

40th Protected Zone Joint Authority Meeting

Meeting Outcomes

Friday 11 February 2022

Teleconference

Welcome and Apologies

The Chair opened the 40th meeting of the Protected Zone Joint Authority (PZJA) at 11:05 am AEDT with an Acknowledgment of Country. An attendance list is at **Attachment A**.

The Chair welcomed opportunity for the PZJA to meet virtually and acknowledged with regret that circumstances prevented the planned face-to-face meeting taking place.

1. Global Total Allowable Catch for the Tropical Rock Lobster Fishery

- 1.1. The PZJA **AGREED** that the Torres Strait Protected Zone (TSPZ) Tropical Rock Lobster Fishery (TRL Fishery) global Total Allowable Catch (TAC) will be 615 tonnes (unprocessed weight) for the 2021-22 fishing season, noting:
 - a. The global TAC covers the area of the TSPZ and is shared between Australia and Papua New Guinea (PNG) as per the terms of the Torres Strait Treaty (the Treaty). AFMA will meet with the PNG National Fisheries Authority (NFA) by the end of January 2022 to confirm the global TAC and catch-sharing arrangements for the 2021-22 fishing season.
 - b. Once an agreement has been reached, the Minister will be asked to determine an increase to the start of season TAC that was agreed in August 2021 for the Australian TRL Fishery under section 14 of the *Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018* (the Plan). This increase will be equivalent to Australia's share of the global TAC as agreed with PNG.
- 1.2. The TSRA Member acknowledged the good work undertaken by the PZJA agencies and advisory groups in providing advice to support the setting of the TAC.

2. Total Allowable Catch for Spanish mackerel and coral trout for the 2022-23 Fishing Season, Torres Strait Finfish Fishery

- 2.1. The PZJA **CONSIDERED** advice from the PZJA Finfish Resource Assessment Group (FFRAG) which is supported by the Finfish Working Group (FFWG), on recommended TACs for Spanish mackerel and Coral trout for the 2022-23 fishing season of the Torres Strait Finfish Fishery (the Fishery) at Attachment 2a.
- 2.2. The PZJA **AGREED** that, for the 2022-23 fishing season of the Fishery, the TAC for Spanish mackerel and Coral trout will be 75 tonnes and 135 tonnes respectively.
- 2.3. The PZJA **NOTED** that AFMA, as the PZJA licensing delegate, will complete relevant administrative processes to implement the TACs for the Fishery for the 2022-23 fishing season, in particular:
 - b. placing conditions on sunset licences under section 22 of the *Torres Strait Fisheries Act 1984* (the Act) to give effect to individual catch allocations recommended to AFMA by the TSRA;
 - c. in agreeing to the total catch to be allocated to sunset licences, regard is given to likely catches expected under Traditional Inhabitant Boat (TIB) licences, which are not subject to formal catch limits in the Fishery; and
 - d. if required, additional measures will be developed to ensure catches do not exceed the agreed TACs.

3. Spanish mackerel and Grey mackerel size limits

- 3.1. The PZJA **NOTED** it is a condition of the Wildlife Trade Operation approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the Torres Strait Finfish Fishery for the PZJA to review the appropriateness of the current minimum size limit for Spanish Mackerel.
- 3.2. The PZJA **CONSIDERED** advice from the PZJA Finfish Resource Assessment Group (FFRAG) which is supported by the Finfish Working Group (FFWG):
 - a. Spanish mackerel: Having regard for available information on the biology of the stock, catch information for the fishery, and an understanding of fishing practices and capacity, the FFRAG recommends that the minimum size limit for Spanish mackerel be retained on the basis that:
 - i. arrangements in the fishery are effective in managing risks to the stock from fishing given that only 3.7% of the catch taken is fish sized between the estimated minimum length at maturity (90cm total length (TL)) and the current minimum size limit (75cm TL);
 - ii. the relative size structure of catches in the fishery continue to be monitored and risks to the stock reassessed as necessary; and
 - iii. an increase to the minimum size limit would likely have a disproportionate impact on the Traditional Inhabitant commercial fishing sector. Given the RAG's advice in (i) above, a size limit increase may impact the pursuit of other management objectives under the Act, specifically to develop and implement licensing policy, to the desirability of promoting economic development and employment opportunities for traditional inhabitants.
 - b. Grey mackerel: Having regard for available information on the biology of the stock, catch information for the fishery, FFRAG recommends that the minimum size limit for Grey mackerel be increased from 50cm TL to 75cm TL on the basis that the size limit is the sole species-specific management measure in place for the species and should therefore align with minimum length at maturity which is understood to be 75cm.
- 3.3. The PZJA **AGREED** retain the minimum size limit for Spanish mackerel and increase the minimum size limit for Grey mackerel from 50cm TL to 75cm TL; and
- 3.4. The PZJA **AGREED** for AFMA to progress the Grey mackerel size limit change, in the coming months when a package of amendments is proposed for the Torres Strait Fisheries Management Instrument No. 14.

4. Approval to consult on proposed legislative amendments to the *Torres Strait Fisheries Act 1984* and *Torres Strait Fisheries Regulations 1985*

- 4.1. The PZJA **NOTED** that significant progress has been made on drafting amendments to the *Torres Strait Fisheries Act 1984* (the Act) and *Torres Strait Fisheries Regulations 1985* (the Regulations).
- 4.2. The PZJA **NOTED** that a series of consequential and technical amendments to both the Act and the Regulations have been identified in the drafting process.
- 4.3. The PZJA **APPROVED** two additional amendments to the Act that are not consequential in nature but have been identified to:
 - a. Remove provisions from section 14 that duplicate provisions contained in section 16 that allow the closure of a fishery; and
 - b. Improve the efficient administration of logbook reporting by providing for the capacity to delegate the functions of section 14.
- 4.4. The PZJA **APPROVED** one additional amendment to the Regulations that is not consequential in nature but has been identified to:
 - a. Align the duration of logbook legislative instruments with the other instruments made under the Act by removing the default three-year automatic expiration date of logbook instruments from Regulation 11.
- 4.5. The PZJA **AGREED** that the Commonwealth Assistant Minister for Forestry and Fisheries write formally to the Prime Minister requesting Policy approval to publicly release an Exposure Draft of the *Torres Strait Fisheries Amendment Bill 2022* as well as plain English summaries of the legislative amendments, for the purposes of consulting, once drafting has been finalised.

- 4.6. Subject to Prime Ministerial approval, the PZJA **AGREED** for AFMA to undertake public consultation on the suite of proposed amendments, noting that AFMA will circulate the final drafted amendments and associated consultation material to PZJA Standing Committee members prior to any public consultation being undertaken.

5. Black teatfish opening

- 5.1. The PZJA **RECALLED** that consistent with a previous PZJA decision (35th meeting, 2020), a trial opening of the Black teatfish fishery was implemented in 2021, with fishing commencing on 30 April.
- 5.2. The PZJA **NOTED** that the outcomes of the opening have been reviewed by the PZJA Hand Collectables Resource Assessment Group (HCRAG) and Hand Collectables Working Group (HCWG) in line with the Torres Strait Beche-de-mer Fishery Harvest Strategy. ‘
- 5.3. The PZJA **CONSIDERED** advice from the HCRAG, which is supported by the HCWG, recommending a black teatfish opening in 2022 with a 20t TACC on the basis that:
- the 2021 trial reopening TAC of 20t was not overcaught;
 - data was collected satisfactorily during the opening;
 - updated modelling analysis, inclusive of 2021 catch data, confirmed that a 20t TAC is sustainable (conservative estimate of the Maximum Sustainable Yield being 21t) and would not lead to a decrease in black teatfish biomass after the first year of fishing. In contrast, the modelling found that annual catches of 30t could lead to a gradual depletion of the stock.
 - prior to a future black teatfish opening AFMA would focus on communication and education to improving voluntary reporting of area and effort data by fishers and fish receivers, including preparing fact/information sheets and organising a teleconference with all fish receivers as a cost-effective way to discuss ways of improving voluntary reporting.
 - opportunities to undertake a sub-sampling program to collect size and weight frequency data during black teatfish openings at key landing locations be explored. Noting that the sampling program would need to be scientifically designed.
- 5.4. The PZJA **AGREED** to a further trial opening of the fishery for Black teatfish in 2022 subject to a 20t competitive TAC with daily landing and reporting to AFMA of catch through the mandatory fish receiver system.
- 5.5. The PZJA **NOTED** that due to the current COVID-19 public health and social measures in the Torres Strait Region, AFMA is not able to convene an industry workshop in February to further consult on industry’s preferred timing of future black teatfish openings (including 2022) as originally planned.
- 5.6. The PZJA **AGREED** to set 9 May as the commencement date for the 2022 black teatfish opening to provide industry with some early certainty of a black teatfish season in 2022, noting:
- advice from industry members and observers at the HCRAG meeting on the basis that it coincides with favourable tides and the fishery is unlikely to remain open by the following Sunday (the Sabbath). The HCWG18 noted this advice at its meeting.
 - impacts of the changing and uncertain COVID-19 circumstances on AFMA’s ability to communicate and monitor arrangements for an opening.
- 5.7. The PZJA **NOTED** that AFMA will apply administrative processes to administer and monitor the fishery trial, in particular:
- varying the licence conditions under section 22 of the Act to:
 - impose the 20 tonnes TAC for a specific period of the fishing season;
 - require fishers to land catches of Beche-de-mer daily to a fish receiver; and
 - require daily reporting to AFMA of Beche-de-mer received
 - implementing a targeted education and compliance program.
 - investigating opportunities to support a scientifically designed sub-sampling program to collect size and weight frequency data during the opening.

- 5.8. The PZJA **NOTED** that while AFMA will seek to replicate the monitoring and enforcement regime that ensured the success of last year's trial, doing so will depend on the ability of other agencies to provide the same level of support and the impact of any COVID restrictions.
- 5.9. The PZJA **NOTED** that, depending on the outcome of recommendation 8, AFMA may consider whether additional measures are required to ensure the integrity of the TAC.
- 5.10. The TSRA member expressed a desire to increase the TAC in future within sustainable limits and supported by appropriate modelling. This position was supported in principle by the Queensland member, subject to appropriate and supportive modelling.
- 5.11. Noting his support for this item, the Queensland member noted that the Queensland Government remained perplexed by the exclusion of Black teatfish from the Queensland Sea Cucumber Fishery (East Coast) export approval by the Federal Government given the biomass is currently estimated to be 59%.

6. Making a new management instrument for the BDM Fishery

- 6.1. The PZJA **CONSIDERED** advice from the (HCWG on repealing and making a new legislative instrument under section 16 of the Act for the Torres Strait Beche-de-mer (BDM) Fishery. The HCWG met on 28-29 October 2021.
- 6.2. The PZJA **AGREED** to repeal the existing Instrument and make a new Instrument under section 16 of the Act for the BDM Fishery to introduce new management measures and one administrative change. The new Instrument is the Torres Strait Fisheries (Beche-de-mer) Management Instrument 2021 (Attachment 6a).
- 6.3. The PZJA **APPROVED** the Explanatory Statement for the Instrument
- 6.4. The PZJA **AGREED** to:
- authorise AFMA to publish the Instrument in the *Torres News* for the purposes of sub section 16(9) of the Act;
 - authorise the Commonwealth Minister to execute the Instrument for and on behalf of the PZJA; and
 - authorise the Commonwealth Minister to commence the Instrument on 1 March 2022 in accordance with sub section 16(4) of the Act.

7. Amendment of the Torres Strait finfish permanent closure area (Western Line Closure)

- 7.1. The PZJA **NOTED** that Torres Strait Islander and Aboriginal Traditional Owners have reached agreement to recommend an amendment to the Torres Strait finfish permanent closure area (commonly referred to as the 'Western Line Closure'). This recommendation is supported by PZJA Finfish Advisory Committees, the TRL Industry and Malu Lamar.
- 7.2. The PZJA **NOTED** that supporting this recommendation will acknowledge the importance of Self-determination and core tenets within the National Agreement and Implementation Plan on Closing the Gap.
- 7.3. The PZJA **AGREED IN-PRINCIPLE** to redefine the finfish permanent closure Area (Western Line Closure), to:
- limit the closure area of waters to the West of the existing Western line (Longitude 142° 31' 49"E) and to the South of the Southernmost point of Buru/Turnagain Island (Latitude 09° 34' 31" S) extending West along the same line to the Fisheries jurisdiction line (Latitude 09° 34' 31" S); and
 - open up the waters North of the proposed repositioned line (Latitude 09° 34' 31" S) extending West to the Fisheries jurisdiction line (Latitude 09° 34' 31" S).
- 7.4. The PZJA **NOTED** that having regard to out-of-session advice from the PZJA Finfish Working Group on a draft amendment instrument, the PZJA will be asked to amend the Torres Strait Finfish Management Instrument 2020 at a subsequent meeting in March 2022 to give effect to the proposed changes.
- 7.5. The TSRA member noted the hard work of the TSRA fisheries team in consulting with fishers and communities and the importance of this amendment in facilitating access to fishery resources in the Torres Strait.

8. New process for PZJA Traditional Inhabitant member appointments

- 8.1. The PZJA **NOTED** the 2022-2025 nomination process for Traditional Inhabitant members on each of the PZJA Advisory Committees is now being facilitated by Zenadth Kes Fisheries Limited (ZK Fisheries) and, given this is the first time the company has facilitated such a process, it requires additional time to consult with communities and make recommendations.
- 8.2. The PZJA **NOTED** that once advice is received from ZK Fisheries, all other aspects of the 2022-2025 appointment processes will remain the same with TSRA facilitating PZJA approval via AFMA as the delegate.
- 8.3. The PZJA **NOTED** that AFMA has put in place administrative arrangements to extend the appointment of existing PZJA Traditional Inhabitant members for a period of up to six months to 30 June 2022.

9. Other business

The Chair noted the next PZJA meeting will be held in mid-March 2022, with a strong preference to hold the meeting on Thursday Island. This will provide the PZJA members with an opportunity to progress Agenda Item 7 following Finfish Working group consultation and feedback on out of session advice.

The TSRA Chair also noted the importance of funding research in the Torres Strait, including the commitment from the TSRA to fund half of the costs of the TRL stock survey for the next three years. He also noted the need to explore other opportunities for research funding including consideration of funding projects through the TSRA economic development program. He requested that this be discussed at the March meeting.

Close

The Chair closed the meeting at 11:20 am AEDT.

Meeting attendance

8 December 2021

PZJA members

Chair

- Senator the Hon. Jonathon Duniam, Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development

Members

- Mr Napau Pedro Stephen AM, Chair Torres Strait Regional Authority
- The Hon. Mark Furner MP, Queensland Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities

Government Delegations

Australian Fisheries Management Authority

- Wez Norris, Chief Executive Officer
- Anna Willock, Executive Manager, Fisheries Management Branch
- Brodie Macdonald, Acting Senior Manager, Northern Fisheries
- Georgia Langdon, Acting Manager, Torres Strait Fisheries

Office of the Hon. Mark Furner

- Dan McIntyre, Chief of Staff

Torres Strait Regional Authority

- Angela Jane, Acting Chief Executive Officer
- Mark Anderson, Manager, Fisheries Programme

Department of Agriculture, Water and the Environment

- George Day, Assistant Secretary, Fisheries Branch

Queensland Department of Agriculture and Fisheries

- Robert Gee, Director-General
- Graeme Bolton, Deputy Director-General