

Torres Strait Tropical Rock Lobster Working Group

Meeting Record 6

25 & 26 July 2017

In-session meeting

Note all meeting papers and record available on
the PZJA webpage:

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Australian Government

Australian Fisheries Management Authority

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Meeting participants

Members

Name	Position	Declaration of interest
Alexander Morison	Chair	Nil Member of other MAC's and RAG's.
Dean Pease	AFMA Executive Officer	Nil
Selina Stoute	AFMA Member	Nil
John Ramsay ¹	TSRA Member	Nil
Tom Roberts	Queensland Fisheries	Nil
Darren Dennis	Independent Scientific Member	Nil Previously involved in research projects
Aaron Tom	Industry Member	Wishes to own his own fishing boat and employ crew.
Mark David	Industry Member	TIB licence holder
Terrence Whap	Industry Member	Nil
Luke Dillon ²	Industry Member	TVH licence holder
Mark Dean ³	Industry Member	TVH operator
Daniel Takai ⁴	Industry Member	Pearl Island Seafood, Tanala Seafood and TIB licence holder
Ian Liviko	(PNG NFA)	Nil
Sevaly Sen	Fisheries Economist	Conducts various FRDC research projects relevant to AFMA fisheries.

1: not in attendance for Agenda Item 4.

2. attended day one only.

3. attended day one and until 11am on day two.

4: attended day two only.

Observers

Name	Position	Declaration of interest
Jerry Stephen	TSRA Deputy Chair TSRA Fisheries Portfolio	TIB licence holder, Native title holder of Ugar.
Charles David	TSRA	Nil
Mariana Nahas	TSRA	Nil
Thomas Namoa	Industry	TIB licence holder
Graham Hirakawa	Industry	TIB licence holder
Maluwap Nona	Chairperson Malu Lamar	TIB licence holder
Harry Nona	Industry	TIB licence holder
Phil Hughes	Industry	TVH licence holder
Brett Arlidge	Industry	General Manager M G Kailis Pty Ltd, holder of TVH licences

¹ Attended the meeting on day two only.

Action items and recommendations

Action Items

Number	Action
1.	Malu Lamar (RNTBC) to provide the Working Group with maps of home reefs for Torres Strait Island communities.
2.	AFMA to provide the objectives of the <i>Fisheries Management Act 1991</i> and the <i>Torres Strait Fisheries Act 1984</i> to Working Group members and observers.
3.	Malu Lamar (RNTBC) to provide AFMA with a written proposal for any further proposed amendments to the <i>Torres Strait Fisheries Act 1984</i> .
4.	The following be presented at the next TRLWG meeting: a) an overview of the current understanding of stock connectivity between the Queensland East Coast and the Torres Strait TRL Fisheries; and b) the basis for the Queensland east coast TAC.

Recommendations

Number	Action
1.	Work should continue to examine whether there are cost-effective options for improving estimates of recreational catches in the region
2.	The PZJA work closely with both the Queensland and PNG Governments to ensure complimentary management arrangements are adopted in the event that the TRL stock biomass falls below the limit reference point.
3.	Further work be undertaken by the TRLWG and TRLRAG to examine possible options for applying a management trigger under the harvest strategy as the stock approaches the limit reference point to minimise the impacts on traditional inhabitant commercial fishers.

Agenda Item 1 - preliminaries

1.1 & 1.2 Apologies / adoption of agenda / declaration of interest

Apologies were received from two industry members. Phillip Ketchell was an apology for the entire meeting and Daniel Takai for day one only. The Working Group also noted an apology from Patrick Mills, Chairperson of the Torres Strait Fisher's Association who was planning to attend the meeting as an Observer.

The Working Group adopted the agenda with no changes and noted written advice from Phillip Ketchell would be tabled at Agenda Item 4.

The Chair noted that there could be potential conflicts of interest for members and observers when providing information and advice on some agenda items. These conflicts should be tabled by members and observers. The Chair noted that the Working Group is a consultative forum of the PZJA that provides advice on the management of the TRL Fishery. The Working Group is not a decision making body.

Representation at meetings

One industry observer noted that the representative for Kaiwalagal (the inner cluster of islands including Thursday Island and Horn Island) had been absent from a number of TRL Resource Assessment Group (RAG) and Working Group meetings. As a result, local industry feel they are not being adequately represented at TRLRAG and Working Group meetings. Preferably proxies should attend if a members cannot.

The AFMA member noted that members are expected to attend meetings and that every effort is made to ensure meeting dates correspond with the availability of members. AFMA will continue to work with members to ensure they can participate and where necessary, confirm whether they are able to continue in the role. Proxies are not used however observers are welcome to attend meetings.

The AFMA member noted the consultative forum representatives were nominated at a meeting on Horn Island in 2015 comprising over 60 stakeholders from across the region. With current appointments due to end this financial year, AFMA welcomes advice on alternative processes for nominating members.

One member raised concern with being referred to as an industry member rather than an island cluster representative. The AFMA member noted that future records can make clear the cluster group from which each member was nominated.

The Chair noted that representatives are bound by Fisheries Management Paper Number One (**Attachment A**) and the role of members is to act in the best interest of the Fishery rather than to advocate for a specific sector of the Fishery. The Chair noted that if there are different views of members they are recorded in the meeting record.

1.3 Action items from previous meetings

The Working Group noted progress against action items from previous meetings. The list of action items and progress is provided in **Attachment B**.

Recreational fishing rules

The Working Group noted an update on the recreational fishing rules for TRL that apply in the Torres Strait Protected Zone as detailed in the paper provided (**Action Item 9**).

Some members noted that the amount of recreational catch is unknown and that work should be undertaken to estimate the recreational take of TRL. The QDAF member noted that a Queensland recreational fishing survey had been undertaken, however there was only one respondent for the Torres Strait and therefore the data provided could not be considered sufficient to be representative of all recreational fishing in the region.

Working Group membership

The Chairperson for Malu Lamar (RNTBC) stated that Malu Lamar will not support any recommendation from the Working Group unless Malu Lamar (RNTBC) is recognised as a formal member of the group.

The Working Group noted advice that AFMA was progressing both Malu Lamar's and the TSRA Fisheries Portfolio member's request to become a member on all PZJA consultative forums.

Agenda Item 2 - updates

2.1 Industry

The Working Group noted the following updates provided by industry members and observers:

- Catches have been generally down however there has been some improvement in the months of June and July. The sand inundation of reefs surrounding Mabuiag including Beka Reef have started to clear and seagrass coverage around this area is increasing. The average size of TRL is slightly larger compared to last year.
- Catches around the inner cluster (Thursday Island) have been poor all season. It has not been worthwhile to use a big boat (primary/tender operation). Instead it has been more feasible to fish locally by dinghy.
- It is difficult for members to pass on the information of the RAG and Working Group meetings because the information is complex and the language used in meetings can be difficult to translate to something that is easy to understand and can be shared with fishers.
- Fishers from Lama are again reporting that hookah diving on top of the reef at Warrior and Dungeness reefs is continuing and this has an impact on the local Lama free dive fishers.

Fishing community home reefs

The Working Group noted advice from some industry members that communities continue to see transferrable vessel holder (TVH) operators diving their home reefs. This is of great concern to the communities and shows that the 'gentlemen's agreements' are not effective.

The Malu Lamar (RNTBC) Chairperson stated that home reefs should not be dived by the TVH sector and should be left for the local TIB fishers of that community. Malu Lamar (RNTBC) is currently undertaking a project to map the home reefs of Torres Strait communities and will work with the TVH sector to develop new agreements.

The Working Group noted and welcomed advice from both the Malu Lamar Chairperson and TVH industry members that they will work collaboratively with each other to develop agreements to address community concerns. It was noted that any such agreements could be the basis for an industry code of practice.

The AFMA member noted that upon request, AFMA could support future industry discussions by adjusting industry member travel arrangements alongside PZJA consultative forum meetings.

Action Item 1: Malu Lamar (RNTBC) to provide the Working Group with maps of home reefs for Torres Strait Island communities once finalised.

2.2 AFMA

The Working Group noted the updates provide by the AFMA member as detailed the agenda paper provided. The Working Group discussed the following updates:

Legislative amendments – Torres Strait Fisheries Act 1984

The PZJA has approved for AFMA to request legislative drafters to prepare draft amendments to the *Torres Strait Fisheries Act 1984*, including to allow for mandatory reporting by the TIB sector in the form of a daily fishing log. The drafting will provide the basis for consultation with the communities, industry members and the PZJA consultative forums.

- One industry observer noted that daily fishing logs may not be supported by the TIB sector, and it is preferred for reporting to be mandatory for seafood buyers and processors. TIB fishers don't want complicated rules, they just want to go fishing.
- One industry member suggested that a survey should be sent to each TIB licence holder questioning whether they support or do not support the introduction of mandatory daily fishing logs for the TIB sector.
- The Chairperson for Malu Lamar (RNTBC) noted that mandatory daily fishing logs for the Hand Collectable Fishery targeting bech de mer (BDM) would help support industry to develop the fishery. The Chairperson noted that some species are at risk of overfishing and that accurate catch reporting will be important for the sustainable management of the Fishery.
- The Fisheries Portfolio Member advised that the TIB sector will be discussing these issues in the near future, the sector should create another forum to consider these issues as a collective group and take relevant matters to the PZJA for consideration.

Amendment to the Commonwealth Fisheries Management Act 1991

Amendments to the Commonwealth *Fisheries Management Act 1991* have been proposed to require AFMA to have regard to interests of indigenous and recreational fishers.

The Chairperson for Malu Lamar (RNTBC) requested that a similar review be undertaken of the *Torres Strait Fisheries Act 1984* to check that the interests and recognition of indigenous fishers in the Torres Strait is consistent with the *Fisheries Management Act 1991*.

Action Item 2: AFMA to provide the objectives of the *Fisheries Management Act 1991* and the *Torres Strait Fisheries Act 1984* to Working Group members and observers.

Action Item 3: Malu Lamar (RNTBC) to provide AFMA with a written proposal for any further proposed amendments to the *Torres Strait Fisheries Act 1984*.

2.3 QDAF

The Working Group noted the Queensland Governments *Sustainable Fisheries Strategy* as detailed in the agenda paper and the following updates from the QDAF member:

- Queensland Boating and Fisheries Patrol has undertaken a recruitment round for 20 more fisheries patrol officers for Queensland;
- the Queensland East Coast Tropical Rock Lobster Working Group is likely to be re-established; and
- the Queensland East Coast TRL Fishery has had a very good season with the total allowable catch (195 tonnes) likely to be fully caught by 1 August 2017. Note on 7 September 2017 193.6 t of the 195 t TAC was taken.

2.4 TSRA

The Working Group noted the updates below provided by the TSRA member.

TSRA New Zealand study tour

- The TSRA recently visited New Zealand to learn about the Maori experiences with managing their traditional and commercial fishing interests;
- The TSRA Board will be briefed on the outcomes of the study tour at its meeting in September 2017;
- TSRA is planning to convene a Fisheries Symposium with stakeholders following the TSRA Board meeting to discuss both the study tour and how the TIB may benefit from the Maori experience. The TSRA Portfolio Member noted October or November would be suitable for industry members because it is during the Fishery closure;
- The TSRA can provide resources to establish community economic zones throughout the Torres Strait but ultimately it is up to Traditional Owners to determine how long this process will take.

Additional Government funding for TSRA

- The TSRA has been successful with recent funding bids for the region. The TSRA will receive \$16.75 million in new funding this financial year. Of that amount \$6 million is to be used for a landing jetty on Prince of Wales with the remainder (\$10.75 million) to be used to buyback fishing licences and invest in fisheries infrastructure.
- TSRA has commissioned an audit of fisheries infrastructure across all Torres Strait Island communities. The audit will identify what infrastructure is needed and how money should be invested to support development of fisheries in the region. Infrastructure needs will be considered broadly and could be anything including fuel bowsers, upgrading or building processing facilities and live holding tanks.

Expression on interest to lease TRL TVH licence held by TSRA

- The TSRA Board has agreed to lease-out one of the TVH primary/tender licence packages recently purchased by the TSRA for the 2017/18 fishing season. Expressions of interest will be sought with only Traditional Inhabitants being eligible to apply in the first instance.
- In making its decision the TSRA Board considered three options: (1). lease back to the TVH sector; (2). lease only to the traditional Inhabitants; and (3): retire the licence package. Leasing to a traditional inhabitant would give the licence holder the flexibility to crew the fishing boat with non-traditional inhabitants.
- One industry observer advised that he did not support the leasing-out of the TVH licence. Instead, in his view, the TVH licence should be retired.

2.5 Malu Lamar (RNTBC)

The Working Group noted the following updates from the Malu Lamar (RNTBC) Chairperson:

- in his capacity as Malu Lamar Chairperson, he had also been invited by the TSRA to attend the New Zealand study tour to meet with the Maori and learn from their fisheries experiences. The Maori agreed to provide assistance to Torres Strait Islanders in developing Torres Strait Fisheries;
- Malu lamar is aiming to establish a company two months from now;
- it is Malu Lamar's aim to empower TIB fishers across the board; and
- Malu lamar is looking forward to engaging with MG Kalis Pty Ltd and others and noted how the New Zealand Iwi work collaboratively across all sectors.

Agenda Item 3 - TRL Harvest Strategy

The Working Group noted the final draft TRL Harvest Strategy recommended by the TRL Resource Assessment Group (TRLRAG) as detailed in the Agenda Item paper and presented by the AFMA Executive Officer. A summary of the presentation is provided below.

Draft TRL harvest strategy recommended by the TRLRAG

- The draft Harvest Strategy (HS) sets out the pre-agreed management actions needed to achieve the Fishery objectives. The HS uses an empirical harvest control rule (eHCR) to determine a recommended biological catch (RBC).
- The major differences between the draft HS compared to the current interim Harvest Strategy are:
 - The draft HS uses an eHCR to calculate the RBC, while the interim HS uses an annual stock assessment to calculate the RBC. The draft HS applies a stock assessment on a three year cycle to review and evaluate performance of the eHCR and check the status of the resource.
 - The draft HS has a suite of pre-agreed decision rules that are designed to maintain the stock on average at the target biomass reference point (B_{TARG}) and to rebuild the stock if it breaches the biomass limit reference point (B_{LIM}) in two successive years. The draft HS B_{TARG} and B_{LIM} are more precautionary than the default Commonwealth Harvest Strategy Policy reference points.
 - The draft HS objectives have been developed to (a) place greater emphasis on the importance of the Fishery to the traditional way of life and livelihood of traditional inhabitants; and (b) maintain the stock on average at a target biomass level equal to recent years (2005-2015).
- The eHCR uses a regression of the 5 last year's data for the pre-season survey index of abundance of juvenile 1+ TRL (weighting 70%); newly recruited 0+ TRL (weighting 10%); the catch per unit effort (CPUE) indices for the TIB sector (weighting 10%) and CPUE indices for the TVH sector (weighting 10%).
- The draft HS decision rules are:
 - **Maximum catch limit** - The eHCR includes a maximum catch limit of 1000 t. Once the HS is implemented the cap will be reviewed after three years using MSE testing with the updated stock assessment model.
 - **Pre-season survey trigger** - If in any year the pre-season survey +1 indices is 1.25 or lower (average number of +1 age lobsters per survey transect) it triggers a stock assessment.
 - **Biomass limit reference point triggered** - If the eHCR limit reference point is triggered in the first year, a stock assessment update must be conducted in March.

- ❖ If after the first year the stock is assessed below the biomass limit reference point, it is optional to conduct a mid-season survey, the pre-season survey must continue annually.
- ❖ If the eHCR limit reference point is triggered two years in a row, a stock assessment must be conducted in December (of the second year).
- **Fishery closure rules** - If the stock assessment determines the stock to be below the biomass limit reference point in two successive years, the Fishery will be closed to commercial fishing.
 - ❖ Management strategy evaluation (MSE) testing of the eHCR has shown that it is extremely unlikely (<1%) for the Fishery to be closed based on its current performance.
- **Re-opening the Fishery** - Following closure of the Fishery, fishery-independent mid-season and pre-season surveys are mandatory. The Fishery can only be re-opened when a stock assessment determines the Fishery to be above the biomass limit reference point.
- Based on the decision rules, there are four alternative possible scenarios that may occur under the application of the eHCR. Graphic representations of the four scenarios were presented to the Working Group (**Attachment C**).

Comments and advice from Working Group members

1. *Impacts of the East Coast TRL Fishery on the robustness of the harvest strategy*

- Concerns were raised by some members that the impacts of the east coast fishery are not properly taken into account in the harvest strategy. Specifically the impact from how much is caught and when. With the east coast fishery season opening a month earlier (January) concerns were raised that the fishery may be having a bigger impact on spawning by catching berried females.
- Some members raised concerns that if the Torres Strait TRL Fishery is closed because it breaches the limit reference point (B_{LIM}) in two successive years then the Queensland East Coast TRL Fishery and the Papua New Guinea TRL Fishery should also be closed. It was recommended by some member that the PZJA write to the Queensland Minister requesting that they close the east coast fishery in the event that the Torres Strait fishery has to be closed.
- Some members noted that the Torres Strait Fishery is the only fishery conducting fishery independent surveys to determine the status of the resource and estimate a TAC. Some members remain concerned that the East Coast TAC is not based on good science.

- The QDAF member advised that an East Coast TRL Harvest Strategy will be developed as part of the Queensland Government's recently announced reform process.
- The AFMA member noted that the PZJA works with both the PNG Government and QDAF to develop complementary arrangements including Harvest Strategies. For the purposes of the Protected Zone, AFMA will formally seek support from the PNG-National Fisheries Authority on the Harvest Strategy through the Australia and PNG Fisheries Bilateral process under the Treaty.
- The Working Group noted that TRL is a shared stock with the QLD East Coast Fishery however the level of connectivity is uncertain. Irrespective of this uncertainty however the Working Group noted that the pre-season survey provides good data on the level of recruitment to the Torres Strait TRL Fishery and that the Harvest Strategy is designed to use these data to inform the management of the TRL Fishery.
- The Working Group further noted that the recently AFMA funded CSIRO larval advection project is aimed at providing updated information on TRL larval recruitment patterns for the Torres Strait.

2. *Potential for measures to be added as Limit Reference Point is approached to limit impacts on the TIB sector.*

- Some Working Group members recommended that the reduction of catch under the draft harvest strategy as the stock biomass move towards the limit reference point should not be uniform across the TIB and TVH sectors. Rather, a trigger point should be included in the draft HS before B_{LIM} at which point priority is given for fishing to the TIB sector over the TVH sector the TVH sector.
- The Fisheries Economist noted: (1) that there would need to be an agreed HS objective if the TVH sector were to take a larger reduction in the TAC compared to the TIB sector; (2) another option might be to restrict the Fishery to free dive only if a certain trigger point was reached; (3) and that the objective of any triggers would need to be agreed.
- The Malu Lamar Chairperson noted that the report titled 'A fair share of the catch' interprets the order of priority for Torres Strait Fisheries as (1) traditional fishing; (2) community fishing and (3) commercial fishing. The Chairperson noted the report should be considered when developing management arrangements for the Fishery including the draft HS and a legal interpretation of the report and its findings is required.
- The Industry Member from the TVH sector advised they could not agree to any proposal to have different measures applied to the TVH sector until more detail could be provided. The industry member noted that they too needed to make a living.

- Some TIB representatives and observers noted that TVH operators have the option of operating under a dual licence with the East Coast while TIB operators are unlikely to be able to secure endorsement to operate on the East Coast should the TS fishery close.
- An industry observer commented that industry should be left to work through these issues directly with each other.
- The AFMA member noted that the draft harvest strategy takes into account importance of TRL as an important shared resource. Having regard for importance of the resource for traditional fishing the harvest strategy is set to maintain a relative large stock size (target biomass is B_{65}). If the stock size reduces towards the limit reference point, then the harvest strategy process will recommend that the total catch be reduced so that the stock may build.

3. *Taking into account recreational catches*

- Some members questioned whether or not recreational catches were properly accounted for under the harvest strategy and sought advice on any plans to collect reliable estimates of recreational catches.
- The Working Group noted advice that TRLRAG did not recommend accounting for recreational catches at this time because overall catches are likely to be relatively low. One industry member did not support this assumption and considered recreational catches to be higher.
- The Working Group further noted advice that the FinFish Working Group has identified the need to examine whether there are cost-effective options for developing improved estimates of recreational catches in the future.
- The AFMA member noted that it is generally very costly to collect recreational catch data and so a risk based approach is generally required when accounting catches by that sector.

Recommendation

Having regard for the comments by members the Working Group:

1. **Recognised** that the draft harvest strategy is:
 - designed to inform management decisions for the Torres Strait TRL Fishery;
 - is based on robust fishery independent survey data and stock assessment process;
 - treats the TRL Fishery as a single stock;
 - does not take into account recreational catches on the basis of TRLRAG advice that catches are likely low; and
 - has been subject to rigorous performance testing by the TRLRAG.

2. **Recognised** that whilst there may be uncertainty in the level of connectivity between the east coast and Torres Strait TRL stocks, the draft TRL harvest strategy uses the best available data including annual fishery independent survey data, to recommend annual total allowable catches. Future work such as the recently funded larval advection modelling project is likely to improve our understanding of stock connectivity overtime.
3. **Requested (Action Item 4)** the following be presented at the next TRLWG meeting:
 - a) an overview of the current understanding of stock connectivity between the east coast and the Torres Strait TRL Fishery; and b) the basis for the Queensland east coast TAC.
4. **Recommends** that work should continue to examine whether there are cost-effective options for improving estimates of recreational catches in the region;
5. **Recommends** that the PZJA work closely with both the Queensland and PNG Governments to ensure complementary management arrangements are adopted in the event that the TRL stock biomass falls below the limit reference point.
6. **Recommends** that further work be undertaken by the TRLWG and TRLRAG to examine possible options for including social and/or economic objective in the draft Harvest Strategy and applying a management trigger under the harvest strategy as the stock approaches the limit reference point to minimise the impacts on traditional inhabitant commercial fishers.

Agenda Item 4 – TRL Management Plan

The Working Group noted advice from the TSRA Fisheries Portfolio Member and Malu Lamar Chairperson that outcomes of the recent TSRA study tour to New Zealand needs to be shared and considered by the TIB sector before proceeding with a plan of management for the fishery. The Working Group however agreed for public consultation outcomes on the draft management plan to be tabled (Agenda Items 4.2, 4.3 and 4.4).

A further summary table was circulated at the meeting which was intended to aid discussion among members on the key issues raised in the public consultation process (**Attachment D**).

4.1 Revised Sectoral Provisional Allocations

The Working Group noted that the TSRA had purchased two TVH primary/tender licence applications. Based on the provisional allocations assigned to those licences, the revised sectoral allocations that could be made under a quota management plan if they were to be combined with the TIB quota unit allocation is: TIB sector 62.54 per cent and TVH sector 37.46 per cent.

4.2 TRL Plan Public Meeting Outcomes

The Working Group noted the outcomes of public consultation meetings on the proposed TRL Management Plan as detailed in the Agenda Item paper.

One industry member noted that some communities, for example Masig, have not been provided an opportunity to meet with the industry representative for that cluster, to discuss and formulate a position on the management plan to allow them to provide a formal submission.

4.3 TRL Plan Written Submissions

The AFMA member read out the apology letter from the industry member Phillip Ketchell, the letter states that the Torres Strait Fishers Association (TSFA) does not support the proposed draft TRL Management Plan (**Attachment E**).

The Working Group noted the written submissions received on the draft plan as detailed in the Agenda item paper.

4.4 Native Title Notification – Malu Lamar (RNTBC) Submission

The Working Group noted the native title notification response on the draft plan from Malu Lamar (RNTBC) based on the Agenda Item paper.

The Working Group did not review the full summary on issues raised in the Malu lamar submission noting advice from the Chairperson for Malu Lamar (RNTBC) that the TIB sector and industry members first need to reflect on the recent meetings held with the Maori's before progressing development of the proposed draft management plan.

A single Malu lamar recommendation was noted. That is for the draft plan to provide separate rights and interest between native title holders and traditional inhabitants. Persons who are not native title holders, particularly if their traditional inhabitant identity is derived from the amnesty list, should not be granted TIB licences.

The Chairperson of Malu Lamar (RNTBC) noted the approval process for the grant of traditional inhabitant boat (TIB) licence is out of date and needs to be reviewed. The approval to grant a TIB licence needs to be based on genealogy to determine if a person is eligible to hold the licence. The Chairperson noted that PNG 'amnesty people' and aboriginal people from Cape York are not defined as a Torres Strait Islander under Article 1 of the Torres Strait Treaty.

4.5 Consideration of the draft management plan following public consultation

The Working Group noted advice from the TSRA Fisheries Portfolio Member and Malu Lamar Chairperson that the recent New Zealand study tour provided attendees with greater insight to the benefits and opportunities of quota management and how Maori manage their quota entitlements.

In light of what was learnt from meetings with the Maori and concerns raised about the draft plan through the public consultation, the Fisheries Portfolio Member and Malu Lamar

Chairperson did not support any further discussion on the draft Plan until the TIB sector and native holders more broadly, first meet to consider how their quota entitlements might be managed in order to meet their aspirations from the fishery.

The Fisheries Portfolio Member advised that the TSRA Board will be considering the outcomes of the NZ study tour at its meeting in September and that a work plan will be devised for leading the further consultation with the TIB sector and Malu Lamar. The Fisheries Portfolio Member further advised that the additional consultation may be a two year process with the first TIB meeting possibly occurring in beginning in October to coincide with the TRL Fishery closure. The aim of the TIB sector meeting will be for the sector to gather an understanding of the benefits of the Maori model and to agree on a preferred TRL Fishery management approach for the TIB sector. Additionally the consultation process may also cover issues across all fisheries such as restrictive rules in the Beche de Mer Fishery (7m boat length limit, free dive only).

Some industry members noted that the TVH sector should be included in the discussions about the Maori fisheries model to facilitate their understanding of how it could benefit the Torres Strait and fishery as a whole.

Industry members (TVH included) supported setting aside further development of the draft TRL Management Plan until the Traditional Inhabitant sector has developed preferred options for managing their quota allocation.

Other business – Malu Lamar reform proposal

The Chairperson of Malu Lamar circulated a paper titled 'Torres Strait Fisheries Reform Proposal – Australian Government and Queensland Government Assistance Request, June 2014 (**Attachment F**) to Working Group members at the end of the first meeting day and requested that he be able to present the paper on day two. The Malu Lamar Chairperson sought that it be tabled as it was relevant to the TIB sector in considering future options for managing fishing entitlements, such as TRL quota units.

The Malu Lamar Chairperson did not describe the detail of the paper but instead sought general comment from the Working Group.

The AFMA member advised that the paper is likely to be of some assistance for discussions being planned for the traditional inhabitant sector and Malu Lamar (as advised under Agenda Item 4). The AFMA member noted that the stated Malu Lamar vision includes working in partnership with industry, including the TVH sector and initiatives being progressed such as leasing-back arrangements and drawing on the Maori experience.

The AFMA member further advised that whilst it is helpful to be informed of the Malu Lamar reform proposal it was beyond the terms of reference of the Working Group to provide advice on the steps recommended in the paper as they relate to agreements and funding arrangements requested between Governments.

The Malu Lamar Chairperson advised that native title owners have commercial rights and interest prior to colonisation and that these rights have been recognised by the High Court. Their understanding of the *Akiba Decision* is that native title owners own the resources and this must be recognised. Malu Lamar has no interest in continuing to participate in future working groups and instead will take the Government to court.

The TSRA Fisheries Portfolio member noted that it has been requested on number of occasions for Malu Lamar to become a member of the PZJA. The AFMA member advised that the PZJA has previously requested Malu Lamar to put its proposal in writing but has not yet received response.

Some industry members and observers confirmed their support for the Malu Lamar Chairpersons position, including Malu Lamar becoming a member of the PZJA.

The TSRA member recommended that a legal synopsis of the *Akiba Decision* be formally considered by the PZJA and the precise nature of native title rights determined by the decision be explain to the working groups.

The Malu Lamar Chairperson reiterated his disappointment with the Working Group failing to properly recognise their native title rights and left the meeting.

Section 5 – Proposed Future Management Arrangements

Agenda items under section 5 *Proposed future management arrangements* were not discussed.

The Chair closed the meeting around 11am due to a lack of a quorum following the early departure of another industry member.

Section 5 agenda items were deferred to the next Working Group meeting. The Working Group noted that arrangements would be made out-of-session to reconvene as soon as possible.