

Ref: NT2021 - 01

25 June 2021

Dear Sir/Madam,

Comment on a proposed management action in line with subsection 24HA(7) of the Commonwealth *Native Title Act 1993*

On behalf of the Protected Zone Joint Authority (PZJA) Secretariat, I am writing to you regarding the proposed management action to vary licence conditions to authorise the sunset sector in Torres Strait Finfish Fishery (TSFF) to take a total allowable catch amount of Spanish mackerel, Coral trout and a basket of other reef-line species in the Torres Strait Finfish Fishery for the 2021-22 fishing season. Further details of the proposed action can be found in **Attachments A-C - Class Notification under the *Commonwealth Native Title Act 1993***.

Under subsection 24HA(7), the PZJA must give the recipient of this notice an opportunity to comment on these proposed actions within a period defined by this notice. Accordingly, please provide any comment on the proposed management actions by **close of business 9 July 2021**, in writing, to the addressee below:

Australian Fisheries Management Authority
Att: Selina Stoute
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 timeframe given to comment or have any additional questions, please call me on 07 4069 1990 or email FisheriesTI@afma.gov.au.

Yours sincerely

Selina Stoute
Senior Management Torres Strait Fisheries
Australian Fisheries Management Authority

Attachments

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

Class Notification under the Commonwealth *Native Title Act 1993*

Licence condition variations to authorise the sunset sector in Torres Strait Finfish Fishery (TSFF) to take a total catch amount of Spanish mackerel, coral trout and a basket of other reef-line species in the Torres Strait Finfish Fishery for the 2021-22 fishing season (NT2021-01).

Date of Issue: 25 June 2021

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	Selina Stoute
E-MAIL	FisheriesTI@afma.gov.au
TELEPHONE NO.	(07) 4069 1990
REFERENCE NO.	Licence condition variations to authorise the sunset sector in the Torres Strait Finfish Fishery (TSFF) to take a total catch amount of Spanish mackerel, coral trout and a basket of other reef-line species in the Torres Strait Finfish Fishery for the 2021-22 fishing season (NT2021-01).

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

TYPE OF APPROVAL	Licence condition variation under Section 22 of the Commonwealth <i>Torres Strait Fisheries Act 1984</i> (the Act).
NUMBER OF APPROVALS	Licence condition variation for up to seven Sunset Licences.
UNDER WHAT ACT	<i>Torres Strait Fisheries Act 1984</i> (The Act).

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

NATURE OF ACTIVITY	<p>Access to the Torres Strait Finfish Fishery (TSFF) is reserved for Traditional Inhabitants (the TIB sector) and fishers that lease annual sunset licences from the Torres Strait Regional Authority (TSRA). Sunset licences may be held by non-traditional inhabitants and allow for a certain amount of catch to be taken each season. TSRA lease sunset licences and catch allowances on behalf of Traditional Inhabitants.</p> <p>The proposed management action, to which this notification relates, would authorise the sunset sector in the TSFF to take a total catch amount of Spanish mackerel, coral trout and a basket of other reef-line species in the 2021-22 fishing season. The total catch for the sunset licence sector is shared across sunset licences and prescribed in licence conditions. The licence conditions have the effect of limiting the amount an individual licence holder may take of Spanish mackerel, coral trout and a basket of other reef-line species. At present there are a total of seven sunset licences.</p> <p>The total catch proposed to be made available to the sunset sector at the commencement of the 2021-22 fishing season is 50 tonnes for Spanish mackerel, 25 tonnes for coral trout and 6 tonnes of other reef-line species.</p> <p>Based on agreed total allowable catches (TACs) for the 2021-22 fishing season, the remaining catch that would be available to the TIB sector is 24 tonnes for Spanish mackerel and 110 tonnes for</p>
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	<p>coral trout at the commencement of the season. TIB catches for other reef-line species are not limited.</p> <p>Further information on the proposed management action is provided at Attachment A. Also please note that this notification, together with previous notifications, are available here: https://www.pzja.gov.au/native-title-notifications</p>
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The above activity will be located within:

LOCATION OF ACTIVITY	The extent of the Finfish Fishery to which the proposed prohibition will apply is described in Item 4, 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 B shows the area of the Torres Strait Finfish Fishery, as described in Item 4, 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	Malu Lamar (Torres Strait Islander) Corporation RNTBC Ipima Ikaya Aboriginal Corporation RNTBC Kaurareg People #1 Kaurareg People #2 North Eastern Peninsula Sea Claim Group The applicant for the Torres Strait Sea Claim (Part B)
NAME OF NATIVE TITLE REPRESENTATIVE BODY	Torres Strait Regional Authority Cape York Land Council

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

DURATION OF APPROVAL	The proposed licence variations will apply for the 2021-22 fishing season which commences on 1 July 2021 and ends 30 June 2022.
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You are invited to comment upon the class of proposed future acts outlined above within the 14 day response period which ends close of business on 9 July 2021. If you would like to extend the response period, please contact AFMA by close of business on 9 July 2021.

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

By mail addressed to:
Australian Fisheries Management Authority
Att: Selina Stoute
PO Box 376
Thursday Island, QLD, 4875

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

Background Information

Total Allowable Catch limits for the Torres Strait Finfish Fishery (TSFF)

At its meeting on 28 January 2021, the Torres Strait Protected Zone Joint Authority (PZJA) agreed that the Torres Strait Finfish Fishery **Spanish mackerel Total Allowable Catch (TAC) will be 74 tonnes** and the **coral trout TAC will be 135 tonnes** for the 2021-22 fishing season which commences on 1 July 2021.

This PZJA decision was based on consideration of advice from both the Torres Strait Finfish Fishery Resource Assessment Group (FFRAG) and Finfish Fishery Working Group (FFWG). Records of these meetings are publicly available on the PZJA website (www.pzja.gov.au/torres-strait-finish-groups) and the notice sent to licence holders advising of the decision is at **Attachment C**.

While Spanish mackerel is a shared stock with Papua New Guinea and can be subject to a formal shared TAC under the *Torres Strait Treaty 1985*, there is no indication from Papua New Guinea at this time that they wish to enter into catch sharing arrangements for 2021-22.

AFMA monitors TSFF catches through the season by receiving catch reports from both Sunset and TIB fishers through the Torres Strait Fish Receiver System and publishes these reports on the PZJA website: <https://www.pzja.gov.au/fishery-catch-watch-reports>.

Background to leasing catch to the sunset licence sector of the TSFF

Access to the TSFF is reserved for Traditional Inhabitants (the TIB sector) and fishers that lease sunset licences (the sunset sector) from the Torres Strait Regional Authority (TSRA). Sunset licences may be held by non-traditional inhabitants and allow for a certain amount of catch to be taken. Each year since 2008-09 the TSRA, on behalf of traditional inhabitants, has leased (temporary transfers) these sunset licences, with specified Spanish mackerel and coral trout catch amounts. Since 2017/18 TSRA have also lease catch allowances for other-reef-line species. Sunset licences are granted and varied by AFMA, as the PZJA licensing delegate.

As advised by the TSRA, the process for recommending catch amounts to be leased to the sunset sector is as follows:

- a) The TSRA Finfish Quota Management Committee (FQMC) provides advice to the TSRA Board on the leasing of finfish catch allocations. The FQMC is a formal advisory committee of the TSRA Board established under section 142 M of the *Aboriginal Torres Strait Islander Act 2005*. The FQMC comprises TSRA Board Member and a community fisher representative for the four main finfish communities (Erub, Masig, Mer and Ugar) and 4 representatives of the Zendath Kes Fisheries Limited. The Committee is Chaired by the TSRA Board Fisheries Portfolio member.
- b) Each year the FQMC makes key recommendations to the TSRA Board on:
 - the amount (t) of catch to be set aside for TIB fishers
 - the amount (t) of catch to be leased out
 - the minimum price per kilo for each of the main species in the fishery
 - the names of the applicants who were successful through the Expression of Interests process, the catch in kilograms (kg) allocated to them and the price per kg to be charged.
- c) The TSRA Board of elected community representatives make the decision based on the advice and recommendations of the FQMC.
- d) When making a recommendation on allocations for the TIB sector the committee considers:
 - historic and current log book and docket book returns supplied by the PZJA

- FQMC members' informed estimate of current fishing effort and likely changes to fishing effort in their communities.

The TSRA then applies to AFMA ahead of each TSFF fishing season to amend sunset licence conditions to reflect the TSRA Board decision on how much catch is to be leased to the Sunset Licence sector together with specific amounts for each licence.

Proposed catch leasing to the sunset licence sector for the 2021-22 fishing season

The TSRA Board meeting endorsed the leasing recommendations of the FQMC for the 2021-22 fishing season at its 130th meeting, held on 23-25 June 2021 on Thursday Island. In line with the TSRA Board decision, on 25 June 2021 the TSRA applied to AFMA for the following catch amounts to be made available to the sunset licence sector for the 2021-22 fishing season; 50 tonnes of Spanish mackerel, 25 tonnes of coral trout and 6 tonnes of other reef-line species across all licences (**Table 1**).

Table 1 Proposed catch amounts (in tonnes) to be made available to the Sunset licence sector for the 2021-22 fishing season and agreed TACs.

	Spanish mackerel	Coral trout	Other reef-line species
Total Allowable Catch	74	135	30
Available catch - TIB	24	110	Not applicable
Available catch - Sunset	50	25	6

How may the proposed decision impact Traditional Inhabitants

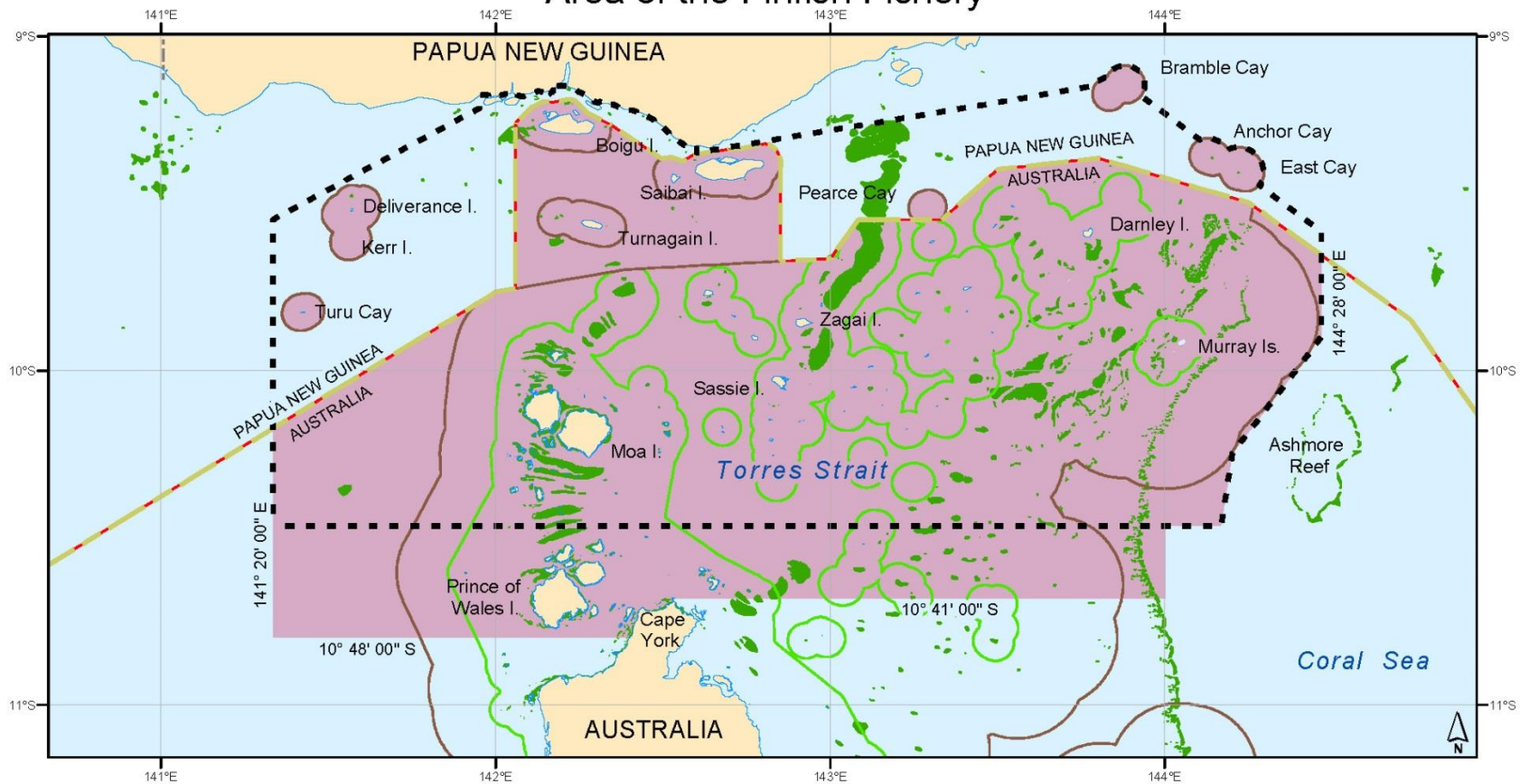
Following the Australian Government buyout of all TSFF licences held by non-traditional inhabitants in 2008, arrangements for leasing catch to the sunset licence sector were established. The aim being to maintain market supply and generate revenue for the benefit of Traditional Inhabitants whilst catches in the TIB sector increase overtime. In 2019-20 leasing generated \$183 000 of revenue and the TSRA Finfish Trust Account balance as at 30 June 2020 was \$2.047 million (*Torres Strait Regional Authority Annual Report 2019-20*).

To support growth in TIB catches overtime, it is intended that the amount of catch leased leaves enough of the TAC for the TIB sector having regard for recent TIB catch trends and any expected catch increases. The TSRA leasing process outlined above is designed to capture industry and community views on appropriate catch levels to be both reserved for the TIB sector and leased to the sunset sector.

For the 2019-20 fishing season the TIB sector reportedly caught 1.566 tonnes of Spanish mackerel and 2.261 tonnes of coral trout. As at 7 April 2021, recorded TIB catches for the current season (2020-21) which ends on 30 June are 3.281 tonnes of Spanish mackerel and 1.94 tonnes of coral trout.

Torres Strait Fisheries

Area of the Finfish 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**
- Finfish 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"



Australian Government
Australian Fisheries Management Authority

05 February 2021

Dear Torres Strait Finfish Fishery Licence Holder,

Fishery licence catch limits for 2021-22 season

I am writing to advise you of the agreed Total Allowable Catch (TAC) limits for commercial fishing in the Torres Strait Finfish Fishery (the Fishery) for the 2021-22 season.

At its 28 January 2021 meeting the Protected Zone Joint Authority (PZJA) agreed that the Torres Strait Finfish Fishery Spanish mackerel TAC will be 74 tonnes and the coral trout TAC will remain unchanged at 135 tonnes for the 2021-22 fishing season, which commences on 1 July 2021.

In making its decision the PZJA considered advice from both the Finfish Resource Assessment Group (FFRAG) and Finfish Working Group (FFWG). Meeting records of the FFRAG and FFWG are available on the PZJA website (www.pzja.gov.au).

Spanish mackerel is a species for which catch-sharing arrangements are agreed with Papua New Guinea (PNG) under the Torres Strait Treaty. On 26 November 2020 AFMA and the PNG National Fisheries Authority met and agreed that no catch sharing arrangements for Spanish mackerel for 2021 (or for the prawn or pearl shell fisheries) would be made for the 2021-22 fishing season.

Access to the Fishery is reserved for Traditional Inhabitants who hold a Traditional Inhabitant Boat (TIB) licence and fishers that lease annual sunset licences (the sunset sector) from the Torres Strait Regional Authority (TSRA). Sunset licences may be held by non-traditional inhabitants and allow for a certain amount of catch to be taken. TSRA lease sunset licences and catch allowances on behalf of Traditional Inhabitants. The leasing process for 2021-22 is expected to be completed before the start of the 2021-22 fishing season. AFMA will further advise licence holders on the outcomes of this leasing process including the number of sunset licences issued and total catch leased to these licences.

AFMA will provide catch watch reports throughout the season to advise licence holders on reported catches against the TACs.

Please note that all catch taken in the Torres Strait Finfish Fishery must be weighed and recorded by a licenced fish receiver at the first point of landing. A list of licenced fish receivers who can receive your catch is available on the public register of concession holders available from the PZJA website (<https://www.pzja.gov.au/notices-and-announcements/notices-and-announcements/torres-strait-licence-register-now-available>). The public register also contains details of all commercially licenced fishers in Torres Strait including sunset licence holders.

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Darwin NT 0801
P 08 8943 0333 F 08 8942 2897

Thursday Island
PO Box 376
Thursday Island QLD 4875
P 07 4069 1990 F 07 4069 1277

If you would like further information about the recommended commercial catch limits or any other matter relating to the Finfish Fishery please do not hesitate to contact the AFMA Office on Thursday Island on (07) 4069 1990.

Yours sincerely,



Selina Stoute
Senior Manager
Torres Strait Fisheries

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