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Australian Fisheries Management Authority



**TORRES STRAIT TROPICAL ROCK LOBSTER  
WORKING GROUP (TRLWG)  
13-14 NOVEMBER, 2013**

PEARLS BUILDING, THURSDAY ISLAND, QLD

**MINUTES**

**CHAIR: MS ANNE CLARKE**

Prepared by the Australian Fisheries Management Authority on behalf of the Torres Strait Protected Zone Joint Authority





## FINAL AGENDA

### AGENDA

1. Preliminaries
  - 1.1. Preliminaries – Acknowledgement of Traditional Owners/Chairs Opening Remarks/Meeting attendance/Declaration of Interests/Apologies
  - 1.2. Review and Adoption of Agenda
  - 1.3. Correspondence (AFMA)
  - 1.4. Ratification of Minutes from TRLWG Meeting No.2
  - 1.5. Action Items from TRLWG Meeting No.2
2. Updates
  - 2.1. PZJA Forums:
    - TSSAC (AFMA)
  - 2.2. Communication Strategy/Community Consultation (TSRA)
3. The Management Plan
  - 3.1. Updated Management Plan Development (AFMA)
  - 3.2. Summation - Qld TRL Fishery Policy and Licencing (QDAFF)
  - 3.3. Unresolved Issues from the Draft Management Plan (AFMA)
4. Increasing Torres Strait Islander and Aboriginal Traditional Inhabitant Ownership (TSRA)
5. Other business
  - 5.1. Proposed Management Arrangements for 2014 (TSRA)
  - 5.2. TIB Primary vessel tenders (AFMA)
  - 5.3. TIB Primary ownership (AFMA)
  - 5.4. 2013 TRL Catch and Effort Update (AFMA)
  - 5.5. TRL Research Priorities (AFMA)
6. Next Meeting





The following members and observers were in attendance at the APRIL TRLWG:

Name	Role
Anne Clarke	WG Chairperson
Brendan Rayner	AFMA Executive Officer
Shane Fava	AFMA Representative
Tom Roberts	QDAFF Representative
John Adams	TSRA Support Member
Darren Dennis	Scientific member
Raymond Moore	TVH Industry Member
Luke Dillon	TVH Industry Member
Mark Dean	TVH Industry Member
Yen Loban	Aboriginal Torres Strait Islander and Traditional Inhabitant member (Inner Cluster)(TSRA Board Member) (Day one only)
Kenny Bedford	Aboriginal Torres Strait Islander and Traditional Inhabitant member (TSRA Fisheries Portfolio Member)
Ned Larry	Aboriginal Torres Strait Islander and Traditional Inhabitant member (Central Cluster Rep)
Les Pitt	Aboriginal Torres Strait Islander and Traditional Inhabitant member (Eastern Cluster Rep)
Richard Bowie	Aboriginal Torres Strait Islander and Traditional Inhabitant member (Western Cluster Rep)
Joseph Posu	PNG NFA Member (Day one only)
Joseph Elu	TSRA Chair (Day one 12.30-1.30pm)
Steve Bolton	Observer (AFMA)
Jeremy Smith	Observer (TSRA)
Katie Scutt	Observer (AFMA)
Daniel Takai	Observer
Brett Arlidge	Observer
Basil Sabatino	Observer
Richard Takai	Observer
Patterson Bani	Observer (Day one only)
Gabriel Bani	Observer (Day one only)
Jack Bani	Observer (Day one only)



**ACTION ITEMS**

#	Action Item	Agenda	Champion	Due Date
1)	The TRLWG AGREED to examine PNG cross-endorsed license provisions surrounding prohibition on fishing home reefs at TRLWG #4.	1.5.1	Qld Fisheries	Feb 2014
2)	AFMA to send link from the Torres Strait Research Repository to TRLWG member's out-of-session.	2.1.1	AFMA	Feb 2014
3)	Standing Action item for the implementation and enforcement of Fish Receiver Licenses.	5.4.1	AFMA	TBC
4)	TSRA with support of relevant agencies to develop a PZJA Standing Committee paper recommending the development and outlining 'roadmap' options to provide long term security in the TRL fishery for both the TIB and TVH sector to progress the fishery to 100% quota allocation for Torres Strait Islander and Aboriginal Traditional Inhabitants guided by a transparent framework.	4.1	TSRA	Dec 2013
5)	TRLWG agreed to recommend the reintroduction of the moon-tide hookah closure to the PZJA Standing Committee for consideration.	5.1.1	AFMA	Dec 2013
6)	To encourage increased TIB capacity and participation in the TRL fishery, the TRLWG recommend to the PZJA Standing Committee that TIB Primary vessels be either capped at eight tenders (one more than allowable in the TVH sector) or alternatively, allow the number of tenders up to the survey requirements of the primary vessel, recognizing that eight tenders would be beyond the survey requirements of most TIB primary vessels.	5.2.1	AFMA	Dec 2013
7)	TSRA request that TRLWG #4 discuss the option for TIB Primary vessels be endorsed to carry any TIB registered tender at any point.	5.2.2	TSRA	Feb 2014
8)	Queensland Fisheries to raise the issue of non-traditional inhabitants giving TIB licence holders' primary vessels in order to gain entry into the fishery as a compliance risk with Queensland Boating and Fisheries Patrol.	5.3.1	Qld Fisheries	Feb 2014
9)	TRLWG members to provide comments on TSSAC Annual Operational Plan TRL Research Priorities.	5.5.1	AFMA	Feb 2014
10)	TSRA Fisheries Portfolio Member to investigate options for a register that has interested TIB MFL holders looking to work on TVH vessels.	3.3.1	TSRA	Feb 2014
11)	TSRA Fisheries Portfolio Member to investigate the 'my pathways' program through ITEC for training TIB fishers with TVH operators and provided update to TRLWG #4.	3.3.2	TSRA	Feb 2014
12)	PZJA to consult with communities about primary vessels limited to 9.9m presently being increased to 13.9m.	3.3.3	TSRA	Feb 2014
13)	PZJA to consult with communities about changing the current fishing season to align with international markets.	3.3.4	TSRA	Feb 2014





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14)	PZJA agencies to discuss options for communicating the TRL Management Plan more effectively in communities.	3.3.5	AFMA	Feb 2014
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## MINUTES

### **Scheduled Day 1**

**13<sup>th</sup> November 2013**

**Meeting start: 11.40am.**

Gabriel Bani opened the meeting with a prayer.

#### **1. Preliminaries**

##### **Agenda item 1.1 Chairs opening remarks/Apologies**

The Chair Anne Clarke welcomed attendees and expressed the hope that this meeting could be successfully completed noting the Tropical Rock Lobster Working Group (TRLWG) meeting #2 had coincided with the Torres Strait Sea Claim High Court decision. The Chair acknowledged and supported the position taken by Aboriginal and Torres Strait Islander Traditional Inhabitant representatives that they were not able to participate in the meeting due to uncertainty with the impacts of the decision. The Chair reiterated the respect the Working Group held for the aspirations of Torres Strait Islander people within the Tropical Rock Lobster Fishery and explained the TRLWG process was an important way forward to achieving these aspirations. The Chair noted the primary outcome sought from the Meeting was the further development of the management plan.

The Chair acknowledged the good level of representation from both sectors while noting the absence of the Torres Strait Regional Authority (TSRA) Top Western cluster representative. The proxy for the Near Western cluster representative was acknowledged.

Apologies: None.

Kenny Bedford, the TSRA Fisheries Portfolio member provided an update on a Kaiin Mabek Mabek (The New Dawn) forum in September 2013 and where participants voiced their concerns that moving to quota could provide the non-traditional (TVH) sector "greater ownership" of the fishery.

##### **Agenda item 1.2 Adoption of Agenda**

TSRA requested that agenda item 5.1 – Proposed Management Arrangements for 2014 and agenda item 4 – Increasing Torres Strait Islander and Aboriginal Traditional Inhabitant Ownership be moved ahead of agenda item 3 – The Management Plan. AFMA requested that agenda item 5.4 – 2013 TRL Catch and Effort Update go before both agenda items to inform discussion during these agenda items. Both requests were agreed and the agenda was adopted.

##### **Agenda Item 1.4 Ratification of the Minutes from TRLWG #2**

Jeremy Smith commented that under Agenda Item 2.1 – Torres Strait Prawn Management Advisory Committee Update, on page 6 of TRLWG #2 minutes, Neville Nakata's remark relating to the Prawn season starting earlier could have implications for the fishery was in regards to sustainability and not economics.





Based on these changes, the TRLWG agreed to adopt the minutes of TRLWG No.2 as a true and accurate record of the meeting.

**1.4.1** The TRLWG **AGREED** to adopt the minutes of TRLWG No.2 as a true and accurate record of the meeting.

**Agenda item 1.5 Previous Action items**

The outstanding action items from TRLWG #2 were addressed and completed, however the action item relating to areas prohibited to commercial fishing TSRA have requested amending. TSRA would like the opportunity to review the PNG cross-endorsed licences with the provisions surrounding prohibition on fishing home reefs.

**1.5.1** The TRLWG **AGREED** to examine PNG cross-endorsed licences provisions surrounding prohibition on fishing home reefs at TRLWG #4.

**2. Updates**

**Agenda item 2.1 PZJA Update  
TSSAC Update**

The Australian Fisheries Management Authority (AFMA) provided an update on the activity of the Torres Strait Scientific Advisory Committee (TSSAC), this included meeting summaries, projects completed in the 2012/13 financial year and research priorities. AFMA highlighted the ongoing commitment to the Tropical Rock Lobster (TRL) annual surveys and the 25<sup>th</sup> year of undertaking these surveys. It was noted that in order to justify this ongoing large commitment of funds progression of the PZJA management objectives in the fishery, namely moving to quota, needed to occur. This was backed by industry representatives.

**2.1.1** AFMA to send link from the Torres Strait Research Repository to TRLWG members out-of-session.

**Agenda item 2.2 Communication Strategy/Communication Consultation**

The TSRA provided an update on their recent consultation undertaken in communities. The focus of the consultation was around the proposed management arrangements for the 2014 fishing season (see agenda item 5.1). Traditional Inhabitant representatives voiced strong concerns that little consultation with the communities by the fisheries management agencies had occurred recently and that more communication with all communities, in particular the outlying communities, was required.

TSRA noted that the Native Title decision has had some influence on the capacity to consult with communities on fishery matters but acceptable consultation pathways were being facilitated through TSRA and other processes. Kenny highlighted that the Protected Zone Joint Authority (PZJA) agencies need to consult together and strengthen the relationship with the communities. AFMA affirmed its commitment to consult throughout the development of the management plan and emphasised it would continue to put resources towards this.

**Agenda item 5.4 2013 TRL Catch and Effort Update**





AFMA provided an update on catch and effort for the 2013 fishing season noting that data was still to come from the Traditional Inhabitant sector (TIB). The 2013 fishing season saw the removal of the interim management arrangements (IMAs). The TVH sector caught 327 tonnes, slightly lower catch than 2012 (370 tonnes). Processor catch disposal records (CDRs) indicate the TIB sector having caught 70 tonnes, however this data was current only till May 2013. Non-confirmed CDRs suggest this figure will increase to above 200 tonnes, which would see an increase from 2012. Estimated effort in the TIB was only slightly up on 2012.

Daniel Takai noted that there was a lot of leakage through unreported catch in the fishery and highlighted that Fish Receiver Licences (FRLs) would improve monitoring of TIB catch that is currently unreported. Shane Fava noted that FRLs are possible within the *Torres Strait Fisheries Act 1984* (the Act), however there was never an adequate policy behind it in order to enforce them. The TRLWG agreed that unreported catch is an ongoing issue in the fishery and felt that Fish Receiver Licences would be a good mechanism for monitoring TIB catch currently not being captured. The TRLWG therefore agreed to progress the implementation of FRLs.

#### 5.4.1 Standing Action item for the implementation and enforcement of Fish Receiver Licenses

##### Agenda item 5.1 Proposed Management Arrangements for 2014

TSRA, concerned with the lower notional Torres Strait Protected Zone (TSPZ) Total Allowable Catch (TAC) for 2014, feel that there is a potential sustainability issue in the fishery. Therefore the TSRA requested that the TRLWG consider management arrangements that were discussed at the recent community consultations. These were:

- capping the TVH to their catch allocation for 2014;
- returning the moon-tide hookah closure; and
- “move on” provisions for primary vessels.

Extensive discussion was had surrounding the pros and cons of implementing the suggested management arrangements. Move on provisions in particular was a healthy debate, however it was agreed that in the current compliance climate they were too hard to enforce or monitor. AFMA highlighted the catch data over the past few years, noting that not even in 2011, where catch records were the highest seen in a long time, was the TSPZ TAC caught. Brett Arlidge questioned why it would be considered a sensible management decision to reduce effort in a fishery that is currently underutilised. This was reinforced by both AFMA and Qld Fisheries stating that they were not supportive of implementing interim management arrangements into the fishery.

Yen Loban asked why the TVH operators could not work to the allocated quota on their licences. Steve Bolton reinforced that until a management plan was implemented there was no management framework in place to allow for transferable fishing units and therefore a quota system would not be unenforceable. At this point Kenny noted, based on the recent consultation, that the Traditional Inhabitants of the Torres Strait were no longer in support of a quota management system. Stating that it was felt that





quota would provide the TVH operators legislative ownership and therefore would not be supported until a timeline for 100% TIB ownership was developed.

After extensive deliberation, the TVH sector, through good will, nominated that they could accept the return of the moon-tide hookah closure. However Mark Dean stated that this was not in the best interest of the fishery, as he has seen a reduction in mortality since this arrangement was removed as operators are no longer rushing to offload before the closure. Shane noted that given that this meeting is two weeks before the start of the season, and the decision needs to go through the PZJA Standing Committee, it is unknown whether it will be implemented. In spite of this the TRLWG agreed to recommend the reintroduction of the moon-tide hookah closure to the PZJA Standing Committee for consideration.

**5.1.1** TRLWG agreed to recommend the reintroduction of the moon-tide hookah closure to the PZJA Standing Committee for consideration.

**Agenda item 4 Increasing Torres Strait Islander and Aboriginal Traditional Inhabitant Ownership**

TSRA noted the aspiration of Torres Strait Islander and Aboriginal Traditional Inhabitants to gain 100% ownership of the fishery and agreed that following the poor response to the last structural adjustment a new approach to increasing the Traditional Owner share in the fishery may need to be considered. The Brett suggested that a practical option for meeting the 100% aspiration was for the fishery to move to a quota system where funds raised through leasing arrangements, could be used to buy back TVH licences. The TVH sector expressed a strong willingness to participate in a quota leasing system of this kind on the condition the management plan also contained provisions for the continued profitability of the TVH sector.

The TRLWG agreed that setting in place a TRL quota trading system and identifying a suitable funding source to buy TVH licenses, as they become available, may form part of meeting Torres Strait Islander and Aboriginal Traditional Inhabitants 100% ownership aspirations. The TRLWG agreed to the recommendation put forward by TSRA to progress a paper to the PZJA Standing Committee seeking endorsement for the development a more detailed “roadmap” along which 100% ownership for the TIB sector may be progressed.

**4.1** TSRA with support of relevant agencies to develop a PZJA Standing Committee paper recommending the development of a ‘roadmap’ , noting the objectives of the Torres Strait Fisheries Act, to provide long term security in the TRL fishery for both the TIB and TVH sector to progress the fishery to 100% quota allocation for Torres Strait Islander and Aboriginal Traditional Inhabitants guided by a transparent framework.

**Agenda item 5.2 TIB Primary Vessel Tenders**

AFMA noted that the issue of the current limit on TIB primary vessel tenders could easily be resolved and just required direction from the TRLWG. Ray Moore highlighted, where possible, that the TRLWG should be identifying opportunities to





increase participation in the TIB sector and the TRLWG agreed that finding ways to support increased TIB capacity was important. Daniel voiced that there should be no limit on TIB tenders, however Steve noted this would be conveyed by the PZJA as unsustainable and therefore should be restricted to the survey regulations of the vessel. Shane highlighted the PZJA Standing Committee would be more inclined to agree to increasing the current limit of three if a maximum number was recommended by the TRLWG. The TIB sector felt that eight tenders was acceptable, as it is one more than the most tenders linked to a TVH licence.

The TRLWG continued to debate the safety concerns from working outside of the survey specifications of a vessel, as currently no TIB vessel has the capacity to carry eight tenders. Therefore the TRLWG agreed that either a cap of eight tenders or aligning with the survey of the vessel should be recommended to the PZJA Standing Committee. Finally, Tom Roberts reiterated that all tenders towed by a primary vessel must be registered under the owner of the primary vessel.

**5.2.1** To encourage increased TIB capacity and participation in the TRL fishery, the TRLWG recommend to the PZJA Standing Committee that TIB Primary vessels be either capped at eight tenders (one more than allowable in the TVH sector) or alternatively, allow the number of tenders up to the survey requirements of the primary vessel, recognizing that eight tenders would be beyond the survey requirements of most TIB primary vessels.

Kenny noted that given the limitations on TIB dinghy operators to access more remote fishing grounds and the need to increase TIB participation, that the TRLWG should investigate options for TIB operators to attach their dinghy to a TIB primary vessel in order to be towed to such fishing grounds. Tom noted that currently there are no provisions in licensing to allow this, however could be discussed in the future.

**5.2.2** TSRA request that TRLWG #4 discuss the option for TIB Primary vessels be endorsed to carry any TIB registered tender at any point.

### **Agenda item 5.3 TIB Primary Vessel Ownership**

AFMA explained that non-traditional inhabitants giving TIB licence holders primary vessels in order to gain entry into the fishery has polarised views among the TIB sector. TSRA noted that unless there is an arrangement between the parties that affect the operations of the TIB Fisher, for example where product to the non-traditional inhabitant, it may not be inconsistent with the Act. Queensland Fisheries confirmed that there are no third party checks into vessel registration, therefore if the vessel is in a TIB operators name then they are considered the owner. Queensland Fisheries agreed to raise this issue as a compliance risk with Queensland Boating and Fisheries Patrol.

**5.3.1** Queensland Fisheries to raise the issue of non-traditional inhabitants giving TIB licence holders' primary vessels in order to gain entry into the fishery as a compliance risk with Queensland Boating and Fisheries Patrol.





### **Agenda item 5.5 TRL Research Priorities**

AFMA highlighted that the TRLRAG recently met and made amendments to the TSSAC Annual Operation Plan which outlines the TRL research priorities for 2013/14. The TRLWG noted the amendments made to the TRL research priorities table.

#### **5.5.1 TRLWG members to provide comments on TSSAC Annual Operational Plan TRL Research Priorities.**

### **Agenda item 3.2 Summation - Queensland TRL Fishery Policy and Licensing**

Queensland Fisheries provided a comprehensive summary of the East Coast TRL fishery and the conditions to which operators are required to adhere. The Queensland Fisheries presentation outlined many arrangements that could exist in the Torres Strait TRL fishery with the move to a management plan (such as prior reporting).

### **Agenda item 3.1 Updated Management Plan Development**

Due to some confusion in the reported change of direction from TSRA surrounding quota the TRLWG Chair invited the TSRA Chair to attend the TRLWG meeting to provide scope for the management plan. The TSRA Chair reaffirmed TSRA's commitment to the development of a management plan that implements quota and has provisions for leasing to the TVH sector ensuring the profitability of the fishery. The TSRA Chair indicated that the TSRA and Torres Strait Communities would work towards this providing the government commits to a pathway to ownership.

Kenny then noted there was still confusion amongst the communities about the implications of implementing quota into the fishery in terms of the 100% ownership aspiration; that there was a feeling allocation of quota to the TVH would have the effect of "increasing the hold" of the TVH on their take in the fishery. The TRLWG Chair drew attention to AFMA's stated support for community consultation and assistance in establishing a greater understanding of the management plan, in particular the benefits to Traditional Ownership, in the communities.

AFMA, concerned about meeting the 2015 timeline set for implementing the management plan, provided the TRLWG with a revised draft management plan that removed the contentious management issues from the plan (see **Unresolved Issues** below) and provided provisions for quota only. Both sectors felt that it was best to continue with the original more fulsome draft plan as extensive work had already gone into drafting provisions designed to address the outstanding issues in the fishery. The TRLWG worked through the original draft management plan looking at the objectives and other outstanding issues.

### **Agenda item 3.3 Unresolved Issues from the Draft Management Plan**

The TRLWG noted the unresolved issues in the fishery and unanimously concurred, based on the decision to continue to develop the original management plan, that these will need to be resolved prior to implementation of the plan. These unresolved issues include:

- Master Fisherman Licences (MFLs);
- Boat Replacement Policies;
- Season Opening for the TRL fishery; and





- Landing and unloading places for TVH operators

The TVH sector highlighted how restrictive MFLs are for TVH operators, particularly in locating additional TIB MFLs when regular crew are unavailable. Luke Dillon noted that under quota the MFLs should be removed to allow TVH operators to effectively work within the constraints of their allocated quota. Brendan Rayner illustrating their original purpose, to train up TIB fishers, noted that they are now seen as a restriction to TVH effort. Brendan highlighted that there could be alternate ways to achieve capacity building for TIB fishers, pointing out several TVH operators efforts through TSRA. Kenny stated that through the ITEC 'my pathways' program communities, who nominated fishing as a priority, would receive training. Kenny noted he would investigate this further.

**3.3.1** TSRA Fisheries Portfolio Member to investigate options for a register that has interested TIB MFL holders looking to work on TVH vessels.

**3.3.2** TSRA Fisheries Portfolio Member to investigate the 'my pathways' program through ITEC for training TIB fishers with TVH operators and provided update to TRLWG #4.

Although the concept for increasing boat size in Torres Strait fisheries has received little support from communities throughout history, the TIB sector agreed that there are fundamental safety issues in using smaller boats. TRLWG agreed that, for the purposes of safety, there may be merit in allowing boats under 9.9m to increase to 13.9m, which could be taken to communities for consideration.

**3.3.3** PZJA to consult with communities about primary vessels limited to 9.9m presently being increased to 13.9m.

Brett pointed out that the fishery currently fishes to the wrong markets, therefore is not economically utilising the product caught. TSRA noted that the recent community visits revealed that TIB operators felt the current closure provided opportunity for free-diving on reef tops and that allowing hookah fishing during this period would affect the price obtained from this important source of community income. Brett noted that he was not suggesting removing the four month hookah closure but shifting the fishing season forward a month in order for both sectors to take advantage of high market prices. TSRA acknowledged the reasoning behind the change in season though will need to consult with communities further.

**3.3.4** PZJA to consult with communities about changing the current fishing season to align with international markets.

The TRLWG Chair suggested that that these issues need be discussed in the appropriate forums and recommendations should be provided at future TRLWG meetings.





The Chair summarised the meeting, accepting the tight timeframe for the management plan though recognising the progression made. The Chair highlighted that there appears to be significant confusion among the communities about the management plan and quota systems. Further the Chair noted the lack of consultation undertaken collaboratively between the PZJA agencies and felt that the management plan should be communicated collectively.

**3.3.5** PZJA agencies to discuss options for communicating the TRL Management Plan more effectively in communities.

**Agenda item 6      Next Meeting**

The next TRLWG meeting is set for early 2014 with a date to be advised.

**The meeting was closed at 5.45pm on 14<sup>th</sup> November, 2013.**

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