

44th Protected Zone Joint Authority Meeting

Meeting Outcomes

Wednesday 19 July 2023

TSRA Boardroom, Thursday Island

Welcome and Apologies

The Chair opened the 44th meeting of the Protected Zone Joint Authority (PZJA) at 2:40pm AEST with an Acknowledgment of Country. An attendance list is at **Attachment A**.

The Chair thanked the PZJA Standing Committee for its clear advice and for the work put in to organising the face-to-face meeting. The Chair passed to the AFMA CEO to step through the agenda.

1.1. Torres Strait fisheries operating environment

The PZJA:

- 1.1.1 **DISCUSSED** matters raised during briefings with *Malu Lamar* and *Zenadth Kes Fisheries*.
- 1.1.2 **AGREED** that the Standing Committee investigate the value of an inter-agency Working Group and to further consider the issues raised by *Malu Lamar* and *Zenadth Kes Fisheries Limited*. The PZJA **DIRECTED** the SC to report back at the next PZJA meeting.
- 1.1.3 **AGREED** to consider a decision on progressing legislative amendments to the *Torres Strait Fisheries Act 1984* (the Act) and *Torres Strait Fisheries Regulations 1985* at its next meeting.

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

The PZJA:

- 1.2.1 **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.
- 1.2.2 **RECALLED** that at its 43rd meeting 43 (28 February 2023) the PZJA:
 - a. NOTED the Torres Strait Regional Authority's concerns regarding convening an Independent Allocation Advisory Panel as described in existing PZJA policy.
 - b. AGREED that an alternative allocation process should be developed for the PZJA's consideration.
 - c. DIRECTED the PZJA Standing Committee to draft Terms of Reference to guide the development of an alternative framework for consideration by the PZJA.
- 1.2.3 **AGREED** to Terms of Reference to guide the development of an alternative allocation framework for the allocation of quota units to the Traditional Inhabitant sector.
- 1.2.4 **DIRECTED** the PZJA Standing Committee to commence the process of engaging a consultant to develop an alternative review framework as outlined in the Terms of Reference.
- 1.2.5 **NOTED** the PZJA will be informed and updated as the allocation process progresses.

1.3. Request for a Statement of Reasons – Decision not to re-issue certain Transferable Vessel Holder (TVH) fishing licences

The PZJA:

- 1.3.1 **RECALLED** that at the meeting on 16 March 2022 the PZJA NOTED that:
 - a. There are three transferable vessel holder (TVH) fishing licence packages, held by three separate entities, granted under section 19(2) and 19(3) of the Act that do not have fishery entries (made under section 21).

- b. A s19(2) fishing licence without fisheries entries may permit the holder to fish commercially for any species, unless the species is either regulated under management instrument, or it is otherwise unlawful to commercially fish for that species under other legislation.
 - c. AFMA received an application on 17 February 2022 to permanently transfer and activate one of these licences with the intention to fish for species groups for the ornamental aquarium trade.
- 1.3.2 **RECALLED** that on 22 April 2022, having regard to the views of the PZJA, AFMA wrote to applicable licence holders advising of AFMA’s intention to seek a PZJA decision on the ongoing role of these licence packages in the context of the PZJA’s policy. The letters further advised that the applicable licences may not be regranted after their next expiry date.
- 1.3.3 **RECALLED** that at the meeting on 4 October 2022:
- a. the PZJA AGREED that as the current licence owners are not identified as verified Traditional Inhabitants, any commercial fishing activity undertaken with the use of these licences is akin to an expansion of effort and therefore inconsistent with the PZJA’s policy of reserving expansion in the Torres Strait, where there is scope, for Traditional Inhabitants.
 - b. the PZJA AGREED that the three licence packages are therefore inconsistent with the objectives of the Act, and the policies of the PZJA, and should not be renewed upon their next expiry dates.
 - c. the PZJA AGREED for AFMA, as the licensing delegate of the PZJA, to write to all affected licence holders advising them of the PZJA’s decision and informing these licence holders that AFMA will no longer issue the TVH fishing and carrier licences that do not have fishery entries upon their next expiry date.
- 1.3.4 **NOTED** that on 12 April 2023 Aus Fish Coral Pty Ltd, the party noted above which made an application in early 2022 to permanently transfer and activate one of these licences with the intention to fish for species groups for the ornamental aquarium trade, wrote to AFMA requesting a Statement of Reasons be provided to it, in accordance with section 13 of the *Administrative Decisions (Judicial Review) Act 1977* (“the ADJR Act”) to the decision made by the PZJA on 4 October 2022 to not renew the licence no. 123480 held by Aus Fish Coral Pty Ltd when it expired.
- 1.3.5 **AGREED** to provide Aus Fish Coral Pty Ltd with a Statement of Reasons for the decision not to review its licence.

1.4 Climate change impacts in Torres Strait Fisheries

The PZJA:

- 1.4.1 **NOTED** work being undertaken to incorporate climate change information into fisheries management advice and decisions in AFMA’s other Commonwealth fisheries, with a view to implementing a similar process for Torres Strait Fisheries,
- 1.4.2 **AGREED** that a standing agenda item “Climate and ecosystem update” will be introduced to all Resource Assessment Groups (RAGs) and Working Group agendas where total allowable catch and/or effort limits are to be considered, and
- 1.4.3 **DIRECTED** PZJA agencies, RAGs and Working Groups to further develop mechanisms to collate and incorporate Traditional Ecological Knowledge into fisheries monitoring and assessment.

1.5 Appointment of deputies and rules of procedure

The PZJA:

- 1.5.1 **NOTED** that Section 30 of the Act provides for PZJA members to appoint deputies and Section 40 allows for the PZJA to adopt its own rules of procedure.
- 1.5.2 **AGREED** to a revised procedure for considering out-of-session decisions.
- 1.5.3 **DIRECTED** the Standing Committee to prepare draft rules of procedure for appointed deputies to represent them at scheduled meetings on routine administrative matters.

2.1. Updates to PZJA’s Delegation under Section 38 of the Act

The PZJA:

- 2.1.1. **NOTED** that pursuant to section 38 of the Act, the PZJA may, in writing, delegate any or all of its functions or powers under the Act, other than subsection 35(1), to AFMA staff members.
- 2.1.2. **AGREED** to:

- a. **REVOKE** the *Directions to Delegates under the Act by the Protected Zone Joint Authority in Respect of the Rock Lobster Fishery* dated 11 August 1989 (the Directions).
- b. **REVOKE** the *Torres Strait Fisheries (Protected Zone Joint Authority) Delegation 2022*; and
- c. **DELEGATE** the PZJA's functions or powers under the Act as proposed in the *Torres Strait Fisheries (Protected Zone Joint Authority) Delegation 2023*.

2.2. Granting of Permit for Scientific Purposes – 2023 independent population survey for the Torres Strait Tropical Rock Lobster Fishery

The PZJA:

- 2.2.1. **AGREED** to grant a Permit for Scientific Purposes in accordance with section 12(1) of the Act to enable the Commonwealth Scientific and Industrial Research Organisation to undertake a fishery independent population survey of Tropical Rock Lobster (TRL) within the area of Torres Strait TRL Fishery in 2023.
- 2.2.2. **AGREED** for the Chair to sign and date the Permit for Scientific Purposes for the 2023 survey.
- 2.2.3. **NOTED** that no submissions were received in response to native title notification conducted under section 24HA of the *Native Title Act 1993* (the Native Title Act) with regard to the proposed grant of a Permit for Scientific Purposes.

2.3. Guidelines for authorising cross-endorsement in areas of Australian jurisdiction of the Torres Strait Protected Zone

The PZJA:

- 2.3.1 **NOTED** that the draft Guidelines were considered by Papua New Guinea's National Fisheries Authority, the Tropical Rock Lobster Working Group and made available for public consultation between August 2022 and January 2023.
- 2.3.2 **AGREED** to the final *Guidelines for authorising cross-endorsement in areas of the Australian jurisdiction of the Torres Strait Protected Zone*.

2.4. Remaking Torres Strait Fisheries (Furnishing of Logbooks) Instrument

The PZJA:

- 2.4.1 **AGREED** to make a new legislative instrument under Section 14 the Act, the *Torres Strait Fisheries (Furnishing of Logbooks) Instrument 2023*.
- 2.4.2 **APPROVED** the Explanatory Statement for the new instrument.
- 2.4.3 **AGREED** to authorise the Commonwealth Minister to:
 - a. execute the new instrument for and on behalf of the PZJA; and
 - b. commence the new Logbook Instrument on the day after it is registered, in accordance with sub section 14(10) of the Act.
- 2.4.4 **AGREED** to authorise AFMA to publish the new instruments in the *Torres News* for the purposes of sub section 14(11) of the Act.

Close

The TSRA Chair delivered a closing prayer. The Chair closed the meeting at 3:37pm AEST.

Meeting attendance

19 July 2023

PZJA Members

Chair

- The Hon. Murray Watt – Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management

Members

- The Hon. Mark Furner – Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities
- Napau Pedro Stephen AM – Chair of the Torres Strait Regional Authority

Government Delegations

Australian Fisheries Management Authority

- Wez Norris – CEO
- Emma Freeman – Torres Strait Fisheries Senior Manager
- Brodie Macdonald – Northern Fisheries Senior Manager
- Rachel Downes – PZJA Secretariat

Torres Strait Regional Authority

- Damian Miley – Program Manager, Fisheries
- Joy Le – Administrative Support Officer, Fisheries

Queensland Department of Agriculture and Fisheries

- Graeme Bolton – Deputy Director-General

Office of Senator the Hon. Murray Watt

- Mathew Stephenson – Senior Adviser
- Thomas Campbell-Hardwick – Adviser

Office of the Hon. Mark Furner MP

- Dan McIntyre – Chief of Staff

Apologies

- Vonda Malone – Torres Strait Regional Authority – CEO