

Class Notification under the Commonwealth *Native Title Act 1993*

Licence condition variation to update individual catch shares for Transferrable Vessel Holder (TVH) licenced operators in line with the final Total Allowable Catch (TAC) in the Torres Strait Tropical Rock Lobster (TRL) Fishery

Date of Issue: 15 February 2019

SECTION OF NTA	Subsection 24HA(2) 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	Steve Hall
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TELEPHONE NO.	02 6225 5555
REFERENCE NO.	Licence condition variation to update interim quota conditions for TVH licence holders in line with the final total allowable catch (TAC) in the Torres Strait Tropical Rock Lobster Fishery (TRL Fishery) – NT2019-02

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

TYPE OF APPROVAL	Licence condition variation under section 22 of the <i>Torres Strait Fisheries Act 1984</i> (the Act).
NUMBER OF APPROVALS	1
UNDER WHAT ACT	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>The proposed management action would revise the interim quota conditions for transferable vessel holder (TVH) licence holders that limit the amount of TRL a TVH licence holder may take during the 2018/19 fishing season, to reflect the final TAC for the fishing season. The amount of TRL that may be taken will be consistent with agreed relative catch shares between the Traditional Inhabitant Boat (TIB) and TVH sectors.</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 TVH licences authorise fishing for TRL within the TRL Fishery. The extent of the TRL Fishery 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 to the Regulations.
NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE	<p>Cape York Land Council Carpentaria Land Council Aboriginal Corporation Kaurareg People #1 Kaurareg People #2 Kaurareg Native Title (Aboriginal) Corporation RNTBC Malu Lamar (Torres Strait Islander) Corporation RNTBC The applicant for the Torres Strait Sea Claim (Part B)</p>
NAME OF NATIVE TITLE REPRESENTATIVE BODY	Torres Strait Regional Authority

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

DURATION OF APPROVAL	The proposed management action would apply for the remainder of the 2018/19 fishing season of the TRL Fishery, which runs from 1 December 2018 until 30 September 2019.
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You are invited to comment upon the class of proposed future act outlined above by close of business 1 March 2019. If you would like to extend the response period, please contact AFMA by 1 March 2019.

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

By mail addressed to:
Australian Fisheries Management Authority
Att: Steve Hall
PZJA Secretariat
PO Box 7051
Canberra Business Centre
CANBERRA ACT 2610
Or by email to: trinfo@afma.gov.au

Background Information

What will the proposed management action involve?

1. It is proposed that the interim quota conditions already in place on the non-traditional licences (TVH) operating in the Torres Strait Tropical Rock Lobster Fishery (TRL Fishery) for the 2018/19 fishing season be updated to reflect the final total allowable catch (TAC) for the fishing season.
2. The interim quota conditions restrict the amount of tropical rock lobster (TRL) TVH licence holders are able to take during the 2018/19 fishing season, from 1 December 2018 until 30 September 2019. The Traditional Inhabitant (TIB) sector is also restricted in how much can be taken in total across all TIB licences. The TIB sector's catch share is administered through the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018* (the Instrument).
3. The relative sectoral catch shares imposed for the 2018/19 fishing season are 66.17 per cent : 33.83 per cent for the TIB and TVH sectors respectively. The TIB catch share is managed through a competitive TAC under the Instrument while the TVH share is managed through individual catch allocations imposed through licence conditions. These arrangements follow a suggestion from the Protected Zone Joint Authority (PZJA) Tropical Rock Lobster Working Group (TRLWG) and was agreed by the PZJA on 26 November 2018.
4. To support the implementation of sectoral catch shares the PZJA agreed to an interim TAC of 200 tonnes, commencing 1 December 2018. In deciding to set an interim TAC the PZJA agreed that a final TAC would be set by March 2019 taking into account the latest information about the status of stock. This includes information from a scientific survey undertaken in November 2018 and updated stock assessment..
5. Under the interim TAC of 200 tonnes and in line with the agreed sectoral shares (66.17 per cent : 33.83 per cent), the current TIB catch share for the 2018/19 fishing season is 132.34 tonnes and the TVH catch share is no more than 67.66 tonnes.
6. The PZJA TRL Resource Assessment Group (TRLRAG) (meeting held on 5 February 2019) has recommended a recommended biological catch (RBC) for TRL in the Protected Zone TRL Fishery (inclusive of waters under Australian and PNG jurisdiction) of 641 tonnes. This is an increase from the RBC for last season which was 299 tonnes. The PZJA TRLWG will consider the TRLRAG advice at its meeting on 19-20 February and provide advice the PZJA on a final TAC.
7. The final TAC for the Australian TRL Fishery will be considered by the PZJA on 25 February and will be subject to final catch sharing arrangements between Australia and PNG. Once agreed AFMA (as PZJA delegate) proposes to vary the TVH interim quota conditions to reflect the final TAC and in line with the agreed sectoral shares.

Why is this management action being proposed?

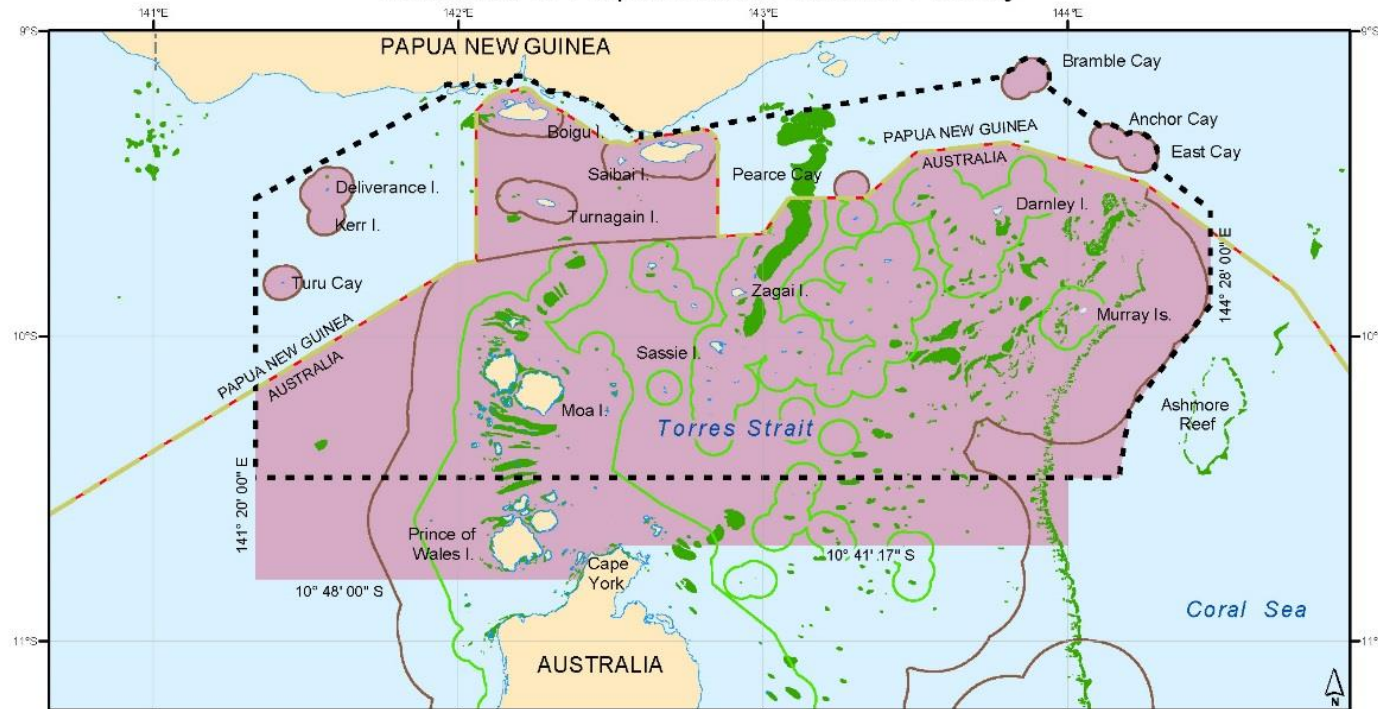
8. On 26 November 2018, having considered outcomes of consultation, the PZJA decided to determine the *Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018* (the Management Plan) and to amend the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018* (the Instrument). The Management Plan and amendments to the Instrument came into force for the 2018/19 fishing season starting on 1 December 2018.
9. The amendments to the Instrument were made to implement sectoral TAC shares for the TIB and TVH sectors on an interim basis (initially for the 2018/19 fishing season) while the formal quota allocation process under the Management Plan is undertaken. These shares are:

- a. a global (competitive) TAC for the TIB sector; and
 - b. individual allocation of the TAC for TVH sector (based on the 2007 preliminary allocation notices) via a licence condition for the 2018/19 fishing season.
10. To support the implementation of the sectoral TAC shares the PZJA also:
- a. decided that the Australian TRL Fishery will have an interim TAC of 200 tonnes for the 2018/19 fishing season from 1 December 2018; and
 - b. agreed that a final TAC will be decided by the PZJA or its Delegate as soon as possible after the start of the fishing season on 1 December 2018:
 - i. following consideration of an updated stock assessment for the 2018/19 fishing season and consultation with TRLRAG and TRLWG; and
 - ii. having regard to Australia's obligations under the Treaty, noting that bilateral meetings with PNG are scheduled for early March 2019.
11. At their meeting on 5 February 2019, the TRLRAG advised a final RBC of 641 tonnes for the Protected Zone TRL Fishery (inclusive of waters under Australian and PNG jurisdiction) for the 2018/19 fishing season. The RBC is currently calculated by applying the interim Harvest Strategy to the results of the stock assessment. The stock assessment takes into account the results of the 2018 mid-year and pre-season surveys, historical survey data as well as catch and effort information from the TIB and TVH sectors, TRL biological information and environmental information. The interim harvest strategy is based on maintaining the stock around 65 per cent of the estimated unfished biomass (before commercial fishing).
12. The TRLWG will meet on 19-20 February 2019. The TRLWG will be asked to consider the TRLRAG advice, and recommend a final TAC for the Protected Zone TRL Fishery for the 2018-19 fishing season.

How will the proposed management action benefit Traditional inhabitants?

13. The proposed management action is anticipated by TIB fishers. On 28 November 2018, AFMA advised all licence holders of the PZJA decision to implement sectoral catch shares and an interim TAC with the interim TAC to be updated following completion of the stock assessment process. Based on TRLRAG advice the final TAC is likely to be significantly higher than the current interim TAC. This means the available catch to both the TIB and TVH sectors should increase accordingly.
14. The TRL Fishery is the most valuable fishery in the Torres Strait worth approximately \$12.9 million in 2016/17. Further, it has the highest participation rate of traditional inhabitants for the Torres Strait commercial fisheries.

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
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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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