



Ref: NT2022-03

29 September 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 vary licence conditions for Torres Strait fishing boat and carrier boat licences. 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 27 October 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)

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 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*

### Licence condition variation for Torres Strait licences

Date of Issue: 29 September 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>	NT2022-03 – Torres Strait licence condition variation

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

<b>TYPE OF APPROVAL</b>	Variation of licence conditions applicable to commercial fishing in the Torres Strait Protected Zone and adjacent waters
<b>NUMBER OF APPROVALS</b>	All fishing boat licences in the tropical rock lobster, beche-de-mer, Spanish mackerel, reef line, trochus, pearl shell and crab licences (except Torres Strait Prawn) and all carrier class C licences (including Torres Strait Prawn)
<b>UNDER WHAT ACT</b>	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>Under subsection 22(1) of the Act a licence granted under section 19 is subject to conditions specified on the licence. Subsection 22(2) allows the Minister (or a delegate) to vary or revoke the conditions of the licence or specify further conditions to which the licence is subject to.</p> <p>The proposed management action would vary the licence conditions for all Torres Strait fishing licences (TIB, TVH and Sunset) except Torres Strait Prawn, and carrier licences (class A, B and C) to:</p> <ol style="list-style-type: none"> <li>Clarify that licence holders can only fish for species they are authorised to fish for as indicated by the symbols noted on their licence;</li> <li>place a greater responsibility on licenced fishers to verify their landed catch recorded by licenced fish receivers upon each landing;</li> <li>provide operational flexibility for licenced carrier boats to reasonably transport passengers between the carrier boat and shore; and</li> <li>make other minor changes to ensure language is clear and contact details are correct.</li> </ol> <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>	The proposed management action would apply to the area of all commercial fisheries in the Torres Strait. The extent of these areas is described in Items 1, 2, and 4-9, 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 collective area of the relevant Torres Strait commercial fisheries, as described in Items 1, 2, and 4-9 of the <i>Torres Strait Fisheries Regulations 1985</i> .
<b>NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE</b>	Cape York Land Council Aboriginal Corporation Kaurareg People #1 Kaurareg People #2 Ipima Ikaya Aboriginal Corporation RNTBC Malu Lamar (Torres Strait Islander) Corporation RNTBC The applicant for the Torres Strait Sea Claim (Part B)
<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>	Applicable from 1 December 2022 onwards
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**You are invited to comment upon the class of proposed future act outlined above by close of business 27 October 2022. If you would like to extend the response period, please contact AFMA by 20 October 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

The Australian Fisheries Management Authority (AFMA) provides licensing functions on behalf of the Protected Zone Joint Authority (PZJA). The licences that AFMA issues are subject to conditions under section 22 of the *Torres Strait Fisheries Act 1984*. Current licence conditions have been developed over many years and therefore it is appropriate that AFMA periodically review the management arrangements and licence conditions that apply to a fishery to ensure they are fit for purpose, meet the legislative objectives of the fishery, achieve the policy intent and remain enforceable.

AFMA proposes to vary some licence conditions applicable to Torres Strait Fisheries primarily to:

- a) clarify that licence holders can only take, process or carry species they are authorised to as indicated by the symbols noted on their licence;
- b) strengthen certain requirements and reporting obligations on licenced fishers operating under the Torres Strait Fish Receiver System;
- c) provide operational flexibility for licenced carrier boats to reasonably transport passengers between the carrier boat and shore; and
- d) make other minor changes to ensure language is clear and contact details are correct.

The varied conditions are expected to help ensure that all requirements of a licence are clear to licence holders.

### ***What are the proposed condition changes?***

- a) This condition change seeks to clarify that a licence holder can only take, process or carry certain fish in a certain area of fishery waters (as indicated by a fishery symbol on the licence e.g. CR for TRL). The areas and species are the same as those already listed in legislation and on the PZJA website. Licence holders should already be familiar with what the fishery symbols on their licences mean. This condition variation merely provides greater clarity and seeks to remove any possible ambiguity in language.
- b) This condition change seeks to update the conditions relating to 'landing catch to a licenced fish receiver' and place a greater responsibility on fishers to verify the details of the fishing licence and the catch they land to a licenced fish receiver as an accurate record upon signing each Catch Disposal Record. This variation does not change the widely understood obligations of either the fisher or receiver at an operational level, but seeks to reinforce the need for licenced fishers to be sure of the record that is being produced by the fish receiver when landing their commercial catch. This proposed condition variation will apply to all Torres Strait fishing licences that are required to land catch to a licensed fish receiver (except Torres Strait Prawn).
- c) This condition change is intended to provide some flexibility for carrier boat licence holders to authorise them to be able to tow a commuter tender boat that would allow the transport of passengers/crew between the carrier boat at the shore. Currently, Carrier C licences are prohibited from towing any boat. The existing condition is intended to prevent increased fishing effort from carrier boats towing potential fishing tenders, but does not provide operational flexibility to allow transport of passengers

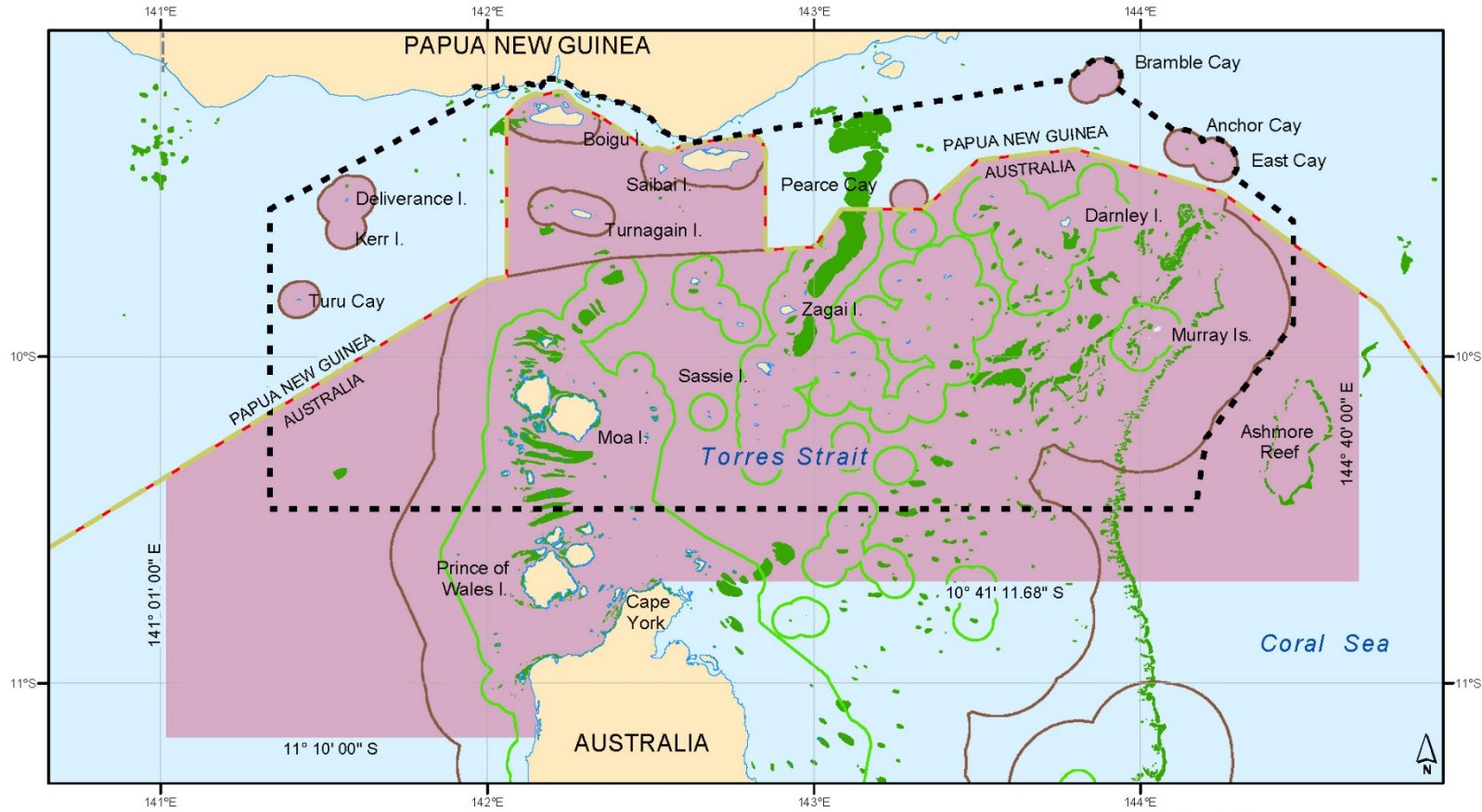
between the carrier boat and land. The proposed condition variation seeks to define some limits in which a commuting tender could operate. For example, being of a certain length, horsepower and for specific activities in a specific area.

All other variations are simply to ensure that language is clear, and therefore obligations on licence holders are clear, relevant contact details are up to date and that the correct conditions are imposed on the correct licences. These general variations will apply to all fishing licences, and carrier licences.

### ***What impact will the conditions have on Traditional Inhabitants?***

The conditions are largely being updated for administrative reasons to clarify requirements that are already known and understood by licence holders, including Traditional Inhabitant Boat (TIB) licence holders. In many cases, the updated conditions have the same or a similar effect to existing conditions that they will replace. Some proposed changes will provide increase flexibility to operators making their operations more efficient.

# Area of the Torres Strait Fisheries



- 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



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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