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Dear Selina Stoute

The Torres Strait Rock Lobster fishery has its roots in community. It arose organically and has been commercially fished by both Indigenous people and migrants to this area who have stayed, intermarried and become part of the multicultural fabric of the Torres Straits. This fishery has always belonged to the community and this ownership is recognized by the establishment of a Treaty which prioritizes Indigenous inhabitants and the natural environment. Over the years, the Torres Strait Treaty has informed government agencies on how the resource should be licensed and accessed. Up until now, the lobster fishery has essentially belonged to us, the community members, and has been managed by the federal government via the issuing of a licence to access the resource. The move to a quota management system is a fundamental shift where the lobsters will be owned by commercial enterprises and essentially “belong” to the highest bidder before they are even taken from the ocean floor. This is a major shift from the status quo where a fishing license upholds the principle of free and equal access to a community owned fishery.

This may sound like splitting hairs, but the repercussions of this difference between management principles that limit input controls so as to preserve fishing stocks compared to a market based system that distributes fishing opportunity has significant ramifications for the communities that rely on and support the fishery. This is starkly illustrated by the Torres Strait and Queensland East Coast Lobster Fisheries. Originally, when licences were first issued in the 1970s, it was functionally a single fishery where a licence allowed access to the resource from the Torres Straits down the East Coast to 14°S. At that time, a number of boats fishing from the Port of Thursday Island fished flexibly between the two areas. At some time, the two fisheries became separate and the Torres Strait was managed by the PZJA (Protected Zone Joint Authority) whereas the East Coast was managed by the state of Queensland. In 2009 a catch quota system with individual ITQs (individual transferrable quotas) was introduced in the East Coast Fishery. Since that time, the East Coast fishery looks totally different from the Torres Strait fishery. The live product from the East Coast fishery is now functionally owned by one company and fished by only a few large vessels. In this sort of market based system, the distribution of fishing opportunity is a result of economic transactions in a market place instead of by a government agency that is answerable to social, environmental and indigenous sensitivities. Based on this evidence, we need to ask the question, *What sort of fishery do we want for our community?* and *What sort of fishery upholds the tenet of the Torres Strait Treaty?* Should it be an input controlled fishery where

governing bodies can respond to community sensitivity or an output controlled fishery that is wholly answerable to market forces?

Aside from this question of differing ideology is the very pragmatic question of monitoring control and surveillance (MCS). It is a simple statement of fact that a single company owns a significant proportion of the TVH sector licences in the Torres Strait and an even greater share of the product as a result of leasing arrangements and positioning in the marketplace. On the East Coast and in PNG, this company buys 100% of the live catch and has a significant influence over the licencees and those in lease arrangements. In this situation, where the principal buyer has a major stake in catching the product, there is an unquestionable conflict of interest and the potential for manipulating any TAC (total allowable catch) on paper is obvious. It has been my observation over the years that compliance has gone from a situation in the 80s and 90s where a policing presence has resulted in fishermen generally following the requirements of the Torres Strait Fisheries Act. Currently, however, there is virtually no MSC presence and anecdotally, breaches of the Fisheries Act are common place. It is a generally held perception in the fishing community that there will be no consequence for noncompliance. The commercial incentive for manipulating origin and quantity of product caught under a ITQ (individual transferrable quota) system is considerable. Given these circumstances, the consequences for our community based fishery are too sad to contemplate.

The implementation of a quota management system begs the question, *“What sort of fishery do we want for the Torres Straits?”* In my view, it is a choice between an input controlled fishery where the resource is owned by the community and managed on behalf of that community by a PZJA that is responsive to the needs of community OR an output controlled fishery where the quota is held by the highest bidder; a fishery that is principally driven by market forces above any respect for social or community impact. As a lifelong fisherman, husband, father and grandfather living, working, retiring and eventually dying in the Torres Straits, my investment in this issue has very little to do with money. Instead it is about ensuring the equitability and sustainability of a fishing industry for future generations.

Yours sincerely

Phillip Hughes