

## Report of the Fisheries Committee Bilateral Meeting

22 November 2016

Thursday Island, Australia

### 1. Welcome

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- 1.1. The Fisheries Committee Bilateral Meeting was held on 22 November 2016, on Thursday Island, Australia to discuss items under Articles 20-28 of the Torres Strait Treaty (the Treaty).
- 1.2. The meeting was opened at 14:00 and co-chaired by Mr Anlus Iwais, Papua New Guinea National Fisheries Authority (PNG-NFA) and Mr Peter Venslovas, Compliance Operations Branch, Australian Fisheries Management Authority (AFMA). A delegation list is provided at **Attachment A**.
- 1.3. The meeting **NOTED** the importance of Fisheries Bilateral meetings as a valuable forum to discuss fisheries matters in relation to shared common resources of great importance to both countries.

### 2. Review of actions items: Fisheries Bilateral Meeting 2015

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- 2.1. The meeting **NOTED** the progress on actions arising items from the 2015 Fisheries Bilateral Meeting.
- 2.2. Action 2015-1: AFMA advised that the PNG vessel identification scheme and community awareness program had been progressing well over the past three years and improvements to the program are under continual investigation.
- 2.3. Action 2015-2: PNG-NFA advised that the PNG industry has no interest in the Torres Strait Protected Zone (TSPZ) prawn fishery at this time, meaning it is lower priority for management. A stock assessment however is planned for the future.
- 2.4. Action 2015-4: PNG-NFA advised that their initial proposal to progress actions under inter-Government agency memorandums of understandings could not be implemented and are now reviewing alternative options to address some of the issues identified from the South Fly Workshop (the Workshop). PNG-NFA noted the NFA, CSIRO and ACIAR funded research project to evaluate legal value chains and alternate markets will be an important practical step towards addressing some of the issues identified from the Workshop.

### 3. Compliance and Licensing

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- 3.1. The meeting **NOTED** the agreement of PNG-NFA to authorise Australian maritime officers under PNG fisheries legislation to streamline in-port transfer of apprehended PNG fishers once the outstanding carriage of firearms issue is resolved.
- 3.2. The meeting **NOTED** the proposed establishment of an office of PNG-NFA in Daru to strengthen NFA's compliance and response to Torres Strait matters.
- 3.3. The meeting **NOTED** arrangements in place to prosecute fishers in remote areas of PNG.
- 3.4. The meeting **NOTED** updates on illegal fishing activities and prosecutions.
- 3.5. The meeting **NOTED** the issue of unlawful commercial fishing of PNG traditional inhabitants in Australia during alleged traditional visits. The meeting acknowledged co-operative work was required including community visits and education programs.

- 3.6. AFMA compliance advised the need for prompt and detailed reporting to ensure an effective response could be provided for compliance issues such as illegal netting of dugongs. AFMA also encouraged the use of its CRIMFISH hotline service where people could anonymously report suspicious fishing activity.
- 3.7. The meeting **NOTED** that cross-decking of compliance officers would remain a priority for 2017.
- 3.8. The meeting **NOTED** that 45 per cent of boats apprehended in Australian waters of the TSPZ last year were identified as originating from treaty villages.
- 3.9. The meeting **NOTED** that with increasing population growth in the PNG Western Province the broader causes of illegal activity such as poverty and lack of infrastructure need to be addressed and considered when planning for the future management of the Torres Strait fisheries.
- 3.10. The meeting **NOTED** the compliance and enforcement update provided by PNG-NFA including two 2016 patrols in the Torres Strait Protected Zone and the planned visit of a magistrate to visit Daru to hear fisheries cases.
- 3.11. The meeting **NOTED** that while illegal fishing was not supported, the incentive for Treaty villagers to fish illegally is likely linked to their immediate needs to provide food for themselves and their families. It was further **RECOGNISED** that this incentive is only likely to increase with population growth together with a lack of alternative livelihoods and persistent poverty in the PNG Treaty Villages. Advice from PNG traditional inhabitants was **NOTED** that the Treaty, in their view, has removed access to historical fishing grounds and provided little benefit to the PNG Treaty villagers.
- 3.12. The meeting **WELCOMED** the positive stakeholder consultation and awareness work done on Daru in April 2016 to find ways to have treaty villages actively involved in small or medium sized business enterprises instead of Illegal, Unreported and Unregulated (IUU) fishing. Australian traditional inhabitant representatives offered to provide assistance to PNG treaty villages where possible. PNG-NFA advised that further discussions would be held with PNG treaty villagers to look at other economic alternatives to fishing.

#### **4. Prawn Fishery**

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- 4.1. The meeting **NOTED** prawn fishing activity remains relatively low, with effort in the Australian zone at around 35 per cent of the Total Allowable Effort, and no effort in the PNG zone.
- 4.2. In 2016, a 1 February season opening was implemented by the PZJA for the Torres Strait Prawn Fishery extending the season by one month, however the same number of allowable fishing nights still applies. Industry response to this has been positive.
- 4.3. PNG-NFA advised that there is very little interest in prawn fishing in PNG waters of the TSPZ and declined the offer of catch sharing arrangements in the Australian Torres Strait Prawn Fishery. Australia did not seek to take up its entitlement in PNG waters for 2017.

#### **5. Tropical Rock Lobster Fishery**

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- 5.1. The meeting **NOTED** that a draft quota management plan for the Australian Tropical Rock Lobster (TRL) Fishery is in development and remains a high management priority.
- 5.2. The meeting **NOTED** a revised harvest strategy is being developed for the TRL Fishery and **WELCOMED** ongoing participation from PNG-NFA officers at PZJA consultative forums to

ensure NFA's expert advice may be taken into account. AFMA advised that PNG-NFA advice would be sought prior to the finalisation of the harvest strategy.

- 5.3. The meeting **NOTED** that 2015 catches were down with the Total Allowable Catch under caught by 230.3 tonnes and the anomalous environmental conditions associated with the season (including El Nino, high water temperatures and reported sand incursions).
- 5.4. The meeting **AGREED** that 2017 catch sharing arrangements are to be finalised out of session in March once the stock assessment has been updated with results from the pre-season survey recently undertaken.
- 5.5. The meeting **NOTED** concerns raised by PNG traditional inhabitants that they were not able to utilise catch sharing arrangements provided under the Treaty. The meeting further **NOTED** advice from PNG-NFA that the management of the PNG TRL Fishery requires consultation with both the resource owners and the relevant authorities and that fishers must first be licenced to be eligible for cross endorsement. PNG-NFA advised that it would work out-of-session with PNG stakeholders, in consultation with the relevant authorities, on ways to improve awareness among Treaty resource owners on the requirements and possible support for participating in the fishery.

#### ***Trawlers retaining TRL catches***

- 5.6. The meeting **NOTED** PNG-NFA advice that PNG trawl operators were granted exemptions since 2014 to retain TRL catches upon industry request. These exemptions were provided recognising that TRL has historically been taken as unreported bycatch and that retention of those catches provides an economic opportunity for the PNG trawl industry which has suffered poor returns in recent seasons.
- 5.7. The meeting **NOTED** advice from AFMA that the PZJA does not plan to remove the ban on Australian trawlers retaining TRL and AFMA's strong preference for the existing ban to remain in both jurisdictions in recognition of the importance of TRL to Traditional Inhabitants and risk to the stock from large unreported trawl catches.
- 5.8. The meeting **ACKNOWLEDGED** that the TRL stock is shared between Australia and PNG with the stock reliant on the migration of lobsters from the Protected Zone to the Yule Island spawning grounds - the principle source of recruits to the jointly managed fishery. It was noted that recruits to the Australian and PNG TRL Fishery may also come from spawning in areas adjacent to the east coast of Queensland.
- 5.9. The meeting **NOTED** that PNG-NFA do not consider the current level of trawl catch to be detrimental to the TRL stock occurring within the Protected Zone. This was in part due to the estimated level of catch and uncertainty on whether or not the trawl fleet was catching migratory TRL. PNG-NFA advised that the trawl catches are being taken outside the known migration pathway. PNG-NFA further advised that PNG trawlers will soon be required to use bycatch reduction devices and that these devices may reduce future TRL catches.
- 5.10. The meeting **RECOGNISED** that the best available and accepted scientific advice is that the Australian and PNG TRL Fishery is based on a single stock and PNG trawlers operating in the Gulf of Papua can catch migratory TRL from the Protected Zone. Consistent with the precautionary principle and noting the results of previous tagging studies and known ocean currents, there needs to be robust scientific evidence to guide any departure from the assumption of a single TRL stock.

- 5.11. PNG-NFA **REQUESTED** collaboration with AFMA to further assess the likely interaction of recent PNG trawl fishing with the TRL spawning migration and agreed to supply the necessary catch and effort information to support the analysis. AFMA **WELCOMED** this opportunity and **AGREED** to provide PNG-NFA with scientific reports on the migration of TRL stocks.
- 5.12. The meeting **RECOMMENDED** that AFMA write to PNG-NFA outlining its concern with the take of TRL by the PNG trawlers.
- 5.13. AFMA **REITERATED** the importance of timely and accurate catch reporting to ensure the integrity of future stock assessments. This includes reporting of all catches by all sectors, trawl fleets included.
- 5.14. The meeting **AGREED** that strong monitoring, compliance and surveillance measures are required to protect the long term sustainability of the TRL stocks.

[PNG-NFA advised after the meeting that observers are being placed on all trawlers operating in the Gulf of Papua and that all catch will be recorded and reported to PNG-NFA by the observers. PNG-NFA also advised that Port State Measures are being applied to trawlers including the requirement to give prior notice to entering port to enable NFA to conduct in-port inspections]

- 5.15. The meeting **NOTED** AFMA's request that in the absence of a trawl ban, any future catch sharing arrangements for TRL take into account expected PNG trawl catches of TRL.

## **6. Traditional Fisheries**

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- 6.1. The meeting **NOTED** that the update on turtle and dugong management in Australian waters was detailed in the agenda paper. No questions were raised by meeting participants. It was further noted that the update would be discussed at the Environmental Management Committee Treaty meeting on 23 November 2016.
- 6.2. The meeting **NOTED** PNG-NFA did not have any significant updates on turtle and dugong management in PNG waters.

## **7. Spanish Mackerel**

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- 7.1. The meeting **NOTED** the update on Spanish mackerel was detailed in the agenda paper. No questions were raised by meeting participants.
- 7.2. The meeting **NOTED** advice from AFMA that the stock assessment for Spanish mackerel had been updated and that the outcomes of the revised assessment were under consideration. AFMA advised that a reduction in the TAC may be recommended.
- 7.3. The meeting **NOTED** AFMA's standing invite for PNG-NFA's officers to attend PZJA consultative forums and in particular encouraged their attendance at the next forum meeting to consider the revised Spanish mackerel assessment early in the New Year.
- 7.4. Australia and Papua New Guinea both graciously declined to enter into catch sharing arrangements for the 2017-18 fishing season.

## 8. Pearl Shell

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- 8.1. The meeting **NOTED** the update on pearl shell was detailed in the agenda paper. No questions were raised by meeting participants.
- 8.2. Australia and Papua New Guinea both graciously declined to enter into catch sharing arrangements for 2017.

## 9. Other Fisheries

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### **Beche-de-mer**

- 9.1. The meeting **NOTED** AFMA advice that effort in the Australian beche-de-mer fishery had increased over the last two years coinciding with efforts to re-establish sustainable fishing for black teatfish. The meeting further **NOTED** AFMA advice that it was working with stakeholders on measures to improve the integrity of management arrangements which is considered a pre-requisite for allowing further expansion in the fishery.

### ***PNG moratorium on the take and possession of beche-de-mer***

- 9.2. The meeting **NOTED** PNG-NFA advice that the current PNG moratorium on the take and possession of bech de mer may be lifted in April 2017.
- 9.3. The meeting **ACKNOWLEDGED** the importance of beche-de-mer resources to both PNG and Australian Traditional Inhabitants.
- 9.4. The meeting **RECOGNISED** that beche-de-mer are vulnerable to overfishing and some stocks are shared within the Protected Zone and adjacent areas. The key species being Sandfish.
- 9.5. The meeting **RECOGNISED** the significant risk to Sandfish in the Protected Zone if fishing pressure was to increase. Fishing for Sandfish in Australian waters was banned in 1998 however if IUU fishing persists and the stock remains classified as being overfished. The latest survey of Sandfish stocks in 2010 found densities significantly lower than that observed in 1995, when the stock was already considered depleted. Possible causes for limited recovery are IUU fishing and poor recruitment.
- 9.6. The meeting **RECOGNISED** that beche-de-mer is a key focus of IUU fishing in both Australian and PNG waters and **RECOMMENDS** strong monitoring, compliance and surveillance measures be adopted in both jurisdictions to halt and prevent further overfishing of beche-de-mer stocks in the region.
- 9.7. The meeting **NOTED** AFMA's request, consistent with the precautionary principle and the need for evidence based fisheries management, that complimentary management strategies for shared beche-de-mer stocks, specifically Sandfish, be established between Australia and PNG prior to the lifting of the PNG moratorium on beche-de-mer fishing. The strategy should guide the minimum management standards for resuming fishing and conditions for which any future fishing should occur.
- 9.8. The meeting **NOTED** general support for consultation with PNG Treaty Villagers on fisheries management issues relevant to the TSPZ, such as the proposed lifting of the PNG beche-de-mer moratorium. In recognition of the benefits to management from such an approach, PNG-NFA **AGREED** to investigate options for improved consultation with Treaty Villagers. PNG-NFA also advised that it supported the attendance of the Western Province Government representatives including fisheries officers at future bilateral meetings.

### **Barramundi**

- 9.9. PNG-NFA advised they have received reports from some fishers that catches of Barramundi appear to be decreasing.
- 9.10. The meeting **NOTED** advice from PNG-NFA that it aims to undertake research to assess the status of Barramundi stocks.

### **Finfish fishery update on activity in the Australian jurisdiction**

- 9.11. The meeting **NOTED** the update on finfish activity in Australian waters was detailed in the agenda paper. No questions were raised by meeting participants.

## **10. Other Business**

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### **Research in the Torres Strait**

- 10.1. The meeting **NOTED** that development of harvest strategies and data needs are the strategic focus for AFMA over the next 12 to 18 months.
- 10.2. The meeting **SUPPORTED** PNG-NFA continued involvement in PZJA consultative forums to assist with identifying research priorities noting research outcomes are a key input in the management of stocks shared by Australia and PNG.

### **Presentation 'Developing legal value chains and alternative markets for South Fly District fisheries'**

- 10.3. The meeting **NOTED** the presentation from James Butler, CSIRO about the upcoming project 'Developing legal value chains and alternative markets for South Fly District fisheries'. The importance of fisheries to South Fly District livelihoods was noted and the potential benefits the upcoming research may have for these communities.

### **Next meeting**

- 10.4. The meeting **NOTED** that the 2017 bilateral meeting is to be held in PNG and delegates will be advised by the Papua New Guinean government on the arrangements for the meeting.

## **11. Closing Prayer**

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- 11.1. The meeting closed at 17:30 with a prayer from co-chair Anlus Iwais.

**Table of actions arising from the 2016 Fisheries Bilateral Meeting**

<b>Item Number</b>	<b>Agenda #</b>	<b>Action</b>	<b>Responsible Agency</b>
2016-1	5	Detailed trawl catch and effort data for Tropical Rock Lobsters from PNG waters to be supplied to AFMA following as a matter of priority to support further assessment on the likely interaction between recent PNG trawl catches and the TRL spawning migration.	PNG-NFA
2016-2	5	PNG-NFA and AFMA to collaborate to further assess the likely interaction between recent PNG trawl catches and the TRL spawning migration.	PNG-NFA and AFMA
2016-3	5	AFMA to provide PNG-NFA with scientific reports on the migration of TRL stocks.	AFMA
2016-4	5	AFMA to write to PNG-NFA outlining its concern with the take of TRL by the PNG trawlers	AFMA

**Fisheries Committee Bilateral Meeting 2016**

**Delegation List**

**Australian Delegation**

Australian Traditional Inhabitant Representatives

Cr Getano Lui (Jr), Iama (Yam) Island  
Cr Keri Akiba, Saibai Island  
Cr Fraser Nai, Masig (Yorke) Island  
Cr Patrick Thaiday, Erub (Darnley) Island

Australian Government Representatives

Mr Peter Venslovas, General Manager, Fisheries Operations Branch, Australian Fisheries Management Authority – Australian Co-Chair  
Ms Leilani Bin-Juda, Treaty Liaison Officer, Department of Foreign Affairs and Trade  
Mr Pedro Stephen, Chairperson, Torres Strait Regional Authority  
Mr Jerry Stephen, Portfolio Member for Fisheries, Torres Strait Regional Authority  
Mr Wayne See Kee, Chief Executive Officer, Torres Strait Regional Authority,  
Mr John Ramsay, Fisheries Program Manager, Torres Strait Regional Authority  
Mr Jonathan Benyei, Assistant Secretary, Department of Agriculture and Water Resources  
Ms Mandy Sinclair, Department of Immigration and Border Protection  
Mr John Jones, Manager Foreign Compliance, Australian Fisheries Management Authority  
Ms Selina Stoute, Manager Torres Strait Fisheries, Australian Fisheries Management Authority  
Mr Andrew Trappett, Senior Fisheries Management Officer, Australian Fisheries Management Authority (Fisheries Bilateral Meeting Secretariat)  
Mr Shaun Barclay, Manager, Environment Program, Torres Strait Regional Authority  
Ms Fiona Bartlett, Director, Migratory Species Section, Department of the Environment and Energy

**Papua New Guinea Delegation**

Papua New Guinea Traditional Inhabitant Representatives

Cr Kebei Salee, Councillor for Sigabaduru  
Cr Frank Warapa, Councillor for Buji/Ber  
Cr Tibau Kaware, Councillor for Katatai  
Cr Murray Dimia, Councillor for Sui  
Cr Peter Papua, Councillor for Mabudauan  
Mr Epesi Dabu, Community Member from Parama

Papua New Guinea Government Representatives

Mr Anlus Iwais, Papua New Guinea National Fisheries Authority – Papua New Guinea Co-Chair  
Mr Ian Liviko, Manager, Prawn and Lobster Fisheries, Papua New Guinea National Fisheries Authority  
Mr Joseph Posu, Papua New Guinea National Fisheries Authority  
Mr Mark Bangkoma, Compliance, Papua New Guinea National Fisheries Authority  
Dr John Balavu, Director General, Border Security Cooperation Division, Papua New Guinea Department of Foreign Affairs



**Meeting observers**

Dr Ray Moore, Industry representative, PZJA TRL Resource Assessment Group

Ms Jaqueline Herbert, Policy Officer, Department of Foreign Affairs and Trade

Ms Sharon Lane, Assistant Director, Pacific and Coral Triangle Section, Department of the Environment and Energy

Ms Deb Calister, Marine and International Heritage Branch, Department of the Environment and Energy

Dr Sara Busilacchi, Researcher, CSIRO

Dr Tim Butler, Researcher, CSIRO

Mr Ravini Igo, Border Liaison Officer, Papua New Guinea Government