

Ref: NTN2024-05

28 June 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 vary the conditions of carrier class A and carrier class C licences held by traditional inhabitants in the Torres Strait Tropical Rock Lobster Fishery to allow for TIB carrier class A licenced primary boats to tow any other licenced TIB dinghy, and allow TIB carrier class C licenced carrier boats to also tow TIB licenced dinghies and provide accommodation to other fishers.

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 26 July 2024**, in writing, to the addressee below:

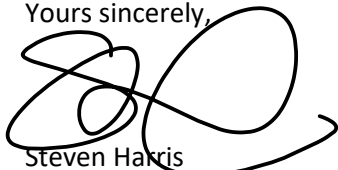
Australian Fisheries Management Authority
Att: Georgia Langdon
PO Box 376
Thursday Island
QUEENSLAND 4875

Email: FisheriesTI@afma.gov.au

Since 2019, AFMA has been publishing 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 advise if you have any concerns with this.

If you are unable to meet the 28 day timeframe or have additional questions regarding the proposed variation of carrier class A and carrier class C licences held by traditional inhabitants in the Torres Strait Tropical Rock Lobster Fishery please contact our office by telephone on 07 4069 1990 or email FisheriesTI@afma.gov.au.

Yours sincerely,



Steven Harris
On behalf of PZJA Secretariat
Senior Manager,
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: 28 June 2024

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	Georgia Langdon
E-MAIL	FisheriesTI@afma.gov.au
TELEPHONE NO.	07 4069 1990
REFERENCE NO.	NTN2024-05 – TRL TIB towing flexibility licence condition variation

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

TYPE OF APPROVAL	Variation of licence conditions applicable to carrier class A and carrier class C boas operated by traditional inhabitants in the TRL Fishery.
NUMBER OF APPROVALS	All carrier class A and carrier class C licences held by traditional inhabitants in the tropical rock lobster fishery.
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>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 carrier class A and carrier class C licences held by traditional inhabitants in the TIB sector of the TRL Fishery.</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 proposed management action would apply to the area of the 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 Torres Strait Tropical Rock Lobster Fishery as described in Item 9 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	Applicable from the date of approval onwards
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You are invited to comment upon the class of proposed future act outlined above by close of business 26 July 2024 (28 days). If you would like to extend the response period, please contact AFMA by 19 July 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). The licences that AFMA issues are subject to conditions under section 22 of the *Torres Strait Fisheries Act 1984*.

What are the proposed condition changes?

AFMA proposes to vary some licence conditions applicable to the TIB sector of the TRL Fishery to:

- a) permit TIB carrier class A licenced primary boats to tow any other licenced TIB dinghy. Currently TIB carrier class A licence conditions authorise a TIB Primary Boat to only tow tenders that are associated with that primary boat (i.e. are licenced by the same person and work in conjunction with one another, displaying the same boat marks).

and

- b) allow TIB carrier class C licenced carrier boats to also tow TIB licenced dinghies and provide accommodation to other fishers. These activities are currently prohibited the towing of any tenders (other than the towing of what is referred to as a 'commuter tender') The proposed variations will not authorise any fishing activities directly from the carrier boat.

Where did the proposed changes originate?

Discussions regarding a periodic review of management controls applicable to the TRL fishery has been ongoing for a number of years and specific changes have been requested by both the TIB and Transferrable Vessel Holder (TVH) sectors. Since the implementation of a quota system under the *Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018* (the TRL Plan), AFMA in conjunction with the TRL Working Group have progressed the first tranche of proposals to be reviewed.

In December 2020, the TRL Working Group identified and prioritised five industry-based proposals to change management controls in the TRL Fishery. These were discussed at a broader industry stakeholder workshop in 2021 and publicly consulted on during AFMA's community consultation round in 2022. Having regard to the community consultation feedback on each of the five proposals, the TRL Working Group (December 2022) recommended that two of the proposals be put forward for implementation; those being:

- a) to allow flexibility for TIB TRL primary boat operators to tow tenders un-associated with the primary boat and
- b) to have the flexibility for TIB carrier boats to provide accommodation, fuel and towing services to TIB TRL dinghy operators.

For specific detail on the 2021 TRL Industry Workshop or TRL Working Group discussions please refer to the meeting records of TRL Working Group meeting 11 (held on 17 December 2020) and TRL Working Group meeting 12 (held on 15 December 2022) available on the PZJA website (<https://www.pzja.gov.au/advisory-committees/pzja-committees/torres-strait-tropical-rock-lobster-working-group-tstrlwq>)

What impact will the conditions have on Traditional Inhabitants?

These proposals are intended to support the TIB TRL sector only in the context of improved safety for fishers and increasing participation in the TRL fishery through providing fishers an additional opportunity to access the fishery and key fishing grounds with the aim of helping the TIB sector catch more of its TAC.

Area of the Torres Strait Fisheries

