

Ref: NTN2023-01

3 February 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 vary licence conditions for Traditional Inhabitant Boat licences that permit the take of beche-de-mer species in the area of waters of the Torres Strait Beche-de-mer Fishery and fish receivers licences. 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 24 February 2023**, in writing, to the addressee below:

Australian Fisheries Management Authority
Att: Natalie Couchman
PO Box 376
Thursday Island, QLD, 4875

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 problems meeting the timeframe or if you have any additional questions regarding the proposed management action, please contact me by phone on 07 4069 1990 or email FisheriesTI@afma.gov.au.

Yours sincerely



Natalie Couchman
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 variation of licence conditions on Torres Strait Beche-de-mer Fishery Traditional Inhabitant Boat Licences to implement a total allowable catch limit for black teatfish and daily landing to a fish receiver

Date of Issue: 3 February 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	Natalie Couchman
E-MAIL	FisheriesTI@afma.gov.au
TELEPHONE NO.	(07) 4069 1990
REFERENCE NO.	NTN2023-01 – Proposed variation of licence conditions on Torres Strait Beche-de-mer Fishery Traditional Inhabitant Boat Licences to implement a total allowable catch limit for black teatfish and daily landing to a fish receiver

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

TYPE OF APPROVAL	Variation of Torres Strait Beche-de-mer (BDM) Fishery Traditional Inhabitant Boat (TIB) licence conditions under section 22 of the Commonwealth <i>Torres Strait Fisheries Act 1984</i> (the Act)
NUMBER OF APPROVALS	Licence condition variation of all TIB licences that permit the take of BDM species in the area of waters of the BDM Fishery and fish receiver licences
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>Under subsection 22(1) of the Act a licence granted under section 19 is subject to conditions specified in the licence. Subsection 22(2) allows the Australian Fisheries Management Authority (AFMA), as the Protected Zone Joint Authority (PZJA) delegate, to vary or revoke the conditions of the licence or specify further conditions to which the licence is subject to.</p> <p>The condition variations that are the subject of this notification, propose to vary the conditions of TIB licences that permit the take of BDM species in the area of waters of the BDM Fishery and fish receivers licences. Fishing for black teatfish is currently prohibited. Subject to PZJA approval and in line with the Torres Strait Beche--de--mer Harvest Strategy (November 2019), the proposed condition variations will provide for an opening to occur in 2023. It is proposed that during the opening, a 20 tonnes total allowable catch (TAC) for black teatfish will apply. TIB licence holders will be required to land commercial catches of black teatfish daily to a licenced fish receiver. Licenced fish receivers will be required to report landed commercial catches of black teatfish to AFMA daily. This approach is consistent with the arrangements that were in place for the 2021 and 2022 black teatfish trial openings.</p>
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	Further information on the proposed management action is provided in Attachment B .
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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 BDM Fishery. The extent of the BDM 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 the BDM 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) Torres Strait Regional Seas Claim (Gudang Yadhaykenu Native Title Aboriginal Corporation RNTBC and Seven Rivers Aboriginal Corporation RNTBC) PNG Gas Pipeline ILUA - Cape York Region Northern Peninsula Area Regional Council Northern Cape York Group #1 ILUA Ergon Energy and Northern Cape York Group #1 ILUA
NAME OF NATIVE TITLE REPRESENTATIVE BODY	Cape York Land Council Aboriginal Corporation Gur A Baradharaw Kod Torres Strait Sea and Land Council

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 2023.
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You are invited to comment upon the class of proposed future acts outlined above by close of business 24 February 2023.

Any comments must be **in writing**:

By email to: FisheriesTI@afma.gov.au

Or by mail addressed to:
Australian Fisheries Management Authority
Att: Natalie Couchman
PO Box 376
Thursday Island, QLD, 4875

Background Information

What are the proposed changes to Traditional Inhabitant Boat (TIB) licence and fish receiver licence conditions?

1. Under subsection 22(1) of the *Torres Strait Fisheries Act 1984* (the Act) a licence granted under section 19 is subject to conditions specified in the licence. Subsection 22(2) allows the Australian Fisheries Management Authority (AFMA), as the Protected Zone Joint Authority (PZJA) delegate, to vary or revoke the conditions of the licence or specify further conditions to which the licence is subject to.
2. The condition variations that are the subject of this notification, propose to vary the conditions of TIB licences that permit the take of beche-de-mer (BDM) species in the area of waters of the Torres Strait Beche-de-mer Fishery (BDM Fishery) and fish receivers licences. Fishing for black teatfish is currently prohibited. Subject to PZJA approval and in line with the Torres Strait Beche-de-mer Harvest Strategy (November 2019), the proposed condition variations will provide for an opening to occur in 2023. It is proposed that during the opening, a 20 tonnes total allowable catch (TAC) for black teatfish will apply. TIB licence holders will be required to land commercial catches of black teatfish daily to a licenced fish receiver. Licenced fish receivers will be required to report landed commercial catches of black teatfish to AFMA daily. This approach is consistent with the arrangements that were in place for the 2021 and 2022 black teatfish trial openings.

Why are the licence conditions being changed?

3. Fishing for black teatfish has been closed since 2003 due to concerns of overfishing. Fishing for black teatfish was reopened by the PZJA in 2014 and 2015 on a trial basis, however the TAC was exceeded on both occasions. The fishery was closed pending the development and implementation of cost-effective management tools to mitigate the risk of the TAC being exceeded. This has now happened, and includes:
 - a. the Torres Strait Fish Receiver System implemented on 1 December 2017, requiring the mandatory reporting of all commercial catch in Torres Strait Fisheries (except Torres Strait Prawn); and
 - b. the Torres Strait Beche-de-mer Fishery Harvest Strategy (November 2019) (the BDM Harvest Strategy) implemented on 1 January 2020, providing a transparent and pre-agreed protocol for setting TACs in the BDM Fishery and developing arrangements for opening a closed fishery (species).
4. In line with the BDM Harvest Strategy, and taking into consideration the relevant Hand Collectables Resource Assessment Group (HCRAG) and Hand Collectables Working Group (HCWG) recommendations, the PZJA agreed to further trial openings of fishing for black teatfish in 2021 and 2022. These openings were subject to a 20 tonnes TAC (to be fished competitively), the daily landing of commercial catch of black teatfish to a licenced fish receiver and the daily reporting of that catch by licenced fish receivers to AFMA. The trial openings took place from 30 April-3 May 2021 and 9-12 May 2022 during which 17.62 tonnes and 17.06 tonnes of black teatfish was landed, respectively (meaning that the TAC was not exceeded on either occasion).
5. Most recently, the HCRAG considered the outcomes of the 2022 trial opening at its meeting held on 27-28 September 2022. Having reviewed the outcome of the black teatfish opening, the HCRAG agreed that the conditions of the decision rules in the BDM Harvest Strategy that are required to be met for the fishing for black teatfish to open in the future had been satisfied. The HCRAG therefore recommended to the PZJA a black teatfish opening annually with a 20 tonnes TAC. In making its recommendation, the HCRAG took into account the results of updated population modelling analysis by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) confirming that a 20 tonnes TAC is sustainable. The HCRAG's final meeting record will be uploaded on the [PZJA website](#) once finalised.

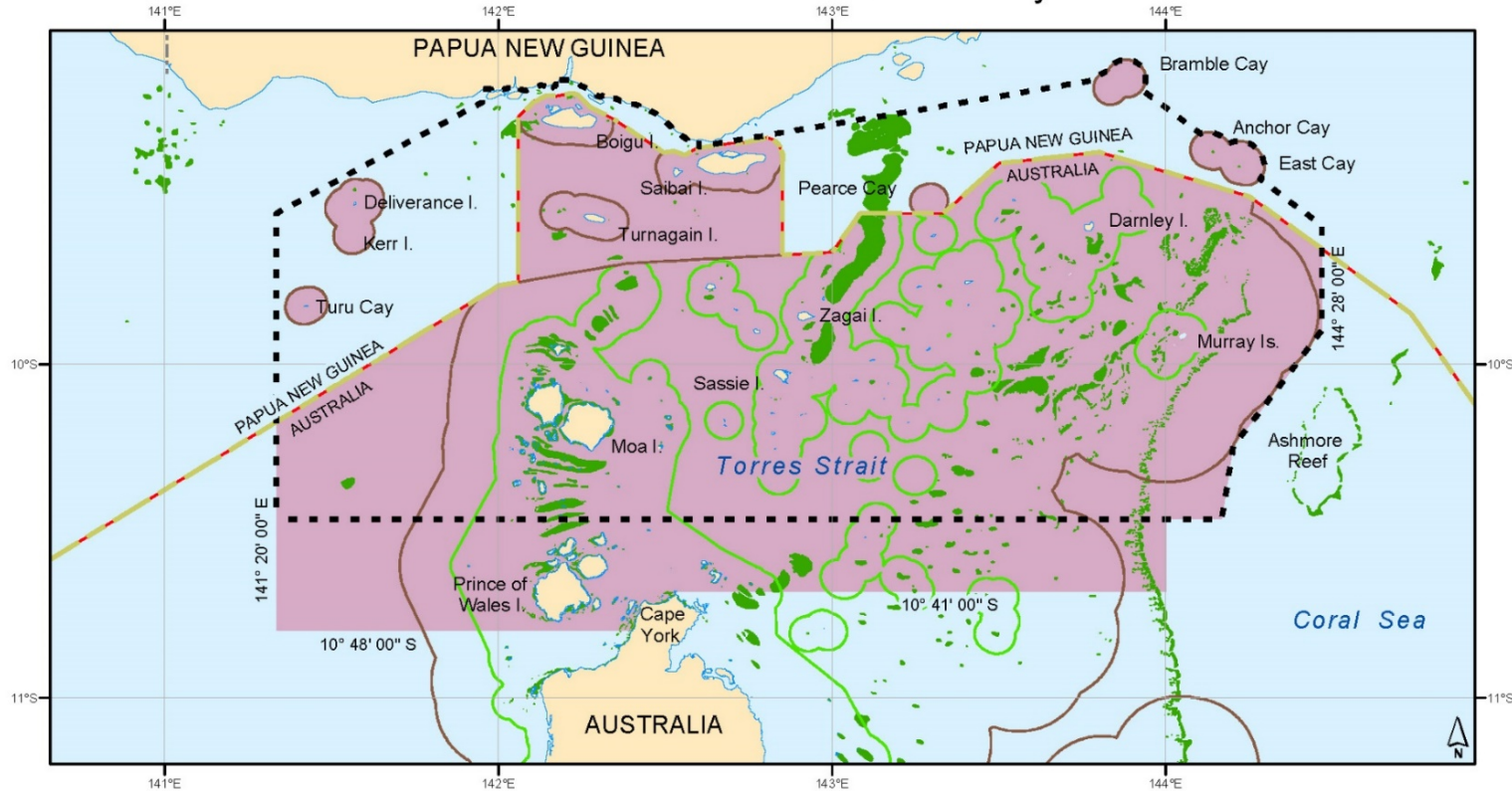
6. The HCWG also considered the outcomes of the 2022 trial opening at its meeting held on 10 November 2022, including the HCRAG's recommendation regarding a future black teatfish openings. The HCWG agreed with the HCRAG's recommendation to open fishing for black teatfish annually with a 20 tonnes TAC. The HCWG's final record will be uploaded on the [PZJA website](#) once finalised.
7. AFMA will seek the PZJA's approval to open fishing for black teatfish in 2023 with a 20 tonnes TAC as per the recommendation of the HCRAG and HCWG.
8. To effectively monitor catches against the TAC during the proposed 2023 opening, AFMA will retain the requirement for TIB licence holders to land commercial catches of black teatfish daily to a licenced fish receiver. Licenced fish receivers will be required to report landed commercial catches of black teatfish to AFMA daily.
9. AFMA will continue to support the BDM industry, Traditional Owners and RNTBCs to undertake necessary meetings to agree on any voluntary measures and for AFMA to explain the proposed regulatory conditions for a potential opening.

How may the proposed decision impact Traditional Inhabitants?

10. The opening of fishing for black teatfish is consistent with the objective of the Act to have regard in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for Traditional Inhabitants.
11. Access to the BDM Fishery is reserved for Traditional Inhabitants. Varying TIB licence conditions to implement a TAC of 20 tonnes for black teatfish, with daily reporting of landed catches, will provide Traditional Inhabitants with access to a previously closed, high value species. This will provide a direct economic opportunity to Traditional Inhabitants.

Torres Strait Fisheries

Area of the Beche-de-mer Fishery



- Coastal Waters limit (3nm)
- Exclusive Economic Zone limit (200nm)
- - - Fisheries Jurisdiction line
- - - Protected Zone Boundary
- Territorial Sea limit (12nm)
- Low tide elevations and reefs
- Torres Strait Fisheries**
- Beche-de-mer Fishery



Produced by Geoscience Australia
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Geographic
Datum: WGS84

NOTES:

1. The area of the Fishery is sourced from the Torres Strait Fisheries Regulations 1985
2. Within this fishery, arrangements exist between the Commonwealth and QLD, whereby the Coastal Waters of that State are deemed part of the AFZ
3. The Fisheries Jurisdiction Line and Protected Zone shown on this map are established under the Treaty between Australia and the Independent State of Papua New Guinea. This Treaty entered into force on 15 February 1985
4. The maritime zone boundaries shown on this map are sourced from the "Australian Maritime Boundaries (AMB) v2.0"

GeoCat #: 64841