

Ref: NTN2024-01

8 February 2024

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 sea cucumber species in the area of waters of the Torres Strait Beche-de-mer Fishery and Fish Receiver licences. Further details of the proposed action can be found in **Attachments A-D - 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 8 March 2024**, 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](mailto: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](mailto:FisheriesTI@afma.gov.au).

Yours sincerely



Natalie Couchman  
On behalf of PZJA Secretariat  
Senior Management Officer  
Torres Strait Fisheries  
AFMA

**Attachments**

A-D - 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 and Fish Receiver Licences to implement a total  
allowable catch limit for black teatfish and daily catch reporting**

Date of Issue: 8 February 2024

<b>SECTION OF NTA</b>	Section 24HA(7) of the Commonwealth <i>Native Title Act 1993</i>
<b>DEPARTMENT/AGENCY</b>	Australian Fisheries Management Authority (AFMA) on behalf of the Torres Strait Protected Zone Joint Authority (PZJA)
<b>CONTACT NAME</b>	Natalie Couchman
<b>E-MAIL</b>	<a href="mailto:FisheriesTI@afma.gov.au">FisheriesTI@afma.gov.au</a>
<b>TELEPHONE NO.</b>	(07) 4069 1990
<b>REFERENCE NO.</b>	NTN2024-01 – Proposed variation of licence conditions on Torres Strait Beche-de-mer Fishery Traditional Inhabitant Boat Licences and Fish Receiver Licences to implement a total allowable catch limit for black teatfish and daily catch reporting

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

<b>TYPE OF APPROVAL</b>	Variation of Torres Strait Beche-de-mer (BDM) Fishery Traditional Inhabitant Boat (TIB) and Fish Receiver licence conditions under section 22 of the Commonwealth <i>Torres Strait Fisheries Act 1984</i> (the Act)
<b>NUMBER OF APPROVALS</b>	Licence condition variation of all TIB licences that permit the take of sea cucumber species in the area of waters of the BDM Fishery and Fish Receiver licences
<b>UNDER WHAT ACT</b>	<i>Torres Strait Fisheries Act 1984</i>

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

<b>NATURE OF ACTIVITY</b>	<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 a 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 sea cucumber species in the area of waters of the BDM Fishery and Fish Receiver licences. Fishing for black teatfish (<i>Holothuria whitmaei</i>) is currently prohibited. Subject to PZJA delegate approval and in line with the Torres Strait BDM Fishery Harvest Strategy (November 2019), the proposed condition variations will:</p> <ul style="list-style-type: none"> <li>- provide for an opening date of 29 April 2024;</li> <li>- set a 20 tonnes total allowable catch (TAC) for black teatfish;</li> <li>- provide for the closure of fishing for black teatfish when the TAC is reached. All TIB and Fish Receiver licence holders will be provided with notification when a closure date is determined;</li> <li>- TIB licence holders will be required to land commercial catches of black teatfish daily to a licenced Fish Receiver;</li> </ul>
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	<p>- Fish Receiver licence holders will be required to report landed commercial catches of black teatfish to AFMA daily.</p> <p>The proposed condition variations outlined above are unchanged from the arrangements that were in place for the 2021, 2022 and 2023 black teatfish openings.</p> <p>Further information on the proposed management action is provided in <b>Attachment B</b>.</p>
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The above activity will be located within:

<b>LOCATION OF ACTIVITY</b>	<p>The proposed activity would apply to the area of the BDM Fishery (<b>Attachment C</b>). 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: <a href="https://www.legislation.gov.au/Details/F2016C00633">https://www.legislation.gov.au/Details/F2016C00633</a></p> <p>The species of sea cucumber that is the subject of this notification, black teatfish, has a distribution predominantly in the eastern Torres Strait with fishing occurring in the areas of the Great North East Channel, Darnley, Cumberland, Seven Reefs, Don Cay and Barrier. A map showing these areas is provided at <b>Attachment D</b>. These areas include waters surrounding the islands of Masig, Erub, Mer, Ugar and Poruma.</p>
<b>MAPS/PLANS</b>	<p><b>Attachment C</b> shows the area of the BDM Fishery, as described in Item 1, Schedule 2 of the Regulations.</p> <p><b>Attachment D</b> shows the areas used by TIB licence holders for reporting locations of catch in the BDM Fishery.</p>
<b>NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE</b>	<p>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, Northern Cape and Torres Strait United Indigenous Corporation 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</p>
<b>NAME OF NATIVE TITLE REPRESENTATIVE BODY</b>	<p>Cape York Land Council Aboriginal Corporation  Gur A Baradharaw Kod Torres Strait Sea and Land Council</p>

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

<b>DURATION OF APPROVAL</b>	It is expected that the proposed management action will occur in 2024.
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**You are invited to comment upon the class of proposed future acts outlined above by close of business 8 March 2024.**

Any comments must be **in writing**:

By email to: [FisheriesTI@afma.gov.au](mailto: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 a 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 Traditional Inhabitant Boat (TIB) licences that permit the take of sea cucumber species in the area of waters of the Torres Strait Beche-de-mer (BDM) Fishery and Fish Receiver licences. Fishing for black teatfish (*Holothuria whitmaei*) is currently prohibited. Subject to PZJA delegate approval and in line with the Torres Strait BDM Fishery Harvest Strategy (November 2019), the proposed condition variations will:
  - a. provide for an opening date of 29 April 2024;
  - b. set a 20 tonnes total allowable catch (TAC) for black teatfish;
  - c. provide for the closure of fishing for black teatfish when the TAC is reached. Fishing for and receiving of black teatfish will be prohibited past the TAC Date. The TAC Date is the specific date and time that the PZJA delegate will determine as the last day of fishing based on their reasonable belief that the TAC will be reached, in order to avoid an overcatch of the black teatfish TAC. All TIB and Fish Receiver licence holders will be provided with notification when the TAC Date is determined. This notification will be provided by mail, email, SMS and will also be published on the PZJA website and AFMA Facebook page;
  - d. TIB licence holders will be required to land commercial catches of black teatfish daily to a licenced Fish Receiver;
  - e. Fish Receiver licence holders will be required to report landed commercial catches of black teatfish to AFMA daily.
3. The proposed condition variations outlined above are unchanged from the arrangements that were in place for the 2021, 2022 and 2023 black teatfish openings.

### **Why are the licence conditions being changed?**

4. 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 BDM Fishery Harvest Strategy (November 2019) (the BDM Fishery 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).
5. In line with the BDM Fishery 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, 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).

6. Taking into consideration the outcomes of the trial openings and relevant HCRA and HCWG recommendations, the PZJA agreed to an annual opening of fishing for black teatfish from 2023, subject to an annual 20 tonnes TAC, 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 first annual opening took place from 15-18 May 2023 during which 17.9 tonnes was landed.
7. At meetings held from 17-19 October 2023, the HCRA and HCWG recommended the arrangements for the 2024 black teatfish opening remain the same, as for the 2023 opening. An opening date of 29 April 2024 was also recommended. The PZJA considered this advice out-of-session in January 2024 and noted that AFMA, as a PZJA delegate, will undertake the relevant administrative processes to implement the arrangements for the 2024 opening.
8. It is proposed that the arrangements for the opening of fishing for black teatfish in 2024, which are the subject of this notification, will remain the same as for the 2023 opening, with fishing for black teatfish opening on 29 April 2024. AFMA, as a PZJA delegate, proposes to give effect to arrangements for the 2024 black teatfish through a variation of conditions on TIB licences that permit the take of sea cucumber species in the area of waters of the BDM Fishery and Fish Receiver licences, under subsection 22(2) of the Act. Further details provided in the previous section.
9. AFMA will continue to support the BDM Fishery industry, Native Title Holders and RNTBCs to undertake necessary meetings to agree on any voluntary measures and for AFMA to explain the proposed regulatory conditions for openings.

#### **How may the proposed activity impact the environment or other fisheries?**

10. The proposed arrangements for the opening of fishing for black teatfish in 2024, are designed to pursue objectives under the Act, including to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Torres Strait Protected Zone. The proposed TAC was derived by applying the decision rules detailed in the BDM Fishery Harvest Strategy. The objectives of the BDM Fishery Harvest Strategy include:
  - a. to provide for the sustainable use of all beche-de-mer in Torres Strait to take account of long-term sustainability for future generations;
  - b. where possible, to consider an ecosystem approach to management that reduces impacts on, or optimises interactions with, other harvested and dependent species and acknowledges the important ecological role of sea cucumbers.
11. TACs under the BDM Fishery Harvest Strategy are generally set at less than 10% of population biomass and are designed to be sustainable medium-term annual limits that result in low risk to overexploitation. The proposed TAC for black teatfish is 3% of the lower 90<sup>th</sup> percentile of total biomass estimated from a scientific survey undertaken in 2019-20. Subsequent modelling has indicated the proposed TAC is sustainable. This approach leaves the majority of the black teatfish stock in the water (unfished) to allow the species to continue its important ecosystem functions.
12. With regards to the BDM Fishery more broadly, due to the highly targeted nature of the BDM Fishery and the highly selective fishing method used (hand collection only), there are no bycatch species (which includes species from other fisheries) or reported interactions with protected species. Further, an Ecological Risk Assessment for the BDM Fishery, completed in December 2021, found risks to all ecological components of the BDM Fishery to be low.

#### **How may the proposed activity impact Traditional Inhabitants?**

13. The proposed arrangements for the opening of fishing for black teatfish in 2024, which are the subject of this notification, are 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.

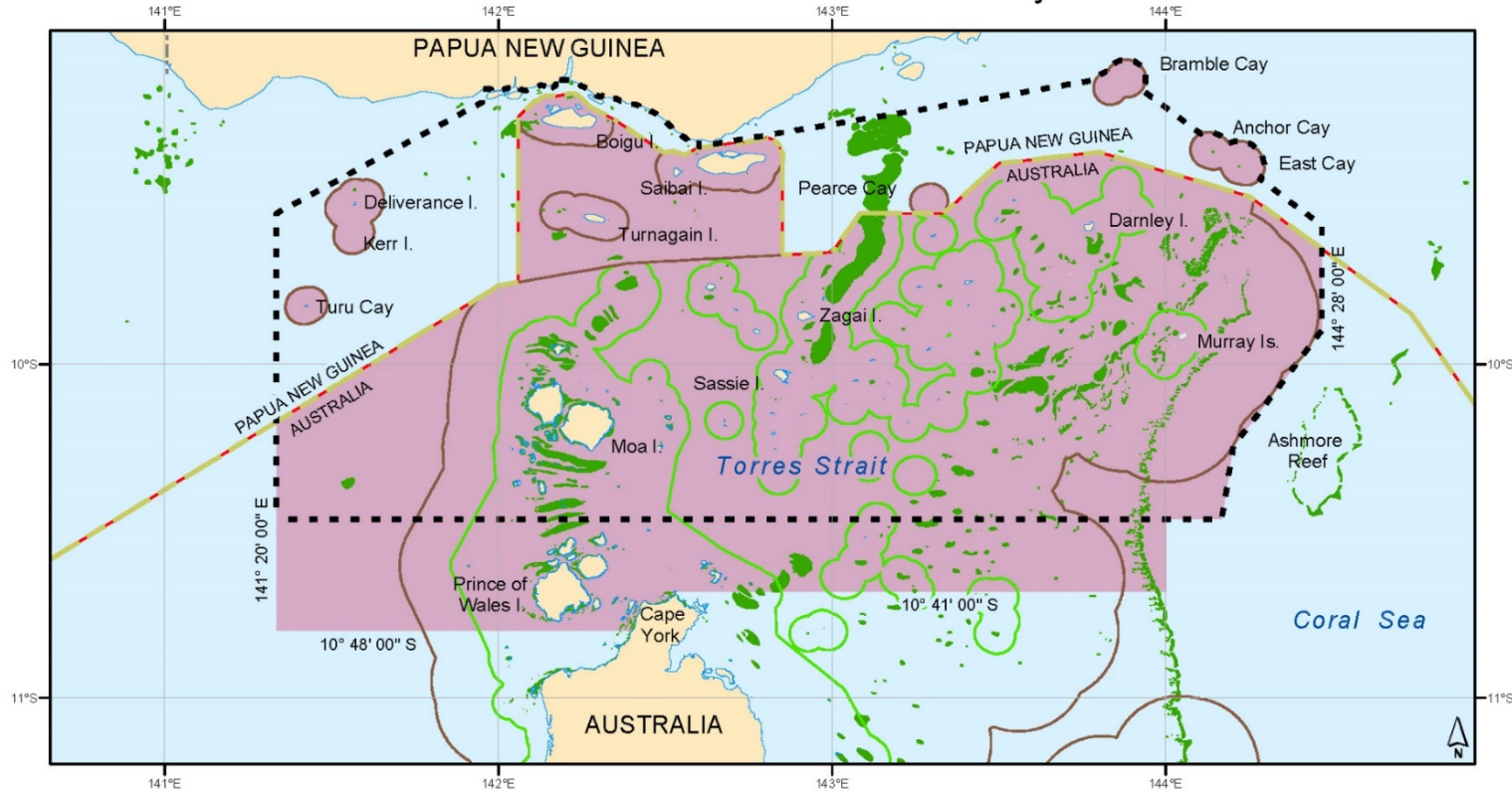
14. Access to the BDM Fishery is reserved for Traditional Inhabitants. Varying licence conditions to implement a TAC of 20 tonnes for black teatfish, with daily reporting of landed catches, will provide Traditional Inhabitants with access to a previously closed, high value species. This will provide a direct economic opportunity to Traditional Inhabitants.

**How may the proposed activity impact Native Title Holders?**

15. The arrangements for the opening of fishing for black teatfish in 2024, are designed to pursue objectives under the Act, including:
- a. to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing;
  - b. to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone;
  - c. to adopt conservation measures necessary for the conservation of a species in such a way as to minimise any restrictive effects of the measures on traditional fishing;
  - d. to administer the provisions of Part 5 of the Torres Strait Treaty (relating to commercial fisheries) so as not to prejudice the achievement of the purposes of Part 4 of the Torres Strait Treaty in regard to traditional fishing;
  - e. to manage commercial fisheries for optimum utilisation;
  - f. 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.
16. AFMA, on behalf of the PZJA, have undertaken consultation, including with representative Aboriginal and Torres Strait Islander bodies, RNTBCs and registered native title claimants, in the lead up to and since fishing for black teatfish re-opened in 2021, to ensure arrangements are well designed and best pursue the objectives of the Act.

# 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  
for the Australian Fisheries Management Authority, August 2006  
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Geographic  
Datum: WGS84

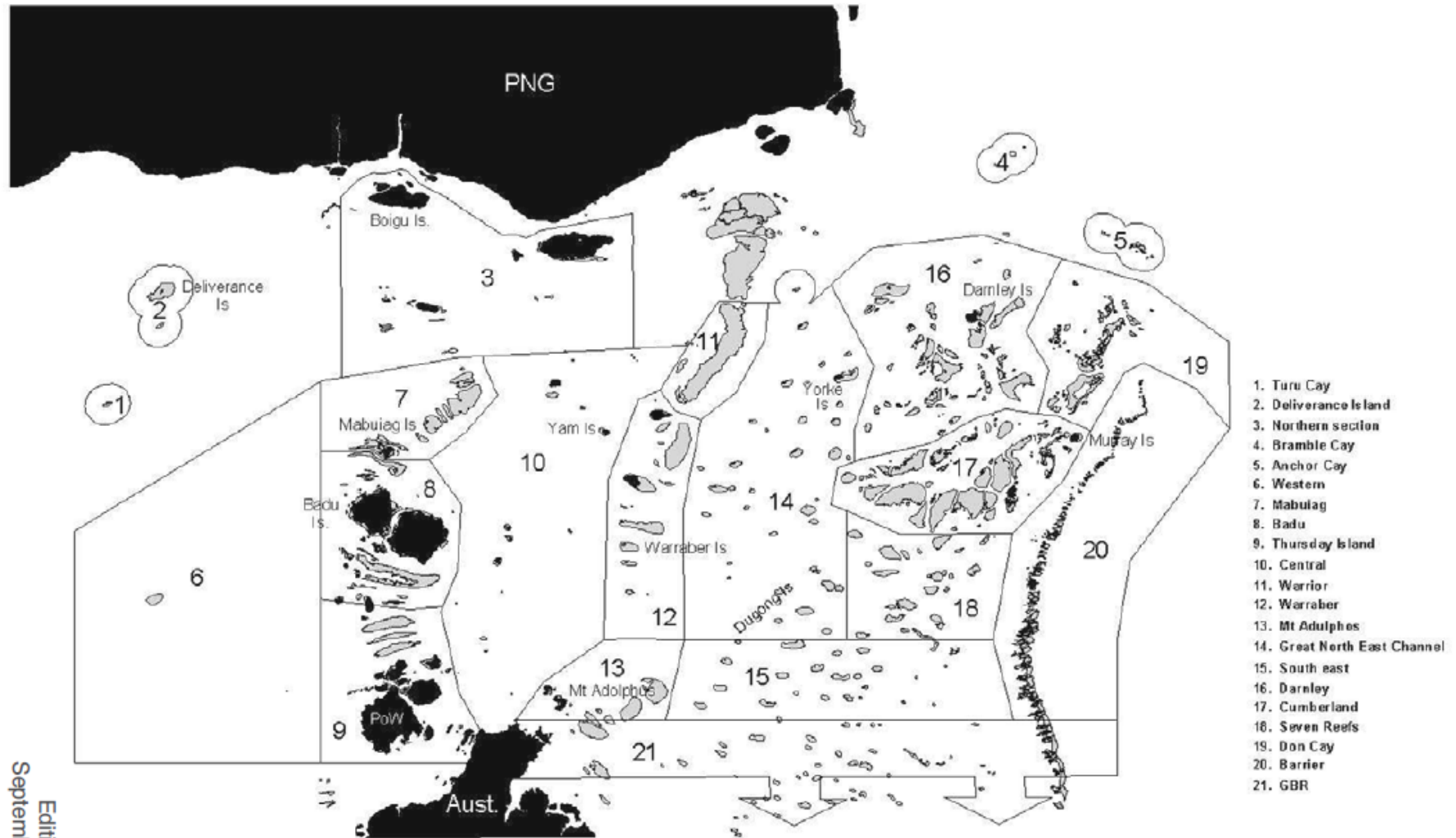
**NOTES:**

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



# AREAS FOR TORRES STRAIT CATCH DISPOSAL RECORD



Edition Date:  
September 2017

Use area where most catch was taken