

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
MEETING ADMINISTRATION Welcome Prayer and Apologies	<i>Agenda Item No. 1.1</i> FOR ACTION

Agenda Item 1.1 Welcome and apologies

1. Prayer by IFAC Member to open meeting of the Torres Strait Finfish Working Group (TSFFWG).
2. Ms Mary Lack (Chair) convene the meeting open

Apologies

3. Apologies have been received from:

Recommendation

4. That the Group note the apologies and commence proceedings.

Executive Officer
March 2012

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
MEETING ADMINISTRATION Declarations of Interest	Agenda Item No. 1.2 FOR ACTION

Recommendations:

1. That member's declare any pecuniary interest in the fishery, and advise of any changes to the details in Table 1.
2. That TSFFWG members and participants agree to declare any potential conflicts of interest they may have prior to the commencement of the meeting.
3. That Table 1 form the basis of these declarations and that members advise of any relevant changes to their standing declarations.
4. That the minutes record members' and observers' declarations and any other procedural decisions associated with circumstances where a conflict of interest is identified.

Background

5. As required by the *Commonwealth Authorities and Companies Act 1997*, members are required to detail areas where they may have a conflict of interest in relation to issues on the agenda.
6. Fisheries Administration Paper No. 12 (Working Groups) requires that RAGs adopt a similar procedure for disclosure of direct or indirect financial interests to that of Management Advisory Committees (MACs).

Table 1:

Member	Declared interest
Ms Lack	
Ms Brown	
Dr Jones	
Mr Rayner	
Ms Cocking	
Dr Jacobsen	
Mr Fava	
Mr Hall	
Mr Nakata	
Mr Vass	
Mr Mosby	
Mr Gabey	
Mr Larry	
Mr Toby	
Mr Takai	
Mr Lui	
Mr Bann-Pearson	

Executive Officer
March 2012

FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
MEETING ADMINISTRATION Review and Adoption of Agenda	<i>Agenda Item No. 1.3</i> FOR DECISION

Recommendation

1. That the final agenda for the 20th March meeting of TSFFWG be adopted (Attachment 1.3a).

Discussion

2. A draft agenda was circulated to TSFFWG members and interested parties in March 2012.

Executive Officer

March 2012

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
MEETING ADMINISTRATION Acceptance of Minutes from Previous Meeting	<i>Agenda Item No. 1.4</i> FOR DECISION

Purpose

To confirm the minutes of the Finfish Working Group (FFWG) Meeting held at Thursday Island on the 31 March 2010 (Attachment 1.4a) as a true and accurate record of the meeting.

Background

Minutes from the FFWG meeting held on 31 March 2010 were circulated to members for comment on 13 April 2010 with period for comment closing on 30 April 2010. No comments were received.

Recommendation

1.4 That FFWG **AGREE** to accept the minutes from the meeting held on 31 March 2010 be accepted as a true and accurate record of the meeting.

Executive Officer

March 2012

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
Draft Finfish Management Plan Provisions for monitoring take of by-product species	Agenda Item No. 2.1 FOR NOTING

Recommendation

That the FFWG **NOTE** the provisions included in the draft Torres Strait Finfish Fishery Management Plan 2012 (the Plan) relevant to monitoring of by-catch species.

Background

The Finfish Working Group (FFWG) meeting in October 2006, raised concern that effort could move from Coral trout to other species under a coral trout only quota. It was recommended that the catch of other species be closely monitored. The FFWG also agreed that quota set for Coral trout and Spanish mackerel only was the most appropriate option for the fishery at that time.

AFMA developed the objectives for the draft Plan with stakeholders from 2007 through to 2010. These objectives included particular reference to sustainable fishing of by-catch with the final objectives agreed to by the FFWG during the meeting on 31 March 2010 (3.2.1). The three objectives that were agreed to at this meeting relevant to sustainable take of by-catch species are:

1. *To acknowledge and protect the traditional way of life and livelihood of Traditional Inhabitants, including their rights in relation to traditional fishing for finfish.*
2. *Harvest levels are at, or below levels that maintain biologically viable stocks of target and non-target species.*
3. *To provide for the use and conservation of Torres Strait Finfish resources in a way that minimises impact on the marine environment.*

The indicator identified in the draft Plan to measure if the management arrangements are meeting these objectives under the Plan includes:

- i) *Total commercial catch of target and non-target species or species groups*
The objectives are included in Part 1 of the draft Torres Strait Finfish Management Plan.

Discussion

Fisheries Management Notice No. 8 defines species allowed to be taken under a reef line entry in the fishery. Over 100 species of fish may be taken in the fishery under this definition, although the majority of fish caught is Coral trout. Barramundi Cod and Red emperor are important, high value by-catch species that may be taken under a reef-line entry.

Currently all Sunset licence operators and Traditional Inhabitant vessels >7m are required to submit logbooks (TSF01) including identification of species retained. AFMA collates and reports annually on catch of all finfish catch, including Barramundi Cod and Red Emperor as reported in agenda item 4.1.

Under the Plan the PZJA will determine reference points for all by-catch in the fishery as set out in the objectives in the Plan. These reference points will be considered triggers that must be monitored and if triggered identified actions will be undertaken to address this issue.

AFMA will consult with fishery stakeholders in developing trigger reference points and actions required on reference points being reached following implementation of the plan.

Financial Impact

Any additional monitoring requirements for the fishery will require budgetary consideration and be appropriate for the fishery.

Executive Officer
March 2012

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
Draft Finfish Management Plan Public Comments	Agenda Item No. 2.2 FOR DECISION

Recommendation

2.2 That the FFWG **NOTE** the comments received during the public comment period for the draft Torres Strait Finfish Management Plan 2012.

2.2.1 That the FFWG **AGREE** to recommend the draft Torres Strait Finfish Fishery Management Plan 2012 to the Torres Strait Fisheries Management Advisory Committee (TSFMAC)

Background

At the PZJA 18 (July 2005), the PZJA agreed to develop and implement management arrangements to cost effectively control the commercial take of fish (18.2.d).

At PZJA 21 (August 2007) the PZJA agreed:

- in principle to the proposed management arrangements recommended by the TSFMAC pending further consideration of several unresolved management arrangements to be included in the draft Plan (PZJA 21.2.1.3);
- to allow the FFWG a further opportunity to resolve the management arrangements (21.2.2.2 (a)); and
- where the FFWG is unable to make a recommendation on unresolved issues for the Management Plan the PZJA, will make a decision in the best interests of the fishery (21.2.2.2 (b)).

The FFWG meeting in November 2007 did not progress the draft Plan.

On 18 December 2007 the then Minister for Agriculture, Fisheries and Forestry, the Hon Tony Burke MP, announced a buyout of 100 percent of the non-Traditional Inhabitant licences in the Torres Strait Finfish fishery. All non-Traditional Inhabitant licences were surrendered by 30 June 2008.

At PZJA 22 in April 2008, the PZJA noted the ongoing importance of the development of a draft Plan for the Finfish fishery to ensure that a sustainable harvest strategy was maintained (22.2.3.1).

In 2009 the FFWG noted the changed nature of the fishery following the 100 percent buyout of non-Traditional Inhabitant licences and implementation of leasing arrangements in the fishery. The Group agreed to recommend the Finfish Management Plan outline and fishery objectives to the TSFMAC, noting that some identified elements were not at that time fully endorsed by the Finfish Working Group.

In 2009 the TSFMAC agreed to recommend the draft Plan outline to the PZJA, but with a request to consider further feedback from Traditional Inhabitants on trading of licences. This consultation was carried out in February 2010 with no consensus reached by Traditional Inhabitants on the issue and an agreement to proceed with the draft Plan.

In 2010, the FFWG recommended that the draft Plan be recommended to the PZJA for release for public comment with some minor amendments.

The TSFMAC noted the progress of the draft Plan in an out-of-session meeting in November 2010.

In February 2012, the PZJA in an out-of-session decision agreed to the release of the draft Torres Strait Finfish Fishery Management Plan 2012 for public comment. The public comment period was planned to run from 02 February to 09 March 2012. During this time AFMA ran a communication program including circulating adverts in three newspapers and mail outs to operators and interested parties.

In late February 2012 AFMA undertook consultative meetings in Mer, Erub, Masig, Warraber, Poruma and Ugar. The meetings discussed the draft plan and the proposed changes to the fishery pending its implementation. The meetings emphasised the need to extend the public comment period and subsequently the public comment period was extended to 16 March 2012. The new deadline was advertised in the Torres News.

DISCUSSION

A formal Management Plan for the Torres Strait Finfish fishery has been developed under the *Torres Strait Fisheries Act (1984)* in line with previous PZJA decisions. The PZJA has previously noted the ongoing importance of development of a Management Plan for the fishery to ensure long-term sustainability (PZJA 22).

The draft Torres Strait Finfish Fishery Management Plan 2012 has been developed under close consultation with stakeholders on the Torres Strait Finfish Working Group, the Torres Strait Fisheries Management Advisory Committee and the PZJA Standing Committee since October 2006.

On conclusion of the extended public comment period, two comments were received, both acknowledging the draft management plan and supporting its implementation. A summary of the comments received are provided in Table 1. Comments submitted by stakeholders are provided at [Attachment A](#).

The comments support adoption of the draft Plan as a formal plan of management for the Torres Strait Finfish fishery with consideration provided on provisions related to consultation with Traditional Inhabitants.

AFMA considers that the current provisions within the draft Plan require the PZJA to consult with stakeholders, including Traditional Inhabitants, where appropriate and practicable. The provisions in the draft Plan directly related to consultation are included in Table 2.

AFMA considers that the draft Plan is adequate to meet the concerns raised through the public comment period.

Table 1: Summary of comments from stakeholders and AFMA views on those comments.

Comments (stakeholders)	AFMA view
Draft Torres Strait Finfish Fishery Management Plan 2012 Accepted (Kos and Abob Fisheries Corporations – Ugar) (TSRA)	Agreed
Management Plan should allow for consultation with Traditional Inhabitants on a decision on any provision under the Plan (TSRA)	Agreed – a summary of provisions within the plan related to consultation is provided in Table 2.

Table 2: PZJA consultation requirements under the Torres Strait Finfish Fishery Management Plan 2012.

Provision for Consultation	Consultation with Who
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<p>Part 2 – Fishing in the Fishery</p> <p>2.1 Who may fish in the fishery may consult the TSFMAC and other interested persons</p>	<p>TSFMAC and other interested parties</p>
<p>2.2 What fish can be taken may consult the TSFMAC and other interested persons</p>	<p>TSFMAC and other interested parties</p>
<p>2.3 Prohibited fish species may consult the TSFMAC and other interested persons</p>	<p>TSFMAC and other interested parties</p>
<p>2.4 Fish restricted by size may consult the TSFMAC and other interested persons</p>	<p>TSFMAC and other interested parties</p>
<p>2.5 Fishing methods may consult the TSFMAC and other interested persons</p>	<p>TSFMAC and other interested parties</p>
<p>2.6 Fishing season may consult the TSFMAC and other interested persons</p>	<p>TSFMAC and other interested parties</p>
<p>2.7 Prohibiting fishing (3) The PZJA: (a) will consult the TSFMAC before making a determination under subsection (1); and (b) if practicable, consult the TSFMAC before making an emergency determination under subsection (2).</p>	<p>TSFMAC</p>
<p>2.8 Consultation (1) As well as the consultation under section 2.7, the PZJA may consult the TSFMAC and other interested persons before making a decision under other provisions of this Part.</p>	<p>TSFMAC and other interested parties</p>

<p>Part 3 – Units of Fishing Capacity</p> <p>3.1 Determination of total allowable catch (TAC)</p> <p>(5) Before determining the TAC, the PZJA:</p> <p>(a) will consult the TSFMAC; and</p> <p>(b) may consult other interested persons.</p>	TSFMAC and other interested parties
<p>3.3 Determination of total allowable effort (TAE)</p> <p>(5) Before determining the TAE, the PZJA:</p> <p>(a) will consult the TSFMAC; and</p> <p>(b) may consult other interested persons.</p>	TSFMAC and other interested parties
<p>3.5 Change of TAC and TAE</p> <p>(4) Before changing the TAC or TAE, the PZJA:</p> <p>(a) will consult the TSFMAC; and</p> <p>(b) may consult other interested persons.</p>	TSFMAC and other interested parties
<p>3.7 Allocation of Units of Fishing Capacity</p> <p>(4) Before allocating units, the PZJA will consult the TSFMAC on appropriate allocation processes to determine an appropriate allocation formula.</p>	TSFMAC and other interested parties
<p>Part 4 – Licences</p> <p>4.6 Entries for the finfish fishery (reef line and mackerel)</p> <p>(3) The PZJA will consult with TSFMAC before making a decision limiting the number of mackerel or reef line entries.</p>	TSFMAC
<p>4.8 Primary and tender boats</p> <p>(6) Before determining the number of tenders, the PZJA must consult the TSFMAC.</p>	TSFMAC
<p>Part 5 Licence and endorsement conditions</p> <p>5.1 Licence and endorsement conditions – general</p> <p>may consult the TSFMAC and other interested persons before making a decision under this Part.</p>	TSFMAC and other interested persons
<p>5.2 Licence and endorsement conditions – Logbooks</p> <p>may consult the TSFMAC and other interested persons before making a decision under this Part.</p>	TSFMAC and other interested persons
<p>5.3 Licence and endorsement</p>	TSFMAC and other interested persons

<p>conditions - quota monitoring system may consult the TSFMAC and other interested persons before making a decision under this Part.</p>	
<p>5.4 Licence conditions – other obligations of licence and endorsement holders may consult the TSFMAC and other interested persons before making a decision under this Part.</p>	TSFMAC and other interested persons
<p>5.5 Licence and endorsement conditions – observers may consult the TSFMAC and other interested persons before making a decision under this Part.</p>	TSFMAC and other interested persons
<p>5.6 Licence and endorsement conditions - vessel monitoring system (VMS) may consult the TSFMAC and other interested persons before making a decision under this Part.</p>	TSFMAC and other interested persons
<p>5.7 Licence and endorsement conditions - obligations relating to interactions with certain species and communities may consult the TSFMAC and other interested persons before making a decision under this Part.</p>	TSFMAC and other interested persons
<p>5.8 Catch of by-product may consult the TSFMAC and other interested persons before making a decision under this Part.</p>	TSFMAC and other interested persons
<p>5.9 Consultation (1) The PZJA may consult the TSFMAC and other interested persons before making a decision under this Part.</p>	TSFMAC and other interested persons
<p>Part 6 Miscellaneous 6.1 Boat lengths (2) Before making a determination under this section, the PZJA may consult TSFMAC.</p>	TSFMAC

FINANCIAL IMPLICATIONS

Costs for amendments to the draft Plan, tabling in Parliament and registration on FRLI have been budgeted in the 2011/2012 financial year. Delays in implementing the Finfish Management Plan will require budget amendments for the 2011/2012 and 2012/13 financial years.

Should quota management be implemented in the future additional funds for a quota monitoring system will be required with associated funding.

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
Draft Finfish Management Plan Timeline for Implementation	Agenda Item No. 2.3 FOR NOTING

Recommendation

That the FFWG **NOTE** progress of the draft Torres Strait Finfish Fishery Management Plan 2012 and the proposed timeline for implementation.

Background

Task	Due Date¹
Agreement on Plan outline (TSFMAC)	Completed
Draft Finfish Management Plan developed	Completed
Draft Management Plan considered by FFWG	Completed (2010)
Draft Management Plan approved by PZJA (OOS) for public consultation	Completed (2012)
Draft Management Plan released for public comment	Completed (1 February 2011 – 16 March 2011)
Public comments considered and amendments made to Management Plan where required	In Progress
Strategic Assessment Report and WTO	In Progress Ends 26 March 2012
PZJA approves final management plan	June 2012
Management Plan tabled in Parliament	June 2012
Management Plan commences	01 July 2012

In January 2012 the PZJA approved the release of the draft Torres Strait Finfish Fishery Management Plan 2012 for public comment. This was released on 1 February until 16 March 2012 following an extension of the public comment period from the original date of 9 March. During this period, AFMA conducted consultative meetings on Mer, Erub, Masig, Warraber, Poruma and Ugar Islands between 21-23 February 2012.

A Strategic Assessment Report (SAR) was submitted to SEWPaC for release for public comment. The SAR is currently open for public comment and ends on 26 March 2012. SEWPaC will also assess the Fishery to be declared an approved Wildlife Trade Operation (WTO) and, therefore, able to export product. SEWPaC may

¹ Dates are indicative and dependant on the progress of the previous steps.

recommend actions for the PZJA relevant to the fishery as part of the WTO accreditation. This process is dependant on the final implementation of the Plan.

All comments received by AFMA during the public comment period for the draft Plan have been collated and addressed by AFMA. All comments are tabled at FFWG Meeting 2012.1 (agenda item 2.2) for the group's consideration. This information and the recommendations of the FFWG will then be tabled at TSFMAC Meeting 12. The TSFMAC will make recommendations to the PZJA regarding the public comments and the actions of the AFMA in addressing the issues raised.

The public comments, TSFMAC recommendations and AFMA actions will be considered by the PZJA along with the final Management Plan. The PZJA will approve the Plan if they consider that AFMA have addressed the comments of the public appropriately.

Upon approval by the PZJA, the final Plan must be tabled in Federal Parliament where it is subject to scrutiny and if passed must be registered with the Federal Register for Legislative Instruments (FRLI).

It is planned that the Torres Strait Finfish Fishery Management Plan 2012 will be ready for implementation at the beginning of the 2012/13 fishing season on 1 July 2012.

Financial Impact

Costs for amendments to the draft Plan, tabling in Parliament and registration on FRLI have been budgeted in the 2011/2012 financial year. Delays in implementing the Finfish Management Plan will require budget amendments for the 2011/2012 and 2012/13 financial years.

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
Strategic Assessment Report and Wildlife Trade Operation (WTO) Public Comment Period	<i>Agenda Item No. 3.1</i> FOR NOTING

Recommendation

That the FFWG **NOTE** the progress of the Strategic Assessment and Wildlife Trade Operation (WTO) for Torres Strait Finfish Fishery.

Background

The export approval for the Torres Strait Finfish Fishery was valid until 25 November 2011, however an extension was granted until mid 2012 pending the implementation of the Torres Strait Finfish Fishery Management Plan 2012.

In February 2012, AFMA on behalf of the PZJA, submitted a report to the Department of the Sustainability, Environment, Water, Population and Communities (SEWPaC) to have the fishery reassessed for continued export approval under the new Management Plan (discussed at agenda item 2.2). The public comment period closes on 26 March 2012 and AFMA will await a decision from SEWPaC to declare the fishery an approved WTO for a further three year period.

Financial Impact

Nil.

Executive Officer
March 2012

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
Current Fishery Status 2010/2011 Season Update	Agenda Item No. 4.1 FOR NOTING

Recommendation

That the FFWG **NOTE** the 2010 and 2011 season updates for the Torres Strait Finfish Fishery.

Background

Catch and effort in the Reef Line fishery has remained relatively constant since 2007, which was when 100% of the non-islander licences were removed from the fishery and leasing began. Catch of Spanish mackerel has been on a declining trend since 2009.

Catch

Coral Trout catch

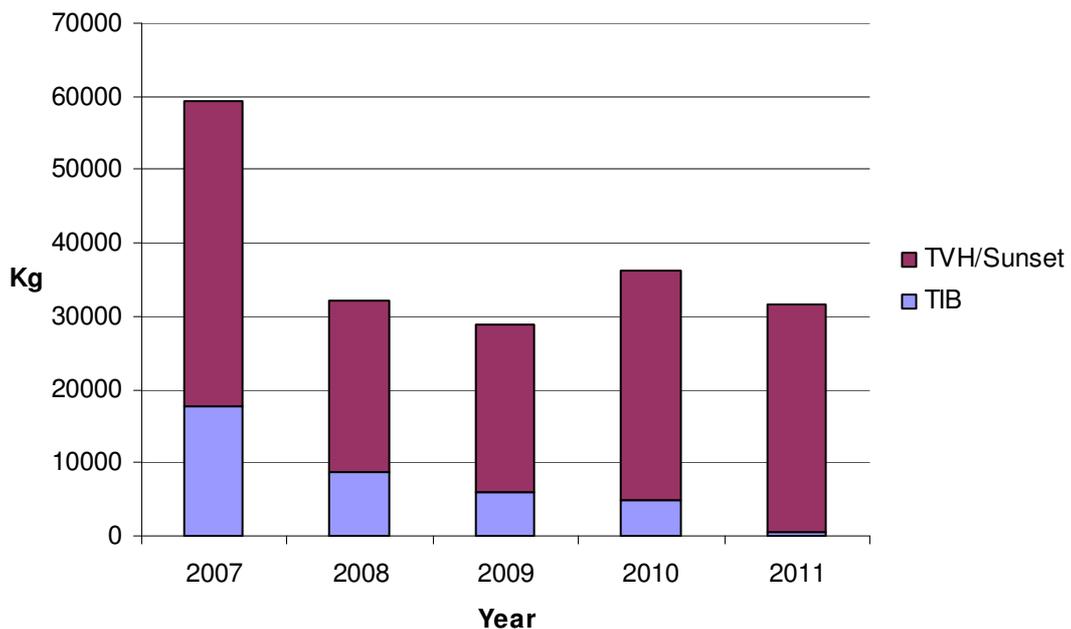


Figure 1: Catch of Coral trout in Australian waters by Australian fishers in whole weight.

Spanish mackerel catch

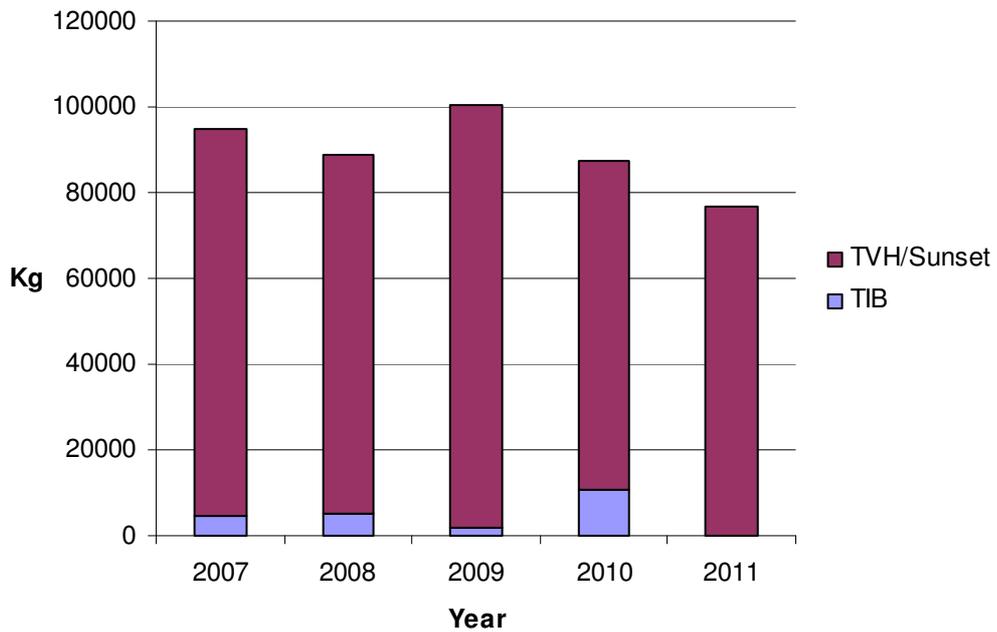


Figure 2: Catch of Spanish mackerel in Australian waters by Australian fishers in whole weight.

Catch Barramundi Cod

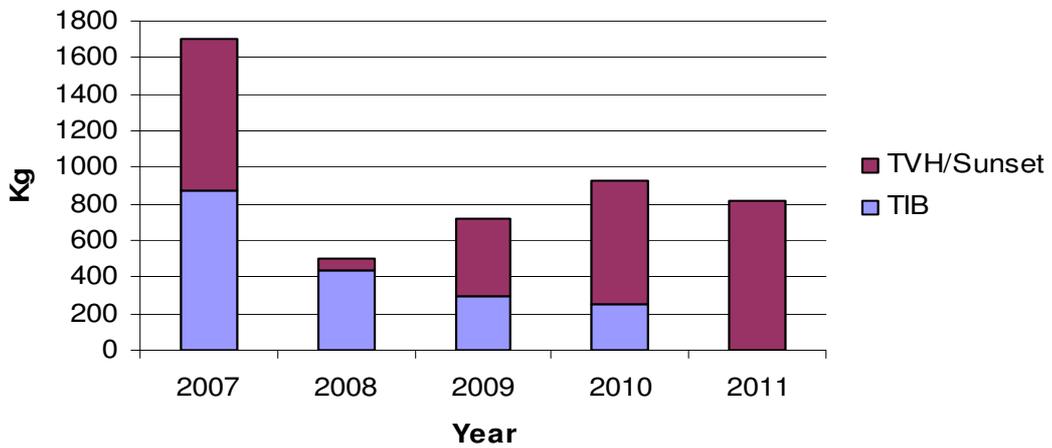


Figure 3: Catch of Barramundi Cod in Australian waters by Australian fishers in whole weight.

Catch Red Emperor

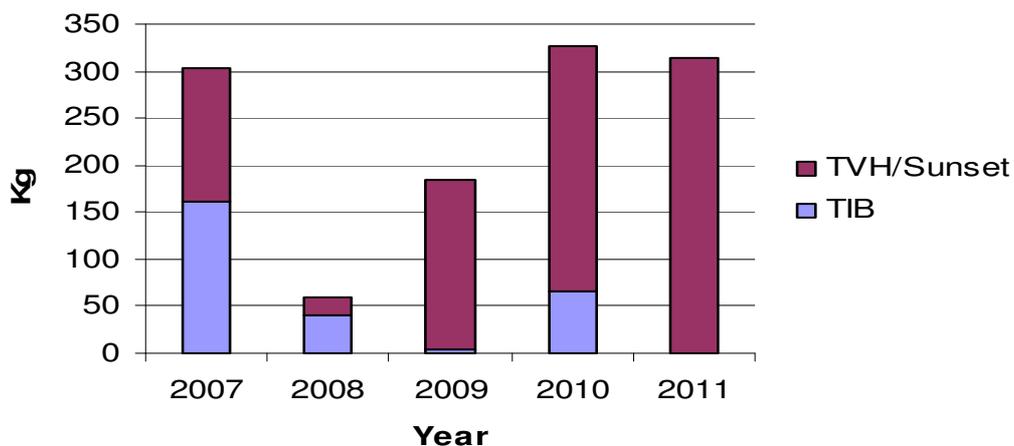


Figure 4: Catch of Barramundi Cod in Australian waters by Australian fishers in whole weight.

Catch of important by-catch species of barramundi cod and red emperor were low in 2011 at 816kg and 314kg respectively. These records were similar to catch from 2010. The reported catch for these species is low is compared to catch in 2005 of 2.9t of barramundi cod and 3.9t of red emperor.

Effort

Coral Trout effort (Operation Days)

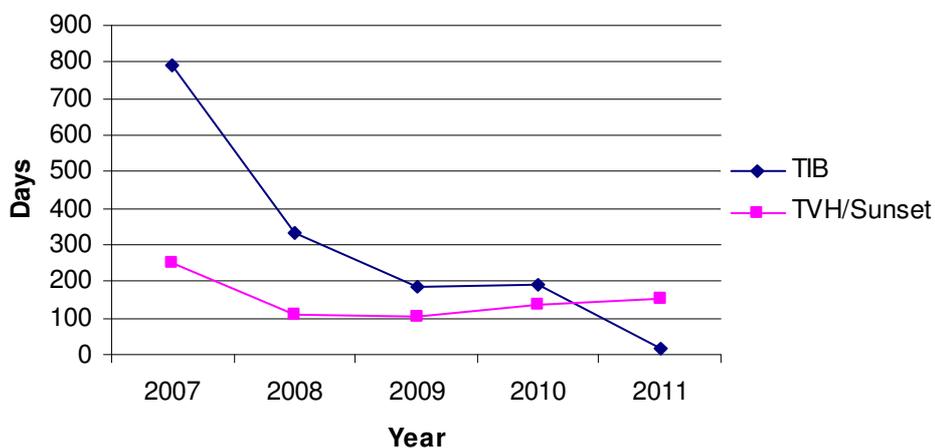


Figure 5: Effort (days fishing) for Coral trout in Australian waters by Australian fishers.

Spanish mackerel effort (Dory Days)

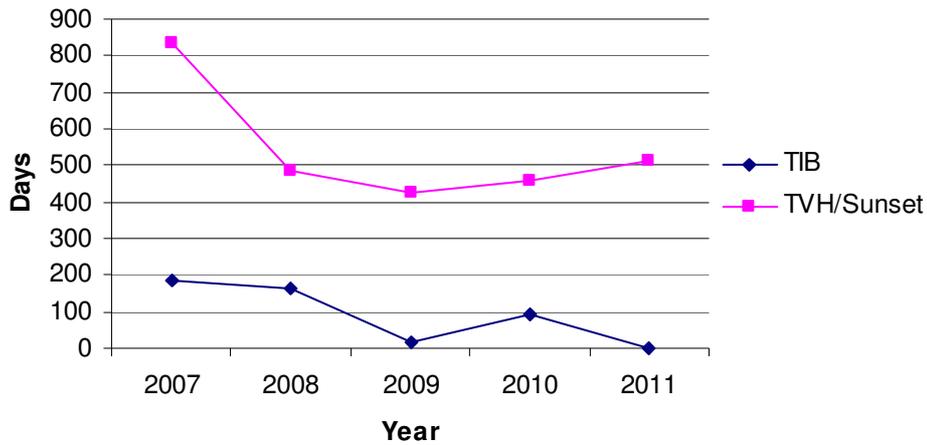


Figure 6: Effort (days fishing) for Spanish mackerel in Australian waters by Australian fishers.

Effort by TIB operators for coral trout and Spanish mackerel fishery have been declining since 2007, particularly for Spanish mackerel. The decline of effort for coral trout may be related to the closure of the Mer Is Freezer in 2010.

Effort in the TVH/Sunset licence holders is increasing marginally since the 2008, noting that catch of coral trout and Spanish mackerel has been capped for sunset licence holders since mid 2008 and this will constrain effort as well.

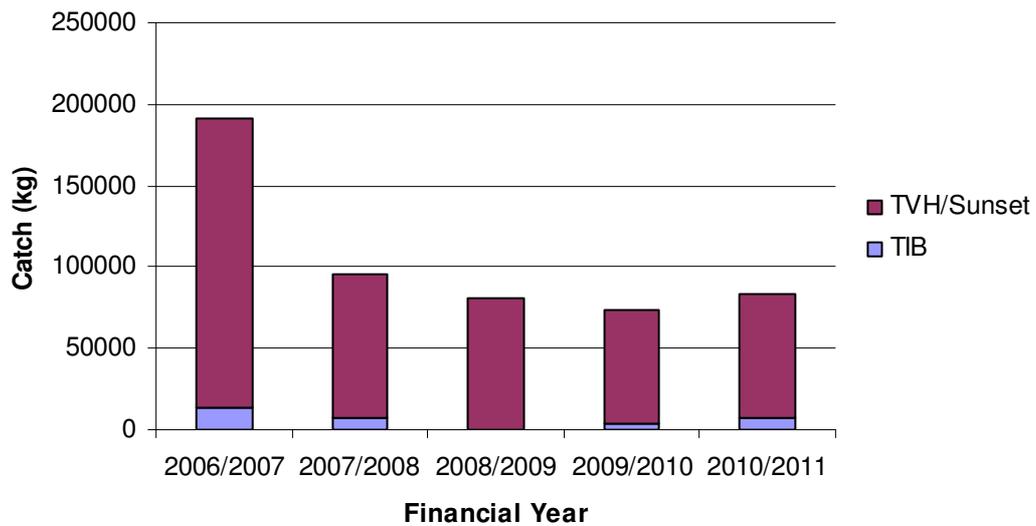
Financial Impact

Nil

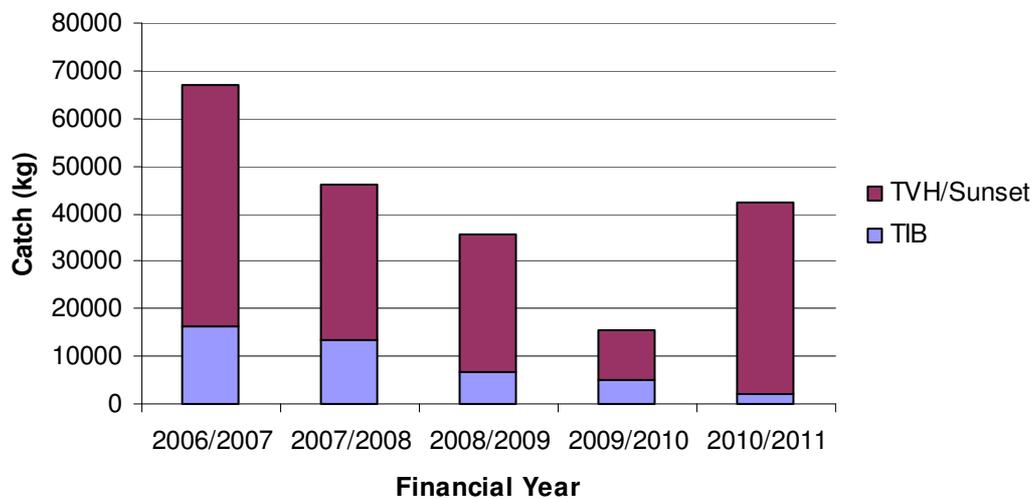
Executive Officer
March 2012

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
Current Fishery Status 2010/2011 Season Update	Agenda Item No. 4.1 FOR NOTING

Spanish Mackerel catch (FY)



Coral Trout catch (FY)



TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
CURRENT FISHERY STATUS Finfish Leasing Arrangements	Agenda Item No. 4.2 FOR NOTING

Recommendation

That the FFWG **NOTE:**

1. the update on finfish leasing arrangements for 2011-12; and
2. the update on the disbursement of leasing revenue and the Finfish Quota Trust Revenue Grant Funding Round 2011 & 2012.

Background

Finfish Buyout and Leasing Arrangements

In 2005, the Protected Zone Joint Authority (PZJA) agreed to transition towards greater Traditional Inhabitant ownership in the Torres Strait Finfish Fishery (Spanish mackerel and coral trout). The key purpose of this decision was to fulfil obligations under the Torres Strait Treaty to promote economic development and employment for Traditional Inhabitants in the Torres Strait, and to provide PNG with its entitlement of the allowable commercial catch of finfish.

In 2007, the PZJA successfully completed a buyout of all non-Traditional Inhabitant (TVH) Torres Strait Finfish catch entitlements. Traditional Inhabitants of the Torres Strait now hold 100 percent of the Australian allocation of Torres Strait commercial finfish entitlements.

Traditional Inhabitant Boat (TIB) fishers have only a limited capacity to utilise this fishery. A condition of the buyout was to lease back licences to the TVH sector until the TIB sector can increase its catch to a level close to its full allocation. Leasing arrangements ensure that the Torres Strait finfish markets and continuity of supply chains are maintained. During the buyout process the TSRA Board agreed to hold and administer finfish quota in trust on behalf of Traditional Inhabitants of the Torres Strait. Revenue raised from the leasing will be reinvested into community fishing initiatives aimed at building the capacity of Traditional Inhabitant fishing industries.

The Torres Strait Finfish Quota Management Committee (FQMC) was established to preside over finfish leasing arrangements and provide recommendations to the TSRA Board. The FQMC comprises of four community fisher representatives from Erub, Masig, Mer and Ugar, and two TSRA Board members including the Portfolio Member for Fisheries.

From the indicative total allowable catch (TAC) of 188 tonnes of Spanish mackerel and 135 tonnes of coral trout for the Torres Strait Protected Zone (TSPZ), there is a total annual Australian allocation of 112.6 tonnes (coral trout) and 101.2 tonnes (Spanish mackerel). This is available for TIB licence holders to utilise either through fishing or by leasing to TVH fishers.

Under the catch sharing arrangements of the *Torres Strait Treaty (1985)*, the remaining 78 tonnes, 40 percent of Spanish mackerel and 34 tonnes, 25 percent of coral trout is allocated to PNG, however, this has never been taken up. PNG has

confirmed at the 2010 Fisheries Bilateral meeting that they will not be utilising the Torres Strait Finfish Fishery in 2011.

In 2010 TIB fishers caught 10.9 tonnes of Spanish mackerel and 4.9 tonnes of coral trout (AFMA, 2010). The historical annual catch for the Torres Strait Finfish Fishery is in **Table 1**.

Table 1. Annual catch history in the Torres Strait Finfish Fishery

Year	Species	TIB (tonnes)	TVH (tones)	TOTAL (tonnes)
2007	Coral Trout	17.6	41.8	59.4
	Spanish mackerel	4.8	89.9	94.7
2008	Coral Trout	8.8	23.4	32.2
	Spanish mackerel	5.3	83.3	88.7
2009	Coral Trout	6.1	22.8	28.9
	Spanish mackerel	1.6	98.6	100.3
2010	Coral Trout	4.9	31.3	36.2
	Spanish mackerel	10.9	77.7	87.6

Discussion

Leasing 2011-12

The Finfish Quota Management Committee (FQMC) met on 28 April 2011 to assess Expression of Interest (EOI) applications and review price offers submitted from current lessees with ongoing lease agreements for the 2011-2012 fishing season. Independent market information on coral trout and Spanish mackerel was provided to guide the committee in assessing lease offers and to ensure fair and reasonable prices are negotiated.

An EOI was advertised in March 2011, seeking fishing operators interested in leasing Torres Strait finfish quota for the 2011-2012 leasing period. A total of ten applications seeking finfish quota for this period were received.

The FQMC supported six operators to lease a combined quota of 98 tonnes of Spanish mackerel and 80.5 tonnes of coral trout for the 2011-2012 leasing period. This was endorsed by the TSRA Board at its meeting in May 2011, and will generate approximately \$224,000 of revenue into the Finfish Quota Trust account for investment into capacity building of the Torres Strait Traditional Inhabitant finfish industry. The current balance for the Finfish Quota Trust account is \$550,000 (exc. 2011-12 revenue).

Finfish Quota Trust Revenue Grant Funding Round 2011

Prior to the 2011-12 leasing period and since the commencement of the finfish leasing arrangements in 2008-09 there had been no disbursements made from the Finfish Quota Trust account. The TSRA Board at its meeting August 2011, agreed on the principles of operation for the disbursement of funds from the Finfish Quota Trust account.

In accordance with the direction of the TSRA board, the TSRA Economic Development and Fisheries team visited Erub, Masig, Mer and Ugar in September and October to discuss the Finfish Quota Trust account funds and provide information on the Finfish Quota Trust Revenue Grant Funding Round 2011 process and assist potential applicants.

The Finfish Quota Trust Revenue Grant Funding Round 2011 closed on 24 October 2011. The Finfish Quota Trust Revenue Risk Assessment Panel (RAP) met on 31 October 2011 and the Finfish Quota Trust Revenue Grant Assessment Panel (GAP) on 2 November 2011 to assess applications. There were five applications received and three were assessed as suitable by the GAP. One applicant was partially supported (pending changes agreed by the GAP) and the remaining application was ruled out for not meeting the required criteria.

The Quota Trust Revenue Funding Round 2012

There is funding remaining from the Finfish Quota Trust Revenue Funding Round 2011. This funding will again be made available to the four finfish communities of Mer, Erub, Ugar and Masig through the Finfish Quota Trust Revenue Funding Round 2012, which opened on Monday 13 February, and closed Monday 12 March 2012. Applications are currently being assessed by the respective RAP and GAP.

Financial Implications

Nil.

Executive Officer

March 2012

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
CURRENT FISHERY STATUS Opening of the western closure of the Reef Line Fishery	Agenda Item No. 4.3 FOR DISCUSSION

Recommendation

4.3 That the FFWG **DISCUSS** the process and implications of opening the western closure of the Torres Strait Reef Line Fishery (TSRLF).

Background

The TSRLF is a multispecies fishery targeting mainly coral trout, with a smaller harvest of tropical snappers, emperors and rock cods. Commercial harvest of reef fish is mainly from the north eastern region of Torres Strait (Figure 1). This is partly due to a large closure to commercial reef line fishing in the Torres Strait west of 142°32'E, but also due to suitable reef habitat in the eastern areas. The rationale for the western closure is the lack of historical commercial fishing activity in this area, primarily due to the area's less desirable habitat for fishing, and the subsequent lack of information on finfish stocks in this region.

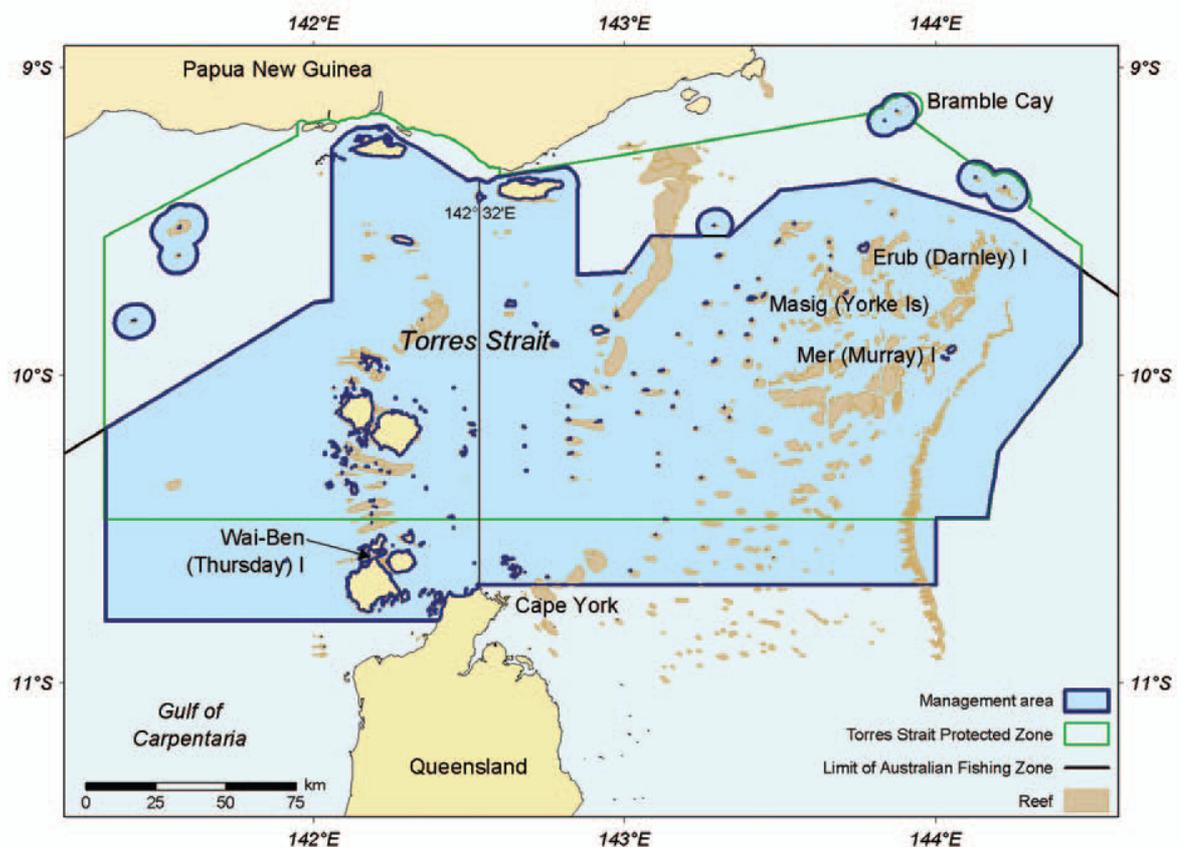


Figure 1. Area of the Torres Strait Finfish Fishery

Discussion

Traditional Inhabitants of the Torres Strait have recently expressed interest in opening the western closure of the TSRLF to provide greater employment and economic development opportunities from the Torres Strait fisheries.

There are a number issues to be discussed before this matter can be formally progressed including gauging the level of interest from Torres Strait Communities, the economic viability of the region, and understanding the processes required to lifting the closure such as ensuring sustainability of fish stocks and having appropriate catch reporting systems in place.

Financial Implications

Nil.

Executive Officer

March 2012

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
Current Fishery Status Fisheries Management Instrument No.8	Agenda Item No. 4.4 FOR NOTING

RECOMMENDATION

That the FFWG **NOTES**:

- 4.4.1 the implementation of Fisheries Management Instrument No. 8.
- 4.4.2 the revocation of Fisheries Management Notice 78.

BACKGROUND

Fisheries Management Instrument (FMI) No 8 for the Reef line fishery has recently been implemented, revoking the previous Fisheries Management No. 78. The FMI was implemented to introduce or amend management arrangements as recommended by the Finfish Working Group (FFWG) and Torres Strait Fisheries Management Advisory Committee (TSFMAC) including

- a) Implementation of new net size restrictions for traditional fishing;
- b) Removal of the prohibition on the retention of live fish; and
- c) Implementation of new maximum legal size limits of 620mm for the leopard/square tail coral trout (*P. areolatus*).

The PZJA agreed to FMI No. 8 out of session in August 2011 and the FMI came into effect on 9 September 2011.

Net Size Restrictions

TSFMAC recommended the implementation of net size restrictions to traditional fishing to protect by-catch species such as turtle and dugong in November 2009 (11.4.7.1). The net size restrictions for traditional fishing were recommended to reduce the risk of accidental catch of turtle and dugong on large gauge nets used for traditional fishing for finfish. The restrictions limit mesh nets used for traditional fishing to a maximum of 10cm mesh, 2.5m drop and 100m length

Live Fish

In December 2002, a prohibition on the retention of live fish in the Torres Strait was introduced into the fishery due to concerns that it may lead to an increase in fishing activity if latent effort in Torres Strait was taken up by fishers displaced from the East Coast fishery.

In July 2007, the TSFMAC recognised that the ability to take live coral trout in the TSFF had benefits both to non-islander and Islander fishers by increasing economic efficiency and increased employment for Torres Strait Islanders. The TSFMAC recommended the PZJA lift the ban on holding live fish in Torres Strait (9.4.3.2(g)).

In August 2007 the PZJA agreed (PZJA 21.2.1.2) that the ban on live fishing for coral trout in Torres Strait be lifted on implementation of the Finfish management plan, however, it was subsequently agreed to implement this earlier through implementation of FMI No 8 (PZJA out of session August 2011).

Size limits for the leopard/square tail coral trout (*P. areolatus*)

In May 2007, the FFWG agreed to recommend new maximum legal size limits of 62 centimeters for *P. areolatus*. In July 2007, the TSFMAC agreed to recommend these maximum size limits to the PZJA (9.4.3.2(e)). These size limits were included in a list

of new arrangements to be introduced as part of the Finfish Management Plan presented at PZJA 21 and agreed to in-principle by the PZJA (21.2.1.3).

In the Torres Strait, coral trout species (*Plectropomus* and *Variola*) have previously been managed as a collective group (i.e. 38cm minimum legal size limit) under the assumption that their reproductive biology was similar. However research indicates that the reproductive biology of the leopard/square-tail trout (*P. areolatus*) is significantly different from other species and the current size limits do not protect males (as these species change gender at a larger size).

FINANCIAL IMPLICATIONS

The new management arrangements introduced for the Finfish fishery in FMI No. 8 will not increase management costs significantly.

Executive Officer
March 2012

TORRES STRAIT FINFISH WORKING GROUP	Meeting # 2012.1 20 March 2012
Torres Strait Compliance Report Compliance Report – season update on activities	<i>Agenda Item No. 5</i> FOR NOTING

Recommendation

5. The FFWG **NOTES** the Domestic Compliance Report for 2011.

Background

The Domestic Compliance Report for the period 2011 is provided as Attachment.

Discussion

The District is currently utilising the locally based Queensland Police vessel as a dedicated patrol platform.

The use of this platform has proved to be a positive step with agreed sea days being achieved and further has assisted the District with all areas of the Torres Strait Protected Zone being visited.

The District currently aims to achieve approximately five days at sea per month to target particular fisheries and complaint response whilst conducting community visits.

This restructure was undertaken in response to concerns raised at TSPMAC #8 (June, 2009) regarding the efficiency and effectiveness of the previous compliance program. This recommendation was progressed to the PZJA Standing Committee on 19 August 2009.

Compliance Report March 2012

District Staffing

The District is staffed by

- 1 District Officer
- 1 Administration Officer
- The District is supported by fly in staff from other patrol Districts

District Resources

The District currently has one Departmental and a charter vessel that are capable of being used to assist District with local compliance issues.

1. Patrol Vessel Rip Tide Cay 6 metre

Rip Tide Cay has a 2C survey and is used to patrol the Prince of Wales group of Islands and weather pending may venture further to mainland Australia and canvas the closer of the outer Islands

Patrol Platform

Queensland Boating & Fisheries Patrol have recently trialled the Queensland Police vessel as a patrol platform. This agreement commenced from March 2010. Prior to this the District had continued to utilise the private charter vessel San Miguel.

Currently the District aims to achieve approximately 5 days at sea per month to target particular fisheries and complaint response whilst conducting community visits.

Moving towards utilising other government resources such as the Police vessel allows the District to operate more efficiently and effectively, as Patrol Officers may now be teamed with Police Officers which maximises the District's performance while continuing to be cost effective.

As a contingency the District has a number of resources that may be used to accommodate a response when the need arises. These platforms include other private commercial vessels that may be chartered if available.

Domestic

Community Visits

Whilst the District carries out inspections within the various fisheries the District also has a responsibility to perform extension services such as community visits. These visits are imperative to positive enforcement to achieve voluntary compliance.

The District to date has achieved visits to the following communities

- Badu Is
- Mabuiag Is
- Moa Is
- York Is
- Darnley Is
- NPA
- Boigu Is
- Dauan Is
- Saibai Is
- Stephens Is
- Murray Is
- Yam Is
- Coconut Is
- Sue Is

Issues arising from visits to communities include,

- Stake holders are concerned with licensing procedures. Currently an applicant who wishes to apply for a commercial fishing licence (TIB) is required to sign the application in person. Current practice is that if the applicant is not on Thursday Island the District will send application via facsimile to the applicant. The applicant may then complete and return by post directly to licensing or to the District.

Action

The District assists community clients by providing the application forms when visiting the community and further assists community members with completing.

- When Officers have liaised with industry while conducting community visits, Officers have reported that some vessels are not currently licensed as a Traditional Inhabitant Boat but are suspected to be used as commercial fishing vessels.

Action

Whilst Officers have not been able to prove beyond reasonable doubt that the vessel has been engaged in commercial fishing, Officers have been able to utilise Marine Infringement notices as an enforcement tool.

- Officers continue to inform stakeholders of the definition of traditional fishing and legislation pertaining to this type of activity. A lack of understanding is present throughout the TSPZ of licensing requirements when traditional persons wish to exercise their traditional rights in regards to traditional fishing. It is showcased when a traditional person applies for a TIB without the intension to commercially fish. This can lead to incorrect data when establishing the impact on the fishery with regard to the number of active licences.

Action

Officers continue to educate community members on legislation.

Patrols have focused on the following fisheries,

- *Prawn*
- *TRL*
- *Reef Line*

A number of fishery issues have been observed:

Prawn

- Production of documentation (operators fail to have on board the vessels fishing and safety manuals including manning certificates and the vessels fishing authority)

Action: The District addresses this issue by continuing the education process whilst conducting inspections. Further, Officers have issued Infringement Notices when detecting these types of offences

- Carriage of safety equipment in accordance with registration requirements

Action: Officers continue to conduct In-service checks when in the field. When offences are detected, Officers have issued an Infringement Notice

- Vessels crew awareness of the nil take of TRL, this is in relation to fisheries management notice no 19

Action: When conducting fisheries inspections Officers continue to liaise with crew with regards to the nil possession of TRL. The District has not recorded an offence of this type for the reporting period

- The District continues to be met with operators who are disgruntled with the inspection process.

Action: When conducting compliance within the prawn fishery Officers attempt at all times to board prior to 1000 hours in the morning and after 1500 hours in the afternoon.

- The District conducts random inspections of Prawn vessels entering the Thursday Island Harbour. As the vessels require refrigeration maintenance and repairs, product is usually sold to the general public on these occasions. Currently there is no requirement for the buyer to possess a license to undertake purchases however this practice will require a Fish Receivers licence in the near future.

Tropical Rock Lobster

- Tender vessels over the prescribed length (over six meters)

Action: vessels reported to be over six meters have been measured by the District as prescribed under the Torres Strait Fisheries Act 1984. These vessels have been found to be under the maximum allowable length

- Primary vessels returning to port to off load product, along with other TRL operators product.

This type of operation is an issue as the vessel carrying the product is required to be licensed with a Torres Processor carrier boat licence.

Further if the vessel is carrying other TRL product from another boat involved in the operation the vessel must have a TPCB (b)

Action: Officers have highlighted this issue with licence owners, owners have made the relevant submissions to FQ licensing that have resulted with a (b) or (c) licence being issued.

- Production of documentation (manning certificates)

Action: Officers continue to conduct random inspections on operators of commercial fishing vessels. These inspections have led to certificates being on hand on request by Officers.

- Failing to comply with conditions of a licence

Action: Officers have conducted investigations that have led to a record of interview with alleged offenders. These investigations have further resulted with a fine being issued by the court or are currently being processed by the Department of prosecutions

- Further issues regarding compliance with licence conditions have risen with recently licensed Traditional Inhabitant Boat licences.

Action: The District has assisted the licence holder achieving compliance by ensuring the holder is aware of the licence conditions.

The licence holder has been granted a training permit to allow a non traditional person to be on board the primary vessel.

- Carriage of safety equipment in accordance with registration requirements

Action: Inspections have resulted with Officers issuing Marine Infringement Notices for these offences

- Knowledge of relevant licensing conditions by crew

Action: Whilst conducting the inspection process Officers have liaised with crew on current fisheries legislation, Officers have provided crew with current literature whilst in the field

Reef Line

- Low knowledge of current fishery legislation (take/no take species)

Action: Officers continue to provide industry with current education literature whilst conducting the inspection process

- Carriage of safety equipment in accordance with registration requirements

Action: Officers have issued Marine Infringement Notices for these offences when conducting the inspection process

Other comments

The availability of an on the spot fine system would greatly streamline the Patrols capacity to deal with less significant offences.

Over all achieved TSPZ patrol days for 2011

• QBFP patrol vessel =	16
• Qld Police vessel =	44
• Police RIB =	2
• Private Charter =	20
Total of patrol days =	82
• Units inspected	645
• Persons inspected	680
• Offences detected	20

Executive Officer
March 2012