

Class Notification under the Commonwealth *Native Title Act 1993*

Variation of licence conditions on Torres Strait Beche-de-mer Fishery Traditional Inhabitant Boat Licence to implement a new total allowable catch limit for Black Teatfish and daily landing to a fish receiver

Date of Issue: 10 March 2020

SECTION OF NTA	Subsection 24HA(2) 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)
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TELEPHONE NO.	02 6225 5555
REFERENCE NO.	NTN2020-01 – Variation of licence conditions on Torres Strait Beche-de-mer Fishery Traditional Inhabitant Boat Licence to implement a new total allowable catch limit for Black Teatfish and daily landing to a fish receiver

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

TYPE OF APPROVAL	Variation of BDM Fishery Traditional Inhabitant Boat (TIB) licence conditions under section 22 of the Commonwealth <i>Torres Strait Fisheries Act 1984</i> (the Act)
NUMBER OF APPROVALS	Licence condition variation for all BDM Fishery TIB licences
UNDER WHAT ACT	Section 22 of 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 in the licence. Subsection 22(2) allows the Minister to vary or revoke the conditions of the licence or specify further conditions to which the licence is subject to.</p> <p>The conditions that are the subject of this notification, limit the amount of black teatfish that can be taken by all licences granted by the PZJA to take BDM species in the area of waters of the BDM Fishery. Further they require commercial catch to be landed to fish receiver.</p> <p>Fishing for black teatfish is currently prohibited. Subject to PZJA approval, the proposed management action would vary BDM Fishery TIB licence conditions to allow a 15 tonne TAC for Black teatfish and require fishers to land catches of beche-de-mer daily to a licenced fish receiver.</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 BDM Fishery. The extent of the BDM Fishery is described in
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	Item 1, 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 BDM Fishery, as described in Item 1, Schedule 2 to the Regulations.
NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE	Malu Lamar (Torres Strait Islander) Corporation RNTBC The applicant for the Torres Strait Regional Sea Claim Ipima Ikaya Aboriginal Corporation RNTBC The applicant for Northern Cape York Group #1 North Eastern Peninsula Sea Claim Group PNG Gas Pipeline ILUA – Cape York Region Cape York Land Council Kaurareg People #1 Kaurareg People #2
NAME OF NATIVE TITLE REPRESENTATIVE BODY	Torres Strait Regional Authority Cape York Land Council

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

DURATION OF APPROVAL	It is expected that the trail opening will occur later this year (2020).
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You are invited to comment upon the class of proposed future act outlined above by close of business 7 April 2020. If you require an extension, please apply to AFMA by close of business 31 March 2020.

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: PZJA.Secretariat@afma.gov.au

Background Information

What are the changes to Traditional Inhabitant Boat (TIB) licence conditions?

1. Under subsection 22(1) of the *Torres Strait Fisheries Act 1984* (the Act) a licence granted under section 19 is subject to conditions specified in the licence. Subsection 22(2) allows the Minister to vary or revoke a condition of the licence or specify further conditions to which the licence is subject to.
2. Fishing for black teatfish is currently prohibited. Subject to PZJA approval and in line with the *Torres Strait Beche-de-mer Harvest Strategy, November 2019*, a 15 tonne trial re-opening may occur. It is proposed that during the trial, fishers must land all catches of beche-de-mer daily to a licenced fish receiver. Fish receivers will then be required to report landed catches to AFMA daily.

Why are the licence conditions being changed?

3. Fishing for black teatfish has been closed since 2003 due to concerns of overfishing. The Fishery was reopened by the PZJA in 2014 and 2015 on a trial basis, however the TAC was exceeded on both occasions. The fishery was closed pending the development and implementation of cost-effective management tools to mitigate the risk of the TAC being exceeded, which has now happened, and includes:
 - a. The Torres Strait Fish Receiver System implemented on 1 December 2017, requiring the mandatory reporting of all commercial catch in Torres Strait Fisheries (except Torres Strait Prawn); and
 - b. The *Torres Strait Beche-de-mer Fishery Harvest Strategy, November 2019* (the harvest strategy) implemented on 1 January 2020, providing a transparent and pre-agreed protocol for setting TACs and developing arrangements for opening a closed fishery (species).
4. In line with the harvest strategy, at their meeting on 21 February 2020 the PZJA Hand Collectables Working Group (HCWG) recommended, a trial reopening of the fishery for black teatfish, subject to a 15 tonne TAC (to be fished competitively) and daily reporting to AFMA of landed catch. The HCWG noted that AFMA would enable landed catch records (Catch Disposal Records) to be submitted electronically (email, SMS, or fax) with hard copies still to be sent to AFMA. The HCWG:
 - a. agreed that based on all available information, including preliminary results from scientific dive surveys in November 2019 and January 2020, that the biomass of black teatfish is likely to be over the limit biomass reference point (40 percent of estimated unfished biomass);
 - b. agreed that monitoring and management arrangements (with daily reporting) are adequate;
 - i. a mandatory landed catch reporting system is in place and reporting standards in the BDM Fishery have progressively improved since the system was introduced.
 - ii. AFMA is now responsible for domestic compliance and is committed to undertake a targeted compliance program to support a future opening.
 - c. agreed to recommend the harvest strategy default reopening TAC for black teatfish of 15 tonnes. Although the preliminary results of the recent scientific survey suggest

the stock could sustain a higher TAC, priority was given to ensuring the TAC was demonstrably conservative, a requirement of the harvest strategy;

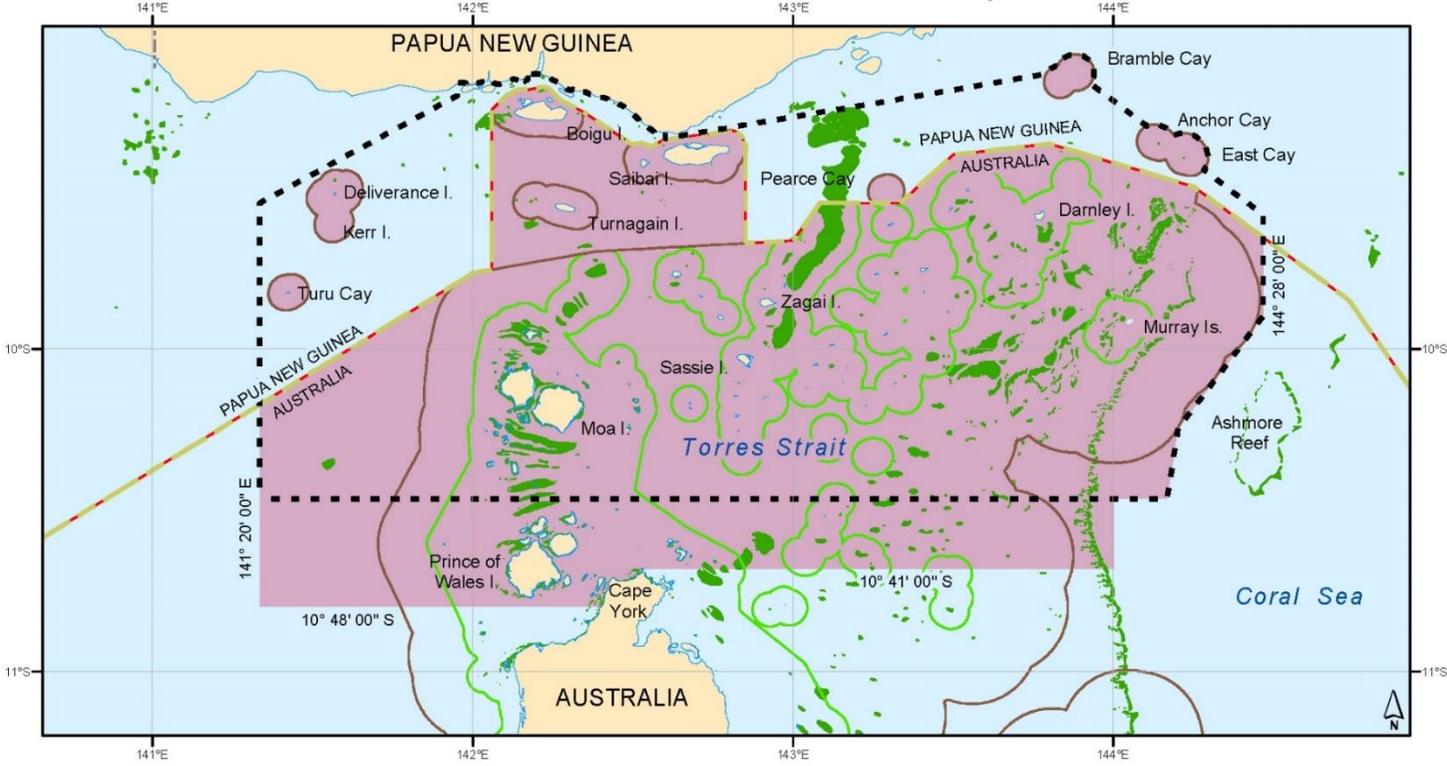
- d. welcomed the commitment from Malu Lamar (Torres Strait Islander) Corporation RNTBC, with support from TSRA, to work with fishers to agree voluntary measures to reinforce cultural lore with respect to who can fish where, and further ensure adherence with licence conditions for accurate daily catch and effort reporting. The HCWG noted that these arrangements would likely compliment regulatory efforts to reduce the risk of exceeding the TAC.
5. AFMA is satisfied that risk of exceeding the black teatfish TAC has been substantially reduced, though not eliminated, through the introduction of the Fish Receiver System and demonstrated improvements in reporting by the industry. AFMA considers the residual risk acceptable when considering the conservative nature of the proposed TAC and the objective of the *Torres Strait Fisheries Act 1984* to have regard in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants.
 6. Both AFMA and TSRA will continue to support Malu Lamar and the BDM industry more broadly, to undertake necessary meetings to agree on any voluntary measures and for AFMA to explain the proposed regulatory conditions for a potential opening.

How will this benefit Traditional Inhabitants?

7. Access to the BDM Fishery is reserved for Traditional Inhabitants. Varying TIB licence conditions to implement a trial TAC of 15 tonnes for black teatfish, with daily reporting of landed catches, will provide Traditional Inhabitants with access to a previously closed, high value species. This will provide a direct economic opportunity to Traditional Inhabitants.

Torres Strait Fisheries

Area of the Beche-de-mer 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**
- Beche-de-mer 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"

GeoCat #: 64841