

Class Notification under the Commonwealth *Native Title Act 1993*

Variation of licence conditions to include new total allowable catch limits for the Torres Strait Beche-de-mer Fishery as per the draft Beche-de-mer Harvest Strategy

Date of Issue: 27 September 2019

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)
CONTACT NAME	Steve Hall
E-MAIL	FisheriesTI@afma.gov.au
TELEPHONE NO.	07 4069 1990
REFERENCE NO.	NT2019-12 – Variation of licence conditions to include new total allowable catch (TAC) limits for the Torres Strait Beche-de-mer Fishery (BDM Fishery).

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

TYPE OF APPROVAL	Variation of BDM Fishery endorsed 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 endorsed 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>Subject to PZJA approval, the proposed management action would vary BDM Fishery endorsed TIB licence conditions relating to the TAC limits for beche-de-mer (BDM) species or species baskets as outlined in the draft BDM Harvest Strategy. The conditions that are the subject of this notification, limit the amount of BDM species that can be taken by a licence and all other licences granted by the PZJA to take BDM species in the area of waters of the BDM Fishery.</p> <p>A variation would be made to BDM Fishery endorsed TIB licence conditions to include the new TACs for the commencement of the 2020 BDM Fishery fishing season.</p> <p>It is expected that TACs may vary year to year as per guidance under the draft BDM Harvest Strategy depending on the level of data and information available.</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 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 (Part B) Ipima Ikaya Aboriginal Corporation RNTBC 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	The proposed management action would apply from the commencement of the 2020 BDM Fishery fishing season which starts on 1 January 2020.
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You are invited to comment upon the class of proposed future act outlined above by close of business 8 November 2019. If you would like to extend the response period, please contact AFMA by close of business 8 November 2019.

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: fisheriesTI@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. TIB licence conditions for Torres Strait Beche-de-mer Fishery (BDM Fishery) endorsed licences currently include total allowable catch (TAC) limits for prickly redfish (15 tonnes), white teatfish (15 tonnes), black teatfish (zero tonnes), surf redfish (zero tonnes) and sandfish (zero tonnes), with all other combined species under a collective 80 tonne basket. All TACs are measured in tonnes of gutted wet weight.
3. Subject to Protected Zone Joint Authority (PZJA) approval, the draft Beche-de-mer (BDM) Harvest Strategy outlines some changes to be made to existing TACs and to new starting TACs for various species and species baskets in the BDM Fishery. The changes are detailed below:

Species/Basket	Existing TAC	New TAC under the draft BDM Harvest Strategy
Prickly redfish	15 tonnes	15 tonnes
White teatfish	15 tonnes	15 tonnes
Deepwater redfish	Part of 80 tonne limit	5 tonnes
Hairy blackfish	Part of 80 tonne limit	5 tonnes
Greenfish	Part of 80 tonne limit	40 tonnes
Curryfish species (common, vastus and ocellatus)	Part of 80 tonne limit	60 tonnes combined TAC (basket)
Black teatfish	0 tonnes	0 tonnes (CLOSED)
Surf redfish	0 tonnes	0 tonnes (CLOSED)
Sandfish	0 tonnes	0 tonnes (CLOSED)
All other BDM species	Part of 80 tonne limit	50 tonnes combined TAC (basket)

Why are the licence conditions being changed?

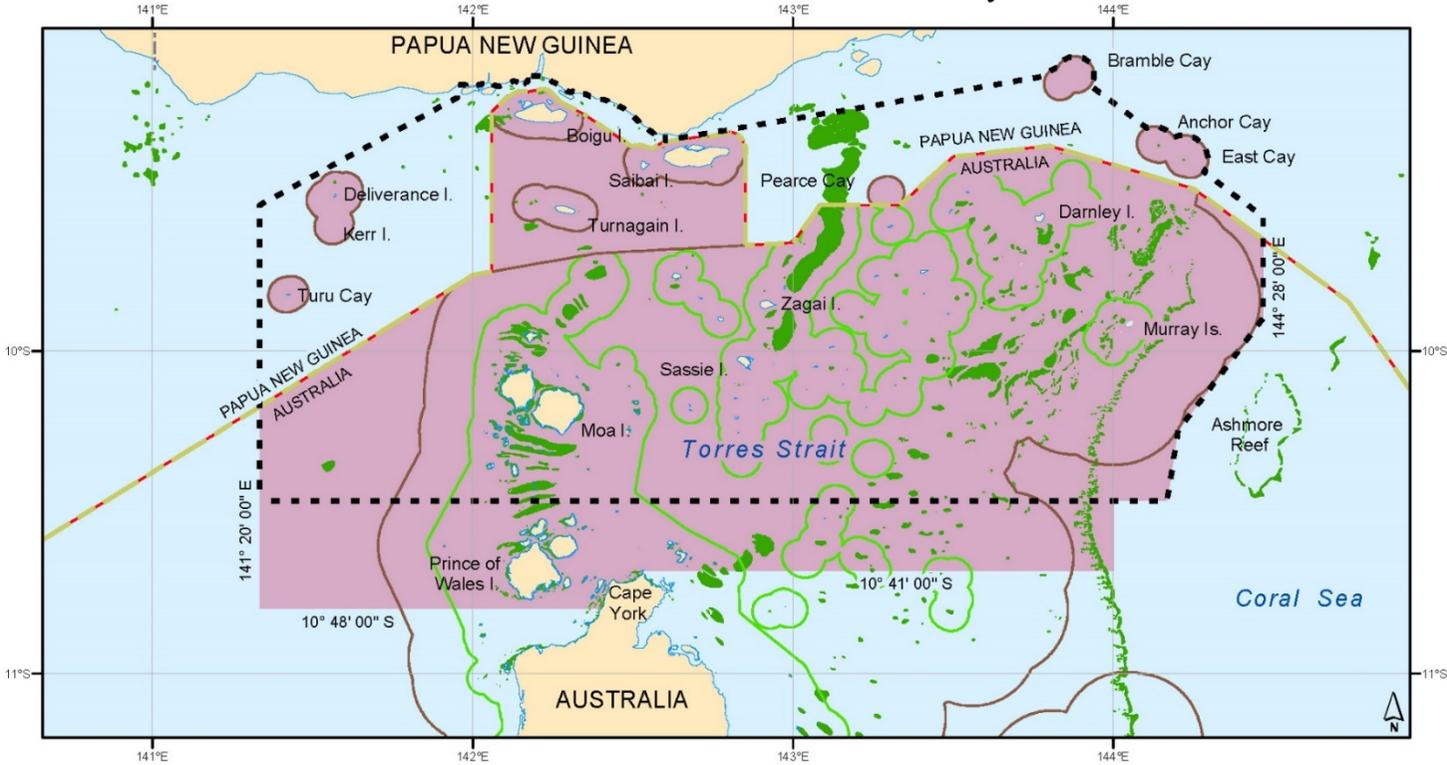
4. Currently, TACs in the BDM Fishery (pre-BDM Harvest Strategy) are based on a conservative estimate of biomass from historical surveys. Under the draft Harvest Strategy, in order to reflect the variation in fishing pressure, life histories, economic value and spatial distributions of the different species, updated starting TACs are proposed. Changes to these starting TACs are only possible subject to new information including, reported catches against TACs, concerns of overfishing or stock depletion, or survey data indicating stock recovery (for closed species).
5. Starting TACs are based on a series of stock surveys carried out between 1995 and 2011 (Skewes et al., 2010; Murphy et al., 2014), and estimates of BDM Fishery harvests up to 2018. The TACs have been set at less than 10 per cent of population biomass and are designed to be sustainable medium-term annual limits that result in low risk to overexploitation.
6. In developing the draft BDM Harvest Strategy, and considering the outcomes of public consultation, the Hand Collectables Working Group has recommended the changes to starting TAC arrangements.

How will this benefit Traditional Inhabitants?

7. The proposed management action gives effect to the changes to starting TACs as outlined in the draft BDM Harvest Strategy, to commence on 1 January 2020 subject to PZJA approval. Varying TIB licence conditions to include new TACs for BDM species and species baskets will ensure the future sustainable management of the BDM Fishery by limiting the amount of BDM that may be taken by licence holders within a BDM Fishery fishing season. It can improve operational flexibility resulting in fishers receiving more money for BDM product landed, increasing their business profits and providing secure fishing access which supports business planning, investment and encourages fishers to protect the resource in the long term. In turn, this will result in a flow-on benefits to traditional inhabitants by facilitating long term access to the resource.
8. The new starting TAC limits will also support the implementation of the draft BDM Fishery Harvest Strategy and its objectives which are:
 - a. To provide for the sustainable use of all BDM in the Torres Strait to take account of long-term of sustainability for future generations;
 - b. To develop BDM populations for the benefit of Australian Traditional Inhabitants (as defined by the Torres Strait Treaty) and accommodating commercial considerations;
 - c. To acknowledge area-specific issues;
 - d. Where possible, to consider an ecosystem approach to management that reduces impacts on, or optimises interactions with, other harvested and dependent species; and
 - e. To develop long-term recovery strategies for species, where appropriate.
9. Given that many of the world's sea cucumber fisheries are fully or over-exploited, and that demand looks to be increasing, the BDM Fishery will likely be more valuable in the future. A sustainable BDM Fishery will provide a source of income and employment for Torres Strait Islander communities and downstream industries.

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



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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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