

43rd Protected Zone Joint Authority Meeting

Meeting Outcomes

Tuesday 28 February 2023

Teleconference

Welcome and Apologies

The Chair opened the 43rd meeting of the Protected Zone Joint Authority (PZJA) at 12:21pm AEDT with an Acknowledgment of Country. An attendance list is at **Attachment A**.

The Chair thanked the PZJA Standing Committee for its clear advice and confirmed the agenda, with no additional items for the meeting.

1. Total Allowable Catch (TAC) for Spanish mackerel and coral trout for the 2023-24 Fishing Season

The PZJA:

- 1.1. **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 2023-24 fishing season of the Torres Strait Finfish Fishery.
- 1.2. **AGREED** that, for the 2023-24 fishing season of the Fishery, the TAC for Spanish mackerel and coral trout will be 75 tonnes and 135 tonnes respectively.
- 1.3. **NOTED** that AFMA, as the PZJA licensing delegate, will complete relevant administrative processes to implement the TACs for the Fishery for the 2023-24 fishing season, in particular:
 - a) 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 Torres Strait Regional Authority (TSRA);
 - b) 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
 - c) if required, additional measures will be developed to ensure catches do not exceed the agreed TACs.

2. Black teatfish ongoing season opening

The PZJA:

- 2.1. **RECALLED** that consistent with a previous PZJA decision (40th meeting, 2022), a trial opening of the black teatfish fishery was implemented in 2022, with fishing commencing on 9 May.
- 2.2. **NOTED** that the outcomes of the opening have been reviewed by the PZJA Hand Collectables Resource Assessment Group (HCRAAG) and Hand Collectables Working Group (HCWG) in line with the Torres Strait Beche-de-mer Fishery Harvest Strategy (BDM Harvest Strategy). The draft HCRAAG and HCWG minutes are currently with members for comment and will be published on the PZJA website once finalised.
- 2.3. **CONSIDERED** advice from the HCRAAG, which is supported by the HCWG, recommending that fishing for black teatfish can progress from being on a trial basis to a more consistent annual opening with an ongoing 20 tonnes (t) total allowable catch (TAC) on the basis that:
 - a) the success of the 2021 and 2022 trial openings have demonstrated that there are sufficient management, monitoring and compliance tools in place to mitigate the risk of overcatch;
 - b) updated modelling analysis, inclusive of 2022 catch and sampling data, confirmed that a 20t TAC continues to be sustainable and would not lead to a consistent decline in black teatfish biomass after the first year of fishing. In contrast, all models found that catches of 30t could lead to a gradual depletion of the stock;
 - c) a sub-sampling program to collect size and weight frequency data during black teatfish openings at key landing locations was successfully undertaken during the 2022 season;

- d) black teatfish will continue to be assessed under the BDM Harvest Strategy. This will give industry better certainty to plan their operations.
- 2.4. **NOTED** that, in making its recommendation, the HCRAG emphasised the importance of working on ensuring the full utilisation of the 20t TAC by working with industry to fine tune catch reporting and by developing a logical and defensible mechanism to allow the carryover of undercatch between fishing seasons (this will require a review of the BDM HS to enable).
- 2.5. **AGREED** to an annual opening of the fishery for black teatfish subject to an annual 20t competitive TAC, set in accordance with the BDM Harvest Strategy.
- 2.6. **NOTED** that AFMA plans to convene an industry workshop in early 2023 to further consult on industry's preferred timing for future black teatfish openings (including 2023), amongst other matters.
- 2.7. **AGREED** for AFMA to set the protocols for setting a date for the annual opening of the black teatfish fishery, taking into consideration the advice from this industry workshop.
- 2.8. **NOTED** that AFMA will undertake the following to administer and monitor black teatfish openings:
- a) vary relevant licence conditions under section 22 of the Torres Strait Fisheries Act 1984 (the Act) to:
 - i. impose a 20t TAC for a specific period of the fishing season;
 - ii. require fishers to land catches of black teatfish daily to a fish receiver; and
 - iii. require daily reporting to AFMA of beche-de-mer received.
 - b) implement a targeted education and compliance program;
 - c) continue to support the scientifically designed sub-sampling program to collect size and weight frequency data during openings.
- 2.9. **NOTED** that while AFMA will seek to replicate the monitoring and enforcement regime that ensured the trial openings' success, doing so will depend on the ability of other agencies to provide the same level of support.
- 2.10. **NOTED** that, depending on the outcome of recommendation 9, AFMA may consider whether additional measures are required to ensure the integrity of the TAC.
- 2.11. The AFMA CEO noted that AFMA has received a response from Malu Lamar regarding Native Title, noting that the PZJA agencies have worked out a process to work with Malu Lamar on the concerns raised.

3. Review of TRL quota unit allocation to the Traditional Inhabitant sector

The PZJA:

- 3.1. **NOTED** that under subsection 17 the Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018 (TRL Plan), the PZJA must undertake a review of the allocation of quota units to the Traditional Inhabitant sector.
- 3.2. **RECALLED** that at PZJA meeting 33 (19 November 2019) the PZJA:
- a) **AGREED IN PRINCIPLE** that the review of allocation 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 Torres Strait Protected Zone Joint Authority Fisheries where fisheries management arrangements change significantly (FMP 2).
 - b) **DIRECTED** the PZJA Standing Committee to provide draft Terms of Reference (ToR) for an IAAP, including its membership and process to the PZJA by April 2020 so that PZJA can confirm its in principle decision.
 - c) **AGREED** to commence the allocation review following the completion of the TSRA's Fisheries Regional Ownership Framework project, anticipated by 30 June 2020.
 - d) **AGREED** that the IAAP appointed to undertake the TRL review, also consider and recommend an allocation model for the allocation of quota units to Traditional Inhabitants under the Torres Strait Finfish Fishery Management Plan 2013 using the same basis provided for under s17(2) of the TRL Plan.
- 3.3. **NOTED** the Torres Strait Regional Authority's (TSRA) concerns regarding an IAAP. The Chair invited TSRA to present the paper and issues raised.
- 3.4. **AGREED** that an alternative allocation review process should be developed for the PZJA's consideration.

- 3.5. **DIRECTED** the PZJA Standing Committee to draft a Terms of Reference to guide the development of an alternative framework, that meets the aspirations of the Traditional Inhabitants, for out of session consideration by the PZJA.

4. PZJA 44 planning (face-to-face)

The PZJA:

- 4.1. **NOTED** that a face-to-face meeting of the PZJA has not been held since PZJA 24 in 2015.
- 4.2. **NOTED** that there are a range of key discussion items that would benefit from being held face-to-face including opportunities for meetings with stakeholders.
- 4.3. Minister Watt expressed interest in visiting the outer islands and noted the importance of meeting people face-to-face.
- 4.4. **AGREED** to organise a date for the 44th PZJA meeting out of session.

5. Legislative amendments to the *Torres Strait Fisheries Act 1984 (TSF Act)* and *Torres Strait Fisheries Regulation 1985 (TSF Regulations)*

The PZJA:

- 5.1. **NOTED** that the amendments to the TSF Act and TSF Regulation have been drafted (*Torres Strait Fisheries Amendment Bill 2023* (the Bill) and *Torres Strait Fisheries Amendment Regulations 2023* (the Amendment Regulations)).
- 5.2. **NOTED** that amending the TSF Act and TSF Regulations has been a long-standing commitment of the PZJA that recognises the importance of modernising, streamlining and improving the efficiencies and effectiveness of fisheries administration in the Torres Strait.
- 5.3. **NOTED** that on 13 February 2023 the Assistant Minister to the Prime Minister gave policy approval to amend the TSF Act, as well as approval to release exposure drafts of the Bill and Amendment Regulations for the purposes of stakeholder and public consultation.
- 5.4. **NOTED** that pursuant to decisions at PZJA meeting 40 (11 February 2022), exposure drafts of the Bill and Amendment Regulations have been circulated to PZJA Standing Committee members.
- 5.5. **NOTED** that pursuant to decisions at PZJA meeting 40 (11 February 2022), AFMA will commence public consultations with Torres Strait communities and stakeholders, on the suite of proposed amendments.
- 5.6. **NOTED** there may be further amendments (and further PZJA approvals) required to the Bill and Amendment Regulations following stakeholder and public consultation.
- 5.7. The TSRA CEO noted the importance of collaboration with the traditional owners and noted the interest from Gur A Baradharaw Kod Sea and Land Council Torres Strait Islander Corporation to be part of the consultation. The TSRA CEO noted the need to capture the greater audience of the Torres Strait and to work collaboratively between the PZJA agencies.

Close

The Chair closed the meeting at 12:36pm AEDT.

Attachment A

Meeting attendance

28 February 2023

PZJA members

Chair

- Senator the Hon. Murray Watt, Minister for Agriculture, Fisheries and Fisheries and Minister for Emergency Management

Members

- Horace Baira, Acting Chair, Torres Strait Regional Authority
- Hon. Mark Furner, 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, Deputy Chief Executive Officer
- Brodie Macdonald, Senior Manager, Northern Fisheries
- Emma Freeman, Senior Manager, Northern Fisheries
- Rachel Downes, PZJA Secretariat, Northern Fisheries

Torres Strait Regional Authority

- Vonda Malone, Chief Executive Officer
- Damian Miley, Program Manager (Fisheries), A/Program Manager (Economic Development)
- Courtney Cardow
- Zachariah Matysek

Department of Agriculture, Fisheries and Forestry

- George Day, Assistant Secretary, Fisheries Branch
- Nancy Pedersen, Assistant Director- Governance and Trade- Fisheries Branch

Queensland Department of Agriculture and Fisheries

- Graeme Bolton, Deputy Director-General