

Ref: NT2022-01

8 July 2022

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 issue permits for scientific purposes to conduct fishery surveys in the area of the Torres Strait Tropical Rock Lobster Fishery. 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 5 August 2022**, 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](mailto:FisheriesTI@afma.gov.au)

If you have any problems meeting the 28 day timeframe or if you have any additional questions regarding the proposed granting of a permit for scientific purposes, please contact me by phone on 07 4069 1990 or email [FisheriesTI@afma.gov.au](mailto: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*

### Scientific research permit proposed for the Torres Strait Tropical Rock Lobster Fishery Pre-season Survey 2022

Date of Issue: 8 July 2022

<b>SECTION OF NTA</b>	Subsection 24HA(2) of the <i>Native Title Act 1993</i> (Cth)
<b>DEPARTMENT/AGENCY</b>	Australian Fisheries Management Authority (AFMA) on behalf of the Torres Strait Protected Zone Joint Authority (PZJA)
<b>CONTACT NAME</b>	Georgia Langdon
<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>	NT2022-01 – Scientific Permit TRL Surveys 2022-2024

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

<b>TYPE OF APPROVAL</b>	Granting of a permit for scientific purposes within the waters of the Torres Strait Tropical Rock Lobster Fishery, subject to PZJA approval.
<b>NUMBER OF APPROVALS</b>	Minimum three, up to six.
<b>UNDER WHAT ACT</b>	Section 12(1) of the <i>Torres Strait Fisheries Act 1984</i> (the Act).

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

<b>NATURE OF ACTIVITY</b>	<p>Subject to PZJA approval, a scientific permit would be granted annually to authorise fishery independent surveys for the Tropical Rock Lobster Fishery (TRL Fishery) for 2022, 2023 and 2024. TRL surveys are conducted, and have been conducted, at least annually since 1989. In some years two surveys are completed.</p> <p>The proposed permit will replicate TRL survey scientific permits that have previously been approved and endorsed through the PZJA Torres Strait Scientific Advisory Committee (TSSAC) research process. The research project is consistent with the Torres Strait Fisheries Strategic Research Plan 2018-2023 and the TRL Fishery Rolling Five Year Research Plan 2021/22-2025/26.</p> <p>The proposed survey will involve an underwater visual survey and limited collection of TRL at established sites across the area of the TRL Fishery in order to provide data on the relative abundance and length frequency of the population. The data collected from the survey will inform the total allowable catch (TAC) setting process for the TRL Fishery under the TRL Harvest Strategy and support quota management and catch sharing arrangements with Papua New Guinea in accordance with the <i>Torres Strait Treaty</i>.</p> <p>The permit will authorise the approved permit holder, or a person acting on behalf of the approved permit holder, to collect Tropical Rock Lobster (TRL) of any size within survey requirements as recommended by the TRLRAG.</p> <p>Approval will permit pre-season and/or mid-season research surveys to be conducted annually as recommended by the</p>
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	<p>TRLRAG and TRLWG and agreed by the PZJA. Approval is sought for the next three years (2022 to 2024 inclusive).</p> <p>More information is provided at <b>Attachment B</b>.</p>
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The above activity will be located within:

<b>LOCATION OF ACTIVITY</b>	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: <a href="https://www.legislation.gov.au/Details/F2016C00633">https://www.legislation.gov.au/Details/F2016C00633</a> .
<b>MAPS/PLANS</b>	<b>Attachment C</b> shows the area of the TRL Fishery, as described in Item 9, Schedule 2 to the Regulations.
<b>NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE</b>	<p>Cape York Land Council Aboriginal Corporation</p> <p>Kaurareg People #1</p> <p>Kaurareg People #2</p> <p>Ipima Ikaya Aboriginal Corporation RNTBC</p> <p>Malu Lamar (Torres Strait Islander) Corporation RNTBC</p> <p>The applicant for the Torres Strait Sea Claim (Part B)</p>
<b>NAME OF NATIVE TITLE REPRESENTATIVE BODY</b>	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:

<b>DURATION OF APPROVAL</b>	Valid from date of issue to 1 December 2024
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**You are invited to comment upon the class of proposed future act outlined above by close of business 5 August 2022. If you would like to extend the response period, please contact AFMA by 5 August 2022.**

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](mailto:FisheriesTI@afma.gov.au)

## **Background Information**

### ***What will the research involve?***

The permit will allow each approved permit holder or a person acting on behalf of the approved permit holder, to collect Tropical Rock Lobster of any size per-survey within survey requirements as set by the TRLRAG.

All lobsters collected may only be used for the purpose of collecting biological/stock abundance data. The collection of biological samples supports a broader research program including surveys of the relative abundance of recruiting and fished lobsters, as well as the size-frequency and the strength of age cohorts of the Torres Strait Rock Lobster Fishery population.

Each of the approved scientific permit holder/s will be responsible for meeting all conditions imposed by the Environment Protection and Biodiversity Conservation Act 1999 as it applies to Commonwealth waters, and the holder must report any interactions with protected or endangered species to AFMA in writing within 48 hours of returning to port. The holder will not be permitted to commercially sell any product retained under the authority of the permit.

### ***Why is this research being conducted?***

The mid-year fishery-independent surveys have been conducted since 1990 and provide data on the fished lobster abundance and a comparison with catch per unit effort data recorded in docket books and logbooks.

Pre-season population surveys provide data on the recruiting lobster abundance. Annual pre-season surveys were conducted from 2005 to 2008 and in 2015 in anticipation of the move to a quota management system. Pre-season surveys provide industry with information on the abundance and biomass of fishery. These data sets are integral to the outputs of the fishery model developed to assess fishery status and to forecast stock size and provide a recommended biological catch.

Any fisheries research projects conducted in the Torres Strait must first be supported by the Torres Strait Scientific Advisory Committee (TSSAC). The TSACC is a representative committee which comprises fisheries scientists, a social/economic scientist, Traditional Inhabitant representatives, non-Traditional Inhabitant fishing industry representatives and government representatives from Australia and Papua New Guinea.

As per the Strategic Research Plan for Torres Strait Fisheries, the TSSAC identified key research priority areas and a call for research proposals was distributed in late 2021. The proposal to which this scientific permit relates has been supported the Tropical Rock Lobster Fishery Resource Assessment Group (TRLRAG), the Torres Strait Tropical Rock Lobster Working Group (TRLWG) and the TSSAC.

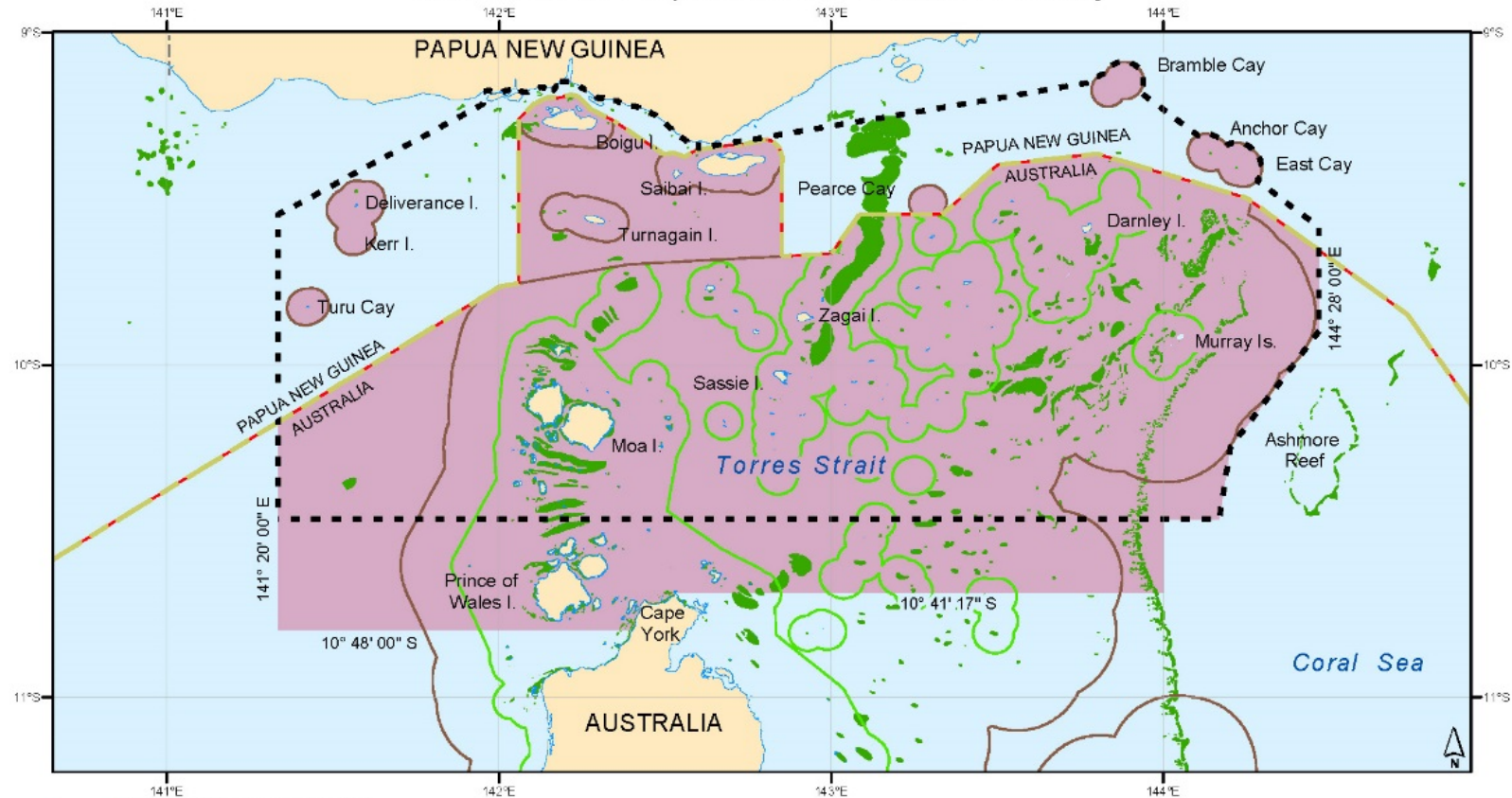
The TRLRAG is comprised of the Australian Fisheries Management Authority (AFMA), Torres Strait Regional Authority (TSRA), industry members (both indigenous and non-indigenous), CSIRO and independent scientists. The TRLRAG considers and provides scientific advice on the Tropical Rock Lobster Fishery. The TRLWG is comprised of AFMA, TSRA and industry members (both indigenous and non-indigenous). The TRLWG will consider recommendations from the TRLRAG, industry members and the broader community and provided advice on the Tropical Rock Lobster Fishery.

### ***How will this research benefit Traditional Inhabitants?***

The research conducted under scientific permit will benefit future sustainable management of the fishery by providing researchers with important data with which to update the stock assessment and set a Total Allowable Catch (TAC) each season. This will result in a flow on benefits to Traditional Inhabitants through ensuring fishery sustainability which will facilitate long term access to the resource.

# 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"