

Ref: NTN2023-04

12 July 2023

Dear Sir/ Madam,

Comment on a proposed management action in line with section 24HA(2) of the *Native Title Act 1993*

I am writing to you on behalf of the Secretariat of the Protected Zone Joint Authority (PZJA) regarding the proposed management action to make changes to an existing Fisheries Management Instrument which requires fishers to use specific Bycatch Reduction Devices (BRDs) in fishing nets in the Torres Strait Prawn Fishery.

This proposal seeks the continuation of existing requirements to use bycatch reduction devices, however, makes some recommendations to change which devices can be used. The proposed changes would introduce new BRDs that have been found to be more effective at reducing fish bycatch than some older style BRDs, remove some older style BRDs and make changes to a few others to make them consistent with rules in the neighbouring Queensland East Coast Otter Trawl Fishery.

Further details of the proposed action can be found in **Attachments A-C - Class Notification under the *Commonwealth Native Title Act 1993***.

Under section 24HA(7), the PZJA must give the recipient of this notice an opportunity to comment on the action within a period defined by this notice. Please provide any comments on the proposed management action by **close of business 14 August 2023**, in writing, to the addressee below:

Australian Fisheries Management Authority

Att: Lisa Cocking

PO Box 7051

Canberra BC, Canberra ACT, 2610

Email: FisheriesTI@afma.gov.au



Since 2019, AFMA has been publishing the native title notifications on the [PZJA website](#). With your agreement, AFMA is also seeking to publish any comments received in response to proposed management actions. Please let us know if you have any concerns with this.

If you have any additional questions regarding the proposed management action, please contact me by phone on 02 6225 5451 or email FisheriesTI@afma.gov.au.

Yours sincerely

Lisa Cocking
On behalf of PZJA Secretariat
Senior Management Officer
Torres Strait Fisheries
AFMA

Attachments

A-C - Class Notification under the Commonwealth *Native Title Act 1993*

Class Notification under the Commonwealth *Native Title Act 1993*

Proposed remaking of the Fisheries Management Instrument responsible for requiring the use of Bycatch Reduction Devices in the Torres Strait Prawn Fishery.

Date of Issue: 12 July 2023

SECTION OF NTA	Section 24HA (7) of the Commonwealth <i>Native Title Act 1993</i>
DEPARTMENT/AGENCY	Australian Fisheries Management Authority (AFMA) on behalf of the Torres Strait Protected Zone Joint Authority (PZJA)
CONTACT NAME	Lisa Cocking
E-MAIL	FisheriesTI@afma.gov.au
TELEPHONE NO.	(02) 6225 5451 or TI Office (07) 4069 1990
REFERENCE NO.	NTN2023-04 – Proposed changes to a Torres Strait Fisheries Management Instrument requiring the use of Bycatch Reductions Devices (BRDs) in the Torres Strait Prawn Fishery (TSPF)

The Protected Zone Joint Authority intends to do the following act:

TYPE OF APPROVAL	Replacing of the Fisheries Management Instrument.
NUMBER OF APPROVALS	1
UNDER WHAT ACT	<i>Torres Strait Fisheries Act 1984</i>

The approvals, if granted, will permit the following activity to happen:

NATURE OF ACTIVITY	<p>The Instrument provides that the master of a boat licensed under section 19 of the Act or a boat in respect of which an endorsement under section 20 of the Act is in force, who uses that boat in the course of commercial fishing in the TSPF, is required to use a bycatch reduction device of the form specified in the management instrument. There are changes suggested to the instrument, to remove older BRDs which are less effective, and bring in new BRDs which are more effective.</p> <p>Further information on the proposed management action is provided in Attachment B.</p>
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The above activity will be located within:

LOCATION OF ACTIVITY	The proposed management action would apply to the area of the TSPF. The extent of the fishery is described in Item 1, Schedule 2 of the <i>Torres Strait Fisheries Regulations 1985</i> (the Regulations). The Regulations can be accessed online at: https://www.legislation.gov.au/Details/F2016C00633
MAPS/PLANS	Attachment C shows the area of this fishery, as described in Item 1, Schedule 2 of the Regulations.

NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE	Torres Strait Regional Seas Claim Kaurareg People #1 Kaurareg People #2 North Eastern Peninsula Sea Claim Group (Cape York Land Council Aboriginal Corporation) Torres Strait Regional Sea Claim (Malu Lamar (Torres Strait Islander) Corporation RNTBC) Northern Cape York Group #1 (Ipima Ikaya Aboriginal Corporation RNTBC) Northern Cape York Group #3 (Ipima Ikaya Aboriginal Corporation RNTBC) Torres Strait Regional Seas Claim (Seven Rivers Aboriginal Corporation RNTBC)
NAME OF NATIVE TITLE REPRESENTATIVE BODY	Cape York Land Council Aboriginal Corporation Gur A Baradharaw Kod Torres Strait Sea and Land Council Seven Rivers Aboriginal Corporation RNTBC Trustee body corporate Ipima Ikaya Aboriginal Corporation RNTBC Trustee body corporate

If approved, after consideration of all comments, the management option will be implemented for the following period of time:

DURATION OF APPROVAL	It is expected that the proposed management action will occur in late 2023.
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You are invited to comment upon the class of proposed future acts outlined above by close of business 14 August 2023.

Any comments must be **in writing**:

By email to: FisheriesTI@afma.gov.au

Or by mail addressed to:

Australian Fisheries Management Authority

Att: Lisa Cocking

PO Box 7051

Canberra BC, Canberra ACT, 2610

Background Information**What does this instrument do?**

This notice is related to the proposal to remake the existing Fisheries Management Instrument for the Torres Strait Prawn Fishery, which requires all Torres Strait Prawn fishers to use bycatch reduction devices in all nets used for fishing. This proposal seeks the continuation of existing requirements to use bycatch reduction devices, however makes some recommendations to change which devices can be used.

What are the proposed changes to Fisheries Logbook Instrument

The proposed changes would introduce three new BRDs that have been found to be more effective at reducing fish bycatch than some older style BRDs. These results were found in both trials in the Torres Strait Prawn Fishery in 2019, 2020 and 2022 and trials in the Northern Prawn Fishery. The instrument will also remove four older style BRDs that are less effective. The final recommended change is to two existing BRDs which will still be allowed in the fishery, as are still considered effective at reducing bycatch. Minor changes are suggested to bring them into alignment with the Queensland East Coast Otter Trawl Fishery rules for these two BRDs. At the moment, the requirements in the Queensland ECOTF are slightly more conservative than the TSPF, so these changes would be adopted to ensure the rules are the same in both fisheries. Most fishers are already using BRDs that meet these more conservative rules given they fish in both the TSPF and Queensland ECOTF. These changes have been recommended by the Torres Strait Prawn Management Advisory Committee which includes expert Torres Strait Traditional Inhabitant Industry members, commercial fisheries and Government officials from the Australian Fisheries Management Authority, Torres Strait Regional Authority and Queensland Fisheries.

Torres Strait Prawn Fishery and Closures

