

# Torres Strait Tropical Rock Lobster Working Group Meeting 11

FINAL Meeting Record

17 December 2020

Thursday Island

Note all meeting papers and record available on  
the PZJA webpage: [www.pzja.gov.au](http://www.pzja.gov.au)



Australian Government

Australian Fisheries Management Authority

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## Meeting participants

### Members

Name	Position	Declaration of interest
Dr John Glaister	Chairperson	Member of Parks North, Chair of Northern Prawn Management Advisory Committee (NORMAC), Chair of the Torres Strait Prawn Management Advisory Committee (TSPMAC).
Darren Dennis	Scientific member	Former CSIRO employee involved in Torres Strait TRL research, and scientific surveys. No pecuniary interests.
Sevaly Sen	Fisheries Economist Member	Nil interest in Torres Strait fisheries. Conducts various FRDC research projects relevant to AFMA fisheries; Advisor to Sydney Fish Market; AFMA Commissioner; member on the New South Wales Rock Lobster Harvest Strategy Working Group
Aaron Tom <sup>%</sup>	Traditional Inhabitant member	Traditional Inhabitant Gudamalulgal and TIB licence holder
James Ahmat	Traditional Inhabitant member	Traditional Inhabitant Maluilgal and TIB licence holder
Patrick Mills	Traditional Inhabitant member	TRLRAG member for Kaiwalalgal and Torres Strait Scientific Advisory Committee.
Mark Dean	Industry member	TVH operator
Jerome Kalwij	Industry member	Employee of MG Kailis, manager at Pearl Island Seafoods processing factory
Trent Butcher	Industry member	TVH licence owner
Selina Stoute	AFMA member	Nil
Mark Anderson	TSRA member	Nil. TSRA holds multiple TVH TRL fishing licences on behalf of Torres Strait Communities but does not benefit from them
Georgia Langdon	AFMA executive officer	Nil

### Observers

Name	Position	Declaration of interest
Brett Arlidge	TRL RAG Industry member	General Manager, MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of 5 TVH licences. Seafood buyer from Torres Strait, Queensland and PNG TRL fisheries.

Name	Position	Declaration of interest
Dr Ian Knuckey	Chair, TRL Resource Assessment Group (TRLRAG)	Chair/Director of Fishwell Consulting Pty Ltd and Olrac Australia (electronic logbooks). Chair/member of other RAGs and MACs. Conducts various AFMA and FRDC funded research projects including FRDC Indigenous Capacity Building project. Nil interests in TRL Fishery and no research projects in the Torres Strait. In 2019, delivered components of TSRA Induction Program for Traditional Inhabitant members on PZJA advisory committees. Full declaration of interests provided at <b>Attachment A.</b>
Dr Éva Plagányi <sup>1</sup>	CSIRO	Lead scientist for PZJA funded TRL research projects conducted by CSIRO.
James Billy	TRLRAG member	Traditional Inhabitant Kulkalgal. TIB licence holder, Coxswains holder and free diver.
Harry Nona	Traditional Inhabitant member	Traditional Inhabitant Kaiwalalgal
Graham Hirakawa <sup>2</sup>	Industry observer	TIB licence holder with a TRL entry
Quinten Hirakawa	TSRA observer	TIB licence holder
Lyndon Peddell <sup>3</sup>	AFMA	Nil
Alison Turnbull <sup>4</sup>	SafeFISH	n/a
Jayne Gallagher <sup>5</sup>	Seafood Trade Advisory Group	n/a
Ben Mitchell <sup>6</sup>	Department of Agriculture, Water and Environment	n/a

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<sup>1</sup> Joined the meeting at 9am

<sup>2</sup> Joined the meeting at 9am

<sup>3</sup> Joined the meeting between 9am and 9:30am

<sup>4</sup> Joined the meeting at 11:45am until 1pm

<sup>5</sup> Joined the meeting at 11:45am until 1pm

<sup>6</sup> Joined the meeting at 11:45am until 1pm

# 1 Preliminaries

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## 1.1 Welcome and apologies

1. The meeting was opened in prayer at 8:38am on Thursday 17 December 2020. Attendees were welcomed to the 11<sup>th</sup> meeting of the Torres Strait Tropical Rock Lobster Working Group (TRLWG 11). The Chair acknowledged the Traditional Owners of the land on which the meeting was held and paid respect to Elders past, present and emerging.
2. Attendees at the Working Group are detailed in the meeting participant tables at the start of this meeting record.
3. Apologies were received from:
  - a) Mr Les Pitt, Traditional Inhabitant member, Kemer Kemer Meriam;
  - b) Mr Mark David, Traditional Inhabitant member, Kulkalgal;
  - c) Ms Samantha Miller, Queensland Department of Agriculture and Fisheries member.
4. Observers not in attendance were:
  - a) Papua New Guinea National Fisheries Authority representative, permanent observer.
  - b) Malu Lamar (Torres Strait Islanders) Registered Native Title Body Corporate, permanent observer.

## 1.2 Adoption of agenda

5. The draft agenda was adopted without change (**Attachment B**).

## 1.3 Declaration of interests

6. The Chair advised members and observers, that as provided in PZJA Fisheries Management Paper No. 1 (FMP1), all members of the Working Group must declare all real or potential conflicts of interest in Torres Strait TRL Fishery at the commencement of the meeting. Where it is determined that a direct conflict of interest exists, the Working Group may allow the member to continue to participate in the discussions relating to the matter but may also determine that, having made their contribution to the discussions, the member should retire from the meeting for the remainder of the discussions on that issue.
7. The Chair requested that members update the record of declarations. These are detailed in the meeting participant tables at the start of this meeting record.
8. The Working Group followed a process whereby each group of members with similar interests were asked to leave the room to enable the remaining members to:
  - a) Freely comment on the declared interests;
  - b) Discuss if the interests precluded the members from participating in any discussions; and
  - c) Agree on any actions to manage declared conflicts of interests (e.g. the member may be allowed to participate in the discussions relating to the matter but not in the formulation of final advice).
9. Those members and observers holding a fishing licence, including the TSRA officers were asked to leave the room. The remaining members agreed that although the excused members may have real or perceived conflicts of interest, their expertise is critical in the development of advice. It was noted that discussions under agenda item 5 (total allowable catch) and agenda item 6 (Review of management controls) may present conflicts for some members, however it was agreed that the excused members be permitted to participate in discussions under all agenda items in the formulation of Working Group recommendations, provided they act in the interests of the fishery as a whole and not their individual business or community.

10. The Chair reminded the group about the importance of the declarations process to ensure transparency and integrity of the advice from the Working Group so that other stakeholders can have confidence in how the group operates. The Chair emphasised the key to managing real or perceived conflicts of interest was for members to be transparent. Real and or perceived conflicts are not unusual in management advisory committees given members are appointed on the basis of their relevant expertise and involvement in the Fishery.
11. The Working Group agreed that all members and observers could be present for each of the agenda items.

## 1.4 Action items from previous meetings

12. The Working Group noted the status of actions arising from previous Working Group meetings (**Agenda item paper 1.4a**).
  - a) Action item 2 – members noted that the periods for PZJA consideration of Development Permit applications will be twice annually in March and September to align with the Finfish and TRL fishing seasons respectively.
13. The Working Group noted the final meeting record for TRLWG 10 held on 12 December 2019 was finalised out of session and circulated to members on 29 January 2020.

## 1.5 Out-of-session correspondence

14. The Working Group noted out of session correspondence on TRLWG matters since the previous meeting.

# 2 Updates from members

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## 2.1 Industry members

15. The Working Group noted updates provided by industry members and observers regarding the performance of the Torres Strait TRL Fishery during the 2019-20 fishing season and the very start of the 2020-21 season to date, in particular:
  - a) a traditional inhabitant member reported that the migration of lobsters into the fishery is not apparent. Although only 3 weeks in to the free dive season, similar patterns are expected when the hookah season opens.
  - b) An Industry member advised that:
    - i. the start of the season had been slow, suggesting it may be due to price and availability of lobsters on the ground. The trade disruptions with Australian lobster into China is reducing the price normally paid at this time of year.
    - ii. Last season there were continuous issues with bottlenecks during offload times after a moontide hookah closure. As some buyers can only export lobsters 2 or 3 days a week from Cairns, the timing for export does not always align with the hookah closures which can result in some boats having to wait up to 3 days to unload.
    - iii. The member had received reports from eastern and central cluster fishers who are wanting to fish deeper to catch more while the prices are low.
    - iv. he had received reports that some primary vessels reportedly struggle transitioning from a dinghy to a primary boat operation, and need more assistance with managing the boat. Lack of divers is reportedly more of concern as there are surplus skippers available.

## 2.2 Scientific and economic members

16. No updates were provided by scientific and economic members.

## 2.3 Government agencies

17. The Working Group noted an overview of key management updates relating to the TRL Fishery provided by the AFMA member, in particular:

### *Fisheries bilateral meeting between AFMA and PNG NFA*

- a) On Friday 27 November 2020, AFMA CEO Wez Norris met via videoconference with the acting Managing Director of PNG NFA, Mr Noan Pakop and other NFA staff to discuss fisheries bilateral issues. This included general updates on fisheries, catch sharing arrangements for TRL, pearl shell, prawn and Spanish mackerel, updates on catch data from the PNG TRL fishery, whether PNG catches deemed as outside the Torres Strait Protected Zone (TSPZ) are within the area AFMA understands to be the PNG 'outside but near' area, opportunities for research collaboration and fisheries compliance updates.
- b) AFMA continues to encourage the provision of timely and accurate catch and effort data by NFA to support TRL scientific and stock assessment processes, and PNG NFA remain interested in opportunities for collaborative research.
- c) Further work is required to develop a common understanding of catch sharing arrangements in relation to outside but near areas to the TSPZ. NFA indicated that their understanding is that the global TRL TAC does not apply to areas outside the TSPZ, which is different to AFMA's understanding, and is inconsistent with the way Australian accounts for catches in the Australian outside but near area.
- d) NFA indicated that the recently agreed Memorandum of Understanding (MOU) between PNG and Fujian Zhong Hong Fishery Co., Ltd. is to undertake a feasibility study to set up an 'integrated and multi-use fishery industrial park' in the Western Province of PNG. The AFMA member emphasised to the TRLWG that the Australian Government had not yet read the MOU and was working to understand more about what exactly is being proposed. AFMA continues to liaise with the Department of Foreign Affairs and Trade (DFAT) who are working closely with PNG at all levels of Government to learn more.

18. The traditional inhabitant member for Maluilgal reiterated previously raised comments regarding the need for a representative of the TIB fishing industry to attend future fisheries bilateral meetings. The AFMA member confirmed that AFMA had passed on this request to DFAT following the TRLRAG 30 meeting the day prior.

### *Export approval under the Environment Protection Biodiversity and Conservation Act 1999*

- a) On 4 December 2020, the Torres Strait Tropical Rock Lobster Fishery was declared by the delegate of the Minister for the Environment as an approved wildlife trade operation (WTO) under Part 13A of the EPBC Act until 4 December 2023. The approval was made with no new substantial conditions, and only one recommendation.

19. An industry member queried whether the fishery, as an approved WTO, could take advantage of the declaration by using it as a sustainability certification. The Working Group noted that a WTO is different from an international sustainability scheme such as Marine Stewardship Council (MSC) certification, though the current review of the EPBC Act is looking at options to better align WTO approvals with other international sustainability schemes. An industry observer noted that it would be very challenging to achieve MSC certification for the Torres Strait TRL fishery. The economics member added that it is unclear whether MSC certified products fetch premium prices; however, it does provide some market access. Only 14 per cent of global wild harvest fisheries production is MSC certified, and a further 14 per cent are certified under 'Friends of the Sea'.

### *Compliance outcomes for the 2019-20 fishing season*

20. AFMA took over the Torres Strait Fisheries Domestic Compliance Program on 1 July 2018 from the Queensland Boating and Fishing Patrol. To increase capacity in this area, AFMA has since

recruited a third officer to assist with the increase in work load in delivering both domestic and foreign compliance functions that is largely intelligence and risk-based.

21. In March 2020 all AFMA field duties were suspended due to COVID-19, however AFMA continued to monitor fishing operations remotely through vessel monitoring systems (VMS), remote monitoring, surveillance, intelligence and other sources of data.
22. The Working Group noted that if AFMA compliance officers are unable to be in the field at times, AFMA works closely and collaboratively with the support of the Australian Border Force, Royal Australian Navy, Queensland Water Police, TSRA Rangers and PNG National Fisheries Authority to collect intelligence and conduct surveillance operations.
23. AFMA has recommenced operational field activities and will continue to conduct these in accordance with best practise, mandatory social distancing and hygiene and in accordance with guidelines developed for field activities.
24. Despite some operational challenges in 2020, AFMA fisheries officers have delivered the following outcomes between July 2019 – November 2020:
  - a) 17 ports/freight hubs visits;
  - b) 66 fish receiver Inspections;
  - c) 70 vessel inspections;
  - d) Regular monitoring of seafood movements throughout the Torres Strait that have resulted in several investigations;
  - e) As a result of these and other investigations three prosecutions relating to the beche-de-mer fishery have been concluded. Four other matters are before the courts at present with three of those matters relating to the TRL fishery. Four further cases, three involving the TRL fishery, are currently under consideration by the Commonwealth prosecutors and will likely be dealt with next year.
25. AFMA compliance conducted several fish receiver inspections on 1 October 2020, following the closure of the 2019-20 TRL season. There were no detections of non-compliance, demonstrating a high level of commitment by the Torres Strait fisher and fish receiver licence holders.
26. To better target priority risks in Torres Strait fisheries, AFMA have established a specialised multi-disciplinary Compliance Risk Management Team (CRMT). Priority risks specific to the Torres Strait include unlicensed fishing, unlicensed fish receiving and non-compliance with catch/landing reporting to AFMA. Failing to report catch or landings is considered quota evasion and results in the undermining of the ongoing sustainable management of the Torres Strait Fisheries.
27. The Working Group noted the requirements for industry members wishing to power down their VMS units by formally applying for a 'temporary switch off'.
28. The Working Group also noted a brief update provided by the TSRA member regarding TSRA activities relevant to the management of the TRL Fishery, namely:
  - a) As of 3 December 2020, the newly formed *Zenadth Kes Fishing Company* was formally registered as a company limited by guarantee, with 25 elected board members comprised of five members from each cluster nation. An advertisement for a CEO is soon to be released, and an admin officer will likely be required to support.
  - b) Over the coming two years, the assets that TSRA currently holds on behalf of traditional inhabitants will be transitioned across to the Company in a staged approach. The transfer of quota units currently held in trust on behalf of traditional inhabitants will be a PZJA decision. TSRA will also provide seed funding for the first three years to ensure ongoing viability of the company.
  - c) The *Wapil (Many Fish)* project is continuing with funding in place to deliver fisheries related infrastructure and 90 traineeships for 14 outer island communities. Erub (Darnley Deep Seafoods) has begun and they have commenced trading in fish products (TRL,

coral trout and mackerel). Other communities including Saibai, Mabuyag, Masig and Mer are all in the planning phase.

29. The Working Group noted that one of the fundamental principles of the *Wapil Project* and the *Zenadth Kes* company is to not impede existing operations.

## 2.4 PNG NFA

30. No update was provided as a PNG National Fisheries Authority representative was not in attendance.

## 2.5 Native Title

31. A native title update was not provided as a representative from Malu Lamar (Torres Strait Islanders) Corporation Registered Native Title Body Corporate (RNTBC) was not in attendance

## 3 Catch and effort summary for 2019-20 fishing season

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32. This agenda item was not explicitly discussed as a more detailed summary of catch and effort in the fishery was provided under Agenda Item 5.

## 4 Lobster trade and national heavy metal sampling

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33. The Working Group welcomed Mr Ben Mitchell from the Department of Agriculture, Water and Environment (DAWE), Ms Jayne Gallagher from the Seafood Trade Advisory Group (STAG) and Ms Alison Turnbull from the SafeFISH project. They provided an overview of the current trade disruptions with China, and the subsequent national cadmium survey being undertaken across all rock lobster fisheries in Australia.

### *Department of Agriculture, Water and Environment*

- a) In recent months, China began to increase their inspection levels of live Australian lobster at the point of entry in several major Chinese ports, causing considerable delays while inspection and testing was being undertaken. Unfortunately this resulted in high mortality rates of the lobster product.
- b) In November, China formally notified the DAWE of two instances of non-compliance of lobster shipments with detections of cadmium above the maximum levels set by the Chinese Government. This subsequently prompted the DAWE to release a market access advice notice to caution exporters of the risk of sending product to China at that time.
- c) The DAWE is preparing a report to provide to China regarding the non-compliance consignments and is proposing solutions to the Chinese government about how to manage this issue moving forward. This is coupled with ongoing liaison with Chinese authorities to further understand their concerns and the testing regimes China has in place to identify any further action required particularly for other Australian seafood products.
- d) DAWE is receiving a lot of support and information from industry themselves as it is difficult to engage at a government to government level with Chinese authorities.
- e) On 11 December 2020, DAWE became aware that seafood store holders in Shenzhen seafood market were asked by the Chinese government to submit a letter of promise agreeing not to sell Australian seafood. There has not been any formal announcement from Chinese authorities on this matter, however, this does give an indication of the intentions and actions China is undertaking.

- f) Since this time China have notified Australia (among other countries) of new certification requirements relating to non-viable (dead) seafood product which will take effect from 1 January 2021.

#### *Seafood Trade Advisory Group*

- a) The STAG, formed in 2013 is a group run for and by exporters that meet as required to respond to various trade issues and disruptions. It is chaired by Nathan Maxwell, a rock lobster exporter from Tasmania.
- b) In addition to the cadmium issue, and new non-viable certification requirements (mentioned above), the STAG has two other priorities:
- i. The China Approved Species list, which although not impacting lobster, does impact beche-de-mer (which is not approved for export to China); and
  - ii. An establishment listing – any new establishment in China requires approval.
- c) In relation to the current lobster trade issue:
- i. The STAG first became aware in early November of detained lobster shipments and quickly established the Lobster Working Group (LWG) as a sub-group of the STAG. It was the LWGs first priority to have the detained lobster shipments released, working closely with the Australian embassy in Beijing. Unfortunately the lobsters were not released in time and subsequently died.
  - ii. Once aware of the reasons behind the lobster shipment detentions and testing (i.e. cadmium levels), the STAG decided to take a national approach (in the form of a national survey) to understand that if cadmium levels in Australian lobster are a potential risk at the point of import in to China, what factors might increase or decrease the risk to exporters, and what can industry do to manage those risks.
  - iii. Government advice is that this issue is likely to be ongoing.
  - iv. The LWG is also looking at alternative market options noting that lobster prices outside of China are less than half of the Chinese market prices. The domestic market demand for lobster is increasing, albeit at a lower price. However, following the Christmas/New Year period the lobster market is likely to decline steeply.
  - v. TRLRAG industry member Brett Arlidge confirmed that he is a member of the STAG LWG.

#### *SafeFISH national cadmium survey in lobsters*

- a) SafeFISH is a national project that looks at seafood safety and market access, funded by the Fisheries Research Development Council (FRDC) and 16 different industry bodies. It has been running for over 10 years to support the whole of the Australian seafood industry.
- b) The aim of the project is to resolve trade and market access issues, and to prevent new issues arising with a focus on food safety. SafeFISH was initially providing technical assistance on the current trade issue but has now taken on the role of coordinating the national cadmium survey.
- c) To support the survey, SafeFISH have established an expert working group comprised of a food statistician, quality and assurance officers, a lobster physiologist, market access experts with support from DAWE.
- d) The survey is being undertaken in 7 jurisdictions/geographical areas across Australia, led by industry with varying levels of support from each jurisdictional authority. The survey is intended to be a snapshot survey in order to respond to the current market issue at hand. Sampling is intended to be completed by the end of February 2021.
- e) For tropical rock lobsters, sampling across both Queensland and Torres Strait is intended to come from areas in the fishery where most of the product is harvested to understand cadmium distribution across geographical areas, between different sexes,

and across size classes of lobsters. The intention is to understand the range of cadmium levels within lobsters, compared to the Chinese national standard in order to understand the level of risk, and mitigate that risk accordingly. This may involve excluding some lobsters for export to the Chinese market from a certain area, or of a certain size (depending on the risk factors)

- f) Cadmium is a naturally occurring heavy metal, and while levels can be increased from human pollutants (e.g. mining run off), the hypothesis is that cadmium is likely to be naturally found in some marine sediments, which is then bio-accumulated through the food chain. The survey will hopefully allow industry to understand whether there are particular groups of lobster (relating to area, size, sex etc.) that might be of higher risk.

34. Having regard to the information provided above, the Working Group discussed and noted the following key points:

- a) Cadmium is the only heavy metal being considered at stage 1. However, tissue samples will be stored and available for subsequent testing. Further studies for other heavy metals (including inorganic chromium, arsenic, lead and mercury) under stage 2 will be undertaken, if required.
- b) It will be the decision of the LWG to choose whether or not to investigate the results of other heavy metals as part of a stop/no go approach.
- c) Data management are very sensitive issues that will be managed under strict data release, access and confidentiality agreements being developed by FRDC.
- d) Lobsters from other countries are not being subject to the same testing regimes at the point of entry in China (e.g. New Zealand).
- e) Addressing the cadmium issue will not necessarily unlock access to the Chinese markets, however the STAG and DAWE both consider non-action to be not an option as the reputational risk to the Australian lobster industry is too great. The national survey will provide a comprehensive baseline to underpin all exports of lobster that will assist industry in the longer term.
- f) There is a subsequent risk that if lobsters do get sent to China, and are found to exceed cadmium levels, the exporting company is black listed.
- g) In the event that cadmium is detected in some samples above Chinese maximum levels exceed it is unlikely that it will be the catalyst for the Australian standards to change (currently Australia does not have a national standard for cadmium in lobsters). Cadmium levels in Australian food products have undergone rigorous study over time and it is not expected that those standards will change.
- h) SafeFISH is expecting to find none, or very low numbers of animals exceeding the Chinese standards for cadmium. However if some are detected, it will be important to act on those results and try to understand the relationship between risk factors. This may involve some chain traceability. For example, if a particular region or location is found to have had high levels of cadmium, then industry would need to ensure that those animals are excluded from a market bound for China.

35. In relation to the collection of samples from the Torres Strait:

- a) The Torres Strait survey area has been divided up into 7 areas based on historic production levels. There are very specific requirements for the sampling based on size grades, sex and location.
- b) SafeFISH are looking to set up a Torres Strait implementation group with industry to support the collection of samples.
- c) Industry member Jerome Kalwij offered to be a liaison between SafeFISH and industry to help facilitate the Torres Strait sampling program, which is expected to commence in February 2021 once the hookah season opens, and when the dissection crew is trained and ready to accept samples in the Cairns sampling facility.

## 5 Total Allowable Catch

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36. The Working Group considered an overview of the following data inputs to the empirical harvest control rule (eHCR) for the TRL Fishery undertaken by CSIRO and presented by Dr Éva Plagányi, CSIRO Scientific Member. A copy of the presentation is provided at **Attachment C**.
- a) The formula of the eHCR is the multiple of the average annual catch over the last 5 years (using available catch from TIB, TVH, PNG) and a statistic which measures the relative performance of the fishery based on the following data inputs:
    - i. Pre-season survey recruiting lobster (1+) standardised relative numbers (70%);
    - ii. Pre-season survey recently-settled lobster (0+) standardised relative numbers (10%); and,
    - iii. nominal CPUE for TIB sector (10%); and,
    - iv. standardised CPUE for TVH sector (10%).
  - b) Total reported catch for the Australian TRL fishery (1 December 2019 – 30 September 2020) was 363.1 tonnes, with 216.2 tonnes caught by the Traditional Inhabitant Boat (TIB) sector and 145.1 tonnes caught by the Transferable Vessel Holder (TVH) sector.
  - c) Total reported catch from Papua New Guinea was 90.4 tonnes (January – August 2020) however, the RAG noted that this number is incomplete for the PNG TRL season. Using the same methodology applied at TRLRAG 27, and assuming an average monthly catch is also caught in the unreported months, the total extrapolated PNG catch was increased to 126.4 tonnes (1 December 2019 – 30 November 2020).
  - d) This extrapolated PNG catch results in a total Torres Strait TRL catch of 487.7 tonnes, under a 582 tonne global TRL TAC, equating to 83.8% of the TAC.
  - e) A comparison of TIB and TVH relative proportions of the total annual catch taken in each month illustrates a significant difference for the TVH sector in 2020, with substantially less catch in February and reduced catch in March (due to market disruptions). This is compensated for by increased catches in April, followed by an extended increase in effort through till July as the TVH allocation limit was approached (**Figure 3**). By comparison, the TIB sector demonstrated less catch than usual in February, followed by increased effort until August, reducing to average levels as the end of the season was reached (**Figure 3**). PNG also fished less over February and March, with their highest reported catches in May (**Figure 3**).
  - f) To inform discussions on whether ad-hoc adjustments to the eHCR inputs were warranted, a number of alternative scenarios (or sensitivities) were investigated by CSIRO to explore the potential impacts of average catch on RBC calculations.
  - g) The RAG considered five alternative scenarios for calculating average catch (2016 - 2020) as an input to the eHCR:
    - i. Using the actual reported total catch (the base scenario);
    - ii. Substituting the TAC value for the 2020 actual catch – based on the argument that if catch rates were good, lobster abundance was high, but due to a late start to the season (from COVID-19 impacts) the TAC was unable to be fully caught (discussed at TRLRAG 28);
    - iii. Substituting increased catch for PNG – based on the assumption that only PNG caught their TAC allocation, and uses actual catches for the TIB and TVH sectors;
    - iv. Assuming in 2019-20 season that fishers would have caught the same percentage (95%) of the TAC as they did in the 2018-19 season; and
    - v. Extrapolating the PNG catch through to the end of the season using the methodology from TRLRAG 27.
  - h) A summary of the average catch alternative scenario values is outlined in **Table 1**.

Table 1. Examples of alternative scenarios for calculating an average catch value for input in to the eHCR.

Season	Total catch_actual (t)	Substituting TAC for 2020 catch	Substituting increased catch for PNG	Assuming in 2020 would have caught same percentage (95%) of TAC as in 2019
2016	758.2	758.2	758.2	758.2
2017	390.8	390.8	390.8	390.8
2018	412.2	412.2	412.2	412.2
2019	583.6	583.6	583.6	583.6
2020	451.7	285.0	553.4	553.5
<b>Average</b>	<b>519.3</b>	<b>545.4</b>	<b>539.6</b>	<b>539.7</b>

- i) Catch rates for the TIB sector in February were the highest catch rates on record relative to all previous point estimates available since 2004; both nominal and standardised indices were the highest in the series, both being approximately 50 per cent higher than the average value of the respective series.
- j) When comparing both TIB 'Seller' CPUE series and TVH 'Int-1' CPUE indices with the 2019 stock assessment-based 2+ lobster biomass estimate, the results suggest that the two CPUE indices show similar trends with the estimated stock biomass over the recent period. This provides confidence that the stock assessment predictions accurately reflected the observed catch rates the following year.
- k) The pre-season survey went ahead successfully as planned. Survey numbers of 1+ lobsters in 2020 were average, slightly lower than in 2018 and 2019 but considerably higher than 2016 and 2017. 0+ counts were very high which is a positive indication of incoming recruitment in the 2022 seasons. Survey abundance was generally higher in the east than in the west, which is different from previous years.
- l) When examining recent trends in eHCR indices, both the TIB CPUE and TVH CPUE indices showed very positive slopes, and both the pre-season 1+ and 0+ survey indices exhibited positive trends.

37. Having regard to the scientific analyses provided by the TRLRAG Scientific member, Chair of the TRLRAG Dr Ian Knuckey provided the Working Group an overview of TRLRAG 30 recommended biological catch (RBC) advice:

- a) Aware of the impacts that COVID-19 had on the TRL season the TRLRAG were mindful of the potential impacts on fishery indicators used to inform application of the eHCR and subsequent understanding of the status of the stock.
- b) As noted, all indicators for the eHCR were positive, which provided confidence that the fishery was not experiencing any stock concerns, despite it being an anomalous fishing season. However there was some concern that the RBC output from the eHCR may be falsely misrepresented by the indicators that feed into it.
- c) To better understand some of the potential impacts on eHCR outputs, the RAG considered a range of sensitivities of the eHCR and whether to recommend the default implementation of the eHCR, or to undertake an ad-hoc adjustment.
- d) Acknowledging industry's conflicts of interest in the matter, industry members were asked to temporarily leave the RAG discussion. In their absence, the remaining RAG members acknowledged that the 2019-20 season was an anomalous year due to the impacts of COVID-19, which has impacted the eHCR indicators in different ways.
- e) RAG members agreed that the total average catch could be considered negatively biased, and the recent increase in catch per unit effort series for the TIB sector could be considered positively biased.
- f) In lieu of additional information to understand the COVID-19 impacts on those indicators, RAG members could not reasonably justify stepping outside the bounds of

the agreed harvest strategy and make an ad-hoc adjustment based on one indicator alone. Based on that, RAG members agreed to recommend the default application of eHCR using the PNG extrapolated catch and no further ad-hoc adjustments to the eHCR inputs (Table 2). This approach was accepted by industry.

**Table 2. Agreed inputs to the eHCR for a RBC in 2020-21 fishing season.**

Average catch input	TVH model	TIB model	TVH CPUE	TIB CPUE	PSS 0+	PSS 1+	RBC (tonnes)
526.5	Int-1	Seller	1.51	1.34	3.301	4.143	<b>623.5</b>

- g) Having regard to RAG member advice on which scenario of the eHCR was to be applied, the RAG recommended an RBC value of 623.5 tonnes for the 2020-21 season with no deduction of catches taken by non-commercial fishing sectors (i.e. recreational and traditional catches), consistent with the harvest strategy.

38. Noting the advice of the RAG, the Working Group discussed the following:

- a) There is a slightly higher positive bias in the 2020 survey data as some survey transects (23%) were not swum to completion. However this is considered only a small effect and could potentially result in a decrease of 8 tonnes to the RBC estimate, equating to roughly 4 tonnes difference (less) in the TIB TAC. Nevertheless, the CSIRO scientific member advised that the survey bias is something that will be investigated further.
- b) Previous analysis on diver ability, skill and experience illustrated very little difference in the outcomes of the survey results and subsequent stock assessment based RBC advice. Such issues have been rigorously debated and documented in previous RAG meetings and meeting records.
- c) Under the agreed Harvest Strategy, a stock assessment is scheduled every three years (with the next assessment scheduled for 2022). A stock assessment can then help validate the pre-season survey indices which have indicated a good alignment in each year except for 2017. However, a subsequent mid-year survey reaffirmed the results of the pre-season survey from 2017. Fishery independent surveys have been demonstrated to be the most reliable sources of abundance information to ensure non-overexploitation. While CPUE trends are useful, they do have the ability to be confounded if the data informing the CPUE trends is biased or incomplete. Such cases can result in hyperstability e.g. Catch levels can stay high even though stock levels are reducing.
- d) The CPUE standardisation of both TIB and TVH catch rates does take into account factors including processed state (i.e. tailed product vs whole/live) and month fished, however further work is required to better understand some inter-sector interactions.

39. **Having considered advice from the TRLRAG, the Working Group recommended a global TAC for the Torres Strait Protected Zone (TSPZ) TRL Fishery of 623.5 tonnes for the 2020-21 season.**

## 6 Review of management controls

40. The AFMA executive officer provided an overview of a suggested process for reviewing the current management controls in the TRL fishery and pursuing agreed changes, which will include:

- a) determining what's in scope, and out of scope for the review
- b) considering the benefits and/or impacts against which consideration of how the proposals align with the objectives for the fishery and the *Torres Strait Fisheries Act 1984* (the Act);

- c) which criteria may be used to evaluate proposals for changes to management controls;
- d) prioritisation of proposals;
- e) consideration of broader stakeholder input on the above at a dedicated stakeholder workshop; and
- f) public consultation.

41. The Working Group noted that:

- a) AFMA's preference is to conduct a review in a careful, and considered step-wise manner;
- b) It will be important to understand who is likely to be affected or who is to benefit, and how those benefits might be distributed; and
- c) Any proposed change will need careful consideration of the potential impacts on fishing patterns or fisher behaviour, which may impact catch rates and CPUE indices; and

42. Having regard to the above, and noting the comprehensive compilation of past proposals in the Working Group papers (Agenda item paper 6a), the Chair invited all industry members and observers of the Working Group to table their priority concerns/issues which were documented on the whiteboards in the room (**Figure 4**). A summary of the discussion outcomes is provided in **Table 3**.

43. The traditional inhabitant member for Maluilgal emphasised that the issues he was tabling were on behalf of the broader industry.

44. The Working Group recommended that the five industry-based proposals for change (**Table 3**) be considered and discussed at a broader TRLWG stakeholder workshop in early 2021.

## 7 Other Business

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45. No other business was nominated for discussion.

## 8 Date and venue for next meeting

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46. The Working Group noted that a broader stakeholder workshop aimed at progressing changes to management controls in the fishery is tentatively scheduled for early 2021.

47. The next regular meeting of the TRL Working Group (TRLWG 12) is tentatively scheduled for June 2021 to discuss research priorities for the TRL fishery, followed by TRLWG 13 on 17 December 2021.

48. The 11th TRL Working Group meeting was closed in prayer at 3:20pm on Thursday 17 December 2020.

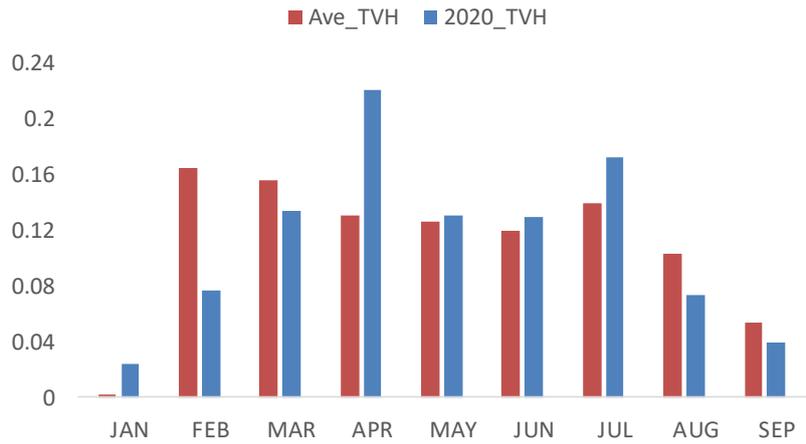


Figure 3. TVH proportion fished per month relative to average.

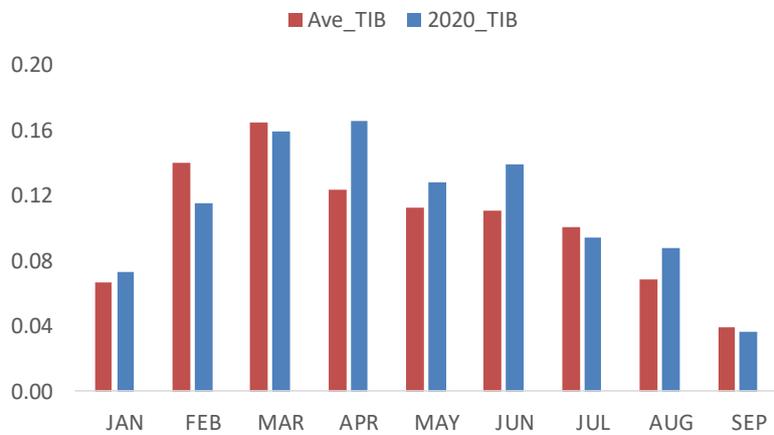


Figure 3. TIB proportion fished per month relative to average.

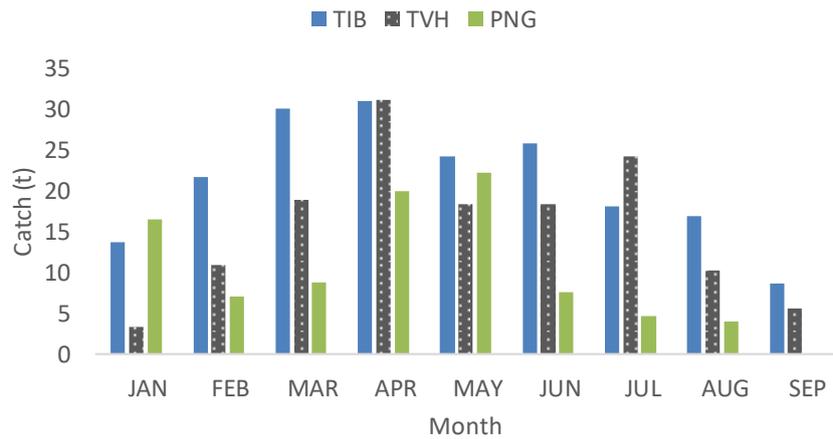


Figure 3. Total catch per month by sector.

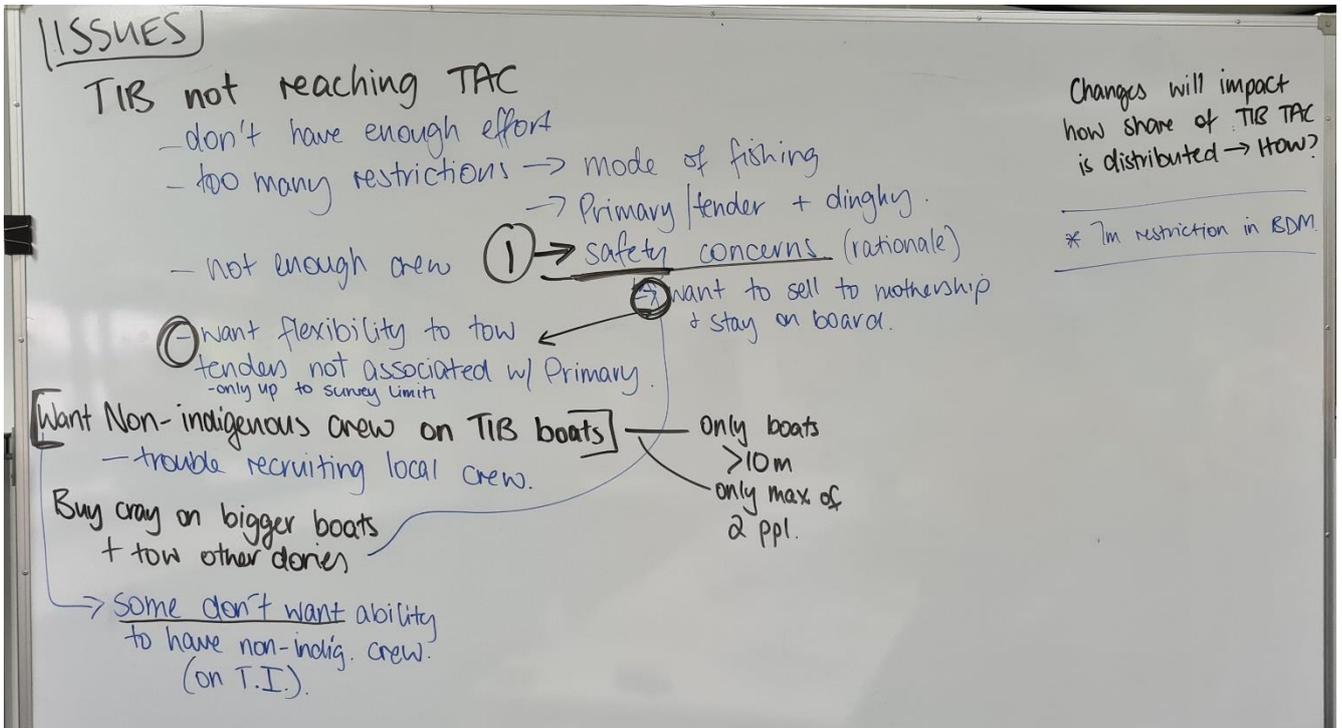
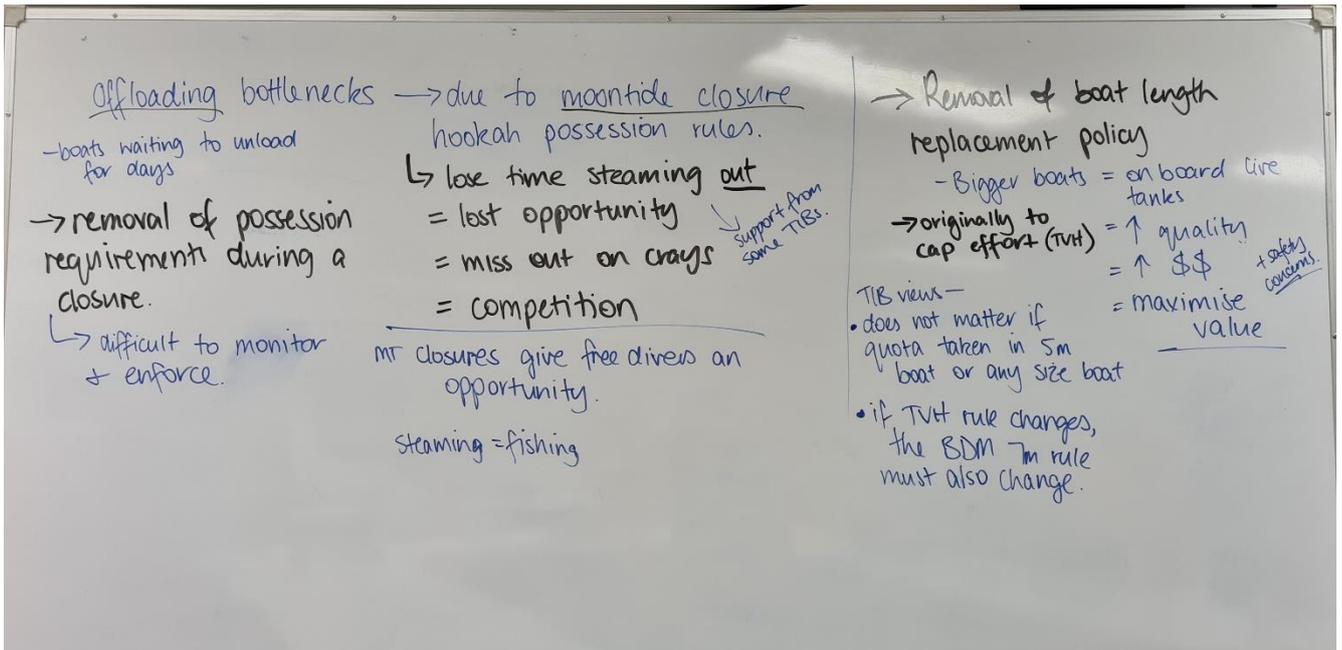


Figure 4. Whiteboard discussion of management control proposals raised by industry and traditional inhabitant members.

Table 3. Summary of discussions on proposals to change management controls.

	Proposal for change	Rationale for change	Benefits/impacts	Preliminary Working Group views
1	Flexibility to tow tenders un-associated with the primary vessel (within survey limits of primary)	TIB sector not catching their TAC <ul style="list-style-type: none"> <li>Sector does not have enough fishing effort</li> <li>Not enough crew</li> <li>Too many restrictions (e.g. primary/tender restrictions)</li> </ul>	<ul style="list-style-type: none"> <li>Improved safety for dinghy operators</li> <li>Improved access for TIB fishers to the fishing grounds</li> <li>Increased crew availability for primary vessel operators</li> </ul>	Not discussed
2	Ability to employ non-traditional inhabitants on TIB vessels <ul style="list-style-type: none"> <li>only boats over 10m in length</li> <li>only a maximum of 2 non-traditional inhabitants per boat</li> </ul>	Not enough crew / trouble recruiting traditional inhabitant crew on TIB vessels	Increased access to labour force	Not supported by some industry members and observers
3	To be able to buy crayfish on larger motherships but provide accommodation, fuel and towing services to dinghy operators at the same time	Increased flexibility in operations	Not discussed	Not discussed
4	Removal of boat length replacement policy for TVH sector (originally introduced to cap TVH fishing effort)	Inability to operate using a larger vessel (TVH only)	Larger boats = <ul style="list-style-type: none"> <li>on-board live tanks;</li> <li>increased product quality;</li> <li>maximised value; and</li> <li>improved safety for vessel operations</li> </ul>	<ul style="list-style-type: none"> <li>Some TIB members consider that boat size does not matter if licence holder is restricted by how much they can catch (quota units)</li> <li>Other members consider that if the TVH boat replacement policy changes, the 7m boat length restriction in the beche-de-mer (BDM) fishery should also be changed<sup>7</sup></li> </ul>
5	Removal/amendment of hookah gear possession requirements either side of moontide hookah closures <ul style="list-style-type: none"> <li>Ability to steam out to fishing grounds before hookah season opens</li> </ul>	<ul style="list-style-type: none"> <li>Lost time fishing and offloading bottle necks (boats waiting up to several days to unload their product)</li> </ul>	<ul style="list-style-type: none"> <li>Lost time fishing as unable to steam out until hookah season opens</li> <li>Impacts from inter and intra-sectoral competition (i.e. need to reach fishing grounds before others otherwise reefs will be fished out)</li> </ul>	<ul style="list-style-type: none"> <li>Moontide closures give free divers an opportunity on the reefs without competition from hookah divers</li> <li>Difficult to monitor and enforce; definition of fishing includes 'steaming'.</li> <li>Some support from TIBs for removal of possession requirements.</li> </ul>

<sup>7</sup> The Working Group noted that the boat length restriction in the BDM fishery is on the agenda for discussion by the Hand Collectables Working Group.

**Declaration of interests**  
**Dr Ian Knuckey – October 2020**

**Positions:**

Director –	Fishwell Consulting Pty Ltd
Director –	Olrac Australia (Electronic logbooks)
Deputy Chair –	Victorian Marine and Coastal Council
Chair / Director –	Australian Seafood Co-products & ASCo Fertilisers (seafood waste)
Chair –	Northern Prawn Fishery Resource Assessment Group
Chair –	Tropical Rock Lobster Resource Assessment Group
Chair –	Victorian Rock Lobster and Giant Crab Assessment Group
Chair –	Victorian Central Zone Abalone Fisheries Resource Advisory Group
Chair –	Gulf of St Vincent's Prawn Fishery MAC Research Scientific Committee
Scientific Member –	Northern Prawn Management Advisory Committee
Scientific Member –	SESSF Shark Resource Assessment Group
Scientific Member –	Great Australian Bight Resource Assessment Group
Scientific Member –	Gulf of St Vincent's Prawn Fishery Management Advisory Committee
Scientific Member –	Tropical Tuna Resource Assessment Group
Scientific participant –	SEMAC, SESSF Resource Assessment Group

**Current projects:**

AFMA 2020/0807	Bass Strait Scallop Fishery Survey – 2020-22
FRDC 2017/069	Indigenous Capacity Building
FRDC 2016/116	5-year RD&E Plan for NT fisheries and aquaculture
Traffic Project	Shark Product Traceability
FRDC 2018/021	Development and Evaluation of SESSF multi-species harvest strategies
FRDC 2017/014	Informing structural reform of South Australia's Marine Scalefish Fishery
NT Fisheries	Design and implementation of a tropical snapper trawl survey
Sea Cucumber Ass.	Design and implementation of a sea cucumber dive survey
FRDC 2019-072	A survey to detect change in Danish Seine catch rates of Flathead and School Whiting resulting from CGG seismic exploration.

**11<sup>th</sup> MEETING OF THE PZJA TORRES STRAIT TROPICAL  
ROCK LOBSTER WORKING GROUP (TRLWG 11)**

**Thursday 17 December 2020  
(8:30am – 5:00pm)**

**TSRA Board Room**

**ADOPTED AGENDA**

**1 PRELIMINARIES**

**1.1 Welcome and apologies**

The Chair will welcome members and observers to the 11<sup>th</sup> meeting of the WG.

**1.2 Adoption of agenda**

The WG will be invited to adopt the draft agenda.

**1.3 Declaration of interests**

Members and observers will be invited to declare any real or potential conflicts of interest and determine whether a member may or may not be present during discussion of or decisions made on the matter which is the subject of the conflict.

**1.4 Action items from previous meetings**

The WG will be invited to note the status of action items arising from previous meeting

**1.5 Out-of-session correspondence**

The WG will be invited to note out of session correspondence on WG matters since the previous meeting

**2 UPDATES FROM MEMBERS**

**2.1 Industry members**

Industry members and observers will be invited to provide an update on matters concerning the Torres Strait TRL Fishery, in particular, providing comment on fishing patterns, behaviours, prices, and market trends this season.

**2.2 Scientific members**

Scientific and economic members and observers will be invited to provide an update on matters concerning the Torres Strait TRL Fishery.

**2.3 Government agencies**

The WG will be invited to note updates from AFMA, TSRA and QDAF on matters concerning the Torres Strait TRL Fishery

**2.4 PNG National Fisheries Authority**

The WG will be invited to note a verbal update from the PNG National Fisheries Authority.

**2.5 Native Title**

The WG will be invited to note a verbal update from Malu Lamar (Torres Strait Islander) Corporation RNTBC.

**3 CATCH AND EFFORT SUMMARY FOR THE 2019-20 FISHING SEASON**

The WG will be invited to note TRL Fishery catch and effort data for the 2019-20 fishing season, including trends on participation.

**4 TOTAL ALLOWABLE CATCH**

The WG will be invited to consider advice from the TRL Resource Assessment Group (RAG) on the recommended biological catch (RBC) for the TRL Fishery for the 2020-21 fishing season based on estimates derived through the application of the empirical harvest control rule (eHCR). The WG will then be invited to provide advice on a total allowable catch (TAC) for the TRL Fishery for the 2020-21 fishing season.

**5 LOBSTER TRADE UPDATE AND POTENTIAL HEAVY METAL SAMPLING**

AFMA have invited Mr Ben Mitchell, from the Department of Agriculture, Water and Environment (DAWE), Ms Alison Turnbull from the Seafood Trade Advisory Group (STAG) SafeFISH Project and Ms Jayne Gallagher from the STAG to provide an update to the Working Group on trade with China, and the proposed National cadmium survey for rock lobsters.

*Note: there is no meeting paper associated with this agenda item. This item is scheduled to be discussed at 1130am.*

**6 REVIEW OF MANAGEMENT CONTROLS**

The WG will be invited to discuss a review of management controls in the TRL Fishery, and in particular, to provide advice on an agreed review process, including possible prioritisation of proposed changes to be further recommended for development, assessment and consultation.

**7 OTHER BUSINESS**

The WG will be invited to raise other business for consideration.

**8 DATE AND VENUE FOR NEXT MEETING**

The WG will be invited to discuss a suitable date for the next meeting.

**The Chair must approve the attendance of all observers at the meeting. Individuals wishing to attend the meeting as an observer must contact the Executive Officer – Georgia Langdon ([georgia.langdon@afma.gov.au](mailto:georgia.langdon@afma.gov.au))**