

**TORRES STRAIT TROPICAL ROCK LOBSTER  
WORKING GROUP MEETING  
19 - 21 February, 2007  
PEARLS BUILDING, THURSDAY ISLAND**

**RECOMMENDATIONS/KEY OUTCOMES FROM THE TRLWG**

<b>1</b>	6	No recreational fishing should be allowed during closed seasons
<b>2</b>	6	Default fishing season for the TVH sector should start on the 1 February
<b>3</b>	6	A person or company in the TVH sector must hold a licence and that the number of licences in the sector be equal to or less than the number of primary boat licences (or if there are in existence any non-transferable dinghy licences the number of primary boat licences plus the non-transferable dinghy licences) in order to hold quota after the tender process
<b>4</b>	6	Traditional inhabitants (TI) or TI entity could purchase (or lease) a TVH licence and or Quota/ACE and maintain its transferable status just as any non-traditional inhabitant would. A TI could also nominate a TIB boat to fish against the quota so obtained.
<b>5</b>	6	Management plan should only consider safeguards to traditional fishing (i.e. potential area closures, etc) but that management of traditional fishing should not be in the Management plan
<b>6</b>	6	Existing processor boat licences should remain and fish receiver permits be introduced.
<b>6</b>	6	Tenders should be capped at the number that are in existence following the tender process; trading should be allowed within the pool of tenders within certain conditions and that tenders could only be purchased not leased
<b>7</b>	6	<ul style="list-style-type: none"> <li>• All product needed to be weighed before it is allowed to leave (be shipped by sea or by air) Torres Strait;</li> <li>• There will be a schedule of approved landing places which will be determined primarily on the basis that there are premises to receive/purchase the landed product (but noting that there are some islands where the product may be transhipped by air);</li> <li>• If there is unloading to premises that are not a licensed processor/buyer then it is treated as a transfer/transshipment and requires appropriate transfer documentation;</li> <li>• If product is transhipped by air then a prior report is required on who does the transshipping and how it is done</li> </ul>
<b>8</b>	6	That the approach that would be ultimately adopted in regard to the boat replacement policy would need to apply to both the TVH and TIB sectors
<b>9</b>	6	With respect to penalties for exceeding quota allocation in both sectors:

		<ul style="list-style-type: none"> <li>For minor quota transgression (due to an oversight) it was recommended that infringement notices be issued that were a multiple of the value of the excess catch taken; and</li> <li>For major quota transgressions (suggesting an intent to defraud the quota system) it was recommended that the person responsible be prosecuted</li> </ul>
10	6	Fishers seeking to fish in more than one jurisdiction should bear the development and reporting costs of a monitoring system
11	7	Community consultation on the new management system (similar to those conducted over the strategic assessment of the turtle and dugong fishery) would need to be a role shared amongst all PZJA partner agencies
12	9	Defer the discussion on additional effort reduction measures to the next TRLWG meeting since there was no additional information at hand

## ACTION ITEMS

Number	Action	Agency
1	Check the issue of new symbols for TIB fishers in the inner islands where some want to use symbols other than TRAWQ.	QDPI&F
2	Investigate and provide advice on the utility of a GPS tracking device, potential application to the collection of relevant research data such as the one discussed which is used in Tasmania. Investigate the feasibility of using this GPS as an option to VMS for dinghies and potential privacy issues if utilized.	CSIRO
3	Investigate the amount of unused PNG quota and produce, if possible, a realistic preferential entitlement model that could be discussed with PNG at the next bilateral meeting	DAFF
4	Consult with TVH sector about a policy that formally awards any unused PNG quota available to Australia to the TIB sector	TVH reps
5	To further consider the evaluation of survey approaches and in particular provide a response to PZJA20 decision 2.2.6.	RAG
6	Raise concerns from TVH sector to AAP and/or PZJA about the importance of considering catch history in the allocation process	TVH reps
7	Consult with stakeholders about the inclusion/exclusion of reefs that are in the border of EC and TS, i.e. South Ledge, North Ledge, Meggi Damun, etc.	AFMA/QDPI&F
8	Ensure that recreationally caught lobsters must have the same requirements for tail punching in the Torres Strait as they will on the East Coast. Also seek to have a recreational closure in TS to coincide with the Queensland closures as previously recommended by the working group.	QDPI&F
9	Consider the impact of undersize harvest in Australia and PNG and provide advice about the need to formally incorporate this into the stock assessment modelling. This can be extended to include traditional and recreational harvest if the RAG recommends this.	RAG
10	Re-examine the estimated Fishing Mortality ( $F=0.35$ ) and the 2006 season in light of the low catches.	RAG

<b>11</b>	Assist in the TIB verification process by explaining the need for this process at the community level.	TSRA/CFG
<b>12</b>	Investigate cards that could be issued to fishers that would be used to imprint docket with all relevant information about the fisher, ie. Name, ABN, Fishery symbol etc.	AFMA
<b>13</b>	Seek advice from the RAG and CSIRO on the issue of dropping the mid-season survey and therefore losing the ability to produce a preliminary TAC with which to start the season. If necessary advice will need to be provided to the PZJA on a new process (different from the one recommended at PZJA 20) for the provision of TAC if the RAG is not in a position to meet prior to the TAC recommendation being made (one example would be that the RAG approves the detailed process by which the TAC would be recommended but leave that well defined technical process to the science provider to produce the TAC without further review).	AFMA
<b>14</b>	Provide a detailed plan highlighting the different options discussed during the meeting for timing of issuing of quota and produce a table of "pros and cons"	AFMA
<b>15</b>	Provide data on the proportion of the TIB catch taken during December and January during 2000-2005 so that the CFG can discuss the option of various season openings or saving quota for the December –January lamp fishing season.	AFMA
<b>16</b>	The CFG to take the issue of saving some quota for the fishing period of December and January to their sector for consideration	CFG
<b>17</b>	Conduct a YPR analysis varying the start of the quota season commencing December, January, February and March under the assumption that there will continue to be a hookah ban in December and January and the distribution of effort will be similar to present.	CSIRO
<b>18</b>	Consult with communities and return to the next Working Group with proposed areas where any form of commercial fishing would be prohibited (i.e. areas provided for traditional fishing only), and consider the issue of setting aside and explicit allocation of catch for traditional fishing after consultation with Traditional Inhabitants	CFG/TSRA
<b>19</b>	Confirm that quota could only be held by a natural person or Australian company	AFMA
<b>20</b>	Provide advice on the Australian Government's ability to hold quota on behalf of the TIB sector until individual TIB allocations have been resolved	DAFF
<b>21</b>	Look up in memorandum of understanding in EC BDM fishery if the number of days a boat is in one spot can be restricted	QDPI&F
<b>22</b>	Prepare an options paper for boat replacements under the management plan for the next TRLWG meeting	AFMA
<b>23</b>	Provide wording from QDPIF management plans (e.g. spanner crab and reef line) regarding changes to landing arrangements and prior reporting to AFMA for inclusion in the draft Plan	QDPI&F
<b>24</b>	CFG representatives to consult with their sector on continuing or abandoning the current policy of limiting the granting of new MFL licences only to traditional inhabitants.	CFG/TSRA
<b>25</b>	Provide advice on the application of reporting requirements	AFMA

	and possibly licensing of aircraft moving TS product just as there are carrier licences for boats.	
<b>26</b>	Seek legal advice if penalty provisions can be applied to processors who handle product for which there is no quota (i.e. ACE), and if this penalty approach can be adopted under the Torres Strait Fisheries Act	AFMA
<b>27</b>	Provide technical advice on the arrangements needed to allow for fishing in multiple jurisdictions and any further compliance considerations associated with such an approach.	QDPIF/AFMA
<b>28</b>	Agencies to provide advice on the compliance implications of permitting the leasing of TRL licences.	QDPIF/AFMA
<b>29</b>	Revise objectives 2 and 6 and consider traditional inhabitants' aspirations in the objectives	TSRA/AFMA
<b>30</b>	Conversion factors investigated as previously discussed by the RAG – proposal drafted and submitted ASAP	CSIRO
<b>31</b>	Amend Fisheries Management Notice on carrying hookah gear during the closure	AFMA

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**MEETING START TIMES: DAY 1 – 1.00PM; DAYS 2 & 3 – 8.30AM**

## **AGENDA**

### **OPENING**

### **APOLOGIES**

### **ADOPTION OF AGENDA**

### **ACTION ITEMS FROM PREVIOUS MEETINGS**

1. Decisions of the PZJA
2. East Coast process update (QDPI&F)
3. Outcomes of RAG 2 meeting (August 06)
4. November/December pre-season survey
5. Fishery Data
6. Management Plan
  - 6.1. Parts
  - 6.2. Draft plan
  - 6.3. Implementation
7. Updated Project Plan (verbal)
8. Quota system for 2008
  - 8.1. review of where we got
  - 8.2. further development
9. Additional Effort Reduction measures for 2007
10. Dates for future meetings
11. Other business
  - 11.1. Clarification of hooka closures
  - 11.2. tender process
  - 11.3. issues for the RAG to consider
  - 11.4. where to find information: using the PZJA website
  - 11.5. fisheries management short course
  - 11.6. Lobster Congress
  - 11.7. Tender Panel Nominations

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PEARLS BUILDING, THURSDAY ISLAND

**DRAFT RECORD OF MEETING**

**DAY 1**

**Attendance**

Dorothea Huber	(Chairperson)
Jim Prescott	(AFMA)
Ana Lara-Lopez	(AFMA)
Shane Gaddes	(QDPI&F)
Ray Moore	(TRL Industry Representative)
Brett Arlidge	(TRL Industry Representative)
Phil Hughes	(TRL Industry Representative)
Toshio Nakata	(TSRA Fisheries Co-ordinator)
Marcus Finn	(TSRA Fisheries Policy Officer)
Lota Warria	(CFG – Yorke Community Fisher Representative)
Graham Hirakawa	(CFG – Port Kennedy Community Fisher Representative)
Darren Dennis	(CSIRO Research Scientist)

**Observers**

Alex Tipoti	(Native title representative – Day 1 only)
Samat Lasa	(Native title representative – Day 1 only)

**DAY 2**

**Attendance**

<i>As per Day 1</i>	
Charles David	(CFG – Yam Community Fisher Representative)
Terrance Whap	(CFG – Mabuiag Community Fisher Representative)

**Observers**

Thomas Fujii	(TRL Fisherman)
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**DAY 3**

**Attendance**

*As per day 2*

**Observers**

*none*

**DAY 1 – Wednesday, 24 May 2006**

**OPENING COMMENTS**

The meeting of the Tropical Rock Lobster Working Group (TRLWG) was opened at 1:30 pm on Day 1 by the Chair, Ms Dorothea Huber and commenced with a prayer lead by Lota Warria. This was followed by the introduction of Mr Phil Hughes, who is joining the working group as a TVH sector member. Ms Ana Lara –Lopez was also introduced as the new AFMA Fisheries Management Officer, who would be working on Tropical Rock Lobster and

who was about to join the Torres Strait Island Office. Ms Huber indicated that as result of Mr Marrington's move to the Enforcement and Compliance Section, she had replaced him as Chair of the TRLWG in the short term.

The Chair acknowledged that the working group had several difficult issues to resolve and that these were uncertain times for industry with a transition to new management arrangements and major resource reallocations between the sectors. Ms Huber noted that views amongst stakeholders were polarised at times. However, she reminded members that the PZJA had requested that the working groups reconvene and that members work cooperatively towards achieving a resolution on the future management arrangements for the Torres Strait fisheries. Ms Huber urged working group members to focus on areas of agreement and to try and find mutually acceptable solutions to the management issues before the group. She stressed that a failure to reach agreement would force the PZJA to make decisions without stakeholder consent.

## APOLOGIES

Apologies were received from Yen Loban who was having problems with his boat; and Charles David and Terrance Whap who joined the meeting on Tuesday.

## ADOPTION OF AGENDA

Toshio Nakata requested discussion on the time frame and milestone of the tender process and industry representatives requested clarification of requirements for the stowage of gear during hookah closures. These items were placed under other business (i.e. Agenda Item No. 11). The agenda was subsequently adopted. The update of project plan was moved to Agenda Item 9.

## ACTION ITEMS FROM PREVIOUS MEETINGS

Jim Prescott went through the Action Items from previous TRLWG meetings (Attachment 1). Most of the items had been addressed or were to be further progressed in later agenda items. He noted that none of the actions still pending were critical to the TRLWG program arising stood out as being of big importance at this stage.

In respect to Action Item 5, the Torres Strait Prawn Fishery Observer Report was finalised and had been tabled at TSP MAC 3 and Shane Gaddes read some of the results from the report.

In respect to Action Item 8 Graham Hirakawa noted that the Port Kennedy Community wanted their boat symbol to change. Shane Gaddes suggested that symbols should be changed when the Management Plan is implemented in order to reduce work load. Toshio Nakata added that it is important to change symbols in order to recognize the fishers from the different areas and track the communities of the fishers if they get into quota in the future. Jim Prescott responded that changing symbols would not resolve the tracking of quota to communities because anyone could use the boats regardless of the community they originate from, and that if catch history is considered in the future it should be against the name of the fisher and not the boat. Shane Gaddes noted that the purpose of the symbols was to identify a link between licence and boat, and added that there should not be any problem if the Port Kennedy community wanted to change their boat symbol and that he will check on time frames for changing symbols.

**Action Item:** Shane Gaddes to check on the issue of new symbols for TIB fishers in the inner islands where some want to use symbols other than TRAWQ.

In respect to Action Item 14 Jim Prescott noted that no decision has been made on the use of a Vessel Monitoring System (VMS) and the subsequent requirement of a Personal Computer (PC) in the Torres Strait TRL Fishery. He indicated that there are alternative systems to the Commonwealth VMS. He added that it would be a good idea to investigate the potential of the Tasmanian abalone GPS method for possible applications for Torres Strait Rock Lobster fishery. He indicated that this method has the potential to verify logbook data and help research by providing fine spatial scale catch data. Ray Moore added that if there will be an alternative method to track dinghies this device should be in all dinghies that participate in the fishery. Graham Hirakawa indicated that there could be potential privacy issues if boats were also used for their recreational activities, and Shane Gaddes added that there are also problems with real time data. It was concluded that it would be a good idea to explore the Tasmanian system further and to involve CSIRO to assess its research potential.

**Action Item:** CSIRO to investigate and provide advice on the utility of a GPS tracking device such as the one which is used in Tasmania and its potential application to the collection of relevant research data. Also, investigate the feasibility of using this GPS as an option to VMS for dinghies and any potential privacy issues associated with this if utilized.

In regard to Action Items referring to insertions and deletions in the Management Plan, Jim Prescott noted that the Management Plan had to step back to identifying the objectives and general form of the plan because drafting of the plan is the job of the Office of Legislative Drafting and Publishing. The Management instructions were discussed on day 2 and 3 of the TRLWG meeting.

#### **Agenda Item 1: Decisions of the PZJA**

Jim Prescott read the PZJA decisions, which are published on the website.

In relation to the PZJA decision 1.1, Marcus Finn indicated that the TSRA had hired a consultant to assess the best way for the community sector to share their portion of future quotas (i.e. economic potential and cultural appropriateness) and the likelihood of the TIB sector being able to buy more allocation in the future. The final report will be ready for the next PZJA meeting. Jim Prescott noted that the government will buy as many TVH licences as possible with the financial resources available through the tender process. He noted that the PZJA had agreed that at the conclusion of the tender process that the parties would evaluate the situation and determine a way forward.

In relation to the PZJA decision 2.1 Jim Prescott indicated that there were still some issues to be resolved, such as what will happen with the PNG share that is not used. The PNG share will be estimated each year, but there still needs to be discussion with PNG about Australian boats having access to any unused PNG quota. Legal advice needs to be sought to determine if PNG can make their unused quota available to Australia for an economic benefit. Brett Arlidge suggested that if PNG does not utilize all its quota, preference should be given to the TIB sector for its use. The CFG representatives indicated that they would want to be able to access any unused PNG quota. Shane Gaddes suggest priority in the resolution of this issue, but it was acknowledged that given the annual timing of bilateral talks with PNG it may take some time to reach a formal agreement. Dorothea Huber suggested that the option of leasing the PNG units for the TIB sector be discussed at the next negotiations with PNG. The TVH members indicated that whilst they supported the concept in principle, they needed to further consult with their members about a policy to give the TIB sector priority access to the unused PNG quota before they could support this as a formal recommendation from the working group.

In discussing PNG's unused share, Jim Prescott indicated that given the regular overcatch by PNG of the resource he expected the likely share available for leasing to Australia would

be around 20% rather than 25%. The option of the TIB sector catching the Australian share in the PNG zone was also briefly discussed. However, Jim Prescott pointed out that this would be a less desirable approach as catch rates in PNG waters were lower and the current approach of offsetting these catches was a better solution. Darren Dennis indicated that the TAC is set only for the Australian fishery and asked if PNG would reciprocate with a TAC for its own area of jurisdiction. He added that past surveys have sometimes included PNG and future surveys may also include PNG waters as well, inferring that PNG would be in a position to set a TAC if it so desired.

**Action Item:** DAFF to investigate the amount of unused PNG quota and produce, if possible, a realistic preferential entitlement model that could be discussed with PNG at the next bilateral meeting.

**Action Item:** TVH members to consult with TVH sector about a policy that formally gives priority to the TIB sector for any unused PNG quota that may be available to Australia.

In regard to decision 2.2.6 Darren Dennis noted that the pre-season survey is necessary to increase the precision of the estimate of the recruiting year class. A mid-year survey is expected to similarly estimate the size of the spawning stock more precisely because the survey is being done closer to the time when the year class will spawn. However he concerned about using a mid-year season survey to estimate the biomass and thought that keeping pre-season surveys would be necessary. The TRLWG also discussed the uncertainty about the East Coast's contribution to recruitment and the impact that this had on the accuracy of stock assessment. It was acknowledged that the surveys could be extended into the northern part of the Great Barrier Reef Marine Park but that Queensland would need to fund the costs of this work.

**Action Item:** TRL RAG to further consider the evaluation of survey approaches and in particular provide a response to PZJA20 decision 2.2.6.

In regard to decision 4.1.3 Ray Moore felt that the wording did not accurately reflect industry's position. He was also of the view that insufficient time was given to stakeholders to read the AAP report. Brett Arlidge also commented on the inadequate consultation by the AAP and he added that he did not support the recommendations in the final draft report. Both TVH representatives argued that people will be particularly disadvantaged if the allocation models used for both the East Coast and Torres Strait are not the same. Jim Prescott suggested that the TVH sector bring their concerns to the attention of the AAP and, if necessary, the PZJA. He also pointed out that the two jurisdictions are independent of one another and there is no reason why the allocation models should be the same for both.

**Action Item:** TVH representatives to raise their concerns to the AAP and/or PZJA about the importance of considering catch history in the allocation.

In regard to decision 4.4.4 Jim Prescott explained the disadvantages of a competitive TAC and the differences between the TIB and the TVH sectors quota systems. Toshio Nakata indicated that the TSRA will evaluate the competitive TAC during the two-year trial period and determine possible ways that quota could be allocated within the TIB sector. He also reported little success in the TSRA's discussions with Indigenous Business Australia.

In regard to decision 9.1.1 Dorothea Huber noted that the 20:40 harvest strategy was not appropriate and that the RAG's proposal of a constant escapement strategy was a better alternative.

## DAY 2 – Tuesday, 20 February 2007 (opened at 08:30 am)

### **Agenda Item 2: East Coast process update (QDPI&F)**

Shane Gaddes provided an update on the East Coast quota allocation process. He explained that Queensland plans to introduce a quota system by February 2008. Following the release of a discussion paper in the first half of 2007, a RIS process is expected to commence in the second half of 2007. Mr Gaddes stated that it would be based on the quota system developed for the spanner crab fishery and that allocation was likely to be based on an individual's catch history between 1995 and 2005. He reported that around 28 allocation models had been considered by the Department and that a working group had been established to assist in the introduction of the quota system.

Jim Prescott stressed the need to reach a decision about the allocation of catch history for those reefs that are located in the border between East Coast and the Torres Strait TRL fisheries

**Action Item:** AFMA and QDPI&F to consult with stakeholders about the inclusion/exclusion of reefs that are in the border of EC and TS, i.e. South Ledge, North Ledge, Meggi Damun, etc.

Ray Moore indicated that a TAC in the EC was likely to be small, given that periods of stable production yielded only around 170 tonnes per annum historically. He and Brett Arlidge expressed concern about the adequacy of the consultation process and noted that they would be fishing over the next few months and therefore had limited time to deal with the East Coast allocation. The TVH representatives requested that the RIS to be sent to stakeholders for comment. They supported an allocation based on catch history for the East Coast and reiterated their views that allocation should also be based on catch history in the Torres Strait. Jim Prescott suggested that the TVH sector should bring this issue to the attention of the AAP.

Mr Gaddes also reported that Queensland proposes to use tail clippings to distinguish recreationally caught lobster from commercially caught lobster. The TRLWG discussed this approach in the context of distinguishing traditional catch from commercial catch but noted Charles David's previous observations that tagged lobsters were highly susceptible to sea lice attack when kept in cages. It was also noted that there needs to be a consistency between the recreational tag requirements in both jurisdictions.

**Action Item:** QDPI&F to ensure that recreationally caught lobsters must have the same requirements for tail punching in the Torres Strait as they will on the East Coast.

The TRLWG briefly discussed the TRL research requirements for both jurisdictions and the need for close collaboration between the respective SAGs. It was noted that Clive Turnbull is a member on both groups and that this should ensure some linkage between the two.

### Agenda Item 3: Outcomes of RAG 2 meeting (August 2006)

Jim Prescott went through the RAG 2 outcomes. He indicated that the stock assessments presented most recently used two different models (catch-age and yield per recruit) to evaluate the status of the fishery. In both models it was assumed that lobsters were selected by the fishery around the legal minimum length. This was relevant to the discussions held by the working group about the harvest of sub-legal size lobsters in both PNG and Australian waters. Substantial harvests of sub-legal size lobsters are a serious management matter and could lead to the wrong conclusions about the status of the stock being drawn from the assessment models.

**Action Item:** RAG to consider the impact of undersize harvest in Australia and PNG and provide advice about the need to formally incorporate this into the stock assessment modelling.

Mr Prescott went on to explain that the RAG recommended an escapement of  $1.5 S_{MSY}$  which takes a precautionary approach to stock uncertainty and is in line with the Harvest Strategy Policy adopted for Commonwealth fisheries. He noted that a  $1.5 S_{MSY}$  represented about 600,000 more lobsters than  $S_{MSY}$ , which was unlikely to be achieved in a single year. He explained that the higher escapement target is a long term goal and it would be achieved in a stepwise manner over a period of time. Darren Dennis advised that according to the CSIRO assessment escapement levels based on  $S_{MSY}$  were twice exceeded in the history of the TS TRL fishery. The TRLWG acknowledged that it was necessary to retain a viable spawning biomass but that there was no value in retaining a population beyond that level as the TRL left the fishery permanently at the age of 2+. The fishery should therefore be fished opportunistically, making the most of cohorts from strong recruitment years.

### Agenda Item 4: November/December pre-season survey

Darren Dennis gave a power point presentation of the mid-year and pre-season surveys (a copy of the slides is appended to these minutes). The TRLWG discussed the relative merits of a fully randomised survey versus a fixed site survey. It was recommended that the survey include the PNG waters of the fishery. It was also noted that whilst the two surveys were designed to yield estimates of the 0+, 1+ and 2+ (very few) year classes, the pre-season survey gave a qualitative estimate of the 0+ year class and that this could provide an indication of fishery recruitment trends for the following year.

Jim Prescott noted the discrepancy between the TAC estimate for the 2006 season (~ 500t., including Australian and PNG catch) and the current estimate of the Australian catch (~200t), which was the lowest on record. The TRLWG discussed if this was a case of the assessment model yielding a wrong estimate or the 2006 season being a "low effort year" with some of TS TRL operators choosing to concentrate their fishing effort on the East Coast. Whilst unable to resolve the issue, the group acknowledged that there was great uncertainty surrounding the current stock assessment and that the error bars presented in Mr Dennis's graphs should be treated as limit reference points for the fishery. Mr Prescott also stressed that this uncertainty should be seen as a warning not to disband all of the input controls under the new quota system. [Editors Note: More recent estimates of the combined 2006 catch are around the TAC estimate; alleviating some of the concerns].

**Action Item:** RAG to re-examine the estimated Fishing Mortality ( $F=0.35$ ) and the 2006 season in light of the low catches.

## Agenda Item 5: Fishery Data

Jim Prescott gave an update on the data validation process that took place for the TVH sector and explained some of the problems that were found. He noted that there has not been a significant change in the data, the mistakes were minimal and that it seems that the process will not have a big effect on the AAP process. He indicated that a further policy on catch verification needs to be accepted by the PZJA prior to allocations being made to ensure the authenticity of the catches recorded.

The reports for the TIB sector are still pending. AFMA staff are still resolving some of the fishers names that have been variously recorded as well as the inaccurate recording of data that makes it hard to use them. The success of this process will be substantially enhanced if the CFG plays a role in explaining it in their respective communities. The TRLWG noted that there was also “illegal fishing” within the TIB sector in that community fishers undertook commercial fishing without having a TIB licence number assigned to their operations.

The TRLWG discussed several options for addressing the issue of standardising the names of TIB operators. Marcus Finn suggested the use of an ID card that can identify a fisher when product is landed and it was recognised that such an approach would greatly assist both the sellers and the government agency collecting catch information.

**Action Item:** TSRA/CFG Representatives to assist in the TIB verification process by explaining the need for this process at the community level.

**Action Item:** AFMA to investigate cards that could be issued to fishers that would be used to imprint docketts with all relevant information about the fisher, ie. Name, ABN, fishery symbol etc.

## Agenda Item 6: Management Plan

Jim Prescott and Ana Lara-Lopez gave a power point presentation on the management ideas to lead discussion. The presentation started with the objectives of the plan and the importance of the objectives was emphasized. Charles David was not aware of the changes made to the wording of the objectives and wanted it recorded that he was not happy that the changes were made without his knowledge.

There was discussion about the inconvenience of a two step TAC setting process (i.e. a provisional TAC would be set at the beginning of each year and then the final TAC after the pre-season surveys, data analysis and RAG meeting). The main problem with having a preliminary TAC was the way it will affect the ACE given to fishers at the beginning of the season. There was also concern about the timing and feasibility of a stock assessment being conducted just before the opening of the fishing season. Ray Moore indicated that the best option is to set the TAC at the beginning of the season and then do a subsequent stock assessment. Jim Prescott noted that if a TAC is set in the absence of stock assessment then it may be necessary to be more conservative in setting the catch limit. Details of these discussions are put in perspective in Attachment 4.

**Action Item:** AFMA to seek advice from the RAG and CSIRO on the issue of dropping the mid-season survey and therefore losing the ability to set a preliminary TAC for the start of the season.

The TRLWG acknowledged that advice will need to be provided to the PZJA if a new process (different from the one recommended at PZJA 20) for the provision of TAC is required as a result of the RAG not being in a position to meet prior to the annual TAC recommendation

having to be made. The group discussed one option where the RAG approves the process by which the stock assessment would be conducted leading to the recommendation of an annual TAC. However, the RAG would leave the well defined technical process to the science provider to produce the TAC without further review.

The TRLWG discussed the length of the TS TRL season. It was acknowledged that taking small lobster at the beginning of the season would result in a lower yield-per-recruit and that a delay in the start of the season would therefore result in a greater economic return. However, balanced against this was the natural mortality of lobster and the foregone revenue associated with this.

The TRLWG acknowledged the reliance of the TIB sector to catch lobster in the lead-up to Christmas and the need to ensure that there would be sufficient TIB quota for lamp fishing at the end of the season (December). Options were discussed whereby this could be achieved, including reserving some of the season's TIB quota for the end of the year or allocating a portion of TIB quota from the new season.

Charles David discussed his concern about PNG's illegal and undersized lobster being sold in Australia. He felt that illegal fishing should be included in the stock assessment. Jim Prescott indicated that the PNG take of lobster was accounted for in the stock assessment by CSIRO, as PNG provided copies of its docket book information to Australia.

The TRLWG reiterated earlier agreement that there should be no recreational fishing for TRL during closed seasons.

It was agreed that the default fishing season for the TVH sector should start on the 1 February. Darren Dennis indicated that it will be possible to deliver a TAC by that date if the pre-season survey is moved earlier. He also suggested that the traditional fishing catch and illegal fishing catch could be included explicitly in the stock assessment however this implies that estimates of these catches will be available. The working group discussed that it could be very costly estimate these.

The group recommended that the RAG should review the stock assessments for the previous year before the pre-season surveys

<b>Action Item:</b> AFMA to provide data on the proportion of the TIB catch taken during December and January during 2000-2005.
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<b>Action Item:</b> CFG representatives to discuss the issue of saving some quota for the December / January fishing period with their communities.
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<b>Action Item:</b> CSIRO to do a YPR analysis of starting the quota season at various times commencing December, January, February and March under the assumption that there will continue to be a hookah ban in December and January each year and the distribution of effort will be similar to the present.
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The TRLWG discussed traditional fishing and the issues surrounding the "management" of traditional fishing. It was acknowledged that this was a complex topic and that management efforts should focus on the effects that commercial fishing has on traditional fishing in the first instance. The group considered proposals on ways to protect traditional fishing, such as allocating a percentage of the TAC for it and/or establishing areas for "traditional fishing only" (i.e. closing these areas to both community and non-community commercial fishing).

Toshio Nakata expressed concerns about dedicating home reefs to communities because he felt that the good fishing grounds surrounding community islands had been fished out. He also pointed out that the idea of using "home reefs" did not reflect the fact that there were

other reefs that were of importance to traditional inhabitants. The group noted that recovery should be relatively quick in a short-lived species such as TRL once reefs were closed to commercial fishing. The CFG agreed to take the issues to their communities and to return to the next meeting with proposed areas for traditional fishing where commercial fishing would be prohibited. Charles David indicated that the Yam island community already has some traditional fishing only areas. He said that he also wants to have some areas to be closed to all types of fishing to let the stock recover.

**Action Item:** CFG to consult with their communities and return to the next Working Group with proposed areas where any form of commercial fishing would be prohibited (i.e. areas provided for traditional fishing only).

In discussing the operations of a quota system, the TRLWG discussed the problem of holding quota without a licence and the danger of outside investors buying quota if there is no requirement to hold a licence in order to own quota. Were this allowed the group found that it would be expected to increase the market demand for quota, bring speculators into the fishery and it would be expected to put upward pressure on prices. Higher prices in turn were seen to be contrary to the Islander aspirations of acquiring greater shares of the fishery.

The TRLWG agreed that to be able to hold quota the person must also be a licence holder and noted that the requirement to hold a licence for any Torres Strait fishery was stated under the Torres Strait Treaty. The working group further considered that quota should only be held by Australians (either natural persons or companies incorporated in Australia).

**Action Item:** AFMA to confirm that quota can only be held by a natural person or Australian company under the Torres Strait Fishery Act.

### **DAY 3 – Wednesday, 21 February 2007 (opened at 08:30am)**

Jim Prescott and Ana Lara continued discussions on the elements of the proposed management plan for the Torres Strait TRL fishery.

There was further consideration of the competitive TAC that would be granted to the TIB sector during the first two years of operation of the quota system and the possibility of the Australian Government holding the quota in trust while the TIB sector works out how to apportion and manage their share of the fishery.

The TRLWG acknowledged that the allocation of quota amongst the TIB sector was a complex task and different allocation models maybe appropriate for different communities. The concept of a community quota was discussed with decision rules about whether or not that quota could be leased or permanently sold to another community. The question of responsibility for infringement under a community quota system was raised.

There was in principle agreement that the Australian Government should hold both the PNG and TIB units in trust and grant an ACE such that the system is the same in as many respects as possible between the three sectors and over time ensuring consistency until the TIB sector has determined its future arrangements.

**Action Item:** DAFF to provide advice on the Australian Government's ability to hold quota on behalf of the TIB sector until individual TIB allocations have been resolved.

The TRLWG agreed that all TVH quota should keep the transferable status in order to maintain its value. In its simplest form TVH quota could be bought by a TIB licence holder who would utilise that asset the same way that any existing TVH licence holder might. There may also be a more complex situation where the sector as a whole acquires the TVH quota

[Editors Note: more thought is needed about how quota would be held in this instance given the recommendation to require a licence to hold quota].

The pros and cons of traditional fishing being under the management plan were further discussed. It was agreed that safeguards such as area closures and separate a portion of the TAC for traditional fishing should be included in the plan, but that the plan should not explicitly manage traditional fishing.

There was discussion about the gear restrictions and controls in the fishery. Charles David suggested that GPS should not be used by the TVH sector as it increased this sector's catch efficiency. However, the proposal was rejected because the Working Group has been previously advised that the prohibition of navigational gear is legally untenable.

In regard to the boat replacement policy there were mixed opinions between the TVH and the TIB sector. Because many of the existing primary boats are effectively too small to carry live lobsters safely and efficiently, the TVH sector suggested that the current boat replacement policy should be scrapped and the only restriction should be a maximum boat size of 20m.

However, the CFG representatives did not support this suggestion because of community perception about the impact of big vessel near their fishing reefs. They stated that they were concerned that large vessels would stay in one area for long periods and fish down the stock in that area. This could make it very hard for some communities if the boats concentrated their effort nearby. Graham Hirakawa said TIB fishers from Port Kennedy, Muralag, Warraber and lama would oppose setting aside the current boat replacement policy.

Mr Prescott reminded the TRLWG that total catch limits were set by the TVH quota and that vessels would only remain in an area while catch rates were high. The following options were considered during the discussion:

1. No change of current policy;
2. Removal of all size restrictions;
3. Relaxation of the size limits but imposition of a "move on" policy (below); and
4. A compromise position that any primary boat less than 14 metres could be replaced by one up to 14m and that primary boats larger than 14 metres could only be replaced on a one for one basis.

There was support for a "move on" policy from both sectors and an agency undertaking to develop some arrangements that would be brought back to the members for the next TRLWG meeting. Such a policy may resolve some of the concerns about the localised depletion that the TIB sector has with removing the boat replacement policy. Both sectors and agencies agreed that such a policy would also partially resolve the issue of PNG boats concentrating their effort almost exclusively on Warrior and Dungeness Reefs. It was acknowledged that the move-on provisions required VMS installation and usage on the primary vessel. The working group agreed that whatever approach was ultimately adopted, it would need to apply to both the TVH and TIB sectors.

<b>Action Item:</b> QDPI&F to look up in the memorandum of understanding for the EC Beche de Mer fishery if the number of days a boat is in one spot can be restricted
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<b>Action Item:</b> AFMA to prepare an options paper for boat replacements under the management plan for the next TRLWG meeting.
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With regard to the trading of tenders and number of tenders within the TVH sector, discussions were held in the context of needing to match the capacity to catch quota with the amount of quota allocated (i.e. good years required a larger number of tenders than poor years). It was also recognised that with the trading of quota within and across sectors, there was the need to increase or decrease the number of tenders according to quota holdings.

For example, quota could be traded from a 3 tender licence to a 2 tender licence thereby reducing the tender requirement of the 3 tender licence and potentially increasing the tender requirement of the 2 tender licence.

In light of this, the TRLWG agreed that:

1. Tenders should be capped at the number that are in existence following the tender process;
2. Trading should be allowed within the pool of tenders within certain conditions;
3. There was in principle agreement that there will be a maximum number of four tenders allowed and that packages with more than the maximum number of tenders be “grandfathered”, and
4. There should only be purchasing of tenders and no leasing.

Build on past discussions, the TRLWG agreed to the following arrangements in relation to proposed reporting requirements:

1. There was unanimous agreement that all product needed to be weighed before it is allowed to leave (be shipped by sea or by air) Torres Strait;
2. There will be a schedule of approved landing places which will be determined primarily on the basis that there are premises to receive/purchase the landed product (but noting that there are some islands where the product may be transhipped by air);
3. If there is unloading to premises that are not a licensed processor/buyer then it is treated as a transfer/transshipment and requires appropriate transfer documentation;
4. It was suggested that if product is transhipped by air then a prior report is required on who does the transshipping and how it is done.  
[Editor’s Note: this whole issue of movement of product by aircraft needs to be considered carefully and more detailed arrangements proposed to the members.]

The TRLWG noted that new AQIS arrangements require the comprehensive labelling of frozen product which allows product to be traced and that this may assist with the TRL quota monitoring system.

**Action Item:** Shane Gaddes to provide wording from QDPIF management plans (e.g. spanner crab and reef line) regarding changes to landing arrangements and prior reporting to AFMA for inclusion in the draft Management Plan

**Action Item:** AFMA to provide advice on the application of reporting requirements and possibly licensing of aircraft moving TS product just as there are carrier licences for boats.

In relation to licences and permits in the fishery under a Management Plan there was agreement that the existing processor boat licences should remain and that fish receiver permits be introduced. However, views on the need to retain the Master Fisherman Licences (MFLs) differed. The TRLWG noted that the granting of these licences (currently at 121) was an administratively complex and resource intensive process. Jim Prescott suggested that the MFLs be either competency based and apply to both (TIB and TVH) sectors or be done away with. The working group also noted that many of the established TVH licence holders also held MFLs and that this decreased the opportunity for Islanders with a MFL to be employed on these boats. In relation to MFLs, the following agreements were reached:

1. There was qualified support from CFG representatives to remove the requirement of MFLs conditional on the outcome of the tender process and the number of positions that would be maintained in the TVH sector for traditional inhabitants on the basis of the current policy; and

2. The TVH sector representatives were firmly of the belief that the licences should be discontinued after the tender process but accepted the CFG members' position about requiring further consultation with the communities;

**Action Item:** CFG representatives to consult with their sector on continuing or abandoning the current policy of limiting the granting of new MFL licences only to traditional inhabitants.

In relation to compliance with the quota system, the TRLWG discussed the option of exceeding a year's quota and deducting the "overcatch" from the next year's TAC. The group agreed that there were no reasons why quota should be exceeded because the TRL fishery was a hand collection fishery where individual lobsters were taken and fishers should be in a position to prevent any over-catches by monitoring their take carefully. This situation was contrasted with a trawl fishery that could produce an unexpectedly large catch of a quota species. It was also acknowledged that exceeding the annual quota was likely to impact on the spawning biomass and effect recruitment in the following year.

The TRLWG agreed that it was necessary for fishers to acquire more ACE towards the end of the season to cover any over-catch and noted that quota may be scarce and costly if available towards the end of the season. The working group further agreed that penalties should apply to the fisher who have exceeded their ACE at the end of the season and that the penalties should be sufficient to be a strong deterrent. Mr Gaddes suggested that fines apply to both the fisher and the processor involved in handling excess TRL.

**Action Item:** AFMA to seek legal advice if penalty provisions can be applied to processors who handle product for which there is no quota (i.e. ACE).

The TRLWG also discussed how a competitive quota could be monitored in the TIB sector. CFG representatives agreed that the fishery should be closed based on a forecast date of when the TIB TAC would be taken. Marcus Finn suggested that given the TIB sector's access to the internet, simply placing total catches throughout the season on the PZJA website would not be effective. He suggested that communicating the amount of TAC remaining for the TIB sector should be done on a regular basis through freezers, the TSRA (via CFG representatives), the Torres News and community radio. This approach will put the responsibility to cease fishing on the individual fishers and any breaches would be prosecuted against the individual.

The TRLWG agreed to a tiered approach with respect to penalties for exceeding quota allocation in both sectors.

1. For minor quota transgression (due to an oversight) it was recommended that infringement notices be issued that were a multiple of the value of the excess catch taken; and
2. For major quota transgressions (suggesting an intent to defraud the quota system) it was recommended that the person responsible be prosecuted.

**Action Item:** AFMA to seek legal advice if the above recommended penalty approach can be adopted under the Torres Strait Fisheries Act.

With respect to fishing in more than one jurisdiction during a trip, the TRLWG recognised that this was an important operational requirement for some of the TVH fishers. It was agreed in principle that this could be allowed but would require a means to securely package and identify product as having come from one area of jurisdiction before it is moved to another. Options for tagging or sealing product and cages in holding tanks were discussed and the need for prior reporting. It was agreed that those fishers seeking to fish in more than one jurisdiction should bear the development and reporting costs of such a monitoring system. The Working Group requested further advice from the agencies on the technical details of such a proposal.

**Action Item:** Agencies to provide technical advice on the arrangements needed to allow for fishing in multiple jurisdictions and any further compliance considerations associated with such an approach.

On leasing quota the Working Group generally supported the concept, noting that temporary transfer of licences is different than the transfer of an annual ACE. It was recognised that a person needs a licence to fish and therefore leasing a whole package (fishing licence and ACE) may be necessary or operationally efficient in some situations. However, the working group noted that this may pose some problems for the infringements of licence and ACE conditions and requested that further advice be provided.

**Action Item:** Agencies to provide advice on the compliance implications of permitting the leasing of TRL licences.

Toshio Nakata asked to modify some of the objectives that referred to traditional fishing in the draft management plan (Attachment 2). He indicated that the traditional inhabitants want their aspirations to be reflected in the objectives. He noted that no one has given enough thought to traditional fishing. Marcus Finn read some of the aspirations of the traditional inhabitants to the working group that had been suggested at a community meeting on Mer Island for the Finfish fishery as an example. Among them were:

- 1) 100% ownership of the fishery by Torres Strait Islanders;
- 2) Uptake of the most effective fishing practices with the available technology;
- 3) transfer of knowledge and training to future fishers;
- 4) to have an economically viable/sustainable fishery;
- 5) support of community freezers and other community infrastructure;
- 6) Sustainable fishery;
- 7) Environmentally responsible fishery;
- 8) Commercial fishing should not impact on traditional fishing rights; and
- 9) Reduction in conflict in the fishery (between TVH and TIB) through the respect of cultural practice and law.

**Action Item:** With TSRA input, AFMA to revise objectives 2 and 6 and consider traditional inhabitants' aspirations in the objectives.

#### **Agenda Item 7: Updated Project Plan (verbal)**

Ms Huber talked about the Project Plan for implementing the quota system and Management Plan in the TRL fishery. She acknowledged that the plan tabled at the last TSFMAC and PZJA 20 had fallen behind schedule for a range of reasons. She indicated that there were several critical steps (such as the passing of the legislative amendment bill and the completion of a Regulatory Impact Statement) that had to be met before the new arrangements could be implemented. She also reported on a backlog of work at the Office of Legislative Drafting (OLD) and suggested that hiring an OLD-approved drafter may be a way (albeit costly) to progress matters. Ms Huber provided a broad project outline for the TRLWG's consideration (Attachment 3) and undertook to provide a more detailed project plan for the next TRLWG meeting.

Mr Gaddes outlined the need for a compliance risk assessment to be undertaken on the proposed new quota system. He estimated that this was a four-week job and he suggested that a 2-3 day meeting be held in late October 2007 to provide stakeholder input. He requested that this be added to the project plan. It was also suggested that the RAG process be added to the project plan.

The TRLWG discussed the need for community consultation on the new management system (similar to those conducted over the strategic assessment of the turtle and dugong fishery). It was agreed that this would need to be a role shared amongst all PZJA partner agencies.

Ms Huber indicated that the TRLWG discussions these last three days had highlighted the magnitude of the tasks ahead in finalising the technical details of the proposed quota monitoring system. She indicated that major issues (such as who will be responsible for the monitoring the system) had not yet been resolved.

**Action Item:** AFMA to provide a revised and detailed project plan for the next TRLWG meeting.

#### **Agenda Item 8: Quota system for 2008**

This agenda item was not discuss at this meeting

#### **Agenda Item 9: Additional Effort Reduction measures for 2007**

The TRLWG agreed to defer the discussion on additional effort reduction measures to the next TRLWG meeting since there was no additional information at hand. Shane Gaddes noted that it was unlikely that there would be a need to reduce effort after the tender process as there may be many fewer boats in the fishery for the remainder of the 2007 season which would include the catching months of July, August and September and December.

#### **Agenda Item 10: Dates for future meetings**

Tentative dates for future meeting and the tender process were provided. Toshio Nakata noted that there was clashing dates between the MAC and board meeting in June. The next Working Group meeting will be on May and an update on the RAG on the 22 and 23<sup>rd</sup> of March [Editor's Note: these dates are now expected to be 16-18 May and 14-15 May respectively].

Charles David asked if there could be TIB representatives in the tender process meeting. Dorothea Huber indicated that DAFF is running the tender process and that they will have public meetings, and TIB representatives could attend. The TVH representatives asked for more time to think about the nomination of the industry representative for the tender panel.

## ATTACHMENT 1

### Action Items from previous TRL Working Groups

No.	Action Item	Agency	Outcome
1	. Provide members of the TRLWG with a copy of the paper explaining the PZJA decision on how resource allocation percentages are to be applied in the Torres Strait Tropical Rock Lobster fishery under the Treaty, plus the proposal of the movement towards the 70:30 allocation. This paper should also outline funding arrangements to give effect to 50:50 resource allocation in the Torres Strait Tropical Rock Lobster fishery.	AFMA	A TSRA Community Newsletter explaining the PZJA 20 Decisions was distributed in January 2007 to the CFG, Community Councils and Traditional Owners Prescribe Body Corporate in the Torres Strait and Northern Peninsula Area.
2	At the request of TSRA Community Fisher Group Representatives (CFR) on the TRLWG, DAFF requested to provide advice on what will happen if the tender process does not remove the target number of licences from the fishery. Incorporate this in the draft paper explaining the PZJA decision on how resource allocation percentages are to be applied in the Torres Strait Tropical Rock Lobster fishery under the Treaty, including the proposal of the movement towards the 70:30 allocation.	DAFF.	PZJA 20.1.1(f) decided to defer the implementation of the PZJA resource allocation decision for TRL and further discussion of this issue at this time (including at the TRLWG). As a first step, it agreed to conduct the tender process to reduce TVH capacity in the TRL fishery to the limit of funds available and at the completion of the tender process, re-evaluate and discuss with the TVH and TIB sections the outcomes of the tender process. It then agreed to engage with stakeholders with the objective of identifying desired allocation between sectors (and a pathway to achieving that goal and other aspirations) for the long term economic development of the Torres Strait..
3.	Carry over agenda item improved data collection system to the next scheduled meeting of the TRLWG.	AFMA	AFMA has worked on improving this over the months since the last meeting. A short paper has been prepared for this meeting.
4.	Add background and application of the criminal code in the Torres Strait Fisheries Act context to their legislative amendments consultation.	DAFF	DAFF is examining the matter
5.	Provide members of the TRLWG with an information handout sourced from AFMA observer data on lobster bycatch in the Torres Strait Prawn fishery.	AFMA	A report on observer activities in the TS Prawn Fishery was tabled on the 2 <sup>nd</sup> day of the TRLWG meeting.
6	The TRL Resource Assessment Group to consider the strategies and performance measures for Fishery Objective No.1 at the next scheduled meeting (August 2006).	TRL RAG	The following outcome was achieved. Objective 1: To maintain the spawning stock at levels that meet or exceed the level required to produce the maximum sustainable yield. Measures by which the objectives are to be attained: <ul style="list-style-type: none"> <li>• Setting the total allowable catch each year</li> <li>• Managing fishing practices to ensure the sustainability of the resources of the fishery</li> <li>• Implementing a program of research, data collection and</li> </ul>

			<p>monitoring relevant to the assessment and management of the fishery</p> <ul style="list-style-type: none"> <li>Establishing an effective program for monitoring and surveillance of the fishery to ensure compliance with the Management Plan</li> </ul> <p>Performance criteria to assess measures taken:</p> <ul style="list-style-type: none"> <li>The amount of lobster taken in a fishing year does not exceed the TAC for the year; and</li> <li>The accuracy and timeliness of the fishery research and monitoring; and</li> <li>The management arrangements are effective in delivering compliance; and</li> <li>The level of compliance with the management arrangements.</li> </ul> <p>Potential Indicators: (the group felt it was unnecessary to progress with the detail of the indicators at this meeting).</p>
7	Investigate the two remaining non-traditional inhabitant Processor/Carrier Boat licences (TPCs) in the fishery whether they could be considered in the Australian Government tender process in the Torres Strait TRL fishery.	DAFF	DAFF, QDPI&F and TSRA are developing the form of the tender process and determining who will be eligible to participate. The issue is under active consideration in that context.
8	Look into the issue of TIB dinghy registration and appropriate community symbols.	QDPIF	It is possible to change the symbols
9	Find out the background to the requirement in other AFMA fisheries to carry an extract of the register on board the boat and report back to the Working Group.	AFMA	It is a requirement to carry the register as a proof that they hold a licence. The registry contains an update on their catch and the quota the licence holder is allowed to catch. These measures facilitate compliance in other AFMA managed fisheries. A verbal report will be made to update this item further.
10	Apply the requirement to carry an extract of the register on board the boat under section 19(f) of the draft Plan only to boats greater than 7 metres in length.	AFMA	Done
11	Append "in accordance with the instructions" to section 19(3) of the draft Plan.	AFMA	Done
12	Include in the draft Plan a prohibition on tenders fishing in more than one jurisdiction on the same day.	AFMA	Done
13	Specify "primary vessels greater than 7 metres in length" under section 19(4) of the draft Plan.	AFMA	Done
14.	Seek advice from AFMA VMS staff on whether a personal computer is necessary as part of the VMS requirements for Torres Strait fisheries.	AFMA	The AFMA Board, in February 07, will seek to have all boats fitted with a VMS linked to a PC in all other Cwlth fisheries unless they lodge an application for an exception. Applications will be examined case by case. If VMS is not fitted then an alternative tracking device approved by AFMA (there will be a list of those devices) must be fitted. Whether such measures will also apply to Torres Strait will be a matter

			for the PZJA to determine. However, an important point is that there is place for alternative devices. AFMA has found a system of interest being used in Tasmania to monitor abalone fishing at a finer geographic scale.
15	Provide wording from QDPIF management plans (e.g. spanner crab and reef line) regarding changes to landing arrangements and prior reporting to AFMA for inclusion in the draft Plan.	QDPIF	Pending
16	Determine whether holders of FRPs can be required to report.	AFMA	This could be included in licence conditions. Attached is a document with FRP conditions that apply to other fisheries. These conditions can be modified as required for the TS. A suggested form of the conditions for Torres Strait is also attached.
17	Seek advice on the application of the EPBC Act to Torres Strait fisheries and PNG fishers from AFMA Legal and DEH.	AFMA	AFMA legal has not provided advice however the Senior Manager – Environment is of the opinion that the Act applies to all fisheries regardless.
18	Include a requirement that PNG-endorsed operators clearly identify in their logbooks the area of jurisdiction in which they have fished under section 21(3) of the draft Plan.	AFMA	Done
19	Seek legal advice on whether the PZJA can require PNG-endorsed operators to have a vessel monitoring system (VMS) monitored by the PNG fisheries agency, or whether it could be an Australian system administered by the PZJA.	AFMA	Advice still being sought from AFMA legal.

## ATTACHMENT 2

### Revised objectives

Management Objective	Measures by which objectives are to be attained	Performance criteria to assess measures taken
<p><b>1. To maintain the spawning stock at levels that meet or exceed the level required to produce the maximum sustainable yield</b></p>	<p>Setting the total allowable catch each year</p> <p>Managing fishing practices to ensure the sustainability of the resources of the fishery</p> <p>Implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery</p> <p>Establishing an effective program for monitoring and surveillance of the fishery to ensure compliance with the Management Plan</p>	<p>The amount of lobster taken in a fishing year does not exceed the TAC for the year; and</p> <p>The accuracy and timeliness of the fishery research and monitoring; and</p> <p>Effectiveness of management arrangements in delivering compliance</p>
<p><b>2. In accordance with the Torres Strait Treaty, to protect the traditional way of life and livelihood of Traditional Inhabitants</b></p>	<p>Ensure fishing opportunities for Torres Strait traditional inhabitants of Australia and Papua New Guinea are preserved</p> <p>Set aside an appropriate share of the TAC for traditional fishing</p> <p>Set aside appropriate areas for traditional fishers to ensure access to the portion of the stock reserved for traditional fishing</p> <p>Developing a series of biological, economic and other data that can be used to assess the fishery</p>	<p>Reference points for traditional fishing are identified</p> <p>Traditional fishing opportunities meet cultural needs</p> <p>% of TAC set aside for traditional fishing is adequate</p> <p>Areas allocated for traditional fishing are appropriate</p>
<p><b>3. To provide for the optimal utilisation, co-operative management with Queensland and Papua New Guinea and for catch sharing to occur with Papua New Guinea.</b></p>	<p>Facilitating the development of sound, cost-effective fisheries management for the fishery by holding joint meetings with Queensland and PNG where information and ideas are exchanged.</p>	<p>Data and management information are readily available</p> <p>Results from research in all jurisdictions feeds into management.</p> <p>Degree to which the fishery is cooperatively managed.</p>

<p><b>4. To monitor interactions between the prawn and lobster fisheries.</b></p>	<p>Implementing a program of research, data collection and monitoring relevant to the assessment and management of the fishery</p> <p>Monitor TRL by-catch rate in the prawn fishery through an observer program</p>	<p>No net increase in overlap between the two fisheries</p> <p>By-catch of lobster in the prawn fishery and lobster's life state when returned to the sea is monitored</p>
<p><b>5. To maintain appropriate controls on fishing gear allowed in the fishery so as to minimise impacts on the environment.</b></p>	<p>Apply restrictions on the gear or method that is allowed to be used in the fishery and fishing activities identified as an unacceptable risk to the environment</p> <p>Education and awareness program used to promote best practice.</p>	<p>Degree of responsible fishing practices are maintained.</p>
<p><b>6. To promote economic development in the Torres Strait area emphasizing on providing the framework for commercial opportunities for Traditional Inhabitants and ensure that these opportunities available to all stakeholders are socially and culturally appropriate for the Torres Strait and the wider Queensland and Australian community.</b></p>	<p>Granting transferable fishing entitlements for the fishery;</p> <p>Develop strategy for traditional inhabitants to acquire larger share of TAC including review and decision rules</p> <p>Monitor and evaluate the opportunities for lobster grow-out/aquaculture</p> <p>Enhance fishing opportunities for Australian Torres Strait traditional inhabitants</p> <p>Avoid arrangements that may negatively impact on community tropical rock lobster enterprises</p>	<p>Proportion of the TACC held by each sector</p> <p>Proportion of resource allocation moves to a higher community share</p> <p>Level of employment of traditional inhabitants in the TRL sector</p> <p>Proportion of the traditional inhabitant share utilized</p> <p>Number of management obstacles met by enterprises</p>
<p><b>7. Optimise the value of the fishery.</b></p>	<p>Developing a series of biological, economic and other data that can be used to assess the fishery</p> <p>Reduce or eliminate illegal fishing</p> <p>Maintain flexibility in management arrangements so market demand can be met</p>	<p>Research undertaken at a scale necessary for the confidence to set TACC at higher levels</p> <p>No impediments prevent all quota being taken</p> <p>Revenue from fishery maximised</p>

### ATTACHMENT 3

#### TORRES STRAIT TRL FISHERY

### Development of Management Plan

<b>Minimum Time Required</b>	<i>Order of Events to Progress Management Plan through to completion</i>
16-20 Weeks	<i>Drafting of the Legislative Amendment Bill for the Torres Strait Fisheries Act and Fisheries Administration Act by the Office of Parliamentary Council necessary for the introduction of TSF Management Plans; (earliest introduction mid 2007)</i>
8 Weeks	<p><i>Data Verification and finalisation of AAP Process, including:</i></p> <ul style="list-style-type: none"> <li><i>(1) first stage data verification for TVH sector (completed by end Feb 2007)</i></li> <li><i>(2) further AAP consultations (mid March 2007)</i></li> <li><i>(3) first stage data verification for TIB sector (completed by end Mar 2007)</i></li> <li><i>(4) delivery of AAP Report (late March 2007)</i></li> <li><i>(5) PZJA out-of-session decision on allocation formula (April 2007)</i></li> </ul>
12 Weeks	<i>Tender Process for buy-back of TVH licences; (March – May 2007)</i>
12 Weeks	<i>Resolve remainder of management issues, community consultations &amp; finalisation of the drafting instructions for the management plan as discussed by the TRL Working Group and PZJA agencies (mid Feb. – mid. May 2007)</i>
3 Days (each) plus preparation time of papers	<p><i>Endorsement of drafting instructions for the management plan through:</i></p> <ul style="list-style-type: none"> <li><i>(1) TRL Working Group Meeting (16 - 18 May 2007)</i></li> <li><i>(2) Torres Strait MAC (12 - 14 June 2007)</i></li> <li><i>(3) PZJA21 (July 2007)</i></li> </ul>
12 Weeks	<p><i>Drafting of TS TRL Management Plan, including:</i></p> <ul style="list-style-type: none"> <li><i>(1) Instructions provided to the Office of Legislative Drafting (OLD) (August - October 2007)</i></li> <li><i>(2) Liaison with Office of Best Practice Regulations in the preparation of a Regulatory Impact Statement (RIS) (August - October 2007)</i></li> <li><i>(3) Out-of-session approval by PZJA for the release of the Draft TRL Management Plan (October 2007)</i></li> </ul> <p>NB: The ability of OLD to complete a first draft will be dependant on OLD's priorities.</p>

4 Weeks	<i>Compliance risk assessment on the proposed new quota system (October 2007)</i>
8 Weeks	<i>Public Consultation for the Draft TRL Management Plan and RIS</i>
4 Weeks	<i>Pre-season survey</i>
16 Weeks	<p><i>Preparation of Strategic Assessment Report for the TRL Fishery under the EPBC Act:</i></p> <ol style="list-style-type: none"> <li><i>(1) Preparation of the Draft Terms of Reference for the SAR &amp; public comment period on these (28 days minimum);</i></li> <li><i>(2) Preparation of SAR by PZJA agencies;</i></li> <li><i>(3) Out-of-session endorsement by PZJA of the SAR</i></li> <li><i>(4) Liaison with DEW on SAR and recommendations arising from the assessment;</i></li> </ol> <p><i>NB: The assessment of the TRL is in fact a reassessment of the fishery and will be based on the proposed management arrangement for the fishery under the Management Plan.</i></p>
6 Weeks	<ul style="list-style-type: none"> <li><i>• Undertake Business Cost Calculator analysis, to determine if a RIS for the Management Plan is required; and</i></li> <li><i>• Strategic Assessment Report (SAR) commences. The released for</i></li> </ul> <p><i>This would occur whilst the draft of the Management Plan is being completed by OLD.</i></p>
4 Weeks	<ul style="list-style-type: none"> <li><i>• TSPMAC to consider Plan (and RIS if required) and make relevant recommendations to the PZJA.</i></li> <li><i>• Environment Committee considers draft SAR. Necessary amendments addressed in consultation with Department of Environment and Water Resources (DEW).</i></li> </ul> <p><i>The aim is to have these steps completed at TSPMAC 4 and PZJA 21. If OLD are not able to deliver the Draft Management Plan in time for these meetings then out-of-session comment and approval from the TSPMAC and PZJA will be sought.</i></p>
2 Weeks	<i>PZJA approves Draft Management Plan and SAR for public release – necessary Plan amendments recommended to OLD.</i>
5 Weeks	<p><i>Public consultation phase for Plan and SAR – 30 day minimum</i></p> <ul style="list-style-type: none"> <li><i>• Address comments received on Plan.</i></li> <li><i>• Address comments received on SAR in consultation with DEW.</i></li> </ul>
6 Weeks	<i>PZJA endorses the Draft Management Plan for strategic assessment and submits the SAR with the final draft of the Management Plan to the Minister for the Environment.</i>

	<i>PZJA endorsement will probably be sought out-of-session, but will depend on the timing of PZJA 22.</i>
4 Weeks	<i>DEW recommendations on the SAR considered by the AFMA Environment Committee and the PZJA.</i>
	<i>PZJA Chair writes to the DEW Minister accepting the SAR recommendations.</i>
4 Weeks	<i>Management Plan and SAR tabled in Parliament, along with the Environment Minister's Declaration of Intent to accredit the Management Plan – common disallowance period.</i>
2 Weeks	<i>Management Plan DETERMINED by the Chair of the PZJA.</i>
2 Weeks	<i>Gazette notice published indicating that the Management Plan will come into effect and that the transitional arrangements will cease to have effect.</i>
	<i>Fishing commences under the Management Plan for a period of 5 years.</i>
4 weeks	<i>Review of the Fishery is undertaken, in accordance with the specifications in the Management Plan (4.5 years after commencement of the Plan).</i>
2 Weeks	<i>PZJA implements the outcomes of the Review.</i>

### ATTACHMENT 4

Approach to recommending TAC	June	July	August	September	October	November	December	January	February	March	April	May
Process recommended to PZJA 20	Mid-season survey	Data analysis			RAG Meeting>> preliminary TAC	1. Pre-Season Survey 2. PZJA decision and preliminary allocation made for next season		Data analysis and stock assessment		RAG Meeting>> final TAC recommendation	PZJA Decision and final allocation for current season	
Related issues identified by Working Group meeting	If mid-season survey dropped then no preliminary survey based TAC recommendation possible				A preliminary TAC and final TAC model problematic for ACE							
Alternative discussed					Pre-season survey and data analysis	TAC recommendation and decision	Allocation made by start of season				Data analysis from previous season, stock assessment and RAG meeting	
Related issues with alternative identified by Working Group	No mid season survey to numbers of 2+ (next spawners) not as well estimated				No RAG involvement in a review process						Rag would need to specify process for next TAC 7 months in advance	