



## THE SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE COMMITTEE

Inquiry into matters relating to the Torres Strait region

Dear members of the committee,

I am not sure exactly what information is relevant to your inquiry. With regard to the provisions of the Torres Strait Treaty and the management of fisheries there are some specific problems that we face that I would like to bring to your attention. Also I will add some general comments.

### **General comments**

- Since the treaty was formalized in the 1970's there has been a significant change in the ability for cross border movements. The traditional sailing canoes which were used for subsistence fishing or visits to Torres Strait Islands have been replaced by outboard motor powered dinghies. It is now possible to transit the Protected Zone in a few hours.
- The PNG population resident in the Torres Strait continues to increase so that much more of the cross border movement tends to be between PNG families living on either side of the border.
- Under the treaty PNG fishermen are able to fish both commercially and traditionally within Australian waters.

Commercial fishing to take PNG's 25% (50% in the Australian enclaves) of the allowable catch in Australian waters can be easily regulated as it involves a small number of vessels cross endorsed by Australia. This activity is likely to increase in the future as PNG takes up its entitlement in the Tropical Rock Lobster (TRL) fishery and may expand to other fisheries, such as finfish, if these are declared article 22 fisheries. This regulated commercial fishing is unlikely to pose a significant risk. It should be restricted to the Protected Zone, excluding the "Outside But Near" area of the Protected Zone as this would allow operation down to the Australian mainland.

Traditional fishing is virtually unregulated and allows any number of PNG vessels to access Australian waters without any notification or identification. This is in the spirit of the Treaty of preserving the traditional way of life of the Traditional Inhabitants. There have been some problems with regard to the commercial sale of resources taken under traditional fishing. A bag limit had to be imposed on the traditional take of TRL, and a nil take of Bech de mer to prevent commercial exploitation of these resources. With the increasing population of Daru and the coastal villages of the Western Province, coupled with the lack of employment opportunity, it is envisaged that traditional fishing will escalate. This in itself is not a problem as traditional fishing must take priority under the treaty. However, it is difficult to establish whether or not these resources are used traditionally or commercially. It is well known that much of the turtle and dugong taken at present under traditional fishing, is sold commercially in PNG.

Secondly, having a large number of small vessels with the ability to move unregulated throughout the protected zone poses a security risk. It is therefore important that, as for commercial cross border fishing, traditional fishing be restricted to the protected zone and not extended to the “ Outside But Near” area of the Protected Zone.

### **Specific Problems with management of the Australian Torres Strait Fisheries**

- Prior to 1985 Torres Strait came under the Qld Fisheries Act and all commercial fishermen, Islander and non-Islander, held the same licence. Under the Torres Strait Fisheries act commercial fishing was divided into two sections:- commercial fishing by traditional inhabitants (community fishing) and non-Islander commercial fishing .

Non-Islander licences were issued to those who could prove involvement in the fishery prior to ratification of the treaty in 1985. In 1986 it was resolved that all future expansion should be reserved for traditional inhabitants and no new non-Islander licences would be issued. There has therefore been no increase in the non-Islander licences in the last 23 years.

- With concern over the TRL stocks, management wanted to prevent any further effort in this fishery. It was proposed to remove “latent” (unutilized) effort in the non-Islander sector only. As an interim measure, whilst latent effort was being removed, there would be a temporary 30% reduction in non-Islander licences and an additional one week a month closure (moon phase closure) to the use of hookah diving. The removal of “Latent” non-Islander licences (without compensation) was completed in 2005. However, to date the interim arrangements have not been removed and we still suffer the 30% reduction and moon phase closures. As an illustration of what this means, a vessel that is licenced to use 2 dinghies during the 8 month season is now restricted to 5 months only. In each month there is a one week moon phase closure, reducing fishing time effectively to 4 months. It is extremely difficult to run a fishing business with 4 months fishing/year.
- In 2007 through a govt. funded buyback of non-Islander licences 100% of finfish and 50% of TRL licences were removed. At present 13 non-Islander TRL licences remain. There are about 430 community licences and new ones are still being issued. Despite the removal of “latent” licences and 50% of active licences within the non-Islander sector, the interim measures have not been removed. Needless to say, we have lost faith in the management agencies.
- Another imposition that hampers normal operation is the requirement for non-Islander dinghies to be manned by a Torres Strait Master. There is no qualification or experience required to obtain this licence, it is in reality a meaningless piece of paper .In 1999 The PZJA resolved not to issue any new Torres Strait Masters licences to non-Islanders but would continue to issue them to traditional inhabitants. Community fishing dinghies do not require masters. So we have the bizarre situation where non-Islanders legally require masters, but cannot obtain them, Islanders do not require masters but can obtain them. As it is very difficult to obtain Islander crew, this makes operating difficult.
- It appears that the management agencies are controlling the Australian non-Islander sector because this is the only sector that they can control. Introducing

restrictions that make their operation inefficient and possibly uneconomical is not good fisheries management. In order for industry to regain any confidence in the management agencies these interim measures must be removed as previously agreed upon.

- The real problem is a political one. As non-Islander operators choose to exit the industry their entitlements should be continued to be purchased by government, including the TSRA. This would appear to be the only fair and equitable way to meet the Islander aspiration of obtaining a greater share of the Australian allowable catch.
- Although the management agencies divide the industry into Islander and non-Islander sections this is very simplistic. The Torres Strait region is very multicultural. During the pearling era large numbers of Polynesian, Melanesian, Asian and Europeans worked in the Torres Strait resulting in extensive mixed marriages. This continues today. There are presently a number of non-Islander operators that are married to Islanders and a significant number of Islanders are employed on non-Islander vessels. The non-Islander sector of the industry does make a significant contribution to the Torres Strait community, and this should be encouraged.
- We are all for promoting the development of a strong Islander fishing industry, as this will greatly benefit the Torres Strait region. By industry we not only mean the catching sector but a whole of industry approach including aquaculture, processing and marketing. This involves infrastructure and expertise and such development is best achieved by co-operation and possibly joint ventures.
- A strong, well regulated and organized fishing industry that is able to operate in all the remote areas of the TSPZ will strengthen the security of our area.

Raymond Moore 26<sup>th</sup> Oct.2009