

Ref: NTN2024-03

10 May 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 grant a new Class B Carrier Licence to carry tropical rock lobster product from the Torres Strait Tropical Rock Lobster Fishery to Cairns. 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 31 May 2024**, in writing, to the addressee below:

Australian Fisheries Management Authority
Att: Georgia Langdon
PO Box 376
Thursday Island
QUEENSLAND 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 28 day timeframe or if you have any additional questions regarding the proposed granting of a new Class B Carrier licence please contact me by phone on 07 4069 1990 or email FisheriesTI@afma.gov.au.

Yours sincerely,



Georgia Langdon
On behalf of PZJA Secretariat
Senior Management Officer,
Torres Strait Fisheries
AFMA

Attachments

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

Class Notification under the Commonwealth *Native Title Act 1993*

Licence condition variation for Torres Strait licences

Date of Issue: 10 May 2024

SECTION OF NTA	Subsection 24HA(7) of the <i>Native Title Act 1993</i> (Cth)
DEPARTMENT/AGENCY	Australian Fisheries Management Authority (AFMA) on behalf of the Torres Strait Protected Zone Joint Authority (PZJA)
CONTACT NAME	Georgia Langdon
E-MAIL	FisheriesTI@afma.gov.au
TELEPHONE NO.	07 4069 1990
REFERENCE NO.	NT2024-03 –Carrier Class B Licence application

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

TYPE OF APPROVAL	<p>The grant of a new Carrier Class B licence to MG Kailis to allow the transportation of live and frozen lobster to be transported by the <i>FV Capricorn Lady</i>.</p> <p>A carrier licence Class B does not authorise processing of product in any way. In this case, the proposed Carrier Licence Class B is to be authorised for the Torres Strait Tropical Rock Lobster Fishery.</p>
NUMBER OF APPROVALS	The grant of one licence, to be issued for 12 months subject to future renewals upon application.
UNDER WHAT ACT	Section 19 of the <i>Torres Strait Fisheries Act 1984</i> (the Act).

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

NATURE OF ACTIVITY	<p>Under subsection 19(3) of the Act, the Minister (or a delegate) may grant a licence in respect of a boat that authorises the use of that boat for carrying, or for processing and carrying fish.</p> <p>Subject to approval, the Carrier Class B licence would allow M.G. Kailis to transport received and purchased live and frozen TRL from both the TIB and TVH sectors of the Torres Strait to their processing facility in Cairns. The product being transported would normally otherwise be transported via sea or air freight, however due to prohibitively increased freight costs, and a reduction in capacity to freight live lobster via commercial sea freight, MG Kailis are seeking alternative and more cost effective ways to move product out of the Torres Strait region. This would then have positive impacts for the TS fishing industry as reduced freight costs would be reflected in beach prices of TRL.</p>
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	The proposed boat is the <i>FV Capricorn Lady</i> which ordinarily operates in the Queensland East Coast TRL Fishery, however will be used in this instance as a carrier boat. The boat would not be permitted to fish in any Torres Strait Fisheries or process any product and would be required to carry an operational Vessel Monitoring System at all times. Further detail 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 Torres Strait Tropical Rock Lobster Fishery. The extent of this areas is described in Item 9, Schedule 2 to 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 TRL Fishery as described in Item 9, Schedule 2 of the <i>Torres Strait Fisheries Regulations 1985</i> .
NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE	<ul style="list-style-type: none"> • 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
NAME OF NATIVE TITLE REPRESENTATIVE BODY	<ul style="list-style-type: none"> • Cape York Land Council Aboriginal Corporation • Gur A Baradharaw Kod Torres Strait Sea and Land Council (GBK)

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

DURATION OF APPROVAL	Subject to approval, the licence is issued for a period of one year, however is eligible for annual review.
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You are invited to comment upon the class of proposed future act outlined above by close of business 31 May 2024. If you would like to extend the response period, please contact AFMA by 24 May 2024.

Any comments must be **in writing** to:

By mail addressed to:

Australian Fisheries Management Authority
Att: Georgia Langdon
PO Box 376
Thursday Island
QUEENSLAND 4875

Or by email to: FisheriesTI@afma.gov.au

Background Information

The Australian Fisheries Management Authority (AFMA) provides licensing functions on behalf of the Protected Zone Joint Authority (PZJA). AFMA applies the PZJA's *2021 Guide to licensing arrangements in the Torres Strait* (the Licensing Guide) when administering licenses across all Torres Strait Fisheries. The licences that AFMA issues are granted under section 19 of the Act and are subject to conditions under section 22.

Carrier licences authorise a boat to carry, or process and carry commercial catch from another licenced boat. There are three classes of Carrier licences; Class A, Class B and Class C. The carrier licence associated with the proposed management action is a Class B. The Licensing Guide stipulates that:

- Class B carrier licences authorise the use of a nominated boat to carry fish taken with the use of another licensed boat. It does not authorise processing the fish in any way. New Class B carrier licences will normally only be issued to licensed fishing vessels in the Torres Strait or boats which are legitimate cargo vessels (i.e. meeting cargo vessel survey certificate requirements). The one exception is for pearl shell where new carrier licences are still issued. The licences are non-transferable.

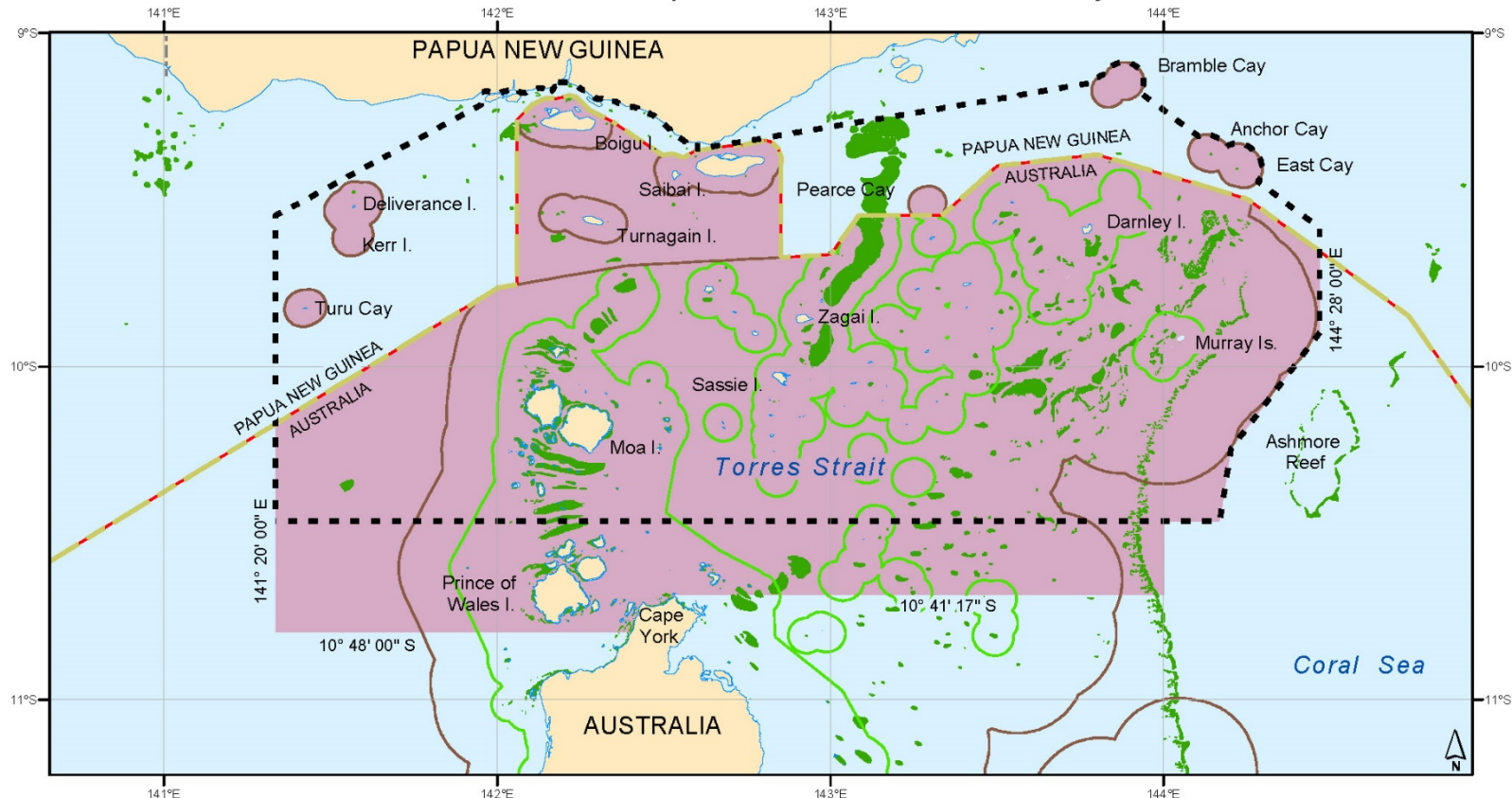
What impact will the proposed activity have on Traditional Inhabitants?

Transportation logistics from the Torres Strait region to Cairns are a critical part of the TRL fishery supply chain. In recent years the cost of freight has increased significantly, and freight services have either ceased to exist or become increasingly unreliable with limited capacity (e.g. Sea Swift are no longer transporting live lobster). In order to try and reduce freight costs, increase efficiencies and maintain a reliable supply chain of product from fishers to customer, M.G. Kailis are proposing to use a 22.8m vessel (the *FV Capricorn Lady*), which ordinarily operates in the Queensland East Coast TRL Fishery, to transport live and frozen lobster product from the Torres Strait to their processing facility in Cairns. The product that would be moved will be lobsters commercially caught from the Traditional Inhabitant Boat (TIB) sector (ordinarily unloaded to Pearl Island Seafoods on Thursday Island) and Transferable Vessel Holder (TVH) caught lobsters as well.

The proposed activity will help to maintain a more cost effective and reliable supply chain of Torres Strait tropical rock lobsters caught by the TIB sector to the market.

Torres Strait Fisheries

Area of the Tropical Rock Lobster 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**
- Tropical Rock Lobster 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"

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