachment 1 at rear of document) addressing actions arising and carried over from March 2003 WG meeting. Three action items had not been finalised since this meeting. These are:

1. *Legal advice on the towing of licensed fishing vessels by unlicensed vessels.*

Jim Prescott discussed the legal interpretation of towing from Section 45(1) of the *Torres Strait Fisheries Act*. The WG agreed that there was a 'grey area' on the subject of unlicensed boats supporting tender operations and there is a need for a specific direction and definition. Jim Prescott stated that while Section 45(1) of the *Torres Strait Fisheries Act* is not that explicit, AFMA could pursue the appropriate legal advice to amend the *TSF Act*. The WG chair read through definitions from the *Commonwealth Fisheries Management Act 1991* as an example of what possibly be incorporated into the *TSF Act*. Mr Manai Nona expressed concern on the time and process involved in amendments to the *TSF Act*. Mr Peter Yorkston shared the similar view and suggested this alone could be a problem with the potential to effort creep and the effectiveness of effort in Torres Strait fisheries. Mr Yen Loban and Mr Phil Hughes put forward a proposal of the possibility of applying 'tender conditions'.

**Recommendation:** The working group recommend that the *Torres Strait Fisheries Act* be amended to prevent more effective fishing effort as a result of assistance from unlicensed fishing vessels

**Action Item:** Redefine 'take and carry' in *Torres Strait Fisheries Act* similar to *Commonwealth Fisheries Management Act 1991* and follow-through of the *Torres Strait Fisheries Act* sections (including towing).  
AFMA to draft scenarios for TRL WG to consider.

2. *Holding of live lobsters in unmarked cages.*

Jim Prescott put forward the question to the WG – 'Do we want to regulate this operation?'. Yen Loban suggested that there should be regulations on the size of holding facilities. Mr Peter Ahloy stated that holding facilities would have to be identifiable (ie similar to mud crab pot identification with a person address or licence numbers?). Another issue raised by Mr Graeme Hirakawa was the fees associated with cages or holding facilities – the fee should be low so it does not disadvantage the TIB sector.

**Recommendation:** The working group recommends management pursue Legislative changes to address the live holding of lobsters.

3. *Areas closed to hookah.*

Work in Progress. Peter Yorkston to further consult with TSRA Community Fisher Representatives at the 19-20 May 2004 meeting on the exact areas that they would like to be closed from hookah diving.

**Action Item:** Out of session - Peter Yorkston to provide a map with proposed boundaries outlined by the Traditional Inhabitant sector.

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Following, an update was given to working group members on the Action Items from the 18-19 November 2003 Working Group. Most of the items had been addressed or were to be further progressed in later agenda items.

Action Item 1 – Completed

Action Item 2 – Work in Progress. Peter Yorkston to further consult with TSRA Community Fisher Representatives at the 19-20 May 2004 meeting on the exact areas that they would like to be closed from hookah diving. Out of session - Peter Yorkston to provide a map with proposed boundaries

Action Item 3 – Completed

Action Item 4 – Completed

Action Item 5 – AFMA to forward amended strategic assessment report back to DEH

Action Item 6 – One submission made. Not discussed at the TSSAC, but the TRLWG to follow-up in Agenda Item 7

Action Item 7 – Dr Ray Moore reported no progress to date. Proposed the WG should discuss in greater detail on Day 1

Action Item 8 – Pass on to Dr Ray Moore

Action Item 9 – Nothing received to date

Action Item 10 – Queensland managers informed in relation to their fisheries. Mr John Kung informed the WG that nothing could be done at present, as the Latent Effort Process should effectively address this issue

Action Item 11 – Further consultation necessary to resolve both these issues

**Agenda Item 3: Correspondence relevant to the Lobster Working Group since last meeting**

Correspondence relevant to the working group was circulated and discussed.

**Agenda Item 4: Recommendations from TSFMAC Meeting No.2 to the PZJA**

Recommendations from the TSFMAC to the PZJA was moved and incorporated in the following Agenda Item 5. The WG expressed clarification of the exact abdominal somite in which downward pressure is to be placed. The record of recommendations from the TRLWG stated the 'second abdominal somite' where the recommendations from the TSFMAC to the PZJA stated the 'third abdominal somite'. Although amendments to Fisheries Management Notice 58 has not been drafted by AFMA – the WG agreed that the 'third abdominal somite' was the correct location.

## Agenda Item 5: PZJA Meeting No.16 decisions

The working group was presented with all decisions relevant to the TRL fishery from the December 2003 PZJA meeting. Mr John Marrington presented this agenda item. Some members requested copies of the record signed by the Chair (Senator Ian Macdonald). These were to be handed out but a photocopier malfunction prevented copies being made. [Note some members of the TRLWG who are also members of the FFWG received copies the following week]

Important outcomes for the Torres Strait TRL fishery included:

- Implementing for 2004 a ceiling on TIB licences that existed on 11 December 2003 with 'CR' symbols and reduction in TRL commercial tenders as per the table in the record;
- Clarifying the method of measurement of the TRL;
- Take and possession limits for Spanish mackerel and reef fish be reduced to a maximum combined allowance of 20kg fillets in possession; and
- Extension on the moratorium on licence amalgamations until the latent effort process is completed.

Mr Sascha Taylor provided an update of the current TIB Amnesty for the Torres Strait TRL Fishery. He provided further information to the WG on the Ministers press release, eligibility criteria, methods of publicity/advertisement and the distribution on TIB Application Packages to all relative communities throughout Torres Strait and the NPA. Mr Peter Yorkston followed with information that the Project Officer to travel throughout Torres Strait and the NPA to collect records of applicants fishing activities was Mr Ken Bedford.

The QSIA representative, Mr Barry Ehrke questioned AFMA on the TIB Amnesty if and when already a decision made at the December meeting PZJA to cap the TIB licences with a TRL endorsement was finalised and questioned if the decision taken had been reversed. Jim Prescott responded to Mr Ehrke's question by providing an insight into the matter including:

- The apparently large number of unlicensed fishers participating in the fishery (noting it was not the intent of the PZJA to reduce the participation rate of traditional inhabitants);
- The crisis meeting that was held on Badu Island in January at which Jim Prescott, Ms Trysh Stone (AFMA Senior Manger – Northern Fisheries) and Mr Quentin Hirakawa (QBFP) were in attendance;
- There had been numerous meetings between AFMA, DAFF, QFS, and TSRA in the weeks that followed;
- The briefing to the PZJA members were drafted by the relevant agencies but in consultation; and
- There had been some consultation between Government and Industry over the matter

Mr Barry Ehrke made it clear that he was extremely dissatisfied with the process from a QSIA perspective and stressed the importance of ensuring issues remain 'open and transparent'.

Mr Ehrke questioned if the TSRA member of the PZJA was in a position to make a decision WRT the TIB amnesty as the TSRA was in "Caretaker Mode" when the PZJA members exchanged correspondence. Peter Yorkston confirmed that participation in decision making that did not have financial implications for the TSRA was permitted by their legislation.

The working group noted that the decision in regard to the cap was for 2004 (during which time significant progress should be made towards longer term arrangements). The working group discussed the subtle distinction between the PZJA decision and saying that there would be no cap after 2004. Jim Prescott tried to clarify the difference, noting that it is not possible for the working group (or members individually) to say what arrangements will be in place for 2004. The only thing that can be said is what the decision of the PZJA was in December 2003. In other words members must be very careful how they present the information to those outside of the working group.

**Action Item:**

AFMA to forward available correspondence relating the TIB Amnesty decision, Ministers press released and licensing processes to the QSIA representative, Mr Barry Ehrke.

John Kung

**Comment [ST1]:** John to insert section of things to reiterate to the TSFMAC

**Agenda Item 6: Update on Strategic Assessment**

Jim Prescott presented draft recommendations for the Torres Strait TRL fishery for discussion. Jim noted that it had been AFMA’s intention to also provide a final response from AFMA to each of DEH’s recommendations however the environment section and himself had not been able to bring these responses to a conclusion prior to the meeting. It was noted that in relation to some of the recommendations from DEH that it would be necessary for them to revise them in line with what was really trying to be achieved through management, eg the objective should not be to rebuild the biomass but instead control the level of fishing effort in the fishery so that the fishing mortality does not exceed target levels. It was also noted that the time frames for some recommendations were being considered so that they were not set unrealistically short, ie there needed to be time to bring about the changes/actions that were being recommended.

In discussion about the recommendations Peter Yorkston questioned: “what is a BRP?”. The meaning was explained to the working group and as an example fishing mortality was used.

Ray Moore discussed the inadequacies of the current situation where for example we do not have a handle on catch or effort.

The working group also discussed the state of the stock/fishery when on this agenda item. The question was asked – “has the stock recovered?”. Yimin Ye answered by saying that the assessments are lagging because recent catch data have not been available, but that it would still be too soon to know for sure if there was a recovery of the stock or whether just environmental conditions had led to the high abundance. He suggested that you need at least a full life cycle of about 3 years to start to get a handle on whether or not the stock had recovered.

**Agenda Item 7: Research**

7.1 Provisions of research results and stock assessment advice.

The working group discussed the alternatives for the provision of timely stock assessment advice to support management of the TRL fishery. It was noted that historically AFMA had funded the research and through that process **CSIRO would provide a progress report and an**

annual/ or final report on an annual basis to the Torres Strait Scientific Advisory Committee (TSFSAC now TSSAC). The current system within the CRC is somewhat different where each project was nominally a 3 year project with the final report not due until the completion of the project.

The discussion then turned to the most appropriate way for stock assessment advice to be provided – is it through the production of reports eg the CRC process? Yimin Ye suggested the establishment of a “fisheries assessment group” (FAG). It was noted that FAGs were common in other AFMA fisheries. The make up of the group would include the research service provider (currently CSIRO) an independent researcher(s), and stakeholders. The agenda for these meetings would mainly concern identification of research needs and technical aspects of the stock assessment and critical appraisal of these methods to ensure management advice was effective and precise. In relation to the latter group (FAG) the working group was concerned about how the information would be transmitted from the FAG to the working group if the Working Group members were not part of the FAG. This issue was not fully resolved, but it was noted that some working group members would be on the FAG, but that the FAG meetings would be of a technical nature and would not deal with the many operational issues that the Working Group deals with. The model in the Northern Prawn fishery was that the FAG reports to NORMAC (similar to a combination of TSSAC and the TRL Working Group).

If working properly the Working Group agreed that the FAG process could offer more timely stock assessment advice, independent peer review and a more transparent stock assessment process. It was also noted that Industry could probably contribute more to the assessment (data and information) through this type of process.

The FAG would replace the current system where the TSSAC reviews the research but where the TSSAC, CRC and TRL WG processes are not in sync.

The issue then became how a FAG would be funded under the current arrangements. This issue was not resolved but would be one which Management should pursue if the concept is recommended and accepted by the TSFMAC and PZJA.

<b>Recommendation:</b>
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<b>Action Item:</b>
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## 7.2 Research funding CRC and FRDC

Research funding was discussed from several perspectives: longer term arrangements when the CRC ends in June 2006 and the need for additional interim funding to do more research than that being carried out by the CSIRO (through the CRC).

It was discussed that the Fisheries Research and Development Corporation (FRDC) is a major funding agency for fisheries around the rest of Australia. The working group heard from Jim Prescott that for each dollar a particular fishery contributed to FRDC there would be 3 additional dollars, but that not all the funds will necessarily flow back directly to the particular fishery as related research elsewhere may be credited against that fishery.

Darren Dennis noted that FRDC will not fund routine stock assessment or fisheries monitoring activities. He also noted that going through the application process is resource

intensive and that no funding is guaranteed. Yimin Ye expressed satisfaction with the system and noted that the NPF research program was supplemented by FRDC funding. Current fishery-independent stock monitoring in the NPF is funded primarily by industry (\$K500) with contributions from AFMA and FRDC.

It was noted that Industry (all fishers taking lobsters commercially) do not contribute direct funds to research. Some present at the meeting thought that was irresponsible. It was also noted that the contribution could be in kind – Industry could do more research work directly (discussed later).

Ray Moore noted that there should be careful consideration to industry funding for research and funding for such activities as a buyback. He pointed out that if all the funds spent on research had been spent on buying back licences, then there would not be a problem with the level of effort in the fishery. But, it should be noted that research and buyback are two different things. Without research, the need for a buyback policy may never be identified.

### 7.3 Research priorities (picked up from previous meeting)

The working group began by reviewing what the 5 year strategic research plan (2000-2005) was for the fishery. It was noted that the working group rarely if ever referred to the document and had little or no input into setting the strategic research directions for the fishery.

Despite little working group input to the strategic research plan it was noted by Yimin Ye that the plan had “good vision” and that the fishery was in a better position now than it might have been without the plan with regard both to research and management.

The working group noted that some of the research priorities had been followed and met while others had not, in particular the collection of population structure of the harvested lobsters. It was noted that this task was left to AFMA to complete after AFMA would no longer fund CSIRO for this activity. Jim Prescott noted, however, that AFMA was a management agency and was not well suited to undertake this work and that it should be left to researchers to ensure research data are collected.

The lack of good catch and effort data from the fishery, in particular from the TIB sector, was mentioned by Ray Moore as a major gap – these are basic data for any fishery. It was noted that this gap was being filled now through the use of the docket book and improved logbook records. AFMA reported that where the docket books were being used that they were thought to be capturing 100% of the TIB catch. However, it was felt that the effort data was not going to be as easy to capture, although just as there are a few long term time series of catch and effort data from the freezer boat sector there will be similar series among the TIB operators.

The working group turned its attention to ways that some of the other gaps in the research could be filled. CSIRO asked if fishers could begin by collecting population structure data. It was thought that if about 10 fishers could measure about 80 lobsters a month (randomly from their catch) that would lead to a good sample of the harvested population. This sample would allow catch data to be separated by size class allowing more effective monitoring of lobster abundance trends. Industry representatives thought that this would be possible. It was also suggested that the Processing sector could participate. However, discussion favoured the sampling being done at sea.

The next major issue discussed was the annual fishery-independent dive survey. Yimin Ye explained to the working group how the sample sites had been distributed over the past, including the large scale and benchmark surveys (1989 and 2002) and the more frequent smaller surveys. Yimin noted that in 2004 he had endeavoured to achieve greater geographic coverage of the fishery by dropping one of the paired dive sites and spreading their effort over a larger area. He stated that the sample design was critical to obtaining good estimates of recruiting (1+) and fished (2+) lobster abundance.

Darren Dennis noted that shortly before the 2004 survey they were informed that they were not allowed to dive over 21 metres and had other restrictive dive practices imposed as a result of strict adherence to the Australian Diving Code of Practice. This meant that many of the sites in the SE of the fishery could not be surveyed any longer – these were important sites.

It was noted by Yimin that the standard error (SE) for the estimates is already about 60% which is quite large. It would be very useful to sample at more sites to reduce the uncertainty. The question was asked if Industry could participate in the research program by undertaking some of the survey transects at selected sites and times with a chainman supplied to each participating licence to measure the distance. Industry was sceptical that they could guarantee that fishers would be willing to do these surveys – it was considered too much to expect that fishers would travel to a site and give up valuable fishing time somewhere else. The feasibility of industry conducting supplementary surveys was to be further discussed at the next QRLA meeting planned for June 2004. CMR was to provide a map of proposed sites.

Next the issue of a more integrated approach to assessing the stock was discussed. It was noted that in Qld an integrated stock assessment was high on the list of their priorities. It was noted that the deep water of the EC fishery posed a particular difficulty to extending fishery-independent surveys to that jurisdiction. Likewise PNG posed problems because of the diving conditions and the very patchy nature of the stock there (leading to high standard errors). Further, it was discussed that the data that were being collected were not necessarily comparable between jurisdictions – this is one area that could be addressed relatively easily – collect comparable data.

The working group broke at this point in the discussions and over the evening CSIRO drafted the following set of urgent research priorities that were discussed and refined as follows, the next morning. These priorities were selected from those identified at the previous working group meeting (November 2003, see below). On the day there only time to consider the high and medium priorities.

### **Torres Strait Lobster Fishery Highest Research Priorities (May 2004)**

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

*Priorities should be addressed immediately*

#### **1. Monitoring the length composition of the lobster catch**

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

- Method: select **10** trustable fishers (3 processors and 7 freezer boats), each fisher measures **80** lobsters and record their length and sex in each month.
- Funding: No, costs to CISRO for data entry, management, analysis can be absorbed by the lobster project for the next two years.

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

- Purpose: more reliable abundance index
- Method: increasing the coverage and number of sample sites to achieve a reasonable (20-30%) coefficient of variation.
- Funding: (1) More funds could be made available for the survey; (2) alternatively industry could supplement the fishery independent survey, e.g. 10 commercial boats, each boat doing 5 transects of 2\*500M at specified locations during the fishery independent survey period each year.

*Priorities should be addressed within the next 1-2 years*

## **3. A management strategy evaluation study**

- Purpose: establish reference points and decision rules for the management of the fishery (addressing DEH's recommendation 1)
- Method: develop an operating model; carry out simulations to determine what indicators are most sensitive to fishing, and what reference points should be used to trigger management actions; and to establish a decision rule for practical management (see Agenda Item No. 9.1 of this working group meeting).
- Funding: Seek appropriate funds for a research project

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

- Purpose: more scientific assessment of the lobster stock and fisheries
- Method: collect data and develop an integrated approach to modelling all the three fisheries together. Maybe, start with a scoping study.
- Funding: coordinated funding should be made available from each fishery.

## Torres Strait Lobster Fishery Research Priorities (December 2003)

**Contributors:** AFMA Jim Prescott jim.prescott@afma.gov.au , TSRA Peter Yorkston peter.yorkston@tsra.gov.au], Commercial Fishers Ray Moore Dr Raymond Moore Dr.RayMoore@bigpond.com, CSIRO Yimin Ye yimin.ye@csiro.au, Darren Dennis Darren.dennis@csiro.au.

Priority	Issues and Questions	Research needed	Benefit
High	Monitoring length composition of the lobster catch (population structure). What is the seasonal age-structure of commercial lobster catches?	<ul style="list-style-type: none"> <li>• Sampling lobster landings for length frequency data:               <ol style="list-style-type: none"> <li>a) Fishers could sample their catch periodically using a standard measure.</li> <li>b) Island-based freezers could measure samples of the product received.</li> <li>c) Remunerate selected processors to do the sampling (as CSIRO did before 2001).</li> </ol> </li> </ul>	<ol style="list-style-type: none"> <li><sup>a</sup> Estimate recruitment timing and selectivity of the fishery.</li> <li><sup>a</sup> Improve estimates of recruitment and spawning stock.</li> </ol>
High	Accuracy and precision of annual population surveys. How reliable are the annual fishery-independent surveys at predicting actual lobster abundance?	<ul style="list-style-type: none"> <li>• Modify the current survey design for improvement in precision of the survey estimates.</li> <li>• Increase funding to cover more sites in the annual survey.</li> <li>• Additional survey sites could be conducted cost-effectively by fishers.</li> </ul>	<ol style="list-style-type: none"> <li><sup>a</sup> Better track true changes in lobster stock abundance.</li> <li><sup>a</sup> Improve stock assessment and consequent management advice.</li> </ol>
High	Collection of total lobster landings from 2001-2003. Can we reliably estimate annual catches from available fishery data?	<ul style="list-style-type: none"> <li>• Explore the possibility of using data imputation techniques to estimate total catches.</li> </ul>	<ol style="list-style-type: none"> <li><sup>a</sup> Estimate the total catches of the fishery in these years.</li> <li><sup>a</sup> Enable stock assessment to be updated to the latest year.</li> </ol>
High	Collection of commercial fishing effort data. How much fishing effort	<ul style="list-style-type: none"> <li>• Obtain effort data retrospectively from dockets from buyers</li> </ul>	<ol style="list-style-type: none"> <li><sup>a</sup> Assess exploitation rates.</li> <li><sup>a</sup> Significantly improve</li> </ol>

	was applied during previous years?	<p>etc.</p> <ul style="list-style-type: none"> <li>• Conduct verifying survey to evaluate the value of the effort data collected.</li> </ul>	stock assessment and management advice.
High	<p>Connectivity of the lobster fisheries in Queensland, PNG and Australia jurisdictions of the Torres Strait.</p> <p>Can we develop an integrated stock model that incorporates data from the three sectors?</p>	<ul style="list-style-type: none"> <li>• Assess the data sources from the three jurisdictions.</li> <li>• Develop a scoping study on possible integrated assessment models that incorporate all the three fisheries.</li> <li>• More tagging experiments.</li> <li>• Fishery-independent surveys of the east coast population.</li> </ul>	<ul style="list-style-type: none"> <li><sup>a</sup> Identify unit stocks for management purposes.</li> <li><sup>a</sup> Understand the necessity for coordinated research and management for the three areas.</li> <li><sup>a</sup> Develop a meta-population concept and corresponding techniques for stock assessment and management.</li> </ul>
Medium	<p>Establish reference points and management strategies. Which reference points and management strategies are most appropriate for the lobster fishery?</p>	<ul style="list-style-type: none"> <li>• Conduct a comprehensive evaluation of management strategies for the fishery.</li> <li>• Identify reference points that are sensitive to stock status and can be measured in practice.</li> </ul>	<ul style="list-style-type: none"> <li><sup>a</sup> Effectively prevent over-fishing of the stock.</li> <li><sup>a</sup> Make the management objectives operational.</li> <li><sup>a</sup> Safeguard the long-term sustainability of the fishery.</li> </ul>
Medium	<p>Movements of lobsters within TS and between TS and PNG jurisdictions. What are the small-scale and large-scale movements of lobsters?</p>	<ul style="list-style-type: none"> <li>• Develop a tagging program to investigate movements between jurisdictions and between deep-water habitats (eg. Kirkaldie) and shallow reef habitats.</li> <li>• Use the latest Pop-Up tags (PAT) to supplement this tagging program by allowing “recaptures” from areas where there is no fishing (this method is un-proven for lobsters and would need to be tested).</li> </ul>	<ul style="list-style-type: none"> <li><sup>a</sup> Clarify lobster stock boundaries.</li> <li><sup>a</sup> Estimate what proportion of the Australian stock migrates to PNG (GoP) and what proportion migrates to eastern TS to breed.</li> <li><sup>a</sup> Investigate the movements between shallow reef and deep-water habitats in the fishery.</li> </ul>
Low	<p>Pre-recruit harvest and grow-out</p> <p>Is lobster grow-out an economically and ecologically viable proposition in TS?</p>	<ul style="list-style-type: none"> <li>• Study the potential locations and technique for post-larval harvest.</li> <li>• Evaluate the likely impact of post-larval harvest on the population and its fishery.</li> <li>• Conduct a pilot study to evaluate the most</li> </ul>	<ul style="list-style-type: none"> <li><sup>a</sup> May develop an industry of growing out post-larval lobsters.</li> <li><sup>a</sup> Make contribution to local economy and societies on a long-term basis.</li> </ul>

		effective culture technique.	
Low	What are the key factors in lobster larval survival? Can environmental conditions at the time of larval settlement be used as a predictor of lobster recruitment strength?	<ul style="list-style-type: none"> <li>• Collate historical data of environmental variables such as temperature, salinity, seagrass die back etc.</li> <li>• Collect larval settlement data and/or abundance indices of lobster larvae.</li> <li>• Carry out statistical analysis on correlation and causal relationship between lobster larvae and environmental variables.</li> </ul>	<sup>a</sup> Understand the mechanism of recruitment variation caused by environment factors. <sup>a</sup> Provide extra information for the stock recruitment relationship. <sup>a</sup> Potential forecast for year class strength.
Low	Economic contribution and efficiency and social-cultural importance of the fishery. What is the economic and social significance of the lobster fishery?	<ul style="list-style-type: none"> <li>• Conduct social and economic survey related to the fishery such as fisher's revenue, number of employees, contribution to local economy, cultural value of lobster fishing for TS inhabitants.</li> <li>• Evaluate the non-money value of the fishery to local inhabitants.</li> <li>• Carry out bio-economic modeling to establish management strategy for the fishery based on long-term social, economical and ecological sustainability.</li> </ul>	<sup>a</sup> Incorporate social and economic concerns into the management of the fishery. <sup>a</sup> Management strategies addressing more social-economic concerns. <sup>a</sup> Fishers become more active/cooperative in the practice of fishery management.
Low	Trawled lobster survival. Do all lobsters released after being trawled survive and is their subsequent behaviour modified?	<ul style="list-style-type: none"> <li>• Survival experiments using trawled lobsters should be undertaken during the breeding migration to assess long-term impacts of this activity and the associated stress.</li> <li>• Pop-up tags could be used to assess subsequent behaviour.</li> </ul>	<sup>a</sup> This information would address the concern that trawling impacts on the breeding migration, even though lobsters are released
Low	Trawled lobster monitoring. How many lobsters are captured incidentally during the breeding migration?	<ul style="list-style-type: none"> <li>• A targeted seasonal observer program could be implemented to assess lobster bycatch</li> <li>• Effective monitoring by the whole fleet could be</li> </ul>	<sup>a</sup> In conjunction with the above research project this information would assess the issue of trawl impacts on lobster migrations.

		used to indicate relative size of annual breeding migrations	
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**Agenda Item 8: Update on Latent Effort**

John Marrington led the discussion on the latent effort process. The working group noted progress with the process. A question was asked about who was on the Latent Effort Internal Advisory Panel – it was explained that the representatives included Robert Tomasich (QFS), an independent fisher from Mackay, and a person selected by the TSRA.

The working group was provided with information (in the discussion paper) that showed the number of licences that met the criteria agreed by the PZJA for the TRL (and other fisheries) and the number that did not meet the criteria, plus the number of licence holders who had supplied supplemental information or a submission stating their exceptional circumstances. The numbers for the TRL fishery were:

Met criteria	Did not meet criteria	Lodged supplementary information	Lodged exceptional circumstance submissions
18	19	7	2

During the discussion of the Latent Effort Process Barry Ehrke raised the a question about the “TIB Amnesty”. Barry asked what criteria was established for the Amnesty process. Barry was informed that the criteria was not based on a quantity of catch *per-se* but proof of fishing 10 times during any one year in 2001, 2002 or 2003. “What about 9 times” was asked and are there any appeals.

The meeting was advised that the licensing delegate would be making the decisions on who would be granted a licence or a renewal as the case may be and that the powers to do so are provided for in the Act.

**Agenda Item 9: Management Arrangements**

9.1 Management Objectives (carried on from last meeting)

Jim Prescott presented the agenda paper on management objectives for the Torres Strait TRL fishery. The discussion paper picked up where the topic left off at the last working group meeting in November 2003. It was noted that having clear and achievable objectives is essential to good management of the fishery and was one of the recommendations made by DEH in their draft recommendations.

The WG considered the objectives that had been agreed to at the last meeting. It then considered the wide range of objectives from the Tasmanian fishery to get a feel for what objectives had been established in other rock lobster fisheries.

Considerable discussion was had about how “traditional life and livelihoods” could be protected. It was noted that there were inevitably trade offs between the traditional and commercial catches and that a perfectly “healthy” commercial fishery could result in unacceptably low traditional catches. The issue of protecting home reefs from all forms of

commercial fishing was discussed but traditional inhabitants wanted it recorded that they traditionally fished all the reefs of Torres Strait. This issue was not resolved but the suggested performance measure was amended in light of the discussion.

The group revised the objectives and came up with the following table, which was open to further comment out of session, particularly in regard to the performance measures and strategies.

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

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

There was an action item arising from the discussion about managing recreational fishing impacts, where members wanted “possession limits” defined.

**Recommendation:** (following tidying up by AFMA and circulation to TRL WG) The TRL WG recommends that these objectives be adopted for the fishery.

**Action:** QBFP to provide a definition of “in possession”.

## 9.2 Boat Replacement Policy

The boat replacement policy issue was discussed by the working group. The current policy was identified for the Working Group. It was noted that a number of individuals had expressed a desire to replace existing vessels with larger vessels. In the course of this discussion AFMA raised the issue that in other commonwealth fisheries the vessel size restrictions had been done away with following a successful challenge to these measures mounted by a fisher in the Great Australian Bight in relation to the “Bannister Quest”.

However, unlike the Torres Strait Fisheries Act the Fisheries Act has objectives of maximising economic efficiency which may clash with measures to control boat lengths.

It was also noted that some vessels operating in the fishery are thought to be larger than the lengths permitted by their licences. Industry suggested that the lengths shown on the applications may have been the Queensland DOT vessel survey lengths which are not the same as the lengths measured according to the FMN 47. It was suggested that the boat replacement application form be amended to include instructions for measuring a boat for Torres Strait Protected Zone fisheries.

**Action:** Include instructions for the measurement of boats per FMN 47 on the boat replacement application form.

After lengthy discussion the Working Group agreed to recommend that the boat replacement policy be maintained until there is satisfactory control of effort in the fishery after which time it can be reviewed.

**Recommendation:** The TRL WG recommends that the current Boat Replacement Policy be maintained and can be reconsidered once satisfactory control of fishing effort in the fishery has been achieved.

### 9.3 Long term management arrangements

The working group discussed the limited range of management alternatives that were presented in the discussion paper, before turning to other alternatives that Manai Nona had brought from Badu as resolutions of the Badu Fisheries Association meeting they had convened earlier in the week. A broader range of alternatives was discussed by the end of the agenda item and led to a list which was sent to members for further out of session discussion.

In relation to the limiting the number of hookahs, there was a general feeling that this alternative had some merit. It was noted the PNG in their lobster management plan had already imposed such a control. It was thought that the number of hookahs in use by the non-traditional inhabitant sector was about 50 at the most. [As I recall - please help everyone we concluded that the two sectors were using approximately the same number]

A number of members pointed out that capping the number of hookahs in use would probably lead to wholesale buying of new units so fishers would not be left without one. It was noted that a common feature of imposing restrictions on fisheries was that fishers invested more in gear while they could. The group heard that to have a “legal” hookah to use the owner would have to demonstrate ownership [note that it was inferred that ownership would have to be established for a period preceding the capping]. Dan Sweeney pointed out that this might only serve to have a large number of derelict hookahs resurrected for the purpose of getting in under the cap – this was considered to be a very valid issue. Dan went on to say that ensuring compliance with the cap would be problematic and that Management should not be setting up arrangements that shift the burden on to the Compliance area.

Agreement to limit the number of hookahs in the fishery could not be reached by the working group.

The Working Group next considered the allocation of fishing days. Peter Ah Loy considered that reducing the number of days in the fishery would make the fishery un-viable from a business perspective (citing a 6 month season as an example). However it was pointed out that this alternative was not about limiting the length of the fishing season but was about preventing the number of days worked by licence holders from increasing above what it had been historically. Jim Prescott noted that this alternative was mostly aimed at preventing the growth in effort among the “freezer boats” as this was the only sector where the monitoring

of days would be possible because the boats were few in number and were either in port or not (ie they would have to notify where they were and what they were doing).

In relation to controlling effort in the TIB sector the concept discussed at the last meeting of a two tiered licensing system that provided limited access for full time fishing but additional access for “target fishing” was further discussed. It was noted that at the January meeting in Badu that people said that this proposal was not acceptable, however Jim noted that on the day people were not in a mood to consider any alternatives. [ I need help to complete the discussion – I know no agreement was reached but were any positive suggestions made]

The working group discussed the alternative of limiting effective effort in the TIB sector by limiting the number of TIB licences with CR endorsements on boats greater than 6 metres in length. It was noted that as it stands there is nothing preventing an unlimited number of larger vessels (freezer boat type) from entering the fishery through the TIB sector. This alternative did not get support from the traditional inhabitant representatives. Their main concern was that this would limit their capacity to develop economically. They also considered that there should be a “level playing field”.

The resolutions from the Badu meeting were read out by Manai Nona. [What follows is not a word for word from the resolutions which must be sourced from Manai]

1. The cap on the TIB licences with CR endorsements must end at the end of 2004;
2. Any reduction in the level of effort should be based on the priority of access;
3. Dual East Coast (Queensland) and Torres Strait licence holders have the Torres Strait licence bought back by Government (reasoning provided was that this was a lower cost buyback as the Government only needs to pay half the value of the whole licence packages);
4. Hookah ban areas at Mabuiag, Kirkcaldie etc must be observed; and
5. Non-transferable licences are cancelled.

There was general consensus among members that it was necessary to make changes that will bring effort in the fishery under control. However, none of the alternatives discussed had support by consensus from the Working Group.

The working group was mindful of the legal advice provided by Stephen Skehill and there was lively debate about this. It was noted that the QSIA had a different legal opinion from its own legal council which suggested that there was a priority of access where traditional fishing had priority over commercial fishing. But the difference between the QSIA advice and the Government’s advice was the QSIA were told that community fishing does not take priority over commercial fishing that is not community fishing. It was noted that no where in the Treaty of or the Act does it say there is a priority of access between community and other commercial fishing and that this must be inferred from the full context of the two documents.

Barry Ehrke asked that funds be pursued for a buy-back scheme through the appropriate Minister with an emphasis on the restructure package being targeted towards ensuring sustainability.

<p><b>Recommendation:</b> The TRL WG recommends to the TSFMAC (out of session) that financial assistance be sought from the Commonwealth government for a buyback scheme in the TRL fishery for sustainability purposes and long term management planning.</p>
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#### 9.4 Trawl closure west of Longitude 143°

Ray Moore reiterated the proposal he presented at the November WG on restricting the area where prawn trawlers are currently allowed to operate to the area East of 143 degrees to protect important lobster habitat around the area of Kirkcaldie reef. He noted that the area is not now trawled but could be trawled and that trawling could have a negative impact on the area which is important lobster habitat.

Barry Ehrke stated that this must be backed up by scientific research to justify the closure. He noted that the effects of trawling studies undertaken on the GBR (inside and outside of green zones) demonstrated that the effects of trawling are not catastrophic and in fact a single pass of a trawl over the bottom removes only about X percent of the fauna [Barry – please complete with what you said]. There was debate about the relevance of the studies Barry quoted from for the area in question.

Ray Moore maintained that it was best to prevent trawling from occurring in the area before there is a history of it (noting that catch and effort records indicate a very little trawl activity in the area.

Traditional inhabitants expressed their view that hookah diving also in the deep-water areas was preventing TRL from moving up onto the reef tops where they could be accessed by freedivers and traditional fishers. Again there was suggestions from the TIB sector that the Kirkcaldie area was a feeder ground for TRL in the Inner island area and that harvest should be restricted to allow the movement of crayfish. The traditional inhabitant sector proposed restricting both the area where prawn trawlers are currently allowed to operate to the area East of 143 degrees and hookah diving in this area. Again Mr Barry Ehrke stated to the traditional inhabitant sector that this must be backed up by some form of scientific research to justify the closure.

**Action:** TRL Industry to write to prawn industry, with data and other information seeking trawl closure west of 143 deg.

**Action:** Islander sector to discuss with industry to complete closure of Kirkcaldie Reef area to TRL.

#### 9.5 Areas closed to hookah

Peter Yorkston noted that there had been discussion between traditional inhabitants about the areas that should be closed to hookah diving. He further noted that the issue would be discussed at the forthcoming TSRA fisheries representatives meeting.

The meeting discussed the need to make closed areas as simple as possible to “police”, ie by making the areas boxes where the fisher would either be east or west or north or south of the boundary which can be easily determined by GPS.

[Peter – need you to complete this section]

#### **Agenda Item 10: Pre-recruit harvest – potential to value add industry (carried over)**

Carried over again.

#### **Agenda Item 11: Compliance**

There was no discussion paper for this agenda item. Dan Sweeney noted that compliance activities have been dominated by foreign vessels (16 apprehensions YTD).

Staffing was noted to be a problem with one staff member gone and being replaced by rotation with staff from stations around Queensland.

Dan also noted there have been a limited significant breaches detected when they have been pursuing issues in the TRL fishery.

## **Agenda item 12: Other business**

### 12.1 Legal advice on banning the use of GPS and echo sounders.

Jim Prescott gave a power point presentation on the legal advice AFMA had obtained from the AG's office. The following information was presented:

*Legal Questions asked and Answers received*

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

*A1. No*

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

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

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

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

### *In Summary*

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

Some members of the working group noted that these electronic navigational aids have the effect of making fishers much more efficient and effective. This was accepted by the working group, however it was noted that given the legal advice provided that other measures of controlling effective effort would have to be used.

### 12.2 Membership

There was discussion about the membership of the committee. Questions were raised about the term of member's appointments, and the process of nomination.

There was discussion about whether members should be current stakeholders. There was general agreement that this was desirable. There was also discussion of which Industry body was the appropriate body to nominate Industry members, ie the QSIA or the QRLA. The meeting concluded that they were satisfied with the current process where the QSIA nominated the members for the non-traditional inhabitant Industry.

**Action:** Clarify term of working group members - Management

C) *NEXT MEETING*

No specific date was set for the next meeting of the TRL WG. However, all WG members would be informed of the exact date well in advance of the next WG meeting.

**ACTIONS ARISING AND CARRIED OVER FROM MARCH 2003  
WORKING GROUP MEETING**

Three action items have not been finalised since the March 2003 meeting. These are:

1. Legal advice on the towing of licensed fishing vessels by unlicensed vessels;
2. Holding of live lobsters in unmarked cages
3. Areas closed to hookah

**Towing**

With regard to the first of these items AFMA management has examined the TS Fisheries Act and does not see anything in the Act that would prevent this. Section 45(1) states that “ A person shall not:

- (a) engage in taking fish in the course of commercial fishing (other than community fishing) on a boat in an area of Australian Jurisdiction unless there is in force in respect of a boat licence under subsection 19(2) or a Treaty endorsement;
- (b) being a traditional inhabitant, engage in activities by way of community fishing on a boat in an area of Australian jurisdiction, being activities in respect of which there is in force a declaration under subsection 17(1), unless there is in force in respect of the boat a licence under subsection 19(2);
- (c) being the holder of a licence in force under section 19, in an area of Australian jurisdiction contravene or fail to comply with a condition of the licence;
- (d) being the holder of a licence in force under section 19 in respect of a boat, cause or permit a person acting on his or here behalf in an area of Australian jurisdiction to contravene or fail to comply with a condition of the licence;
- (e) being a person acting on behalf of the holder of a licence in force under section 19, in an area of Australian jurisdiction contravene or fail to comply with a condition of the licence;
- (f) use a boat in an area of Australian jurisdiction for processing or carrying, in the course of commercial fishing, fish taken with the use of another boat unless there is in force in respect of the first-mentioned boat a licence under subsection 19(3)...

Consequently if the unlicensed boat is not used directly in the process of TAKE or CARRYing the fish then it does not appear to be an offence under the Act.

If members require a more thorough legal analysis of this it can be done but there are costs to management for the provision of this advice and it will not be sought unless there is consensus that it must be.

### **Live holding**

In relation to the second matter Management continues to have concerns about the unregistered use of live holding cages. These pose a compliance risk as they allow fishers to fish and hold crays out of season (reports of this have been made). If discovered by QBFP there is little that can be done at the moment. If the working group considers this to be a significant compliance risk then it should describe those risks and a solution will be sought.

### **Areas closed to hookah**

This issue has been an outstanding one going back before the March 2003 meeting where little if any progress was made. Some areas where traditional inhabitants wanted as hookah free areas were quickly defined at a recent public meeting. These could be reviewed and discussed by the working group. Areas closed to hookah should be considered in terms of the overall management of the fishery, from a compliance perspective, and marketing of the product as well as a socio-economic one.

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