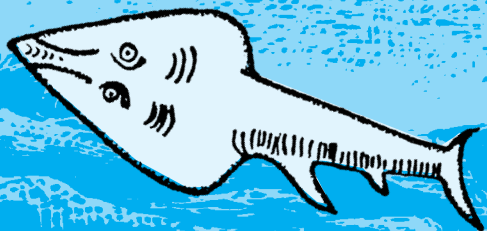


TORRES STRAIT PROTECTED ZONE JOINT AUTHORITY



*Annual Report for the Financial Years
2020-21, 2021-22 and 2022-23*



ACKNOWLEDGMENTS

The Protected Zone Joint Authority gratefully acknowledges the late Lindsay Wilson for permission to use drawings of traditional Torres Strait artefacts and other objects in this Annual Report series from the publications “*Thathilgaw emeret lu, a handbook of traditional Torres Strait Islands material culture*” and “*Kerker lu: contemporary artefacts of the Torres Strait Islanders*”.

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Torres Strait Regional Authority: www.tsra.gov.au

Torres Strait Fisheries Act 1984 (Commonwealth)



PROTECTED ZONE JOINT AUTHORITY

Annual report for the financial years

1 JULY 2020 to 30 JUNE 2021

1 JULY 2021 to 30 JUNE 2022

1 JULY 2022 to 30 JUNE 2023

PRESENTED TO PARLIAMENT
PURSUANT TO SECTION 41 OF THE ACT

Senator the Hon. Murray Watt
Minister for Agriculture, Fisheries
and Forestry and Minister for
Emergency Management
Chair of the Protected Zone
Joint Authority

The Hon. Mark Furner MP
Queensland Minister for
Agricultural Industry
Development and Fisheries and
Minister for Rural Communities
Member of the Protected Zone
Joint Authority

Mr Napau Pedro Stephen AM
Chair of the Torres Strait
Regional Authority
Member of the Protected Zone
Joint Authority

1. INTRODUCTION

This, the thirty first annual report of the Protected Zone Joint Authority (PZJA), describes PZJA activities and the condition of the fisheries in the Torres Strait Protected Zone during the three financial years ending 30 June 2021, 2022 and 2023.

The PZJA is responsible for management of commercial and traditional fishing in the Australian area of the Protected Zone and designated adjacent Torres Strait waters.

2. BACKGROUND

Sea-based resources are important to Torres Strait Islander and Aboriginal people. Traditional Inhabitants of the Torres Strait have always exploited a diverse range of marine animals for subsistence and use in cultural activities including dugong, turtle, tropical rock lobster, finfish, shellfish, crab, and octopus. The relative importance of each group varies between island communities. The most common subsistence fishing activities undertaken by Traditional Inhabitants include hand lining for finfish and diving for many species including tropical rock lobster.

Commercial fishing is the most important economic activity in the Protected Zone for Traditional Inhabitants and provides significant opportunities for achieving financial independence. A priority of the PZJA is to enhance opportunities for Traditional Inhabitants through participation in all sectors of the fishing industry.

Whilst both Traditional and non-traditional inhabitants participate in commercial fisheries, expansion in the number of licensed fishers has been reserved for Torres Strait Traditional Inhabitants.

The PZJA at its 23rd meeting in April 2014 acknowledged and supported the aspirations of 100 per cent ownership of Torres Strait fisheries by Torres Strait Islander and Aboriginal Traditional Owners. The Torres Strait Regional Authority (TSRA) continues to lead on the development of strategies to increase ownership of access and participation in Torres Strait commercial fisheries.

Non-traditional inhabitants can only gain access to a fishery by purchasing or leasing an existing Torres Strait Fishing Licence or leasing a Torres Strait Sunset Fishing Licence.

Further information about licensing for fisheries in the Australian jurisdiction of the Protected Zone by both Traditional Inhabitants and non-traditional inhabitants is available at <https://www.pzja.gov.au/licences>.



TORRES STRAIT FISHERIES LEGISLATION

Management of Protected Zone fisheries in the Australian jurisdiction is subject to the *Torres Strait Fisheries Act 1984* (the Act). The Act came into force on the same day as 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 the Torres Strait, and Related Matters* (the Torres Strait Treaty) was ratified, 15 February 1985. The Act gives effect, in Australian law, to the fisheries elements of the Torres Strait Treaty.

The Act also establishes the PZJA, which consists of the Australian Government Minister responsible for fisheries, the Queensland Minister responsible for fisheries and the Chair of the Torres Strait Regional Authority. The members for the reporting period are outlined in Section 3 of this report.

NATIVE TITLE

In August 2013, the High Court of Australia ruled that native title holders maintained the right to access and take fish and other aquatic life for any purpose in the waters of the Torres Strait where Native Title has been found to exist. The High Court noted that the native title right to access to fish and other aquatic life is non-exclusive, and that although there is legislation in place that regulates access to the fishery, regulation of the fishery is not inconsistent with the continued existence of native title rights where the legislation adequately provides for the exercise of those rights.

The Australian Fisheries Management Authority (AFMA), on behalf of the PZJA, consults with registered native title body corporates (RNTBCs), registered native title claimants and any representative Aboriginal and Torres Strait Islander bodies in accordance with section 24HA(7) of the *Native Title Act 1993*. Section 24HA(7) sets out when, and for what processes, a formal Future Act Notification and Native Title Notification must be undertaken. In addition, AFMA engages with RNTBCs, registered claimants and representative bodies through formal consultation and as invited participants on the PZJA consultative forums.

Future Act Notifications that have been undertaken by AFMA, including information on each consultation process are published online at <https://www.pzja.gov.au/consultations/native-title-notifications>.



3. THE PROTECTED ZONE JOINT AUTHORITY

During the reporting period the members of the PZJA were:

- I. Senator the Hon. Jonathon Duniam, Assistant Minister for Forestry and Fisheries (1.7.2020 to 23.5.2022)
- II. Senator the Hon. Murray Watt, Minister for Agriculture, Fisheries and Forestry (1.6.2022 to 30.06.2023)
- III. The Hon Mark Furner MP, Queensland Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities
- IV. Mr Napau Pedro Stephen AM, Chairperson of the Torres Strait Regional Authority.

The Australian Government Minister is the presiding member of the PZJA.

During the period the following meetings of the PZJA were held:

Meeting No.	Date	Meeting format
35	27 August 2020	Virtual
36	23 November 2020	Virtual
37	28 January 2021	Virtual
38	17 August 2021	Virtual
39	8 December 2021	Virtual
40	11 February 2022	Virtual
41	16 March 2022	Virtual
42	4 October 2022	Virtual
43	28 February 2023	Virtual

Decision records from all meetings of the PZJA, including decisions taken out-of-session, are published online at <https://www.pzja.gov.au/advisory-committees/pzja-committees/protected-zone-joint-authority-pzja>.

ROLES AND RESPONSIBILITIES

The PZJA is responsible for monitoring the condition of the designated fisheries and for formulating policies and plans for their management. The PZJA has regard to the rights and obligations conferred on Australia by the Torres Strait Treaty, and in particular, the protection of the traditional way of life and livelihood of the Traditional Inhabitants, including their rights in relation to traditional fishing.



Recreational fishing, charter fishing and aquaculture are managed by Queensland under Queensland law. Information on these activities can be obtained from Fisheries Queensland.

THE PZJA STANDING COMMITTEE

The PZJA Standing Committee consists of senior representatives from the PZJA member agencies. The committee provides strategic and operational recommendations to the PZJA on the management of the fisheries in accordance with the PZJA's statutory obligations and to oversee the implementation of the PZJA's agreed policy commitments. Meetings of the Standing Committee are generally held two weeks prior to meetings of the PZJA to form recommendations for acceptance by the PZJA on behalf of PZJA agencies and advisory committees.

Representation	Member
Australian Fisheries Management Authority (Chair)	Chief Executive Officer
Fisheries Queensland	Deputy Director-General, Fisheries
Torres Strait Regional Authority	Chief Executive Officer
Department of Agriculture, Fisheries and Forestry	Assistant Secretary, Fisheries Branch

The PZJA has delegated certain powers and functions to these agencies. During the reporting period AFMA staff members held delegations for fisheries management, licensing and compliance functions in Torres Strait fisheries.

4. REPORT ON THE STATUS OF FISHERIES MANAGED BY THE PZJA

The fisheries managed under the *Torres Strait Fisheries Act 1984* are:

- Torres Strait Prawn Fishery
- Torres Strait Tropical Rock Lobster Fishery
- Torres Strait Finfish Fishery
- Torres Strait Pearl Shell Fishery
- Torres Strait Crab Fishery
- Torres Strait Trochus Fishery
- Torres Strait Sea Cucumber (Bêche-de-mer) Fishery
- Torres Strait Dugong and Turtle subsistence fisheries (for conservation purposes)



Annex 1 presents a summary of the catches taken in these fisheries. The biological and economic status of fish stocks in the Torres Strait is independently evaluated by the Australian Bureau of Agricultural and Resource Economics and Sciences and can be accessed at <https://www.agriculture.gov.au/abares/research-topics/fisheries/fishery-status>

5. SURVEILLANCE AND ENFORCEMENT

The PZJA has a responsibility to undertake surveillance and enforce the provisions of the Act, rules and regulations in the Protected Zone. The purpose of the Protected Zone Compliance Program is to:

- enforce fisheries legislation in a manner that results in a high level of compliance
- educate and advise commercial fishers and fish receivers on the need for fishing laws in a manner that results in a high level of voluntary compliance
- undertake duties as required by the PZJA to protect the resources of the Protected Zone.

AFMA is responsible for undertaking domestic compliance activities of the Protected Zone Compliance Program on behalf of the PZJA.

The program is staffed with four full time authorised sea going AFMA Officers consisting of a Manager and three Fisheries Officers, the office is further supported by AFMA Officers from Darwin, Canberra and Lakes Entrance. The domestic compliance operations in the Protected Zone are often supported by other government agencies including Australian Border Force, Royal Australian Navy, Queensland Water Police, Queensland Boating and Fisheries Patrol (QBFP) and the Torres Strait Ranger Program. Using other government resources improves the ability to patrol and enforce fisheries legislation throughout the Protected Zone.

Between 2020 to 2023 a total of 140 boats and 163 licensed fish receiver premises were inspected while 38 at sea patrols were conducted. Four significant operations during the reporting period were undertaken, three operations supported the two trail and one Torres Strait Black Teatfish fishery opening and the fourth operation was targeted towards incursions on Warrior Reef which included participation from QBFP Officers and a patrol platform.

All serious offences investigated under the Act are required to be submitted through brief of evidence to the Commonwealth Director of Public Prosecutions where the matter is assessed. Warnings and cautions for minor offences may be dealt with through verbal or written communication with



offenders. Between 2020 to 2023 AFMA has investigated 54 matters with 9 matters progressing to a Magistrates court with the more minor matters being dealt with through official warnings, cautions or education. All matters that progressed to court were found in favour of AFMA. AFMA Officers also participated in stakeholder / community meetings throughout the Protected Zone to increase education and awareness of compliance related issues and foster voluntary compliance with licence conditions and the current fisheries management arrangements in place.

ANNEX 1: COMMERCIAL CATCHES OF KEY SPECIES

Table 1 Commercial catches (tonnes) per fishing season for the Tropical Rock Lobster Fishery and Finfish Fishery.

Species/stock (scientific name)	Commercial catches (tonnes) per fishing season				
	2018–19	2019–20	2020–21	2021–22	2022–23
Tropical rock lobster (<i>Panulirus ornatus</i>) ¹ (TVH, TIB)	415.6	359.6 (142,5, 217.1)	241.4 (114.8, 126.6)	290.3 (139.7, 150.6)	243.7 (118.5, 125.1)
Coral trout (<i>Plectropomus spp.</i> , <i>Variola spp.</i>) ² (Sunset, TIB)	17.3	32.3	19.9 (15.7,4.2)	42 (30.9,11.1)	63.6 (21.9,41.7)
Spanish mackerel (<i>Scomberomorus commerson</i>) ² (Sunset, TIB)	64.3	55.7	32.5 (28.8,3.5)	59.5 (47.3,12.2)	83.4 (47.2,36.2)
Finfish basket species ² (Sunset, TIB)	2.9	4.7	3.5 (1.9,1.6)	5.3 (3.2,2.1)	1.8 (1.1,0.7)

1 Fishery statistics are provided by fishing season, unless otherwise indicated. Fishing season is 1 December to 30 September, unless the TAC is reached before that time

2 Fishery statistics are provided by fishing season, unless otherwise indicated. Fishing season is 1 July to 30 June





Table 2 Commercial catches (tonnes) per calendar year for the Prawn Fishery, Trochus Fishery, Pearl Shell Fishery, Crab Fishery and Beche-de-mer Fishery

Species/stock (scientific name)	Commercial catches (tonnes) per calendar year				
	2018	2019	2020	2021	2022
Brown tiger prawn (<i>Penaeus esculentus</i>) ³	329.3	515.3	202.7	232.6	264.9
Blue endeavour prawn (<i>Metapenaeus endeavouri</i>) ³	84	299	60	62	87
Trochus (<i>Trochus niloticus</i>) ⁴	0.04	0	0	0	0
Pearl shell (<i>Pinctada spp.</i>) ⁴	75 (individual shells)	0	159 (individual shells)	137 (individual shells)	262 (individual shells)
Mud crab (<i>Scylla spp.</i>) ⁴	0.9	0	0	0	0.3
Black teatfish (<i>Holothuria whitmaei</i>) ⁵	0	0	0	17.6	17.1
Curryfish (<i>Stichopus herrmanni, S. vastus</i>) ⁵	Basket species	Basket species	11.3	12.6	2.4
Deepwater redfish (<i>Actinopyga echinites</i>) ⁵	Basket species	Basket species	0	0.03	0.5

³ Fishery statistics are provided by fishing season, unless otherwise indicated. Fishing season is 1 February to 1 December.

⁴ Fishery statistics are provided by fishing season, unless otherwise indicated. Fishing season is 1 January to 31 December.

⁵ Fishery statistics are provided by fishing season, unless otherwise indicated. Fishing season is 1 January to 31 December. All reported weights are in gutted wet weight.



Species/stock (scientific name)	Commercial catches (tonnes) per calendar year				
	2018	2019	2020	2021	2022
Greenfish (<i>Stichopus chloronotus</i>) ⁵	Basket species	Basket species	0.02	0	0
Hairy blackfish (<i>Actinopyga miliaris</i>) ⁵	Basket species	Basket species	1.4	0.5	0.7
Prickly redfish (<i>Theleota ananas</i>) ⁵	14.7	11.9	15.7	15	13.5
Sandfish (<i>Holothuria scabra</i>) ^{5,6}	0.02	0	0	0	0
Surf redfish (<i>Actinopyga mauritiana</i>) ^{5,7}		0	0.2	0	0
White teatfish (<i>Holothuria fuscogilva</i>) ⁵	1.8	1.6	1.8	2.0	2.5
Other sea cucumbers (all other species in the families Holothuridae and Stichopidae, referred to as basket species) ⁵	48.2	25.6	1.6	0.8	0.6

6 Commercial fishing for sandfish was closed in 1998.

7 Commercial fishing for surf redfish was closed in 2000.



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