TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 15 14 December 2023
PRELIMINARIES	Agenda Item 1.2
Adoption of agenda	For Decision

1. That the Working Group consider and **ADOPT** the agenda.

BACKGROUND

- 2. This meeting was noted with members at TRLWG 13 (15 December 2022) with a proposed agenda to provide advice on a TAC for the 2023-24 fishing season.
- 3. TRLWG 13 was announced to members on 8 August 2023, with a draft agenda provided in October 2023.
- 4. Following comment from members, a revised agenda v2 was circulated on 28 November 2023.

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15
Thursday Island	14 December 2023
PRELIMINARIES	Agenda Item 1.3
Declaration of interests	For Decision

- 1. That Working Group members and observers:
 - a. **DECLARE** all real or potential conflicts of interest in the Torres Strait Rock Lobster Fishery at the commencement of the meeting (**Attachments 1.3a-b**);
 - b. **DETERMINE** whether the member may or may not be present during discussion of or decisions made on the matter which is the subject of the conflict;
 - c. **ABIDE** by decisions of the Working Group regarding the management of conflicts of interest; and
 - d. **NOTE** that the record of the meeting must record the fact of any disclosure, and the determination of the Working Group as to whether the member may or may not be present during discussion of, or decisions made, on the matter which is the subject of the conflict.

BACKGROUND

- 2. Consistent with the *Protected Zone Joint Authority (PZJA) Fisheries Management Paper No. 1* (FMP1), which guides the operation and administration of PZJA consultative forums, members are asked to declare any real or potential conflicts of interest.
- 3. Working Group members are asked to confirm the standing list of declared interests (**Attachments 1.3a-b**) is accurate and provide an update to be tabled if it is not.
- 4. FMP1 recognises that members are appointed to provide input based on their knowledge and expertise and as a consequence, may face potential or direct conflicts of interest. Where a member has a material personal interest in a matter being considered, including a direct or indirect financial or economic interest; the interest could conflict with the proper performance of the member's duties. Of greater concern is the specific conflict created where a member is in a position to derive direct benefit from a recommendation if it is implemented.
- 5. When a member recognises that a real or potential conflict of interest exists, the conflict must be disclosed as soon as possible. Where this relates to an issue on the agenda of a meeting this can normally wait until that meeting, but where the conflict relates to decisions already made, members must be informed immediately. Conflicts of interest should be dealt with at the start of each meeting. If members become aware of a potential conflict of interest during the meeting, they must immediately disclose the conflict of interest.
- 6. Where it is determined that a direct conflict of interest exists, the forum may allow the member to continue to participate in the discussions relating to the matter but not in any decision making process. They may also determine that, having made their contribution to the discussions, the member should retire from the meeting for the remainder of discussions on that issue. Declarations of interest, and subsequent decisions by the forum, must be recorded accurately in the meeting minutes.

TRLWG Declarations of Interest from most recent meetings

Name	Position	Declaration of interest
Members		
John Glaister	Chair	Member of Parks North, Chair of Northern Prawn Management Advisory Committee (NORMAC), Chair of the Torres Strait Prawn Management Advisory Committee (TSPMAC).
Laura Blamey	Scientific Member	Contributes to Torres Strait research projects that receive research funding, including currently shared science and Indigenous knowledge to support fisheries capacity building in Torres Strait. No other interests in the fishery
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.
Les Pitt	Traditional Inhabitant Member – Kemer Kemer Meriam	TIB licence holder and runs an independent freezer facility on Erub Island. Board member of Zenadth Kes Fisheries.
Charles David	Traditional Inhabitant Member - Kulkalgal	TSRA Fisheries Advisory Committee and Zenadth Kes Fisheries member.
Patrick Mooka	Traditional Inhabitant Member – Guda maluylgal	Zenadth Kes Fisheries representative.
Jermaine Reuben	Traditional Inhabitant Member - Maluyilgal	TIB licence holder, GBK employee.
Thomas Fujii	Traditional Inhabitant Member - Kaiwalalgal	ueensland East Coast TRL and TIB license holder. Zenadth Kes Fisheries member.
Mark Dean	Industry Member	Apology.
Peter Frazis	Industry Member	Employee of MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of 5 TVH license. Seafood buyer from Torres Strait, QLD, and PNG TRL fisheries
Trent Butcher	Industry Member	TVH licence holder
Rosemary Millward	AFMA Member	To be declared.
Jenny Keys	QDAF Member	Nil.
Adam White	Acting TSRA Member	TSRA Program Manager Fisheries. TSRA hold TRL licences on behalf of Torres Strait Islanders
Elissa Mastroianni	Executive Officer	Nil.
Observers		

Joseph Posu	PNG National Fisheries Authority	Works in the Fisheries Management Unit responsible for managing the prawn and lobster fisheries in the Western Province
Terrence Kedemwana	PNG National Fisheries Authority	To be declared.
Ned David	Malu Lamar	Nil.
Yen Loban	TSRA Board Member, TSRA Portfolio Member for Fisheries, Director Zenadth Kes Fisheries	TSRA Board member and TSRA Fisheries Portfolio member. Chair of Zenadth Kes Fisheries
Daniel Takai	Zenadth Kes Fisheries	CEO of Zenadth Kes Fisheries.
Quinten Hirakawa	TSRA	TSRA employee, TIB licence holder with a TRL endorsement.
Brett Arlidge	TRLRAG Industry member	General Manager MG Kailis Pty Ltd. MG Kailis Pty Ltd is a holder of 5 TVH licences. Seafood buyer from Torres Strait, QLD and PNG TRL fisheries.
Richard Takai	Active TRL fisher	Holds a TIB licence
lan Knuckey	TRLRAG Chair	Refer to Attachment 1.3b
Leo Dutra	CSIRO	Science lead for TRL survey and capacity building program, receiving funding from AFMA.
Roshni Subramaniam	CSIRO	To be declared.
Jess Melbourne- Thomas	CSIRO	To be declared.
Torres Webb	CSIRO	To be declared.
Steph Brodie	CSIRO	To be declared.
Brooke D'Albertto	ABARES	Nil.

Declaration of interests Dr Ian Knuckey – October 2022

lan Knuckey positions:

Director –	Fishwell Consulting Pty Ltd
Director –	Olrac Australia (Electronic logbooks)
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 – Committee	Gulf of St Vincent's Prawn Fishery MAC Research Scientific
Scientific Member –	Northern Prawn Management Advisory Committee
Scientific Member – Committee	Gulf of St Vincent's Prawn Fishery Management Advisory
Scientific Member –	Tropical Tuna Resource Assessment Group
Scientific Member –	SESSF Resource Assessment Group
Councillor –	Victorian Marine and Coastal Council
Member –	The Geelong Agri Collective

Fishwell current projects:

DAWE Project	Multi-sector fisheries capacity building
AFMA 2022-	Annual monitoring, reporting and assessment of SPF marine mammal interactions, including effectiveness of mitigation measures
AFMA 2020-0807	Bass Strait Scallop Fishery Survey – 2020-22
AFMA project	Design sea cucumber fishery-independent survey for Coral Sea
FRDC 2019-027	Improving and promoting fish-trawl selectivity in the SESSF and GABTS
FRDC 2018-021	Development and evaluation of SESSF multi-species harvest strategies
Traffic Project	Shark Product Traceability
Sea Cucumber Ass.	Design and implementation of various sea cucumber dive surveys.
Australia Bay	Queensland Gulf of Carpentaria Developmental Fin Fish Trawl Fishery
Expert Witness	Gladstone Harbour development impacts

TROPICAL ROCK LOBSTER WORKING GROUP Thursday Island	MEETING 15 14 December 2023
PRELIMINARIES	Agenda Item 1.4
Action items from previous meetings	For Discussion and Advice

- 1. That the Working Group:
 - a. **NOTE** the progress against actions arising from previous meetings (Attachment 1.4a).
 - b. **NOTE** the final meeting record for TRLWG14 held on 6 July 2023 (Attachment 1.4b).
 - c. **PROVIDE ADVICE** on any new key events to be added to the TRL Management History timeline (**Attachment 1.4c**).

BACKGROUND

Actions arising

2. Updates are provided on the status of actions arising from previous TRLWG meetings at **Attachment 1.4a**.

Meeting record

- 3. The draft meeting record for TRLWG 14 held on 6 July 2023 was provided out of session for comment on 21 September 2023, with comments due back by 6 October 2023. No comments were received from members.
- 4. The record was finalised out of session following the closure of the comment period and circulated to members on 13 October 2023.
- 5. The final meeting record is provided at **Attachment 1.4a** for information and also available on the <u>PZJA website</u>.

TRL Management History Timeline

- 6. As an action arising from TRLRAG 14 (25-26 August 2015), AFMA and CSIRO were tasked with preparing a timeline of key events that have occurred in the Torres Strait Tropical Rock Lobster Fishery. A draft timeline was provided to TRLRAG 30 (16 December 2020).
- 7. The timeline is intended to be a living document, to be updated as relevant management events in the fishery occur. AFMA proposes that this document be a standing agenda item under Agenda Item 1.4 Actions Arising for the RAG and Working Group to be updated as required.
- 8. The Working Group is asked to provide advice on any new key events to be added to the Management History timeline (provided at **Attachment 1.4c**).

Action items from previous TRL Working Group meetings

#	Action Item	Meeting	Responsible Agency/ies	Due Date	Status
1.	Working Group Members to review and update Timeline for key events in the Torres Strait Tropical Rock Lobster Fishery. Industry Member Peter Frazis to update timeline to include significant market events from 2020	TRLWG13	All WG members, Industry member Peter Frazis	2023	Complete Members have had the opportunity to consider the timeline OOS, the TRLWG EO has added market events/disruptions to the Timeline.
2.	QDAF Member to provide update on developments in Native Title and Access Rights to the East Coast Fishery for Traditional Inhabitants.	TRLWG13	QDAF Member	2023	Ongoing An update will be sought at TRLWG15.
3.	QDAF Member to provide summary of reporting requirements for commercial fisheries in Queensland, and an overview of the TRL fishery in Queensland. QDAF submitted the two reports to the EO on 16 December 2022.	TRLWG13	QDAF Member	2023	Complete QDAF submitted the two reports to the EO on 16 December 2022.
4.	AFMA Working Group Member to liaise with AFMA Compliance on allegations of IUU fishing in TSPZ	TRLWG13	AFMA Member	2023	Complete AFMA Member discussed the matter with AFMA Compliance in January 2023. Noting capacity of the TI compliance team, this will remain a priority along with regular, ongoing compliance on this matter.
5.	AFMA to consider transferability and continuity between crews	TRLWG13	AFMA	2023	Complete

#	Action Item	Meeting	Responsible Agency/ies	Due Date	Status
	and operators, when collating feedback on the draft Guidelines				Requirements for names of crew and operators have been included in the guidelines, to consider this matter.
6.	TIB licence holders to discuss the draft Guidelines out of session and provide feedback to AFMA once they have conducted community consultation	TRLWG13	TIB industry members	End January 2023	Incomplete - Suggest removal The comment period passed without receipt of additional feedback by AFMA.
7.	AFMA to consider including information on requirements for a successful cross-endorsement application	TRLWG13	AFMA	13 January 2023	Complete Considered and included in the Guidelines.
8.	TIB Members and Malu Lamar to conduct further consultation with communities regarding Proposals 3 – 5	TRLWG13	TIB Members and Malu Lamar	2023	Ongoing AFMA have not received additional advice from TIB Members or Malu Lamar.
9.	AFMA to establish mid-year Working Group meeting to discuss research proposals and management control arrangements.	TRLWG13	AFMA	Mid-2023	Complete TRLWG14 was held on 6 July 2023.
10.	TRLWG EO to provide graphs and data for June year on year catches, and links to sea surface temperature maps.	TRLWG14	TRLWG EO	2023	Complete TRLWG EO circulated this information on 7 July 2023
11.	CSIRO to share presentation on how climate change projects in the Torres Strait fit together.	TRLWG14	CSIRO	2023	Ongoing Presentation has not been received to date.

Attachment 1.4a

Torres Strait Tropical Rock Lobster Working Group Meeting 14

Final Meeting Record

6 July 2023

Hybrid Videoconference/Thursday Island

Note all meeting papers and record available on the PZJA webpage: www.pzja.gov.au



Australian Government Australian Fisheries Management Authority

Table of Contents

Torres Strait Tropical Rock Lobster Working Group Meeting 14	1
Meeting participants	3
Members	
Observers	
1 Preliminaries	4
1.1 Welcome and apologies	4
1.2 Adoption of agenda	4
1.3 Declaration of interests	5
2 Updates from members	5
3 Research Priorities for the TRL Fishery	
4 Review of management controls	7
5 Other Business	7

Meeting participants

Members

Name	Position	Declaration of interests
John Glaister*	Chair	Member of Parks North, Chair of
John Glaister	Chair	Northern Prawn Management Advisory Committee (NORMAC), Chair of the Torres Strait Prawn Management Advisory Committee (TSPMAC).
Laura Blamey*	Scientific Member	Contributes to other Torres Strait research projects that receive research funding, including currently shared science and Indigenous knowledge to support fisheries capacity building in Torres Strait. No other interests in the fishery.
Sevaly Sen	Independent Fisheries Economist	Apology
Les Pitt [#]	Traditional Inhabitant Member – Kemer Kemer Meriam	Traditional Inhabitant Member Kemer Kemer Meriam, TIB licence holder and runs an independent freezer facility on Erub Island. Board member of Zenadth Kes Fisheries.
Charles David*	Traditional Inhabitant Member - Kulkalgal	Traditional Inhabitant Member Kulkalgal, TSRA Fisheries Advisory Committee and Zenadth Kes Fisheries member.
Patrick Mooka#	Traditional Inhabitant Member – Guda Maluligal	Traditional Inhabitant Member, Guda Maluligal. Zenadth Kes Fisheries representative.
Jermaine Reuben	Traditional Inhabitant Member - Maluyilgal	
Thomas Fujii [#]	Traditional Inhabitant Member - Kaiwalalgal	Traditional Inhabitant Member Kaiwalalgal. Queensland East Coast TRL and TIB license holder. Zenadth Kes Fisheries member.
Ned David [#]	Chair, Malu Lamar Registered Native Title Body Corporate	Nil.
Mark Dean*	Industry Member	Apology
Peter Frazis	Industry Member	Apology
Trent Butcher		
Emma Freeman#	AFMA Member	Nil.
Jenny Keys	QDAF Member	Apology
Damian Miley	TSRA Member	Apology

Name	Position	Declaration of interests
Nicholas Richards [#]	Acting TSRA Member	TSRA Program Manager Fisheries. TSRA hold TRL licences on behalf of Torres Strait Islanders.

*Attended online via MS Teams #Attended in person at TSRA

Observers

Name	Position	Declaration of interest
Joseph Posu*	PNG National Fisheries Authority	Works in the Fisheries Management Unit responsible for managing the prawn and lobster fisheries in the Western Province
Bonny Koke*	PNG National Fisheries Authority	Works in the Fisheries Management Unit responsible for managing the prawn and lobster fisheries in the Western Province
Robert Schutte*	QLD Workplace Health and Safety	Nil
Jon Flower*	QLD Workplace Health and Safety	Nil

*Attended online via MS Teams

1 Preliminaries

1.1 Welcome and apologies

- The meeting was opened at 1410hrs on Thursday Island and online on Microsoft Teams on 6 July 2023. Attendees were welcomed to the 14th meeting of the Torres Strait Tropical Rock Lobster Working Group. The Chair acknowledged the Traditional Owners of the various lands on which members were participating from and paid respect to Elders past, present and emerging.
- 2. Attendees at the Working Group meeting are detailed in the meeting participant tables at the start of this meeting record. The following apologies were received:
 - a) Independent Fisheries Economist, Sevaly Sen
 - b) Industry Member, Trent Butcher
 - c) Industry Member, Peter Frazis
 - d) Industry Member, Mark Dean
 - e) QDAF Member, Jenny Keys
 - f) TSRA Member, Damian Miley. Nicholas Richards attended as TSRA member.

1.2 Adoption of agenda

3. The draft agenda was adopted without change (Attachment A).

4. The AFMA member advised they had received a request to discuss co-management from industry and would raise this under other business.

1.3 Declaration of interests

- 5. 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 the 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.
- 6. 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.
- The Chair noted the value in having the experience, knowledge and opinions of all members present during discussions. However, the Chair also noted the conflict for scientific members associated with determining research priorities under Agenda Item 3.
- 8. Scientific members were asked to leave the meeting. The Chair then proposed that the RAG agree for all members to participate in discussions across all agenda items, but ask that scientific members leave the meeting during the final research prioritisation.
- 9. There were no objections to the Chair's proposed approach. The scientific members returned to the meeting.

2 Updates from members

Government agencies

- 10. The AFMA member provided a brief summary of RAG discussions from the morning's meeting:
 - a) Research priorities were discussed and agreed by the RAG, to be further discussed under Agenda Item 3.
 - b) Industry members have indicated that market, economic and logistical challenges are still evident in the fishery this year.
 - c) Industry members have also observed an average amount of cray on the grounds, and a number of new and increasing sand incursions which the RAG scientific member says may be related to developing El Nino conditions.
- 11. The WG also noted a more general AFMA update provided by the member, in particular:
 - a) Year on year catch comparison for the month of June indicate this season is tracking similarly to the past two years, with below average catches across the fishery overall.
 - b) The PZJA will meet in person on Thursday island later in July. Discussions will include the TRL TIB quota allocation process. AFMA, TSRA and QDAF have developed Terms of Reference for a consultant to identify an appropriate framework for this process, which will be considered by the PZJA. AFMA and TSRA welcomed further discussion and feedback from members on this issue out of session.

- c) Preparation is underway for the upcoming Torres Strait Treaty Bilateral meetings between Australia and PNG which will held in PNG this year.
- d) Heatwave conditions are likely in the coming months, and the Bureau of Meteorology has advised government and industry may need to prepare for hotter than average temperatures.
- 12. An update was provided by TSRA:
 - a) The WAPIL project continues to progress. With a redesign completed TSRA are looking to have a project plan and budget developed implemented in September. The project continues to aim to improve fishing capacity and safety, access to finance and gear, cold storage and infrastructure.
 - b) The project Modelling climate change impacts on key fisheries resources in the Torres Strait to co-develop adaptation and mitigation strategies has been included in the 2023-24 budget and is now progressing going through the TSRA procurement process. Stakeholder engagement will be included in this project.

Industry and scientific members

13. Industry had no comments to raise in addition to the AFMA member's RAG summary.

- 14. The Working Group noted a verbal update from the scientific member, in particular:
 - a) The 12th International Conference on Lobster Biology will be held in Western Australia, with attendance by scientific members and Traditional Inhabitant Member – Guda Maluligal Patrick Mooka.
 - b) The annual pre-season survey is set to go ahead from 2-16 November.
 - c) The morphometric sampling project, supply chain resilience project, and environmental report cards are ongoing with further information on these projects to be available later in the year.
 - d) The Working Group scientific member, Laura Blamey, will now be the Principal Investigator on the climate change project mentioned above.

Action Item 1. (Complete)

TRLWG EO to provide graphs and data for June year on year catches, and links to sea surface temperature maps.

Native Title

- 15. The Working Group noted that Malu Lamar are scheduled to meet with the PZJA while they are on Thursday Island for their face-to-face meeting.
- 16. The Chair of Malu Lamar asked about coordination between the many climate change projects currently underway or recently completed in the Torres Strait. The meeting noted that RAG scientific member, Eva Plaganyi, has previously provided some information on how these fit together and that these presentations could be provided to the working group as well. The meeting also noted that establishing a steering committee, which would include key stakeholders in the region, is a key element of the new climate change project.

Action Item 2.

CSIRO to share presentation on how climate change projects in the Torres Strait fit together.

Papua New Guinea National Fisheries Authority

- 17. The Working Group noted the following updates from the PNG National Fisheries Authority representative:
 - a) NFA are also preparing for the upcoming Torres Strait Treaty Bilateral meetings.
 - b) Logbook and catch data remain Important priorities for NFA.
 - c) The TRL fishery review is in its final stages. Information from this review will be shared with Australia as it becomes available.
 - d) The MSC accreditation process for the PNG TRL fishery is ongoing.

3 Research Priorities for the TRL Fishery

- 18. The Working Group discussed and provided advice on future research priorities for the TRL Fishery.
- 19. The Working Group noted the outcomes of the TRLRAG's discussion and agreed with their recommendations on research priorities (**Attachment B**).
- 20. The Chair highlighted that research funding is limited for this year's round.
- 21. The Working Group noted that climate change and socio-economic impacts in the fishery remain key priorities for funding through the TSSAC. TSSAC will meet in August to discuss research funding across all Torres Strait fisheries.

4 Review of management controls

- 22. The AFMA member provided an update on the status of the input control review for the fishery. If endorsed by the PZJA, licence conditions will be changed to implement the two proposals agreed to by the TLRWG in December 2022.
- 23. The Working Group noted the importance of being able to evaluate the impact of introducing the flexibility to tow tenders un-associated with the primary vessel (to provide accommodation, fuel, and towing services to dinghy operators).
- 24. After some consideration, the Working Group agreed that the next meeting should further discuss metrics for measuring if the changes are achieving the intended socio-economic objectives, such as:
 - a) Total or individual catches;
 - b) Time spent fishing, or time at fishing grounds; and
 - c) Economic indicators, such as per capita profit.

5 Other Business

- 25. As agreed during the adoption of the agenda, the Chair raised the topic of comanagement for discussion at the group. There was no comment from members on how to pursue this.
- 26. The Working Group noted co-management could be raised again at a later meeting if it warranted further discussion.
- 27. The Working Group heard a brief update from observers Jon Flowers and Rob Schutte from QLD Workplace health and safety. They highlighted some of the

objectives of their work in the Torres Strait including improved diver safety, identifying and addressing challenges to diver safety (which may include a diver survey), training and certification, and improvements in infrastructure (such as air quality testing).

- 28. This work is being supported through TSRA and the WAPIL project.
- 29. Working Group members, in particular industry members, were in strong support for the capacity building potential of this work.
- 30. The 14th TRL Working Group meeting was closed at 1520hrs on 6 July 2023.

TROPICAL ROCK LOBSTER WORKING GROUP 14

(TRLWG 14)

Thursday 6 July 2023 | 2pm – 4pm Video Conference

DRAFT AGENDA

1 PRELIMINARIES

1.1 Welcome and apologies

The Chair will welcome members and observers to the $14^{\mbox{th}}$ meeting of the TRL Working Group.

1.2 Adoption of agenda

The Working Group 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.

2 UPDATES FROM MEMBERS

Industry, scientific and government agency members and observers will be invited to provide verbal updates on matters concerning the TRL Fishery.

3 RESEARCH PRIORITIES

The WG is invited to discuss and provide advice on future research priorities for the TRL Fishery.

4 REVIEW OF MANAGEMENT CONTROLS

The AFMA member will provide an update on implementing the proposals agreed to at TRLWG13. The WG will be invited to provide and discuss any additional proposals.

5 OTHER BUSINESS

The WG will be invited to raise any other matters for consideration.

The Chair must approve the attendance of all observers at the meeting. Individuals wishing to join the meeting as an observer must contact the Executive Officer – Elissa Mastroianni (elissa.mastroianni@afma.gov.au)

Timeline of key events in the Torres Strait Tropical Rock Lobster Fishery¹ Last updated November 2023

Commonly used acronyms and terms:

- FMN means Torres Strait Fisheries Management Notice.
- FMI means Torres Strait Fisheries Management Instrument.
- LN means Logbook Notice
- **PZJA** means Protected Zone Joint Authority.
- **TRL** means Tropical Rock Lobster.
- TRL Fishery means the Torres Strait Tropical Rock Lobster Fishery.
- Instrument means the Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018
- Management Plan means the Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018

Time period	Topic/Keywords	Description
Late 1960's	Fishery development	Commercial fishing for TRL by the non-Traditional Inhabitant sector began in the Torres Strait
1970s-1980s	Fishery development	Traditional Inhabitant fishers begin to enter the fishery.
Dec-1978	Treaty, PNG	Torres Strait Treaty signed
Feb-1985	Legislation, regulations, PZJA	Torres Strait Treaty entered into force, <i>Torres Strait Fisheries Act</i> 1984 and <i>Torres Strait Fisheries Regulations</i> 1985 commenced and the PZJA is established
Feb-1985	Regulations	 Under FMN 1: Method restrictions introduced - only diving, collection by hand and use of spear permitted
Feb-1985	PNG, catch sharing	Agreement between PNG and Australia for the joint management of the TRL fishery concluded.

¹ This is intended to be a living document and is to be updated as key events happen.

Time period	Topic/Keywords	Description
		Under FMN 9 (replaced FMN 1):
Jul-1985	Regulations	 Method restrictions amended to introduce a time period within which the method restrictions are in place – only diving, collection by hand and use of spear permitted between 15 Jul-31 Oct
Jan-1986	Management arrangements	Introduction of prohibition on prawn trawlers taking TRL during the annual migration period (1 Jul-31 Oct) in order to reduce fishing pressure on the lobster population - in place until 1987, when all prawn trawlers were prohibited from taking TRL
		Under FMN 12 (replaced FMN 9):
Jun-1986	Regulations	 Method restrictions amended to change the dates between which methods are restricted – only diving, collection by hand and use of spear permitted between 1 July - 31 October only
Mar-1988	Degulations	Under FMN 19:
1900	Regulations	Introduction of prohibition on the take, processing or carrying of TRL by boats with a prawn endorsement
Jun-1988	Regulations	Under FMN 22:
Jun-1900		Minimum size limit introduced - 100 mm tail length
		Under FMN 24 (replaced FMN 12):
Oct-1988	Regulations	 Method restrictions amended - only diving, collection by hand and use of spear permitted, no underwater breathing apparatus except hookah, no underwater mechanical propulsion Introduction of exemption which can be sought for some method restrictions, specifically the use of underwater breathing apparatus and underwater mechanical propulsion Traditional fishing bag limits introduced - 3 per person up to 6 per boat
		PZJA agrees to six key management objectives for the fishery:
October 1988	Management objectives	 To conserve the stock of tropical rock lobster To maximise the opportunities for traditional inhabitants of both countries to participate, including by managing the fishery for tropical rock lobster as a dive fishery To promote the dive fisheries for tropical rock lobster in Torres Strait Encouragement and facilitation of participation by Australian traditional inhabitants for whom future expansion of the fishery should be reserved Containment of the capacity of the existing commercially licensed fleet and elimination of entrepreneurial speculation and subsequent upgrading/replacement of commercially licensed dinghies with large boats

Time period	Topic/Keywords	Description
		- To minimise impact of any new management measures on existing operators.
March 1989	Traditional Inhabitant access, identification, definition	Tropical Rock Lobster Working Party agrees to Island Coordinating Council suggestion that "amnesty" Papua New Guineans be considered Traditional Inhabitants for fisheries management purposes. Following this, PZJA agrees to "measures to be used for identifying those Papuans resident in Torres Strait who should be treated as Australian traditional inhabitants for all fisheries management and enforcement purposes, including community fishing rights" in the fishery.
4 4000		Under FMN 31 (replaced FMN 24):
Aug-1989	Regulations	No substantive changes to FMN 24
November 1989	PNG, catch sharing, cross- endorsement	Catch-sharing arrangements for the fishery agreed by PNG and Australia. 27 PNG lobster dinghies to be allowed to operate in Australian TSPZ waters, while Australian operations in PNG waters are precluded.
1989	Management arrangements, fishery surveys	Fishery independent surveys commence in the TRL Fishery
February 1990	PNG, catch sharing, cross- endorsement	Catch-sharing arrangements come into effect 15 February, but no PNG boats begin fishing.
0 / 1000		Under FMN 34 (replaced FMN 22):
Oct-1990	Regulations	 No substantive changes to FMN 22
1991-1992	Traditional Inhabitant access, identification, definition	PZJA establishes a working group to consider the involvement in PZJA fisheries of Torres Strait Islanders and Aboriginals living in the Northern Peninsula Area of Cape York and Australian citizens of Papua New Guinean origin.
June 1991	PNG, catch sharing, cross- endorsement	Cross-endorsements issued to 4 PNG mother ships with 18 dinghies on 14 June. PNG boats agreed to respect home reefs closures, not go ashore on Australian territory, and make no contact with Australian inhabitants, Australian vessels, or PNG traditional fishers.
Jun-1992	Native title	Mabo High Court decision recognises existence of native title (Aboriginal and Torres Strait Islander rights and interests to land and waters according to their traditional law and customs)

Time period	Topic/Keywords	Description
1993	Community licensing	Concerns about the current licensing systems run by the PZJA and Queensland for community fishing begin to be raised by Island Coordinating Council. Concerns include that Traditional Inhabitants living outside the Island Coordinating Council area are excluded from obtaining licences, the administrative and financial burden placed on island councils by the systems, a lack of detailed information to inform fisheries management decisions, and the fact that island chairmen rather than individual fishers are legally responsible for any fishing violations.
February 1993	PNG, catch- sharing, cross- endorsement	New PNG catch-sharing arrangements commence on 15 February 1993 for a three-year period to 14 February 1996. Allow for cross-endorsement of 27 PNG dinghies and associated freezer boats. Nominations received for cross-endorsement of 3 PNG TRL freezer boats with 27 associated dinghies.
Oct-1993	Regulations	 Under FMN 38 (replaced FMN 31): Introduction of prohibition on taking TRL using hookah between 1 Oct-30 Nov Traditional fishing bag limits amended - 3 without a boat, 3 with 1 person in a boat, 6 with more than 1 person in a boat All other requirements remained unchanged - method restrictions
Dec-1993	Native title, legislation	<i>Native Title Act 1993</i> commences, legislating the framework for recognition of native title (including over maritime areas) in Australia following the High Court's Mabo decision. The Act covers the determination of whether native title exists, acts affecting native title, and compensation for acts affecting native title.
1994	Logbooks	 Noted under LN 8: Tropical Rock Lobster Logbook TRL02 implemented – voluntary, records frozen tails only
1994	Legislation, TSRA	Torres Strait Regional Authority established under the Aboriginal and Torres Strait Islander Commission Act 1989
April-June 1995	Single jurisdiction, licensing	PZJA establishes Task Force to investigate the feasibility of introducing single jurisdiction fisheries management and to advise on matters such as eligibility criteria for entry to the newly created fisheries. Investment warning is issued.
Jul-1995	Regulations	 Under FMN 42 (amended FMN 38): No changes to regulation of fishing provided under FMN 38. Amendments made to correct a drafting error that excluded several words from the section relating to bag limits for traditional fishing.
October 1996	Single jurisdiction, licensing,	PZJA endorses single jurisdiction (the management of all Torres Strait fisheries by the PZJA, rather than a division of responsibility between the PZJA and the Queensland government) and the Task Force's

Time period	Topic/Keywords	Description
	community licences, TIB licensing	recommendations for licensing reform. Due to opposition from Islander representatives, related to broader issues such as autonomy and the desire for a regional agreement for Islander control over Torres Strait waters, the implementation of these reforms was delayed and then boycotted until agreement was reached in 1999.
Mar-1997	Regulations	 Under FMN 44 (amended FMN 38): Method restrictions amended - only collection by hand, use of spear or other handheld implement permitted, no underwater breathing apparatus except hookah, no underwater mechanical propulsion
May-1997	Logbooks	 Under LN 8: Tropical Rock Lobster Logbook TRL03 implemented – both TRL02 and TRL03 mandatory for boats with freezing capacity, records both live and frozen tails
Apr-1998	Regulations	 Under FMN 48 (replaced FMN 34): Minimum size limits amended - 80 mm carapace length, 100 mm tail length
1999	Traditional Inhabitant access, identification, definition	PZJA agrees that children of "amnesty" Papua New Guineans be considered Traditional Inhabitants, following the 1989 decision to include "amnesty" people within the definition of Traditional Inhabitants.
July- December 1999	Single jurisdiction, licensing, community licences, TIB licensing	Islander representatives propose a series of principles to underlie community licensing, consistent with the previously proposed system.
Apr-2000	Single jurisdiction, licensing, community licences, TIB licensing	Following a meeting between the PZJA and Islander representatives, the Traditional Inhabitant Boat (TIB) licence is introduced for a one year trial period.
Nov-2001	Regulations	 Under FMN 58 (replaced FMN 38, 42, 44, 48): Introduction of fishery closure from 1 Oct-30 Nov (revoking previous prohibition on taking TRL using hookah between 1 Oct-30 Nov). Exemption from closure but bag limits apply - 3 without a boat, 3 with 1 person in a boat, 6 with more than 1 person in a boat

Time period	Topic/Keywords	Description
		 Introduction of prohibition on taking or carrying of TRL while using, or in the possession of, hookah gear between 1 Oct-31 Jan
		All other requirements remained unchanged - method restrictions, minimum size limits
2002	Legislation, TSRA, PZJA	<i>Torres Strait Fisheries Act 1984</i> is amended to make the Torres Strait Regional Authority Chairperson a member of the Protected Zone Joint Authority
Nov-2002	Latent effort, fishery participation	A 30% reduction in the number of tenders attached to each non-Traditional Inhabitant licence package was implemented, except where only 1 tender exists, in which case the tender will be entitled to continue working. This was done in order to reduce latent effort in the fishery and restrict expansion of effort by non-Traditional Inhabitant fishers. This arrangement was in place until 2011.
November 2002	Traditional Inhabitant access, Skehill report, management objectives	Skehill report – "A Fair Share of the Catch" – is delivered, evaluating Torres Strait fisheries and establishing an order of priority for their management. Recommends Traditional Inhabitants be given priority of access to the TRL Fishery.
		Under FMN 62:
Dec-2002	Regulations	 Introduction of prohibition of processing or carrying TRL meat removed from the shell on a boat. Exemption provided for traditional fishing.
Dec-2003	Latent effort	Cap on Traditional Inhabitant licences for boats greater than 6 m with a TRL Fishery endorsement – in place until 2006
2003	QLD East Coast Fishery	Size limit increased to 90mm carapace length and 115m tail length. Seasonal to be in place from 1 October to 31 January implemented.
Late 2003	Logbooks	Torres Strait Seafood Buyers and Processors Docket Book (TDB01) implemented – voluntary
		Under the Torres Strait Fisheries Logbook Instrument No. 1:
Jun-2003	Logbooks	 Tropical Rock Lobster Logbook TRL04 implemented – mandatory for all non-Traditional Inhabitant operators
Jan-2005	Management arrangements	Moon-tide hookah closures (a periodic closure on the use of hookah gear three days either side of the full or new moon each month during between Februrary and September) introduced – first implemented in 2005 as a way to reduce fishing effort to levels recorded in 2002. In 2013 the closures were removed following a buy-out

Time period	Topic/Keywords	Description
		of non-Traditional Inhabitant licences however were reintroduced in 2014 following agreement from both the sectors, and continue to date
Jul-2005	Management plan	PZJA agreed to create a plan of management to implement a quota management system in the fishery.
July 2005	Allocation	PZJA agrees to transition to initial 50:50 sectoral split in the fishery, brought about by government funded buyout, with a later goal of a 70:30 split between Traditional Inhabitants and non-Traditional Inhabitants, funded by an "open market and self-funded tender process".
2006	TAC	Notional total allowable catches implemented (notional as allocation had not yet been undertaken nor a management plan developed)
		Under FMN 73 (replaced FMN 58, 62):
Mar-2006	Regulations	 Introduction of fishery closure from 1-30 Nov (revoking previous fishery closure from 1 Oct-30 Nov). Exemption from closure for traditional fishing only but bag limits apply - 3 without a boat, 3 with 1 person in a boat, 6 with more than 1 person in a boat Introduction of prohibition on carriage of diving equipment between 1900-0600 AEST. Exemption can be sought, but all diving equipment (face mask and fins) in possession of that person, or on board the boat, is stowed and secured during the prohibited hours. ES states that this was implemented in response to concerns that night diving may occur in the Fishery All other requirements remained unchanged - method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions
April 2006	IAAP, allocation	PZJA agrees to create an Independent Allocation Advisory Panel (IAAP) to advise on the appropriate basis for the allocation of fishing concessions in the non-Traditional Inhabitant sector.
		Under FMN 80 (replaced FMN 73):
Sep-2006	Regulations	 Correction made to error in FMN 73 regarding the fishery closure, reinstated to 1 Oct-30 Nov. Exemption from closure for traditional fishing only but bag limits apply - 3 without a boat, 3 with 1 person in a boat, 6 with more than 1 person in a boat All other requirements remained unchanged - method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions, prohibition on carriage of diving equipment between 1900-0600 AEST
Jun-2007	IAAP, allocation	PZJA agrees to final Independent Allocation Advisory Panel (IAAP) report and a sectoral catch share ratio of 35:65 between the Traditional Inhabitant and non-Traditional Inhabitant sectors as detailed in the 'Report to

Time period	Topic/Keywords	Description
		stakeholders on the data used to establish the historical catch ratios of the Community and non-community sectors'
Apr-2008	Buyback, structural adjustment	Australian Government buy-back of non-Traditional Inhabitant licences. 13 primary licences and 29 associated tenders removed from the TRL Fishery. Based on the provisional allocations associated with the 'bought-out' licences the sectoral catch share between the Traditional Inhabitant and non-Traditional Inhabitant sectors changed to 53.5:46.5.
2008	Conversion factor	TRL tail to whole weight conversion ratio (2.677) implemented
2009	Harvest strategy	Interim Harvest Strategy implemented for the TRL Fishery in response to the planned transition to a quota management system, laying out the biological objectives for the fishery and how this could be achieved.
Mar-2010	Environment	Torres Strait coral bleaching event
		Under FMI 9 (replaced FMN 80):
Aug-2011	Regulations	 Application of arrangements extended to PNG Treaty endorsed operators All other requirements remained unchanged – method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions, prohibition on carriage of diving equipment between 1900-0600 AEST, fishery closure.
		FMI 9 was intended to amend an administrative oversight that had excluded cross-endorsed fishers from the provisions of FMN 80.
Apr-2012	Buyback, structural adjustment	Based on a further buy-out of one licence (1 primary and 1 tender) the sectoral catch share between the Traditional Inhabitant and non-Traditional Inhabitant sectors changed to 56.2:43.8
7-Aug-2013	Native title, sea claim	The High Court hands down decision regarding Torres Strait Sea Claim Part A. The decision overturned the Full Federal Court decision from March 2012 and found that the native title rights in the sea claim area include the right to take fish for commercial or trading purposes. This was found to be a non-exclusive right, and native title holders are still required to hold the appropriate licences and abide by the relevant laws and regulations.
2014	Fishery participation, Traditional Inhabitant access, 100% ownership	The Protected Zone Joint Authority acknowledges and supports the aspiration of Torres Strait Communities to own 100% of access to commercial Fisheries in the Australian area of the Torres Strait Protected Zone

Time period	Topic/Keywords	Description
May-2014	Native title	Malu Lamar (Torres Strait Islander) Corporation is appointed as the Registered Native Title Body Corporate for the Sea Claim Area Part A.
Mar-2016	Environment	Torres Strait coral bleaching and sea cage mortality event
Oct-2016 to Oct-2017	Buyback, structural adjustment	Based on a further buy-out of three licences (3 primaries and 7 tenders) the sectoral catch share between the Traditional Inhabitant and non-Traditional Inhabitant sectors changed to 66.17:33.83
Jul-2017	Vessel monitoring	Vessel monitoring system (VMS) implemented – mandatory for primary boat and/or operating with a Carrier Boat License (Class A, B, or C). Vessels operating for freight shipping are exempt from installing VMS. Exemptions may also be provided for carrier vessels that are six meters or less in length.
Dec-2017	Logbooks	Torres Strait Fisheries Catch Disposal Record (TDB02) implemented – mandatory for all Torres Strait licence holders
10-Apr-2018	Management arrangements	Following a low Recommended Biological Catch, additional moon-tide hookah closures introduced covering all new and full moon periods for the remainder of the 2017-18 fishing season, in order to slow down fishing effort and provide the TIB sector with the longest possible fishing season, avoiding an early closure of the fishery.
27-Apr-2018	Management arrangements, hookah	Prohibition on the carriage and use of hookah gear for the remainder of the 2017-18 fishing season.
29-Jun-2018	Management arrangements, hookah	Federal Court of Australia order to revoke prohibition on the carriage and use of hookah gear – reverted to additional moon-tide hookah closures.
20-Jul-2018	Regulations	 Under the TRL Management Instrument 2018 (replaced FMI 9): Traditional fishing bag limits removed. Noted that PZJA does not have jurisdiction in relation to traditional fishing conducted by Traditional Inhabitants Introduction of capacity to close the TRL Fishery early to commercial fishing, when the total allowable catch is reached Introduction of capacity to prohibit the use of hookah gear (i.e. moon-tide hookah closures) during the hookah season (1 Feb-30 Sep)

Time period	Topic/Keywords	Description
		 All other requirements remained unchanged – method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions, prohibition on carriage of diving equipment between 1900-0600 AEST, fishery closure
31-Jul-2018	Management arrangements	TRL Fishery closed for the remainder of the 2017-18 fishing season due to total allowable catch being reached.
1-Dec-2018	Management plan	Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018 commenced
1-Dec-2018	Regulations	 Under the TRL Management Instrument 2018 (amendment to Jul-2018 Instrument): Ability to close the TRL Fishery early to commercial fishing revoked Implementation of a split of the total allowable catch for the TRL Fishery between the Traditional Inhabitant (66.17% of the total allowable catch) and non-Traditional Inhabitant sectors – applied from 1 Dec 2017-30 Sep 2018 only Introduction of capacity to close of the TRL Fishery to the Traditional Inhabitant sector once their part of the total allowable catch is reached – applied from 1 Dec 2017-30 Sep 2018 only Provide for individual transferrable quota arrangements to be established for the non-Traditional Inhabitant sector via licence conditions – applied from 1 Dec 2017-30 Sep 2018 only Provide for the operation of the proposed Management Plan should the quota allocation process be finalised before the start of the 2019-20 fishing season All other requirements remained unchanged – method restrictions, prohibition of processing or carrying TRL meat, minimum size limits, hookah gear restrictions, prohibition on carriage of diving equipment between 1900-0600 AEST, fishery closure, moon-tide hookah closures
16-Sep-2019	Management plan, allocation	 Quota units allocated under the Management Plan: 662,016 quota units to the Torres Strait Regional Authority (TSRA) comprising: 562,000 to hold for the benefit of the traditional inhabitant sector; and 100,016 for the TVH licences it holds 337,981 quota units to the remaining TVH principal licence holders
19-Nov-2019	Harvest strategy	PZJA adopts final Harvest Strategy for the TRL Fishery
1-Dec-2019	Management plan, management arrangements	TRL Fishery commences operation under a quota management system as per the Management Plan

Time period	Topic/Keywords	Description
Early 2020	Markets, price, export	 Live export market into China closed temporarily prior to 2020 Chinese New Year. Prices in the fishery were down significantly, similar to lowest prices on record in 2002-03. TVH boats in Torres Strait and QLD East Coast were forced to stop fishing. Whole frozen product only purchased at reject prices. COVID-19 impacts affect flights and freight routes from Australia to Asian markets
~ October 2020	Markets, export, Cadmium	China began to increase inspection levels and testing of cadmium in Australian live lobster at the point of entry in major Chinese ports, causing considerable delays while inspection and testing was being undertaken. This resulted in high mortality rates of lobster product (not Torres Strait product).
November 2020	Markets, export	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.
November 2020	Management Plan, allocation	The PZJA (meeting 36) agreed to amend the TRL Management Plan to provide the PZJA with additional time in which to commence a review of the allocation of quota units to the Traditional Inhabitant sector, to within 4 years of the Plan commencement.
December 2020	Markets, export	China banned the import of Australian lobster product
December 2020	Wildlife Trade Operation	On 4 December 2020 the TRL Fishery was re-accredited as an approved Wildlife Trade Operation (WTO) under the <i>Environment Protection and Biodiversity Conservation Act</i> 1999.
December 2023	Wildlife Trade Operation, LENS	In October 2023 the TRL Fishery was re-assessed under the <i>Environment Protection and Biodiversity</i> <i>Conservation Act 1999</i> and added to the List of Exempt Native Specimens (LENS). Coming into force on 4 December 2023, this allows extended export approval though to 4 December 2033.

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15
Thursday Island	14 December 2023
PRELIMINARIES	Agenda Item 1.5
Out-of-session correspondence	For Noting

1. That the Working Group **NOTE** the correspondence sent out-of-session since the TRLWG meeting held on 15 December 2022.

BACKGROUND

2. The following correspondence was circulated out-of-session since the TRLWG meeting held on 15 December 2022. Copies of this correspondence can be requested at any time from the TRLWG Executive Officer.

Date	Item
19 December 2022	AFMA circulated the 2023-2025 National Compliance Risk Assessment for member input. Input was sought by 4 February 2023.
11 January 2023	AFMA circulated the draft meeting record from TRLWG 13, for comment. Comments were sought by 25 January 2023.
15 February 2023	AFMA circulated the final meeting record from TRLWG 13.
24 February 2023	AFMA circulated minor corrections to the final meeting record from TRLWG 13.
26 May 2023	AFMA circulated information concerning the review of AFMA's approach to Ecological Risk Management. Public comment period closed on 31 July 2023.
14 June 2023	AFMA circulated information concerning the remaking of the <i>Torres Strait Fisheries (Furnishing of Logbooks) Instrument 2020</i> , for noting.
27 June 2023	AFMA circulated information concerning an invitation to comment on the re-assessment of the Torres Strait Tropical Rock Lobster Fishery under the <i>Environment Protection and Biodiversity Conservation Act</i> <i>1999.</i> Public comment period closed on 25 July 2023.
7 July 2023	Arising from TRLWG 14, AFMA circulated: - Year on year catch data graphs; - Supply chain paper; - Sea surface temperature maps.
20 July 2023	AFMA circulated, for information, the updated 5-year TRL Fishery research plan for the period 2024/25-2029/30.

5 September 2023	AFMA circulated information concerning forecasted marine heatwave conditions.	
6 September 2023	AFMA circulated the draft meeting record from TRLWG 14, for comment. Comments were sought by 20 September 2023. Correction to this email sent on 21 September 2023.	
7 September 2023	AFMA circulated information concerning Torres Strait Scientific Advisory Committee's annual call for research proposals to address the research priorities identified for potential funding in 2024/25. Applications were sought by 30 October 2023.	
21 September 2023	AFMA circulated the corrected draft meeting record from TRLWG 14, for comment. Comments were sought by 6 October 2023.	
13 October 2023	AFMA circulated the final meeting record from TRLWG 14.	
13 October 2023	AFMA circulated, for information, a community notice flier from CSIRO concerning the annual kaiar survey.	
30 November 2023	AFMA circulated invites concerning CSIRO and Bureau of Meteorology seminars regarding marine heatwave and climate change forecasts.	

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15
Thursday Island	14 December 2023
UPDATES FROM MEMBERS	Agenda Item 2.1
Industry members	For Noting

1. That the Working Group **NOTE** updates provided by industry members.

BACKGROUND

- 2. Verbal reports are sought from industry members under this item, with particular emphasis on economic and market related impacts to the 2022-23 fishing season and the start of the 2023-24 season.
- 3. It is important that the Working Group develops a common understanding of any strategic issues, including economic and fishing trends relevant to the management the TRL Fishery. This includes within adjacent jurisdictions. This ensures that where relevant, the Working Group is able to have regard for these strategic issues and trends.
- 4. Working Group members are asked to provide any updates on trends and opportunities in markets, processing and value adding. Industry is also asked to contribute advice on economic and market trends where possible.
- 5. At the last meeting of the Working Group (TRLWG 14, 6 July 2023), the Working Group noted updates provided by industry members and observers regarding the performance of the Torres Strait TRL Fishery during the 2022-23 season:
 - a. Market, economic and logistical challenges are still evident in the fishery this year, high fuel prices in particular have been restricting fishers access to fishing grounds and reducing effort.
 - b. The number of TRL on fishing grounds appeared average at best,
 - c. Members have also observed an average amount of cray on the grounds, and a number of new and increasing sand incursions which the RAG scientific member said may be related to developing El Nino conditions
- 6. Further details of discussions are provided in the record for TRLWG 13 provided at **Attachment 1.4b**.

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15
Thursday Island	14 December 2023
UPDATES FROM MEMBERS Scientific and Economic members	Agenda Item 2.2 For Noting

1. That the Working Group **NOTE** updates provided by scientific and economic members.

BACKGROUND

- 2. Verbal reports are sought from scientific and economic members under this item.
- 3. It is important that the Working Group develops a common understanding of any strategic issues, including research and economic trends relevant to the management the TRL Fishery. This includes within adjacent jurisdictions. This ensures that where relevant, the Working Group is able to have regard for these strategic issues and trends.
- 4. Scientific and economic members are asked to contribute advice on any broader strategic research projects or issues that may be of interest to the Torres Strait.

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 13
Thursday Island	14 December 2023
UPDATES FROM MEMBERS	Agenda Item 2.3
Government agencies	For Noting

- 1. That the Working Group:
 - a. **NOTE** the written update provided by the Australian Fisheries Management Authority (AFMA) below;
 - b. **NOTE** the verbal update provided by Queensland Department of Agriculture and Fisheries (QDAF); and
 - c. **NOTE** the verbal update provided by the Torres Strait Regional Authority (TSRA).

KEY ISSUES

Australian Fisheries Management Authority

Wildlife Trade Operation (WTO) re-accreditation and addition to the List of Exempt Native Specimens (LENS) under the EPBC Act 1999

- 2. The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) requires the Australian Government to assess the environmental performance of all commercial fisheries, including those in the Torres Strait, and promote ecologically sustainable fisheries management. Approval under the EPBC Act is necessary for fisheries to be able to legally export commercially wild caught seafood from Australia. Such approvals may be subject to conditions applicable to the responsible management authority and fishers.
- 3. The Torres Strait TRL Fishery was first accredited as an approved Wildlife Trade Operation (WTO) in November 2004 for a period of three years and was subsequently reassessed and re-approved in 2007, 2011, 2014, 2017 and 2020.
- 4. The fishery was assessed this year, and added to the List of Exempt Native Specimens (LENS) by the Delegate for the Minister of the Environment and water, for a period of 10 years (until 4 December 2033), subject to several conditions being addressed during the period of the approval. The advice from the Delegate to AFMA on the WTO approval and the conditions imposed on the Torres Strait TRL Fishery is provided as **Attachment 2.3a**.
- 5. This decision reflects the fishery's strong management framework, well managed target stocks, its limited impact on bycatch and protected species, and its low impact on the broader marine ecosystem, and recognises the TRLRAG and Working Group have put into the management of the fishery.

ABARES fishery status report

6. Each year, the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) compiles fishery status reports which provide an independent assessment of the biological status of fish stock and the economic status of fisheries managed, or jointly managed by the Australian Government (Commonwealth fisheries).

- The latest ABARES Fishery Status Report 2023 (covering the performance of fisheries in 2022) have now been released. The reports assess all key commercial species from Commonwealth managed fisheries and examines the broader impact of fisheries on the environment, including on non-target species.
- 8. In summary, the TRL Fishery has been assessed for the 2022 period as outlined below.
- 9. ABARES fishery status reports can be accessed on the ABARES website at:

https://www.agriculture.gov.au/abares/research-topics/fisheries/fishery-status

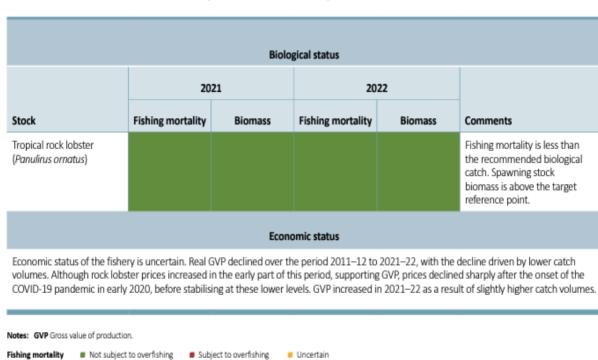


Table 16.1 Status of the Torres Strait Tropical Rock Lobster Fishery

Management arrangements for the 2023-24 fishing season

Overfished

Biomass

Not overfished

10. A letter was sent to all Torres Strait Tropical Rock Lobster Fishery (TRL Fishery) licence holders on 21 November 2023 (**Attachment 2.3b**). The letter detailed key management arrangements that will apply for the 2023-24 fishing season, including moontide hookah closures and the start of season 200 tonne TAC.

Uncertain

11. Enclosed to the letter was a copy of the new Tropical Rock Lobster Fishery Management Arrangements Booklet 2023-24 which was also made publicly available on the PZJA website.

Review of Traditional Inhabitant sector quota units

12. At its meeting on 19 November 2019, the PZJA agreed-in-principal that this review be undertaken by an Independent Allocation Advisory Panel (IAAP) in accordance with the PZJA's Fisheries Management Paper No. 2 Guidelines for the formation of allocation advisory panels for the allocation of fishing concessions in the Torres Strait Protected Zone Joint Authority Fisheries where fisheries management arrangements change significantly (FMP 2). The PZJA then directed the PZJA Standing Committee (PZJASC) to provide draft Terms of Reference (TORs) for an IAAP, including membership and process, to the PZJA so the authority to confirm this in-principal decision.

- 13. In accordance with this PZJA decision, the review process commenced and AFMA drafted TORs for the PZJASC's consideration at its meeting on 19 20 May 2021. At this meeting, the TSRA confirmed support for an independent review however, shared concerns regarding an IAAP approach.
- 14. In light of this development, the PZJA agreed that an alternative framework for the allocation of quota units to the traditional inhabitant sector should be developed. Engaging a consultant would allow this to be done independently and expertly, and with consideration of community views.
- 15. At its meeting on 19 July 2023 the PZJA endorsed terms of reference for this consultant. TSRA, with support from AFMA and QDAF have taken the lead on progressing this. further detail may be available during the TSRA verbal update to the meeting.



Australian Government

Department of Climate Change, Energy, the Environment and Water

Mr Wez Norris Chief Executive Officer Australian Fisheries Management Authority Box 7051 Canberra BC Canberra ACT 2610

Dear Mr Norris

I am writing to you as Delegate of the Minister for the Environment and Water in relation to the wildlife trade assessment of the Commonwealth Torres Strait Tropical Rock Lobster Fishery (the fishery) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In June 2022, the Australian Fisheries Management Authority (AFMA) applied to have the fishery assessed and approved under the Part 13 (protected species) and Part 13A (export) provisions of the EPBC Act.

The application has now been assessed and I have agreed to add the fishery to the List of Exempt Native Specimens (LENS) for a period of 10 years (until 4 December 2033). This decision reflects the fishery's strong management framework, well managed target stocks, its limited impact on bycatch and protected species, and its low impact on the broader marine ecosystem. All of which makes the fishery eligible for a longer-term export approval.

The LENS listing is contingent on several conditions being met by AFMA throughout the listing period. These will require AFMA to inform the department of any intended changes to relevant fisheries legislation and/or management arrangements, and the provision of regular annual reports to the department (**Attachment A**).

I have also accredited the fishery's management regime under Part 13 of the EPBC Act. Although given the fishery's limited interactions with protected species and ecological communities, I have chosen to not place any conditions on the Part 13 instrument.

I look forward to receiving the regular annual reports for this fishery in the future.

Yours sincerely

Belinda Jago Branch Head Ocean and Wildlife Branch Delegate of the Minister for the Environment and Water 19 October 2023

DCCEEW.gov.au John Gorton Building - King Edward Terrace, Parkes ACT 2600 Australia GPO Box 3090 Canberra ACT 2601 ABN: 63 573 932 849

Conditions placed on the List of Exempt Native Specimens (LENS) instrument for the Commonwealth Torres Strait Tropical Rock Lobster Fishery – December 2023

Condition 1:

The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.

Condition 2:

The Australian Fisheries Management Authority must inform the Department of Climate Change, Energy, the Environment and Water of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

Condition 3:

The Australian Fisheries Management Authority must inform the Department of Climate Change, Energy, the Environment and Water of any intended material changes to the Commonwealth Torres Strait Tropical Rock Lobster Fishery management arrangements that may affect this approval.

Condition 4:

The Australian Fisheries Management Authority must provide the Department of Climate Change, Energy, the Environment and Water with an annual report by June each year detailing any changes in the fishery.

Condition 5:

The specimens are included in the list until 4 December 2033.



15 November 2023

Dear Torres Strait Tropical Rock Lobster Fishery licence holder

Management Arrangements for the 2023-24 Fishing Season

The 2023-24 fishing season for the Torres Strait Tropical Rock Lobster Fishery (TRL Fishery) will commence on 1 December 2023. This letter details some key management arrangements that will apply this season.

Total Allowable Catch

On 10 November 2023, Senator the Hon. Murray Watt, Commonwealth Minister for Agriculture, Fisheries and Forestry determined a total allowable catch (TAC) of 200,000 kilograms of tropical rock lobster (TRL) in the Australian waters of the TRL Fishery for the 2023-24 fishing season to apply for the fishing season commencing on 1 December 2023. It is expected that the TAC will be increased once the outcomes of the scientific assessment processes and the catch sharing arrangements under the Torres Strait Treaty between Australia and Papua New Guinea (PNG) have been considered. Any increase in the TAC is expected to be determined by the end of February 2024.

Under this TAC, the value of each quota unit and available catch for each TRL Fishery sector is outlined in the table below. All weights are provided in unprocessed weight in kilograms.

TRL Fishery Sector	TAC (kilograms)	Number of quota units	Value of each quota unit (kilograms)	Available catch per sector (kilograms)
Traditional Inhabitant Boat (TIB) licence holders	- 200,000	662,016*	- 0.200000	132,403.597
Transferrable Vessel Holder (TVH) licence holders		337,981		67,596.403

* Held by the Torres Strait Regional Authority (TSRA)

A further explanation of how TACs are determined for the TRL Fishery, how catch is shared between Australia and PNG, and how each sector's catches will be managed for the 2023-24 fishing season, is provided in the enclosed TRL Management Arrangements Booklet 2023-24 (**Enclosure A**).

Papua New Guinea Cross Endorsement Applications

The Papua New Guinea Fisheries Minister has written to the Minister Watt applying for cross endorsement licenses under the Torres Strait Treaty for PNG vessels to fish in Australian waters. AFMA is processing those applications, including through Native Title notification.

Canberra PO Box 7051 Canberra ACT 2610 P 02 6225 5555 F 02 6225 5500 **Darwin** PO Box 131 Darwin NT 0801 P 08 8943 0333 F 08 8942 2897

Thursday Island PO Box 376 Thursday Island QLD 4875 P 07 4069 1990 F 07 4069 1277 Lakes Entrance PO Box 408 Lakes Entrance VIC 3909 P:0447 019 916



Australian Government

Australian Fisheries Management Authority

Moontide Hookah Closures

For the purpose of subsection 13(2) of the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018*, I provide notice that the use, possession or control, on a boat, of hookah gear to take, process or carry TRL will not be permitted during the 2023-24 fishing season during the moontide hookah closure periods shown in the calendar provided in **Enclosure B** to this letter. The first scheduled moontide hookah closure period starts on 7 February 2024.

These moontide hookah closures are in addition to the hookah closure period from 1 December and 31 January each fishing season. Free-diving, lamp fishing and traditional fishing are permitted during all hookah closure periods.

Should you have any questions concerning the matters covered in this letter, please contact the AFMA Thursday Island office on 07 4069 1990 or FisheriesTI@afma.gov.au. If you would also like to receive future management updates by email or SMS please contact the AFMA Thursday Island office to update your contact details.

Yours sincerely

Wez Norris Chief Executive Officer

Enclosures

- A TRL Fishery Management Arrangements Booklet 2023-24
- B TRL Fishery moontide hookah closure calendar for the 2023-24 fishing season

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15
Thursday Island	14 December 2023
UPDATES FROM MEMBERS	Agenda Item 2.4
PNG National Fisheries Authority	For Noting

- 1. That the Working Group:
 - **a. NOTE** the verbal update to be provided by the PNG National Fisheries Authority (NFA); and
 - **b. NOTE** the preliminary outcomes of the 2023 Torres Strait Treaty Bilateral Fisheries Committee Meeting held on 25 July 2023 at Loloata Island, Papua New Guinea, relevant to the TRL Fishery.
 - **c. NOTE** that AFMA have received formal applications from NFA for cross endorsement licenses for two vessels.

KEY ISSUES

- 2. AFMA has a standing invite for officials from the PNG National Fisheries Authority (NFA) to attend all PZJA advisory committee meetings. If in attendance, NFA officials will provide an update on the PNG TRL fishery at the meeting.
- 3. On 4 October 2023 AFMA received a formal request for cross endorsement for two Papua New Guinean licensed vessels to fish in the Australian waters of the Protected Zone. AFMA and NFA have been in correspondence to progress these applications.

BACKGROUND

- 4. The Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters (the Treaty) was signed by both Parties at Sydney on 18 December 1978 and ratified by Australia on 15 February 1985. The Treaty defines the border between Australia and PNG and provides a management framework of the common border area. This area is defined by the Treaty and is known as the TSPZ.
- 5. Australia and PNG established the TSPZ with the principal purpose of acknowledging and protecting the traditional way of life and livelihood of the traditional inhabitants of both Parties, including their traditional fishing and free movement (Article 10(3)). A further purpose is to protect and preserve the marine environment and indigenous fauna and flora in, and in the vicinity of, the TSPZ (Article 10(4)). A range of subsidiary obligations and rights exist under the Treaty. Relevantly, Australia and PNG commit under the Treaty to co-operate in the conservation management and optimum utilisation of Protected Zone commercial fisheries (Article 21) insofar that the achievement of the purposes for the establishment of the TSPZ are not prejudiced in regard to traditional fishing (Article 20(1)).
- 6. The Treaty recognises the rights of both countries to Protected Zone commercial fisheries. This recognition is implemented through cooperative management and catch sharing provisions of Part 5 of the Treaty. Since the Treaty was ratified, Australia and PNG have

entered into formal arrangements under Article 22 to cooperatively manage six fisheries, which includes tropical rock lobster.

Torres Strait Treaty Fisheries Committee Bilateral Meeting 2023

- 7. In July 2023 Australia and Papua New Guinea officials met face to face in Loloata Island, Papua New Guinea for a series of Torres Strait Treaty Bilateral meetings including the Fisheries Bilateral Meeting (FBM) between AFMA and PNG NFA on 25 July. The meeting led to the Joint Advisory Council (JAC) meeting which took place on 28 July 2023.
- 8. Of particular importance to the TRL Fishery, the FBM noted:
 - **a.** That AFMA and PNG met virtually on 7 February 2023 to discuss catch sharing arrangements for the 2022-23 season and agreed to arrangements resulting in:
 - i. 352 tonnes apportioned to Australian fishers in Australian waters
 - ii. 91 tonnes apportioned to PNG fishers in Australian waters, and
 - iii. 78 tonnes apportioned to PNG fishers in PNG waters.

Further detail is available in Attachment 2.3a

- b. That consistent with previous years, and in accordance with the TRL Harvest Strategy and Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018 (the TRL Management Plan), AFMA intends to apply the same process for finalising the global TAC for the TSPZ TRL Fishery and negotiating catch sharing arrangements between AFMA and NFA as previous years. Both parties agreed to this approach.
- **c.** That the Guidelines for authorising cross-endorsement in areas of Australian jurisdiction in areas of the Torres Strait Protected Zone have been finalised.
- 9. AFMA and PNG NFA agreed that continuing collaboration to ensure that all available catch and effort data is provided to support effective application of the eHCR and stock assessment processes in the TAC setting processes.

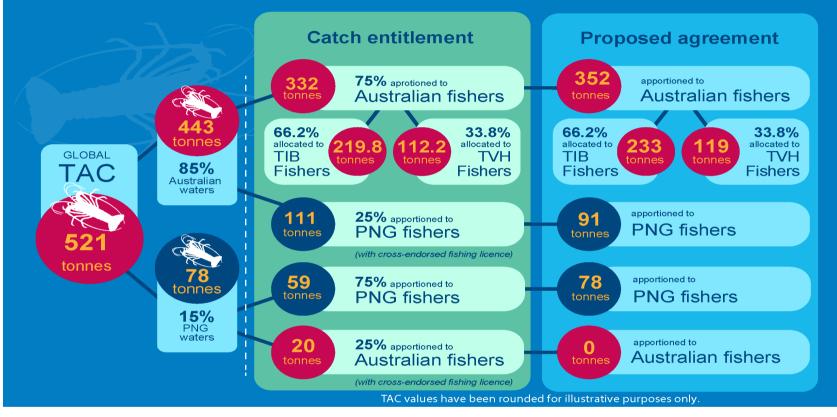
Cross Endorsement Applications for the 2023-24 TRL season

- 10. 4 October 2023 AFMA received a request for cross endorsement for two Papua New Guinean licensed vessels to fish in the Australian waters of the Protected Zone, which included formal correspondence and details of the applicants.
- 11. Two primary vessels, each with seven tender vessels, are seeking cross endorsement licences. Both belong to Aquila Enterprise, a Daru based company owned by a treaty inhabitant from the village of Parama.
- 12. AFMA and NFA have been in correspondence to progress these applications, with the intention of allowing the two vessels to participate in the fishery in early 2023.
- 13. As the grant of a licence under legislation this act requires a native title notification process under section 24HS of the Native Title Act. This was sent to relevant bodies and individuals on 20 November 2023 and will remain open for comment until 8 January 2024.
- 14. Information was also provided to all TRL license holders in a letter on Management Arrangements for the 2023-24 season, sent on 21 November 2023.

TORRES STRAIT TROPICAL ROCK LOBSTER CATCH SHARING AGREEMENT 2022-23



Australian Government Australian Fisheries Management Authority



- i. As per Article 22(1), the global TAC of 521 tonnes was to be apportioned within each jurisdiction equal to 85 per cent (442.85 tonnes) in Australian waters and 15 per cent in PNG waters (78.15 tonnes);
- ii. In line with the apportionment of catch in each Party's waters under Article 23 of the Treaty (being 75%:25% to the home Party), Australian boats can take in Australian waters, part of the cross-endorsement catch entitlement ordinarily available to PNG boats in Australian waters, equivalent to Australia's cross-endorsement catch entitlement in PNG waters (equal to 19.538 tonnes);
- iii. The remaining part of PNG's cross-endorsement catch entitlement (91.175 tonnes) would remain available for PNG boats to take in Australian waters under cross-endorsement arrangements; and
- iv. AFMA would not seek access to Australia's cross-endorsement catch entitlement in PNG waters and this could instead be taken by PNG boats in PNG waters, bringing the total catch apportionment for PNG boats in PNG waters up to 78.15 tonnes.

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15
Thursday Island	14 December 2023
UPDATES FROM MEMBERS Native Title	Agenda Item 2.5 For Noting

1. That the Working Group **NOTE** any updates on Native Title matters from members, and representatives of Malu Lamar (Torres Strait Islanders) Corporation RNTBC (Malu Lamar).

BACKGROUND

- 2. AFMA has a standing invite for a representative from Malu Lamar to attend all PZJA advisory committee meetings.
- 3. On 7 August 2013 the High Court of Australia confirmed coexisting Native Title rights, including commercial fishing, in the claimed area (covering most of the Torres Strait Protected Zone). This decision gives judicial authority for Traditional Owners to access and take the resources of the sea for all purposes. Native Title rights in relation to commercial fishing must be exercisable in accordance with the *Torres Strait Fisheries Act 1984*.
- 4. Traditional Owners and Native Title representative bodies have an important role in managing Torres Strait fisheries. It is important therefore that the Working Group keep informed on any relevant Native Title issues arising.

INDUSTRY UPDATE – 2023 SEASON

13 December 2023

MG KAILIS LOBSTER

2023 Season

The 2023 season was one of the most difficult years in the Australian tropical rock lobster industry's history, if not the most difficult. The industry entered a 3rd year of both China trade sanctions and the Covid19 pandemic, twin catastrophes which have caused major disruptions and hardship across all elements of the industry supply chain, from fishermen, to processors, to customers and many other service providers.

Some specific events that made it even more difficult were

- **Mid-Dec 2022 to mid-Jan 2023** China lowered its Covid restrictions and the virus spread throughout the country. This brought restaurants and the country to a standstill and the world live lobster market almost stopped. Just about no live lobster from anywhere was able to move. We were forced to:
 - o Tail tonnes of December live catch at a large loss
 - o Delay the East Coast season opening, disrupting every vessel and diver
 - Stop buying for a 3-week period from all sectors
- **Feb-Mar** There was a very brief period of high prices in Jan for Chinese New Year, but as soon as this passed, prices collapsed in Feb-Mar
- **May** We finally had good market conditions and good prices, however this turned out to be the only good month all year as June onwards there was major disruption
- **5** Jun Our main market for the last 2.5 years shut completely. Caused major problems. Shipments stuck in transit countries. Requirement to find completely new live lobster markets, customers, and receivers immediately. From this moment forward business has been difficult, very high risk, and it remains this way
- **22 Jul** Wild caught *Panulirus ornatus* ban enforced at all entry ports to China. Prices and markets collapsed. African and PNG lobster was no longer able to go to China and so flooded our alternate destinations with cheaper product
- **1 Aug** A surge of supply in late July and early August, and highly disrupted markets and poor flight options, meant average time to move stock from time of arrival in Cairns was 12 days
- **1 Sep** Complete ban on all Panulirus ornatus into China, including aquaculture product. Now illegal for *P.ornatus* to be sold in China

In a year of multiple significant challenges, the total *Panulirus* ornatus ban in China is most difficult of all. As things currently stand, it means that even if the Australian lobster trade ban into China is lifted, *P ornatus* will remain banned, while all the other Australian lobster is able to get in. The challenges this is causing for our industry can't really be overstated. We face higher costs, lower prices, and high risk of experiencing periods where live product cannot be moved. While this ban is out of our control, there are many policy settings in our control that can help us mitigate the damage, and we should all be looking to do so.

On top of this, we have some of the most difficult and expensive freight and logistics in the world. Almost no international flights have returned to Cairns, 70%-80% of stock needs to go South to Brisbane, Melbourne, Sydney before going North to SE Asian export markets, adding significant costs.

Domestic freight costs have also increased dramatically. Outer island flight costs have doubled and some even disappeared. Commercial and charter flights from Horn to Cairns costs have increased

significantly and airspace is unreliable. We have invested in tanks that can travel by SeaSwift barge to lower freight costs, but due to moon-break closures it's almost impossible to line up supply with the 1 day a week barge availability.

This is the worst set of external circumstances to face the Australian TRL industry in its history. Without changes to help mitigate these circumstances, the whole industry will continue to struggle and we can expect a prolonged period of lower prices and lower incomes for fishermen and everyone linked to the industry.

Other challenges across the industry

- Fuel costs have increased significantly.
- Equipment, repairs and maintenance costs have increased significantly.
- Our dive industry has the highest cost of production of any lobster in Australia and probably the world, as each lobster needs to be individually caught by divers in very remote areas, making us vulnerable and uncompetitive compared to other producers.
- Significant numbers of divers across all sectors are leaving the industry due to a very competitive job market and other opportunities.
- Overseas customers who our industry is completely dependent on have also been through these 3 terrible years, and are struggling to continue to support us. The risks for them are higher than they have ever been and the business is marginal. They continue to support us because of our long historical relationship. But we are pushing them to their limit of support. We can't take it for granted.
- No other lobster fishery in the country has such a restrictive calendar of openings and closures every month. All but one now have an open season all year, and the other just has a 3 month closure. No moon-breaks and constant starting and stopping of production based on the moon in any other lobster fishery.
- The cumulative effect of 3 bad years has put financial and emotional distress and pressure on everyone in the industry, and we will now enter a 4th year with even worse circumstances.
- Industry need to work together to find some pragmatic solutions .

Abundance

- Catch rates seemed higher than prior year, despite lowest ever TAC
- Low TAC hurt revenue and subsequently caused lower beach prices in every sector, EC, TVH and TIB. Lower volumes mean lower prices as it reduces our scale and we have to cover costs with lower supply. This erosion of supply due to policy settings has reduced the value of the industry, since the introduction of ITQs for TVH and Olympic quota for TIB
- TVH activity was at record lows due to the limited quota
 - One operator caught their catch diving 36% of season (68 days), another 37% (70 days), another operator took a whole boat and 5/11 dories out of the water, and still comfortably caught their quota in 100 days (54% of open days, 30% of actual fishing capacity)
 - \circ Meanwhile TIB fishing effort is barely enough to take 50% of their quota allocation
 - This reduction in catch and revenue means lower beach prices and incomes for everyone else left in the industry. It also affects casual workers, contractors, processors, and has reduced the economic value of the industry in Torres Strait and Far North Queensland

Financial comparison 2019 vs 2023

Thanks to Chinese sanctions, revenue in the Australian lobster industry is down approximately 50%. The industries of all 4 commercial lobster species are struggling.

- Our revenue is down about 40% due to price and supply reduction in TIB, TVH and EC sectors
- QLD Unleaded cost increase from \$1.35 to \$1.90/L, up ~40% or more. Much more in Torres Strait
- Quality claims due to mortality used to be **10c vs \$5.07/kg** +\$5/kg higher cost
- Stock downgrade live to frozen/dump **30c vs \$9.55/kg** +\$9 higher cost
- Freight **\$3.40 vs \$8.1**/kg +\$4.5 higher cost

So revenue is down 40%, and just on those few line items costs are up from \$3.8/kg to \$22.9/kg, an almost \$20/kg increase in costs

Outlook for next year, 2024 Season

- We are heading into 2024 with conditions worse than 2023.
- China has banned all *Panulirus ornatus* and there is no indication this will be removed.
- As things stand, if Australian lobster is allowed back into China, tropicals will still be banned, and this is the most likely scenario in 2024. This puts us in the worst situation of any Australian lobster species.
- Our remaining routes to market are more difficult and vulnerable than they've ever been, and customers too are struggling.
- Flights out of Cairns remain very limited in capacity and very expensive.
- This dive fishery is one of the highest cost lobster fisheries in the world, uncompetitive compared to any pot/trap lobster fishery or tropicals in Africa and PNG that have significantly lower buy prices and freight costs
- To prepare for these poor circumstances we are doing everything we can internally to reduce costs and maximise efficiency, but there are numerous external items that add significant cost and reduce revenue and we need some help and support from regulators and decision makers to make the industry more efficient and resilient.
- Without some changes we can forecast a prolonged period of very depressed beach prices in all sectors.

2 Proposed changes for 2024 season

- 1) Removal of moon-breaks to stop surges of supply followed by shortfalls
- 2) Bring hookah season forward 2 weeks to 15th January 2024 and close 2 weeks earlier 15th September 2024, so that we can supply market for Chinese New Year when prices are highest

PROPOSED CHANGES DISCUSSION

1) <u>Removal of moon-breaks</u>

- There are several problems with moon-breaks
 - They cause supply surges, increasing costs of freight and stock loss. Combined with freight bottle necks in Torres Strait and Cairns, they add serious cost to the industry, and subsequently force lower prices to fishermen. Under the current arrangement, our industry has 2 freight bottlenecks, and monthly surges of supply. We can't overstate how difficult this makes sales and how much extra cost it adds. Which at the end of the day mean less profit for producers and lower prices to fishermen.
 - They mean we can't time supply to the market, flights or barges and instead surges in supply are controlled by a completely arbitrary moon calendar
 - They give less flexibility to divers in TVH and TIB sector who use hookah equipment over when they can fish, reducing supply volume and revenue, and operating flexibility.
 - Stock loss has gone from 30c to \$9.55/kg and freight from Torres to Cairns has increased significantly. Removing moon-breaks will help us cut down these losses.
 - Where moon closures fall this year is incredibly bad for the market
 - Fishing opens 1 Feb and closes almost immediately on 7 Feb.
 - Meanwhile Chinese New Year is on the 10th of Feb, so we will only get 6 days fishing when demand and prices will be at their highest.
 - We then won't get large supply volume again till the market is falling fast at the end of February
- So based on the current calendar and policy settings
 - January will be poor due to low supply. We will have low catch when market is at its highest and demand is high.
 - Our largest level of supply (when hookah commences in Feb and then stops for a week almost immediately) will mostly miss Chinese New Year and instead get unloaded when the market is falling fast at the end of February. It's uncertain if customers will accept big volumes then, if we haven't even supplied them when they actually really want the supply.
 - We can't stress how difficult it is to keep sales going in the current environment. Customers are facing major risk and operational difficulties, and as the season stands we are providing minimal supply when they really want it, and maximum supply when price and demand is falling
 - It is in all industry's interest to do this, as price will be at its highest, everyone will get better prices and income for their catch.
- No other lobster fishery in the country is this restrictive, makes it this difficult to fish, and deliberately causes this many logistics costs and problems.

2) Shift Hookah Season forward 2 weeks and close 2 weeks earlier

- Propose to shift hookah season forward 2 weeks, then close 2 weeks earlier so that we can time our supply and catch to Chinese New Year
- Move hookah opening from 1 Feb 2024 to 15 Jan 2024
- Move closure from 30 Sep 2024 to 15 Sep 2024
- It is commonsense to have decent supply for Chinese New Year, the most important cultural event in China and for people of Chinese heritage
- Customers have provided us with great support over the last 3 difficult years, and we will need to lean on them again, perhaps quite hard just to get through the 2024 season. The least we can do is supply them as much as possible when the market is at its best.
- This will deliver much better prices and revenue to fishermen in January and February, and then help us sustain better prices throughout the season
- Under the current system we will get swamped with supply end of February when market is falling, and not provide it when market is at its peak. Why would we deliberately do this? It makes no sense.
- Very simple change to bring hookah season forward 2 weeks, then close 2 weeks earlier so that we can maximise prices to fishermen and the value of the industry.
- Chinese New Year dates:
 - o 10 Feb 2024
 - o 29 Jan 2025
 - o 17 Feb 2026
 - o 7 Feb 2027
 - o 26 Jan 2028

Changes in Other Lobster Fisheries

South Australia

Government has been proactive in helping fishermen adapt to the difficulties of China trade sanctions and the COVID pandemic

- Southern Zone
 - Brought season opening forward 1 month to 1st September instead of 1st October. Closure Jun-Aug (3 months instead of 4)
 - \circ $\,$ License fees were reduced by 50% $\,$
- Northern Zone
 - Completely removed season dates, so fishermen can catch all year around instead of 4 month closure

Some of the reasons stated:

- Premier Malinauskas, "These sensible changes to support the industry are backed by the science, and allow for greater flexibility and market access, whilst maintaining the sustainability of Rock Lobster"
- In the face of Chinese trade sanctions and the Covid pandemic to ease pressure on the industry

- To provide fishers with additional time to catch their allocated quota and better align catch timings and supply with export market demand
- Greater flexibility to access international markets
- South Australian Research and Development Institute (SARDI) indicates "the change in season length does not pose a threat to stock sustainability as both the Southern Zone and Northern Zone Rock Lobster fisheries are managed under a Total Allowable Commercial Catch, meaning no more Rock Lobster will be taken as a result of these changes, than is currently the case"
- Studies showed removal of closure would have no impact on sustainability of stock

Western Australia

- 2020, 2021 and 2022 seasons all closures removed to address market issues and allow fishermen more time to catch the TAC and to time their catch to the market. For 3 years they opened the calendar year of fishing to all year to help the industry, in far contrast to our policy settings here in the Torres Strait and Queensland TRL fisheries

NSW and Victorian lobster

- Jurisdictions have no closures

By contrast, in the Tropical Rock Lobster industry:

- We have restrictive and complicated season dates, with complete disregard to market and the significantly changed conditions under the China trade ban and COVID pandemic
- To date there has been no help or support to industry and no changes to regulations despite facing a diabolical set of circumstances
- Industry have been left to manage these challenges alone
- These are 2 simple changes will help reduce costs significantly, increase revenue, help us get better beach prices to fishermen of all sectors, and get through what is looking like another challenging year.

Links to changes in other Australian lobster fisheries

https://www.pir.sa.gov.au/alerts_news_events/news/fishing_and_aquaculture/fishing_season_exten_ ded_for_sa_rock_lobster_industry

https://www.abc.net.au/news/2016-06-14/rock-lobster-winter-fishing-ban-removed-in-sa/7509770

https://www.fish.wa.gov.au/Documents/rock_lobster/rock_lobster_management_changes -__september_2020.pdf

https://westernrocklobster.org/wp-content/uploads/2022/07/WRL-Annual-Stock-Assessment-Report-2022.pdf

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15
Thursday Island	14 December 2023
Overview of TRLRAG 35 Outcomes and Advice	Agenda Item 5 For Noting

- 1. The Working Group:
 - a. **NOTE** an overview of the discussions and advice of the 35th TRL Resource Assessment Group who will meet from 12-13 December 2023, to be presented by the TRLRAG Chair, Dr Ian Knuckey.
 - b. In particular:
 - (i) the total catch and CPUE analyses;
 - (ii) the pre-season survey results;
 - (iii) the inputs to the empirical Harvest Control Rule (eHCR); and
 - (iv) the advice on a Recommended Biological Catch for the TRL Fishery.
 - c. Having regard to the advice of TRLRAG 35, **NOTE** that the Working Group will be asked to provide advice on a Total Allowable Catch for the TRL Fishery for the 2023-24 fishing season to be discussed under **Agenda Item 6**.

Expected timeline and process for finalising a global total allowable catch (TAC) for the TSPZ Tropical Rock Lobster Fishery

Key:

Scientific assessment and advice	PNG-Australia agreement	Administrative step for Australia
Selentine assessment and davice		Administrative step for Adstrand

Steps	Description	Indicative timeline
PNG and Australian catch and effort data compiled	Australian and PNG catch and effort data are compiled ¹ .	By end October
Pre-season scientific survey	Survey data are collected and used to update TRL survey abundance indices used to calculate a recommended biological catch (RBC) ² . Survey must be conducted in November to provide comparable results overtime and the most accurate estimate of annual lobster recruitment into the fishery.	Early November
Australian start of season TAC determined	Minister to determine a 200 tonnes start of season ³ TAC for the Australian TRL Fishery for the upcoming fishing season, as per section 13 of the <i>Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018</i> (the Plan) ⁴ . Start of season TAC based on advice received from TRLRAG and TRLWG in October-November 2018. TAC to apply to Australian TRL Fishery only.	Mid-November
RBC calculation	CSIRO to use empirical Harvest Control Rule (eHCR) to calculate a RBC. Every three years (starting in 2019), CSIRO to update and run the stock assessment model to evaluate the performance of the eHCR. Preliminary stock assessment results are usually available within 4-5 weeks of the pre-season scientific survey.	Late November through to early December
TRL Resource Assessment Group (TRLRAG) and TRL Working Group (TRLWG) advice ⁵	TRLRAG to review the survey results, CPUE analyses and application of the eHCR. Advice provided on a final RBC.	Mid December

¹ These data are provided to CSIRO to update catch per unit effort indices used to calculate a recommended biological catch for the coming fishing season.

² A RBC is the total amount of TRL that can be sustainably taken out of the water by all fishers (commercial, traditional, recreational) each season, while leaving enough in the water to breed.

³ The Australian TRL Fishery fishing season runs from 1 December each year to 30 September the following year.

⁴ The Plan is accessible online at <u>https://www.legislation.gov.au/Details/F2018L01645</u>

⁵ Officers from PNG NFA are invited to attend all PZJA advisory forums.

		Attachment 6a
	TRLWG to review TRLRAG advice. Advice provided on a final global TAC ⁶ .	
	Every three years (starting in 2019), TRLRAG and TRLWG to consider preliminary results of stock assessment. Advice provided on finalising the assessment.	
PZJA agreement to final global TAC	PZJA to review TRLRAG and TRLWG advice and agree to final global TAC.	January
Agree final global TAC, shares of the TAC, cross-endorsement apportionments and any preferential entitlements	AFMA CEO and PNG NFA Director General to meet to agree, as per the terms of the Torres Strait-a final global TAC as per article 23(2);-shares of the final global TAC as per article 22(1) (e.g. 15%:85% split);-cross-endorsement apportionments as per articles 23(4) and 25;-preferential entitlement to any unfished cross-endorsement apportionments as per article 25.An exchange of letters is required to formalise the agreement.	By end January
Australian final TAC determined	Minister to determine a final TAC for the Australian TRL Fishery for the fishing season, as per section 14 of the Plan. TAC to apply to Australian TRL Fishery only.	By end February
TRLRAG advice	Every three years (starting in 2019), TRLRAG to review the final stock assessment results. Advice provided on the need to review the eHCR and conduct a stock assessment in subsequent years, as per Harvest Strategy rules.	February/March
If relevant, submit any formal requests for cross-endorsement in accordance with the Cross- endorsement Guidelines (subject to input from NFA and agreement by the PZJA)	PNG and/or Australia to provide formal request to the other Party seeking cross-endorsement pursuant to article 26 of the Torres Strait Treaty. It will take approximately 6 weeks for Australia to complete the domestic processes to issue a Treaty endorsement/s ⁷ .	By end March

⁶ A global TAC is the total amount of TRL that can be sustainably taken out of the water by both Australian and PNG commercial fishers each season.

⁷ Australia's domestic process include requirements to undertake native title notification pursuant to sub-sections 24HA(2) and (7) of the Commonwealth *Native Title Act 1993*, which takes a minimum of 1 month, and to seek approvals to issue a Treaty endorsement/s.

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15 14 December 2023
TOTAL ALLOWABLE CATCH	Agenda Item 6 For Discussion and Advice

- 1. The Working Group:
 - a. **NOTE**, on 10 November, Senator the Hon. Murray Watt determined a total allowable catch (TAC) of 200,000 kilograms of TRL in the Australian waters of the TRL Fishery for the 2023-24 fishing season.
 - (i) It is expected that the TAC will be increased once the outcomes of the scientific assessment process and the TAC sharing arrangements under the Treaty between Australia and Papua New Guinea (PNG) have been taken into account.
 - b. **DISCUSS** and **PROVIDE ADVICE** on a global total allowable catch (TAC) for the Torres Strait Protected Zone (TSPZ) Tropical Rock Lobster Fishery (TRL Fishery) for the 2023-24 fishing season, taking into consideration:
 - (i) the advice from the TRL Resource Assessment Group (TRLRAG) on the recommended biological catch (RBC) for the TSPZ TRL Fishery for the 2023-24 fishing season based on the application of the TRL Harvest Strategy.
 - the TRLRAG advice and additional supporting information will be presented by the TRLRAG Chair (under **Agenda Item 5**)
 - (ii) to date, based on previous TRLRAG advice, other sources of mortality (e.g. traditional and recreational catch of TRL), have not been deducted from the RBC when recommending a global TAC.

KEY ISSUES

- 2. The Working Group is asked to provide advice on a global TAC for the TSPZ TRL Fishery for the 2023-24 fishing season¹. This is to include consideration of whether to deduct other sources of mortality from the RBC.
- 3. The RBC for the TSPZ TRL Fishery for the 2023-24 fishing season will be calculated by applying the TRL Harvest Strategy, with regard to the RBC estimate outputs using the empirical Harvest Control Rule. The TRLRAG 35 will consider the findings of this work at their meeting on 12-13 December 2023 and a summary of the advice will be presented to the Working Group in session.
- 4. The advice from the TRLRAG will also include additional discussions on options to address the potential implications of having a lower than expected average catch multiplier on the eHCR. Lower than expected average total catch is considered to be a result of ongoing

¹ The Australian TRL Fishery fishing season runs from 1 December through to 30 September the following year. The PNG TRL Fishery fishing season runs from 1 January through to 31 December each year.

market and export impacts and is also considered to be uncharacteristic of a standard fishing season, as has been the case for the past three fishing seasons.

5. The TRLRAG35 will also consider options, provided by the CSIRO, for amending the eHCR (and subsequently the TRL Harvest Strategy) to account for the current market circumstances which it was not intended to operate under. The TRLWG will have the opportunity to discuss these amendments in 2024 (to be discussed under **Agenda Item 8**).

BACKGROUND

TAC setting process

- 6. Under subsection 13 of the Plan, the Minister must determine a TAC for the TRL Fishery prior to the start of a fishing season. In making a TAC determination, the Minister must:
 - a. consult with any advisory committee that the PZJA has established under subsection 40(7) of the *Torres Strait Fisheries Act 1984*, to provide advice relating to the TRL Fishery; and
 - b. have regard to Australia's obligations under the Torres Strait Treaty.
- 7. Under section 13 the Minister may also consider the views of any person with an interest in the TRL Fishery or the ecologically sustainable use of the TRL Fishery and take into account the amount of TRL taken in the TRL Fishery as a result of other fishing, such as traditional fishing or recreational fishing.
- 8. Subsection 14 provides for the Minister to determine an increase to the TAC for a fishing season. Subsections 8-11 prescribe how a TAC is to be administered, including the issuing of a notice when the TAC for the Traditional Inhabitant sector has been reached.
- Further background on the TAC setting process, how catch is shared between Australia and PNG, and how each sector's catches will be managed for the 2022-23 fishing season is provided in the Tropical Rock Lobster Fishery Management Arrangements Booklet 2022-23 available from the <u>PZJA website</u>.
- 10. At order to improves administrative efficiencies and streamline the overall TAC process, at their meeting on 4 October 2022 the PZJA agreed to the TRL TAC setting timeline provided at **Attachment 6a**, provided there are no exceptional circumstances which would require further PZJA consideration.
- 11. The exceptional circumstances which would require further PZJA consideration on the advice of the TRL RAG and TRL Working Group are:
 - a. If any of the Harvest Strategy outputs are outside the bounds of the decision rules. Examples include:
 - (i) If in any year the pre-season survey average standardised number of 1+ age lobsters per survey transect is 1.25 or lower; or
 - (ii) If a stock assessment is triggered outside of the normal three-year stock assessment cycle;

or

b. In circumstances where the TRL stock abundance is exceptionally low and the final RBC is likely to fall below the start of season catch limit (200 tonnes).

Setting the start of 2023-24 season TAC

- 12. At its meeting on 18-19 October 2018, the TRLRAG advised that the start of season catch limit should cover 1 December through to the end of February, and be based on the maximum annual catch amount for the period 2005-2018, being 200 tonnes. This is to minimise the risk that the limit could artificially constrain fishing effort, particularly in a year of high TRL abundance.
- 13. The TRLRAG further advised that if needed, an additional 100 tonnes be added to the start of season catch limit amount, to account for catches from PNG.
- 14. It was further agreed that the start of season catch limit be overridden in seasons where the TRL stock abundance is exceptionally low and the final RBC is likely to fall below the start of season catch limit or where overridden by the Harvest Strategy decision rules. In such cases, the use of the start of season catch limit should not be used in subsequent seasons until reviewed by the TRLRAG.
- 15. The above approach was applied for setting the start of season TAC for the 2023-24 fishing season.
- 16. In accordance with the process provided at Attachment 6a, on 10 November 2023 the Minister determined a start of season TAC of 200,000 kgs (unprocessed weight) for the 2023-24 fishing season under section 13 of the Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018 (the Management Plan).
- 17. It is expected that the TAC will be increased once the outcomes of the scientific assessment process and the TAC sharing arrangements under the Treaty between Australia and PNG have been taken into account. Any increase in the TAC is expected to be determined by the end of February 2024.

TRL Harvest Strategy

- 18. The TRL Harvest strategy uses an eHCR to estimate a RBC annually, with the stock assessment model to be updated every three years (rather than annually) to assess the status of the TRL stock and evaluate the performance of the eHCR. The final Harvest Strategy also details a number of decision rules that are designed to maintain the stock at the agreed target reference point.
- 19. The eHCR uses the pre-season survey 1+ and 0+ indices, both standardised catch per unit effort (CPUE) indices (TVH and TIB), applies the natural logarithms of the slopes of the five most recent years' data and includes an upper catch limit of 1,000 tonnes. The relative weightings of the eHCR indices are 70% pre-season survey 1+ index, 10% pre-season survey 0+ index, 10% TIB sector standardised CPUE and 10% TVH sector standardised CPUE. The eHCR includes a maximum catch limit of 1000 tonnes.
- 20. The RAG will be asked to the application of the eHCR and the preliminary stock assessment results in accordance with the TRL Harvest Strategy, and provide advice on a RBC for the 2023-24 fishing season, with regard to:
 - a. section 2.10 Decision Rules of the TRL Harvest Strategy which provides that if in any year the pre-season survey 1+ index is 1.25 or lower (average standardised number of 1+ age lobsters per survey transect) it triggers a stock assessment.
 - (i) Having regard to the pre-season survey results presented at the RAG, the pre-season survey trigger has not been triggered.

b. section 2.11 Decision Rule Scenarios of the TRL Harvest Strategy which provides that under Scenario 1 or 2, if the pre-season trigger has not been triggered, the RAG will consider whether the eHCR RBCs remain within the ranges tested by management strategy evaluation (MSE).

Other sources of mortality and global TAC

- 21. When setting a TAC, all sources of fishing mortality (catch) are taken into account and, if needed, a discount is applied to the RBC. This generally means the TAC equates to the RBC for the species minus expected catches that will be taken outside of the fishery (e.g. recreational and traditional catches). This is consistent with the principles of the *Commonwealth Fisheries Harvest Strategy Policy: Framework for applying an evidence-based approach to setting harvest levels in Commonwealth Fisheries (June 2018)*.
- 22. To date, estimates of catches taken outside of the TRL Fishery (recreational, charter, subsistence) have not be deducted from the RBC when providing advice on the TAC each fishing season.
- 23. At the TRLRAG meeting held on 2-3 August 2016 (TRLRAG 18), the TRLRAG:
 - a. noted advice from the Independent Scientific Member that if unaccounted fishing mortality, for example catches taken in other sectors, recreational or traditional, remains constant and at low levels, there would be limited impact on the stock assessment if the catches were not included in the model. However, if unaccounted fishing mortality were to increase significantly this may impact on the performance of the stock assessment;
 - b. agreed that overall catches are likely to be relatively low, although some industry members considered recreational catches to be increasing;
 - c. noted currently there was no reliable estimate of recreational or traditional take of TRL but that future Queensland Government recreational fishing surveys may provide some data;
 - d. noting the likely low level of overall catch and the lack of accurate data, recommended that traditional and recreational catches not be estimated in the stock assessment model or when setting the TAC at this time.
- 24. This advice was re-affirmed at the TRLRAG meeting held on 4-5 April 2017 (TRLRAG 20). At this meeting, scientific members advised that:
 - a. there needs to be a time series of data or an estimate of historical catch to indicate if catch has increased or decreased over time;
 - b. if recreational and traditional catch has remained constant over time then it may not be worthwhile including in the assessment because it is unlikely to adjust the RBC estimate;
 - c. it is important to understand if catches are a lot bigger than assumed as that could impact the stock assessment; and
 - d. recreational and traditional catch data are often expensive to collect because this requires surveys to be conducted periodically, therefore it may not be affordable to collect this information.

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15
Thursday Island	14 December 2023
OTHER BUSINESS	Agenda Item 7 For Discussion

1. That the Working Group **NOMINATE** any further business for discussion.

TROPICAL ROCK LOBSTER WORKING GROUP	MEETING 15
Thursday Island	14 December 2023
DATE AND VENUE FOR NEXT MEETING	Agenda Item 8
	For discussion and advice

1. That the Working Group **NOMINATE** a date and a venue for the next meeting noting proposed meeting dates in the table below alongside key agenda items.

Proposed Date	Key agenda items
June 2024 (during a moontide closure)	 Discuss research priorities and any updates to the five-year research plan, having regard to TRLRAG advice Discuss amendments to the eHCR and TRL Harvest Strategy, having regard to TRLRAG advice
12 December 2024	 Consider advice of the TRL Resource Assessment Group (TRLRAG) regarding: Results of the November 2024 pre-season survey CPUE analyses for the 2023-24 fishing season recommended biological catch (RBC) for the 2024-25 fishing season Provide advice regarding a total allowable catch (TAC) for the 2024-25 fishing season