

Meeting of the Tropical Rock Lobster Working Group

18-19 March 2003

Draft Agenda

Action Items

Item	Para	Action	Action Agency
1	10	prepare report on the legal implications of operations where an unlicensed boat may be used for towing a licensed vessel to or from the fishing grounds and/or is used for accommodation	AFMA/ QFBP
2	12	Send a letter to PNG officials thanking them for the decision to limit fishing effort in the Australian area of the TRL fishery.	AFMA
3	25	Provide advice by 25 April 2003 on how to restrict effort in the TIB sector of the fishery and at some point after this date come up with a recommendation on how to achieve this objective.	TSRA fishing reps/Peter Yorkston
4	27	Legal opinion be sought on the standing of the investment warning and, subject to that advice, the PZJA confirm that activity in the fishery after the date of the investment warning not be taken into consideration in any allocation of effort that may follow. Operators should be advised of this confirmation.	AFMA
5	29	Indigenous fisher representatives seek approval by their communities on the legislation to prevent the take of turtle and dugong on commercial fishing vessels (excluding TIBs)	TSRA fisheries coordinator/ Islander fishing reps
6	31	Develop policy on the registration of live holding facilities for TRL by the next WG meeting.	AFMA/QFBP
7	32	The working group recommended that Islanders and Industry consult further on the issue of closed areas for hookah for the next working group meeting	Islander fishing reps / Industry

Recommendations from the TRLWG to the TSFMAC

No.	Agenda Item	Recommendation
1	B	The working group recommends that there is an urgent need for catch and effort data to be collected and sufficient resources provided to enable the <u>development and implementation</u> of the AFMA docket book and to input data obtained through that docket book into a computer database. The committee felt that one full time position would be required for the collection and processing of this data in addition to the one AFMA staff member already working part-time on fisheries data. This recommendation was fully supported by all members of this working group. The stock assessment researchers stressed the need for more data on catch and effort on a monthly basis from all sources and also size grading data.
2	2	The working group recommends that further work be undertaken to develop the catch sharing arrangements that will result in PNG effort being distributed over a greater area of the fishery.
3	3	The WG recommended a stock assessment workshop/FAG workshop with QLD, Torres Strait and PNG and that this advice be provided to the SAC for priority funding. The timing of the workshop to depend on acquiring the data needed but no later than the end of the next financial year.
4	7	The WG recommended that the TSFMAC and PZJA adopt the recommendations of the Latent Effort Subcommittee as a matter of urgency on the basis that this reduces the extent of the latent effort problem in the fishery.
5	7	The working group recommended that the TSFMAC note and PZJA adopt the recommendation from the Latent Effort Subcommittee that there must be additional measures taken to control potential effort through and effort management system
6	7	The WG recommended that a consultation process be initiated with the TIB sector that will lead to recommendations for the control of potential effort in that sector, including a timetable for implementation. (Islander members advised that a consultation process is already under-way to look at TIB fisheries where potential effort could be reduced, and that the required information is being sought from the communities to be provided by the 15 April 2003). The working group noted that these consultations are not trivial and may require resources beyond current levels.
7	9	The working group noted that several operators with two tender packages expressed concern over the viability of the operations following a reduction to one tender. A report be made to the TSFMAC on the impacts of the 30% reduction that would include the impacts for licence packages with various tender numbers to allow the MAC to consider the situation on an informed basis. Also contained in the report will be an analysis of any variation of the decision.
8	8	The WG recommended that a legal opinion be sought on the legal standing of the investment warning and, subject to that advice, the PZJA confirm that activity in the fishery after the date of the investment warning not be taken into consideration in any allocation of effort that may follow, and also that all operators should be advised of this confirmation.

9	11	The working group agreed to refer the matter of turtle and dugong catches on commercial fishing vessels (excluding TIBs) to the TSRA fisheries consultation process before making any recommendations on this matter and requested the TSRA to report back the outcomes of the consultation by the next TRLWG meeting.
10	11	The WG recommends that a zero (0) bag/possession limit be introduced for TRL where the take would be by TSFBL holders without a CRAY endorsement until the stock recovers when this limit may be reconsidered.
11	11	The TRLWG recommends that the finfish WG consider a bag limit on reef fish for any licence without a LN endorsement. The WG noted that the sub committee's recommendation was 50 kg of reef fish but with only 10 kg of coral trout for licences with pre-existing LN endorsements. Management was concerned that this possession limit is excessive and would prefer a 20kg limit of all reef fish and 20 kg of mackerel, but was not able to address this at the last finfish working group. The islander perspective was that a total limit of 20 kg was sufficient.
12	E	Industry and Islander members of the WG recommended that the proposal to amalgamate tender licences of two primary vessels be accepted on the basis that one primary and one tender vessel be surrendered and with the proviso that the islander representatives support the proposal after wider consultation. Industry and Islander members agreed to consult further and report to the TSFMAC. Management was concerned that the licence amalgamation should only be considered in the context of a management plan for the fishery where effort has been managed and there is an explicit policy to guide the decision
13		This WG reiterates its concerns about the lack of resources for compliance in Torres Strait Fisheries. Without proper compliance any management measures introduced through the working group will not be fully effective.

Meeting of the Torres Strait Lobster Working Group 18-19 March 2003

Draft Agenda

Day 1 18 March 08:30

- A) Open Meeting, Apologies, and Adoption of agenda
- B) Confirmation of the minutes of the 8-9 October Meeting
- C) Business Arising
- D) Correspondence
 - 1. Report from the October TSFMC and November PZJA Meeting
 - 2. Report on the PNG Bilateral Meeting
 - 3. Research Reports
 - Update on Larval Dispersal Modelling
 - Update on 2002 survey results and plans for 2003 survey
 - Development of new stock assessment model: transition from old to new methods and implications for management
 - 4. TRLWG – TSFSAC Interactions
 - 5. Report on the Cooperative Research Centre (CRC) for Torres Strait
 - 6. Strategic Assessment update (Tele-conference with Environment Section 10AM on 19th)

Day 2 19 March 08:30

- 7. Report from the Latent Effort Subcommittee
- 8. Effort Management System
- 9. Report from Industry on 30% reduction in Tenders for 2003
- 10. Report from Islanders on strategies to manage effort
- 11. Management notices/ licence conditions:
 - Tail Meat;
 - Take and possession of Turtles and Dugong on commercial vessels
 - Logbooks for vessels over 7 metres
 - New notice: register live holding “facilities”
- 12. Independent Panel Report: Report to the TSFMAC from the TRLWG
- 13. Recommendations (other) from the TRLWG to the TSFMAC
- E) Other Business
 - Hookah closed areas
 - Transferability of tenders (licence amalgamations)
 - Renewal of licences with “LN” endorsement
- F) Next Meeting and Schedule of meetings to mid 2003

Draft Record

Present

18 March 2003

Jim Prescott (AFMA member)
John Kung (QFS member)
Barry Ehrke (QSIA – member)
Yen Loban (TSRA member)
Graham Hirakawa (TSRA member)
Roland Pitcher (CSIRO - Scientist)
Yimin Ye (CSIRO – Scientist)

John Marrington (AFMA - chair)
Daniel Clifton (AFMA-minutes)
Ray Moore (Industry member)
Peter Yorkston (TSRA fisheries coordinator)
Lota Warriia (TSRA member)
Tabitia Joseph (TSRA member)
Garry Christopher (Industry member)

Lindsay Pearce (Industry observer)
Toshio Nakata (Islander observer)

George Allison (Industry observer)

Apologies

Solomon Nona (TSRA member)
Dan Sweeny (QFBP)

Raina Martin (TSRA member)

19 March 2003

Jim Prescott (AFMA member)
John Kung (QFS member)
Barry Ehrke (QSIA – member)
Yen Loban (TSRA member)
Graham Hirakawa (TSRA member)
Roland Pitcher (CSIRO - Scientist)
Yimin Ye (CSIRO – Scientist)
Dan Sweeny (QFBP)

John Marrington (AFMA - chair)
Daniel Clifton (AFMA-minutes)
Ray Moore (Industry member)
Peter Yorkston (TSRA fisheries coordinator)
Lota Warriia (TSRA member)
Tabitia Joseph (TSRA member)
Garry Christopher (Industry member)

Lindsay Pearce (Industry observer)

Meeting opened 0855 by Chair

Amendment of agenda
Strategic Assessment Day 2
Bag limits under agenda item 11

0900 hrs agenda adopted

1. Open Meeting, Apologies, Adoption of Agenda

1. The meeting was opened at 0850 hrs by the Chair
A number of amendments were suggested to the draft agenda. It was decided to move agenda item 6 to 1000hrs on day 2 in order to meet arrangements for a telephone hookup with Canberra. The QSIA member wanted to add the issue of bag limits to the agenda. It was decided to include this item under agenda item 11.

Confirmation of Minutes for 8-9 October Meeting

2. It was raised by the QSIA member that recommendation 7 (p5) did not go into the action items for the last meeting. Nevertheless, John Kung explained that the

recreational bag limit of 3 lobsters per person or 6 lobsters per boat had been applied to the Torres Strait. Further it was pointed out that a closed season for recreational take of tropical rock lobster had also been implemented from 1 October to 31 January. The group expressed that it was their recommendation that the recreational closure should only be in force for October and November and not during the extended Hookah ban (December – January) although this recommendation was not given effect by the Queensland government.

Follow up of Action Items from the October 2002 Meeting

3. **Action Item 1** - it was stated by the TSRA fisheries representative that the role of the chair of the TSRA on the PZJA is to represent the Islander communities.
4. **Action Item 2** - Jim Prescott advised that legal advice was initially sought but as yet there has been no clarification on this issue. Further it was advised that in the opinion of the AFMA representatives, GPS could not effectively be banned as it was a navigation aid. The item was put to rest through the working group however the Islander representatives proposed to pursue the matter further through the TSRA.
5. **Action Items 3** - Contact information had been provided to the working group through the minutes of the October meeting.
6. **Action Items 4** - Only one set of comments were provided on the draft TRL strategic assessment report. The AFMA member stressed the importance of this document and further encouraged members to provide comments on the version of the report that is being released for public comment.
7. **Action Items 5** – Roland Pitcher indicated that in order to model different options he would need very clear instructions on what options are being proposed as there was a lot of work involved. Further to this it was indicated that a lack of comprehensive catch data and inconsistencies with closed seasons in Australia/PNG would mean such analysis may have little benefit (eg. if lobsters are allowed to escape from the Aust. Fishery through a closed season but are then taken by PNG after migrating to that area of jurisdiction then the closure here might have little benefit).
8. **Action Items 6** - The implications for research in adopting the principles for a new catch sharing model had been discussed with the SAC and talked about at the bilateral meeting with PNG (progress on this should be made in July 2003 when a meeting is proposed with NFA).
9. **Action Items 7** - The licence condition requiring all vessels over 7 metres to fill in a logbook has been implemented. Industry representatives felt strongly that this condition should be for all operators as there was a need for a complete data on catch from the Torres Strait. The AFMA member stated that the recommendation for a cut off point of 7m came from the last TRLWG. He also pointed out that AFMA was trying to implement a system where data on Islander catches is collected through a docket book system involving processors. Islander representatives initially had concerns about giving location details to processors until it was demonstrated how broad the proposed area indicators are.

Recommendation 1 – The working group recommends that there is an urgent need for catch and effort data to be collected and sufficient resources provided to enable the development and implementation of the AFMA docket book and to input data obtained through that docket book into a computer database. The committee felt that one full time position would be required for the collection and processing of this data in addition to the one AFMA staff member already working part-time on fisheries

data. This recommendation was fully supported by all members of this working group. The stock assessment researchers stressed the need for more data on catch and effort on a monthly basis from all sources and also size grading data.

10. **Action Items 8** - Some information had been provided by Dan Sweeny in regard to towing of TIB vessels however further clarification was to be sought from the AFMA legal section and a report to be prepared for the next meeting.

D) Correspondence

Due to time constraints only one item was discussed

Agenda Item 1 – Report from the October TSFMC and November PZJA Meeting

11. Appropriate sections of the agenda paper were read by John Marrington and detailed the progress of recommendations from the TRLWG through to the TSFMAC and PZJA and any outcomes from those recommendations. There was an inquiry by the QSIA industry representative on whether catch sharing could be suspended pending collection of reliable catch statistics from PNG. The AFMA member explained that PNG had supplied catch information and that this information was of a relatively high standard.

Agenda Item 2 – Report on the PNG Bilateral Meeting

12. This was an information item to provide working group members with an understanding of the issues discussed and outcomes of the Australian/PNG bilateral meeting held on the 3-4 March 2003 in Cairns. John Marrington read out recommendations highlighted in the agenda paper. Concerns were raised by industry over how we know the number of days PNG vessels have done in Australian waters. It was explained by AFMA that all PNG vessels have VMS. Furthermore, PNG vessels are required to report their positions to Australian Customs and they are in effect logged into and out of the Australian area of jurisdiction. Customs has given an undertaking to make these data available to AFMA/QBFP to monitor the number of days the boats are in the area. Further concerns were raised about illegal vessels in the area. It was noted that one of the justifications for a lower level of access to the Australian area of jurisdiction by PNG vessels was the illegal activity in Australian waters – so this problem was being partially addressed through the catch sharing arrangements. It was agreed by the working group to send the drafted letter thanking PNG officials for their decision to limit effort in the lobster fishery.

Recommendation 2 – The working group recommends that further work be undertaken to develop the catch sharing arrangements that will result in PNG effort being distributed over a greater area of the fishery.

Agenda Item 3 – Research Reports

13. Roland Pitcher

Roland gave a presentation on the stock assessment work he has conducted since the late 1980's until 2002. The presentation indicated that by restricting current catches in the fishery we could improve both yield per recruit from the fishery as well as future recruitment.

The 2002 TRL survey was explained. The survey was stratified according to bottom types in order to sample more intensively in areas where more lobsters were likely to be found. An index of the size classes of lobsters was shown in the years from 1988 to 2002 which showed that the numbers of 2+ lobsters had declined significantly, as had the number of 1+, and that there was a declining trend in both stock and recruitment. It was explained that the poor season in 2000 after the high number of 1+ lobsters present in the survey in 1999 was possibly related to the seagrass dieback. Further discussion centred on the uncertainty of where the TRL migrates too to breed and how recruitment is related to the East Coast TRL fishery and the impact that fishery may also be having on the breeding population. Roland suggested that there is little chance that stock from the east coast population south of 15 degrees approximately would be seeding fisheries in the Torres Strait due to the way currents moved in the area. Roland presented the latest oceanographic models of the Coral Sea gyre and the tracks of “virtual larvae” “released” into the model simulation.

14. **Yimin Ye**

Yimin is currently in the process of developing a new stock assessment model. It was pointed out that Yimin’s model showed similar trends to that presented by Roland but had a much higher rate of fishing mortality (approx 0.4 in Yimin’s model compared to 0.2 in Roland’s model) but correspondingly lower rates of natural mortality. Yimin and Roland explained why the two approaches were producing different absolute estimates. The new model again showed that fishing mortality is too high in the TRL fishery and is probably resulting in recruitment overfishing. It was explained that the model could potentially be used to evaluate the most effective method to reverse overfishing by modelling such things as temporal closures, spatial closures and effort reduction. Roland pointed out that it was possibly pointless trying to model a closure in Australia unless that closure is being mirrored in PNG as we share the same stocks. Yimin stressed the fact that we need better data to improve stock assessment. Need to work with East Coast and PNG and to share data.

15. Further discussion was entered into about how the stock has been shown to migrate from Australian waters into PNG waters during the later half of the year. Industry raised concerns that if they reduced Australian effort to allow for higher recruitment in future years that this may simply allow the PNG sector to increase their share of the catch. Roland further raised discussion the difficulties in determining 25 % of the stock for catch sharing arrangements when you have stock migrating from the Australian zone into the PNG zone. This concept of a movable stock adds a challenging and complex dimension to the catch sharing that has not been previously contemplated.

Recommendation 3 -- The WG recommended a stock assessment workshop/FAG workshop with QLD, Torres Strait and PNG and that this advice be provided to the SAC for priority funding. The timing of the workshops to depend on acquiring the data needed but should be no later than the end of the next financial year.

Agenda Item 4 – TRLWG – TSFSAC Interactions

16. John Kung read through the background information contained in agenda paper 4. The working group noted the TOR of the SAC and agreed to report any relevant

research issues to the SAC for their consideration. It was noted that the fishers need to be pro-active in generating research proposals that they feel will benefit the fishery. It was suggested by Barry Ehrke that a possible area of research would be to look at the environmental factors such as rainfall, wind, sedimentation, seagrass communities etc that effect all fisheries.

Agenda Item 5 – Report on the Co-operative Research Centre (CRC) for Torres Strait

17. Jim gave the group an introduction to the new research funding arrangements through CRC Torres Strait. It was stated that money or in kind resources were being contributed into the CRC from a variety of organisations including TSRA, AFMA, NOO, QDPI, CRC Reef, GBRRF, JCU, AIMS, CSIRO and GA. The TSFSAC will recommend research projects directly to the Torres Strait CRC in the future.

18. It is hoped that these arrangements will result in:

- Better extension and communication of research results and outcomes
- Improved education
- Research into areas such as
 - Harvested resources – Wild fisheries, Hunting and Mariculture
 - Ecosystem Functions – Describing the seabed reefs, sedimentation
 - Management evaluations – Regional Marine Planning, evaluating management plans, shipping risks.

Agenda Item 12 – Independent Panel Report

19. It was stressed by Jim that a lot of money and effort had gone into preparing this report and that it was very important that this group give feedback on the important elements of the report as they related to the TRL fishery. The group made a number of recommendations and comments. These will be made into a separate report. The working group did state its disappointment that they had not been consulted by the people preparing the report as they felt they could have contributed to the report in a positive way.

Day 1 of the meeting closed at 1830hrs

Day 2 of the meeting commenced at 0830hrs

Agenda Item 7 – Report from the Latent Effort Subcommittee

20. John Kung outlined the issues reported on in Agenda paper No. 7. The working group in principle supports the recommendations of the sub committee as listed in the agenda paper. TSRA members objected to recommendation No 4 that the TIB system presently allows uncontrolled growth of effort in the fishery. TSRA members wanted it noted that a consultation process is already under-way to look at where potential effort in TIB licences can be reduced.

Recommendation 4 - The WG recommended that the TSFMAC and PZJA adopt the recommendations of the Latent Effort Subcommittee as a matter of urgency on the basis that this reduces the extent of the latent effort problem in the fishery.

Recommendation 5

The working group recommended that the TSFMAC note and PZJA adopt the recommendation from the Latent Effort Subcommittee that there must be additional measures taken to control potential effort through and effort management system.

Recommendation 6

The WG recommended that a consultation process be initiated with the TIB sector that will lead to recommendations for the control of potential effort in that sector, including a timetable for implementation. (Islander members advised that a consultation process is already under-way to look at TIB fisheries where potential effort could be reduced and that the required information is being sought from the communities to be provided by the 15 April 2003). The working group noted that these consultations are not trivial and may require resources beyond current levels

Agenda Item 6 – Strategic assessment update

21. The AFMA member outlined the importance of the strategic assessment report for the TRL fishery. It was noted that there are three possible outcomes from the strategic assessment. Firstly the fishery could get full approval for 5 years which will mean it satisfies all criteria and the fishery will be exempted from requiring export approval. The second option was that EA give the fishery partial approval which is current for 3 years and where a permit will be needed to export product from the fishery. The final option would be a failure whereby export approval would not be given to any product from the fishery.
22. At 1000hrs a phone hookup was had with the working group and Jo Fisher from AFMA's environment section and Celeste Shootingstar from Environment Australia's sustainable fisheries division. Jo explained to the group that AFMA's Environment Committee has approved the assessment report to be released for public comment. Celeste explained that anyone in the world was able to submit comments on the report. It was decided that copies of the report would be sent to all members in the working group and that its release would be advertised in the Torres News directing anybody interested in a copy to pick it up at the AFMA Thursday Island Office. Jo expressed the desire to get input from stakeholders, especially fishers, on how the fishery meets the assessment criteria.

Agenda Item 9 – Report from Industry on 30% reduction in tenders for 2003.

23. Ray Moore gave a verbal presentation on the 30% reduction in tenders. The background to this reduction was that with the prediction of a good recruitment into the fishery for 2003 industry agreed to a temporary (only one-year) 30% reduction in the number of tenders in order to prevent an increase of effort and thus an increase in the fishing mortality. The AFMA member gave some background information on how the decision to reduce effort by 30% arose. Industry representatives voiced their understanding that if they reduced tenders the TIB sector would put a moratorium on the issuing of new licences over the same period.
24. Although there was generally wide acceptance for the reduction in tenders, a number of issues relating to this measure were raised by industry members at the meeting. Some operators claimed that they had to retrench longstanding crewmembers due to the reduction in the size of their operation. It was also raised

that vessels that originally had 2 tenders licences had been cut back to 1 and had thus actually received a 50% reduction. It was pointed out that the costs of running the mothership were unchanged but effort (and therefore catch) had been cut down by half making it very difficult for these operators to remain financially viable. It was suggested that possibly people in this position could make up the extra effort by being allowed to fish with 2 tenders for the last 3 months of the year (based on the calculation that 2 tenders X 8 month season = 16 tender months and 70% of 16 is 11.2). It was noted by QFBP that this would be difficult to enforce and further it was pointed out by management that, although it was not the intention of the policy to reduce some licences by 50% and others by only 25%, the PZJA had accepted the reduction and therefore to change the decision would require a decision by the PZJA. In the end this proposition was not supported when the industry representatives were informed that there were 5 operators in this position.

Recommendation 7 - A report be made to the TSFMAC on the impacts of the 30% reduction that would include the impacts for licence packages with various tender numbers to allow the MAC to consider the situation on an informed basis. Also contained in the report will be an analysis of any variation of the decision.

Agenda Item 10 – Report from Islanders on Strategies to Manage effort (see letter from Don Mosby to TSRA)

25. The TSRA fisheries coordinator gave a presentation to the working group regarding a moratorium on new TIB (cray endorsed) licences. It was presented that Traditional inhabitant fishers did not support the proposed moratorium because they felt:

- they should have a higher priority for fishing than non-traditional inhabitants in the Torres Strait;
- commercial fishing is the most viable source of employment in the Torres Strait; and,
- traditional fishers operate out of single vessels no greater than 6 metres.

However it was noted that Traditional Inhabitants in the Torres Strait are growing more aware of sustainability issues for marine resources and the community fishing representative's are looking at ways they can limit community effort. The community fishing representatives are to provide advice by the 25 April 2003 and at some point after this date will come up with a recommendation on how to achieve this objective.

Agenda Item 8 – A Draft Plan to Introduce a System of Effort Management in the TRL Fishery

26. The AFMA member read through the agenda paper. Concern was raised by industry representatives that they were being targeted by this approach but nothing was being done in the TIB sector. It was Industry's opinion that management needs to be applied to the whole fishery otherwise it simply reduces their portion of the catch in favour of the other sector. It was explained by AFMA that the ultimate aim of management is to control effort in all sectors of the fishery. It was also noted that due to the differing characteristics of the two sectors and different objectives of management two sectors might be managed differently (eg. a quota in one sector and a limit on effort in another). Industry endorsed managing effort but could not support any management that eroded their rights. Industry was of the view that all commercial licences are equal and should be treated as such.

27. The working group recommended that a legal opinion be sought on the standing of the investment warning and subject to that advice the PZJA confirm that activity in the fishery after the date of the investment warning not be taken into consideration in any allocation of effort that may follow, and also that all operators should be advised of this confirmation.

Agenda Item 11 – Management notices/licence conditions

28. **Carrying processed TRL meat** - It was noted by the working group that a fisheries management notice has been implemented that prohibits the carrying of tropical Rock Lobster Meat.
29. **Turtle and dugong on commercial vessels** - Legislation has been drafted that restricts the taking or carrying of dugong on commercial fishing boats that are not TIB Licensed boats. While there was largely support for this legislation one Industry member had concerns that some crews were largely indigenous and he did not want to dictate to them what they could and could not take and eat. Other commercial fishing members agreed with the legislation as drafted. Indigenous members initially agreed with the legislation as drafted but thought it better to consult with their communities before approving. AFMA noted that EA might not look favourably on a commercial fishery that was regularly interacting with protected species. The working group decided to give support to the legislation as proposed on the condition that the indigenous members gain approval by their communities. It was recognised that this consultation process should be across all fisheries not just the TRL.
30. **Bag limits** - The TRLWG requested that the finfish working group allocate a bag/possession limit for finfish to fishers who lose an endorsement on their licence due to the latent effort reduction process. The latent effort sub-committee recommendation was for 50kg of mackerel and 50 kg of reef fish (with only 10 kg of coral trout) although there was some support at the working group amongst Islanders, managers and Industry for a reduced limit of 20kg in total. The QSIA representative recommended that a bag limit similar to the recreational bag limit should apply across all fisheries that would enable prawn and finfish sectors to take tropical rock lobster. There was little support from the working group for this proposal with respect to a possession limit for lobsters due to the possibility that the stock is over-exploited and thus not able to support any extra catch. The working group agreed to reassess this situation in the future if the stocks increase.

Recommendation 8

The WG recommends that no bag limit be introduced for TRL where the take would be by TSFBL holders without a CRAY endorsement until the stock recovers when this bag limit may be reconsidered.

Recommendation 9

The TRLWG recommends that the finfish WG consider a bag limit on reef fish for any licence without a LN endorsement. The WG noted that the sub committee's recommendation was 50 kg of reef fish but with only 10 kg of coral trout.

Management was concerned that this possession limit is excessive and would prefer a 20kg limit of all reef fish and 20 kg of mackerel, but was not able to address this at the last finfish working group. The islander perspective was that a total limit of 20 kg was sufficient.

31. **Registration of live holding facilities** – AFMA representatives noted that policy on the registration of live holding facilities has not been developed at this stage. Traditional fishing representatives commented that keeping live holding cages for tropical rock lobster is common practice and is becoming more popular with more fishers getting involved with the live market. The working group agreed to revisit this issue at their next working group meeting.

E) Other Business

32. **Hookah closed areas** – the AFMA member raised the issue of the desire among certain Islander communities to ban the use of hookah in areas in close proximity to their Islands. Tabitia Joseph from Mabuiag presented his communities views that hookah should be banned in their home reefs. Management expressed its views that these closed areas should be formalised and enforceable as opposed to the gentlemen’s agreements that have occurred in the past although there was some disagreement to this from industry representatives. It was agreed by all that if hookah was to be banned from an area it would need to be banned to all fishers not just the non-Islander sector. Discussion arose about the role of hookah in the fishery in terms of accessing stock unreachable by freediving, the effects of a reduced catch on the economy and markets in the area and the possibility of value adding by taking live product using hookah. WG agreed that this discussion needs to go back to the 24 Islander representatives. They need to draw lines on the map and the Industry needs to see areas before any progress could be made on this issue. It was noted however that the working group is sympathetic to the issue. The QFBP member pointed out that if we are to have more regulations then we need more money for enforcement, the working group supported these sentiments.

33. **Transferability of tenders (licence amalgamations)** – A submission from Peter Ah Loy was introduced requesting that he be able to transfer tenders from one licence to another. The offer was made to retire one primary boat licence and one tender from the fishery. Current policy is that licences can not be amalgamated in the TRL fishery. Management made the point that it was not opposed to licence amalgamation but that it should be contemplated only in light of a clear policy on the matter, and not in any ad hoc way.

Recommendation 10- Industry and Islander members of the WG recommended that the proposal to amalgamate tender licences of two primary vessels be accepted on the basis that one primary and one tender vessel be surrendered and with the proviso that the islander representatives support the proposal after wider consultation. Industry and Islander members agreed to consult further and report to the TSFMAC. Management was concerned that the licence amalgamation should only be considered in the context of a management plan for the fishery where effort has been managed and there is an explicit policy to guide the decision

Working Groups Response to the Independent Advisory Panel Report

The independent advisory panel report was the product of a PZJA decision to “establish an independent Committee of experts to develop a framework containing a set of criteria/principles so that each Torres Strait fishery can be objectively evaluated in relation to the need for adjustment and options for achieving this consistent with the requirements of the *Torres Strait Treaty* and *Torres Strait Fisheries Act 1984*”. The PZJA referred the report to the working groups and MAC for consideration.

It is the objective of this report to provide feedback to the PZJA via the TSFMAC of the Tropical Rock Lobster working group’s response to sections in this report directly relating to this fishery.

The AFMA member read relevant sections of the report to the working group. The working group has attempted to respond to each recommendation made by the independent committee.

Industry felt it was important to note that the information on p19 paragraph 3 was not factual as 8 fully transferable licences were issued to traditional inhabitants. These licences were later sold to non-Indigenous fishers.

P 37 Summary of Peter Young’s Report in Appendix II

Analysis 1 – On the basis of the available scientific evidence, to achieve ecological sustainability is it necessary to reduce either:

- **Actual catch or effort; or**
- **Latent effort**

There is a need to limit both actual catch and to remove latent effort.

WG Response: The working group believes that the statement is too general and that we (working group) should be looking at limiting fishing mortality to a sustainable target level, not to limit the actual catch. This may be achieved by limiting effort to a sustainable level. The working group notes that only latent effort amongst the non-islander sector is being addressed at this point by the recommendations emanating from the latent effort subcommittee, and that the process of addressing latent effort in the Traditional Inhabitant sector has just begun.

Analysis 2: Are management arrangements currently in place adequate and appropriate to control the level of catch.

WG’s Response

The new management arrangements implemented in December 2001 (increase in minimum size, increased length of closed season) were expected to lead to a recovery in the fishery as long as total effective effort did not increase. The working group recognises that these measures will not contain total effort and that additional measures will be necessary. The interim response to prevent effort from increasing

above the levels from the late 1990's was to implement the temporary reduction in fully transferable licences commercial tenders by 30% for the 2003 season.

Analysis 3:

Australian fishing effort should be adjusted to account for PNG's effort in the Australian area of jurisdiction

Retirement of commercial licences would make room for greater participation by Torres Strait Islanders as currently there is no capacity for expansion

WG's Response

The working group agrees that effort should be adjusted to account for PNG's effort however the WG has concern that overfishing on the PNG side which, could include substantial stocks of migrating fish from the Australian side, may reduce escapement to the breeding population to levels below what is desirable and anticipated given Australian management measures. The working group emphasised that stocks on both the Australian and PNG side need to be managed sustainably.

WG agrees with the statement that there is no capacity for an increase in effort as any expansion in effort would be unsustainable. If commercial licences are to be retired, Industry and Islander members of the working group agreed unanimously that some form of voluntary buyback scheme should be introduced.

The issue of partnerships between commercial fishers and indigenous people.

WG's Response

The working group did not see many benefits in the recommendation regarding partnerships as a means of facilitating Islander participation in the RLF. It was felt that indigenous fishers in the industry have the skills needed to operate viably in the fishery and thus there is little value in partnerships.

It was also pointed out that some non-indigenous commercial fishers are currently in partnerships with indigenous fishers through marriage. Furthermore an industry member expressed that many non-indigenous fishers lived and worked in the community employing local people and contributing significantly to the local community.

Appendix 1 - Legal Issues Assessment (Stephen Skehill)

Priority ranking of fishing categories P5 appendix 1

The WG agreed that traditional fishing and the environment has the highest order of priority. The following comments were made with regards to the ranking of community and commercial fishing.

QSIA – stated that all commercial licences are equal and should be treated as such.

Thursday Island based industry members – Stated that many non-indigenous tropical rock lobster fishers live in the Torres Strait and contribute to the economic development of the area and employment of traditional inhabitants.

Indigenous members – Support the priority ranking listed in the report. These members also want it reflected that they interpret the treaty as reflecting the economic livelihood of Torres Strait islanders not just the traditional livelihood of the inhabitants.

Under section 8 of the report the Working Group considered the statement “*Such priority of access represents a significant existing and emerging pressure for future effort management and licence allocation, underpinned by the PZJA’s policy commitment to maximise commercial participation by Indigenous Inhabitants in all sectors of the fishing industry*”. The working group agreed that this issue is significant at the current time and that it is expected to grow increasingly more important. The working group believes that a clear policy on the priority ranking is critical for the control of fishing effort. Without clarification management will not be able to bring about the required controls because consensus will never be reached on which sector controls should be placed.

The WG agreed that a clear policy statement was required from the PZJA on whether there is a priority order and what that order should be, before significant progress can be made on management arrangements in the lobster fishery. The importance of this can not be overstated. This is a high priority for the WG because **Adoption of an effort management system in the fishery is being jeopardised by the absence of a clear policy on priority of access.**

Compensation for licensees affected by non-renewal or conditional renewal

The QSIA member stated that Stephen Skehill’s report is one legal interpretation and that there could be other legal interpretations. Non-Indigenous industry representatives felt that operators should be compensated (or have some form of payment) if their licences are not to be renewed. It was clear that licences had been traded in the past for a value above which it would be reasonable to earn in the remaining term of the licence and that AFMA had done nothing to discourage such transactions.

Non-Indigenous fishing representatives and the TSRA fisheries coordinator stated clearly that they did not issue the licences and that the TSRA would not be willing to pay for the removal of the licences.

The working group recorded that the report contained numerous inaccuracies and reflected the fact that the authors were unfamiliar with the lobster fishery. The working group expressed disappointment at its last meeting that they had not been consulted during the preparation of the report and that the lack of consultation had manifested itself in the final product.