

Class Notification under the Commonwealth *Native Title Act 1993*

**Licence condition variation for a Sunset Licence in the Torres Strait Finfish Fishery
change catch allowance within the 2019-20 fishing season.**

Date of Issue: 12 May 2020

SECTION OF NTA	Section 24HA (7) 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	Andrew Trappett
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TELEPHONE NO.	(07) 4069 1990
REFERENCE NO.	Licence condition variation for a Sunset Licence in the Torres Strait Finfish Fishery to change catch allowance within the 2019-20 fishing season (NT2020-03).

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

TYPE OF APPROVAL	Licence condition variation under Section 22 of the Commonwealth <i>Torres Strait Fisheries Act 1984</i> (the Act).
NUMBER OF APPROVALS	Licence condition variation for one Sunset Licence.
UNDER WHAT ACT	<i>Torres Strait Fisheries Act 1984</i> (The Act).

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

NATURE OF ACTIVITY	<p>The proposed management action would vary the catch allocation licence condition for Spanish mackerel and Coral Trout on one Torres Strait Finfish Fishery (TSFF) Sunset Licence which limits the holder to not take more than the prescribed kilogram amounts of catch allowance for Spanish mackerel, coral trout and a basket of other reef-line species.</p> <p>On 27 April 2020 AFMA received a request from the Torres Strait Regional Authority (TSRA) to increase the Spanish mackerel catch allowance for one sunset licence holder from 36 tonnes (t) to 37.929t (an additional 1.929t). On 12 May 2020 the TSRA submitted a further request to also increase the Coral trout catch allowance for the same sunset licence holder from 5t to 10t (an additional 5t).</p> <p>The Total Allowable Catch for Spanish mackerel is 82t and for Coral trout is 134.9t. The total allowable catch is shared between the traditional inhabitant fishing (TIB) sector and the sunset licence sector. The catch made available to the sunset licence sector varies seasonally and is based on leasing process administered by the TSRA.</p> <p>The proposed Spanish mackerel (1.929t) and coral trout (5t) catch allowance increase to the sunset licence holder means the catch available for the traditional inhabitant fishers, which is fished competitively (there are no catch allocations on individual TIB licences) reduces by that amount. This means for Spanish mackerel the available catch to the TIB sector for the current season (ending 30 June 2020) would change from 20t to 18.071t and for coral trout from 103.9t to 98.9t.</p>
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	<p>As at 12 May 2020, with seven weeks remaining in the season, TIB sector has reportedly landed 1.98t of Spanish mackerel and 2.04t of coral trout. Based on observed TIB catch rates this season, AFMA considers it unlikely that the TIB sector will catch either the current TIB catch share of Spanish mackerel and coral trout (20 t and 103.9t respectively) or the proposed revised shares of 18.071t and 98.9t respectively). This means that TIB is expected to fish for the remainder of the season without any significant risk to the TACs being exceeded and/or need for additional management measures to mitigate the risk of overcatch.</p> <p>Further information on the proposed management action is provided at Attachment A. Also please note that the notification issued on 16 May 2019 relating to AFMA's decision to vary sunset licences to provide a total catch allocation across all sunset licences at the start of the fishing season is available here: https://www.pzia.gov.au/native-title-notifications</p>
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The above activity will be located within:

LOCATION OF ACTIVITY	The extent of the Finfish Fishery to which the proposed prohibition will apply is described in Item 4, Schedule 2 of 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 B shows the area of the Torres Strait Finfish Fishery, as described in Item 4, Schedule 2 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	Malu Lamar (Torres Strait Islander) Corporation RNTBC Ipima Ikaya Aboriginal Corporation RNTBC Carpentaria Land Council Aboriginal Corporation Kaurareg People #1 Kaurareg People #2 Kaurareg Native Title (Aboriginal) Corporation RNTBC The applicant for the Torres Strait Sea Claim (Part B)
NAME OF NATIVE TITLE REPRESENTATIVE BODY	Torres Strait Regional Authority Cape York Land Council

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

DURATION OF APPROVAL	The proposed licence will be authorised once changed by AFMA to the end of the fishing season 30 June 2020.
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You are invited to comment upon the class of proposed future acts outlined above within the 14 day response period which ends close of business on 26 May 2020. If you would like to extend the response period, please contact AFMA by close of business on 26 May 2020.

Any comments must be **in writing** to:

By mail addressed to:
Australian Fisheries Management Authority
Att: Andrew Trappett
PO Box 376
Thursday Island, QLD, 4875

Or by email to: FisheriesTI@afma.gov.au

Background Information

Leasing arrangements background

On behalf of traditional inhabitants, each year since 2008-09 the TSRA has leased (temporary transfers) finfish fishery licences, with mackerel and or coral trout catch entitlements, to non-traditional inhabitant fishers. The aim of leasing licences is to maintain market supply and lease out unutilised available catch until the Traditional Inhabitant Boat (TIB) licence sector can increase its catches.

Sunset licences are granted by AFMA, as PZJA licensing delegate. Each sunset licence is subject to conditions that permit a specified catch to be taken (kilograms of Spanish mackerel, coral trout and other reef-line species). Each fishing season (1 July to 30 June annually) AFMA varies the catch amount according to the recommended leasing amounts.

As advised by the TSRA, the process for recommending catch amounts to be leased is as follows:

- a) The TSRA Finfish Quota Management Committee (FQMC) provides advice to the TSRA Board on the leasing of finfish catch allocations. The FQMC comprises TSRA Board Member and a community fisher representative for the four main finfish communities (Erub, Masig, Mer and Ugar). The Committee also includes a Chair appointed by the TSRA Board.
- b) Each year the FQMC makes key recommendations to the TSRA Board on:
 - the amount (t) of catch to be set aside for TIB fishers
 - the amount (t) of catch to be leased out
 - the minimum price per kilo for each of the main species in the fishery
 - the names of the applicants who were successful through the Expression of Interests process, the catch in kg allocated to them and the price per kg to be charged.
- c) The TSRA Board of elected community representatives make the decision based on the advice and recommendations of the FQMC.
- d) When making a recommendation on allocations for the TIB sector the committee considers:
 - historic and current log book and docket book returns supplied by the PZJA
 - FQMC members' informed estimate of current fishing effort and likely changes to fishing effort in their communities.

Sunset Licence leasing arrangements for the 2019-20 fishing season

For the 2019-20 Torres Strait Finfish Fishery fishing season beginning on 1 July 2019 the Total Allowable Catch for Spanish mackerel is 82 t. For this season TSRA recommended that five sunset licences be temporarily transferred with a total catch allocation of 62 t of Spanish mackerel, 31 t of coral trout and 5 t of other reef-line species across all licences (Table 1).

Table 1. Sunset licence leasing and TIB available catch for 2019-20 season and agreed TACs.

Species	Available Total Allowable Catch (t)	Traditional Inhabitant Boat Sector available catch (t)	Leased to sunset licence holders (t) at the season start (1 July 2019)
Spanish mackerel	82	20	62
Coral trout	134.9	103.9	31
Other reef-line species	30	Uncapped	5

TSRA request to amend leased catch amounts for a single operator in the 2019/20 season

On 27 April 2020 AFMA received a request from the Torres Strait Regional Authority (TSRA) to increase the Spanish mackerel catch allowance for one sunset licence holder from 36 tonnes (t) to 37.929 t (an additional 1.929 t). On 12 May 2020 the TSRA submitted a further request to also increase the Coral trout catch allowance for the same sunset licence holder from 5t to 10t (an additional 5t).

The TSRA advise that the decision to offer the extra catch allowance from within the total TAC was made after considering current catches of the TIB sector and the number of weeks remaining in the season. The TSRA has assessed that the available tonnage remaining in the fishery and known information about TIB catches, exceeding the fishery TAC this season by leasing additional tonnage is low risk.

How may the proposed decision impact traditional inhabitants

The proposed catch allowance increase to the sunset licence holder means the catch available for the traditional inhabitant fishers, which is fished competitively (there are no catch allocations on individual TIB licences) reduces by that amount. This means for Spanish mackerel the available catch to the TIB season for the current season (ending 30 June 2020) would change from 20t to 18.071t and for coral trout from 103.9t to 98.9t (see **Table 2**).

As at 12 May 2020, with seven weeks remaining in the season, TIB sector has reportedly landed 1.98t of Spanish mackerel and 2.03t of coral trout. Based on catch rates this season AFMA also considers it unlikely that the TIB sector will catch either the current TIB catch share of Spanish mackerel and coral trout (20 t and 103.9t respectively) or the proposed revised shares of 18.071t and 98.9t respectively. This means that TIB is expected to fish for the remainder of the season without any significant risk to the TACs being exceeded and/or need for additional management measures to mitigate the risk of overcatch.

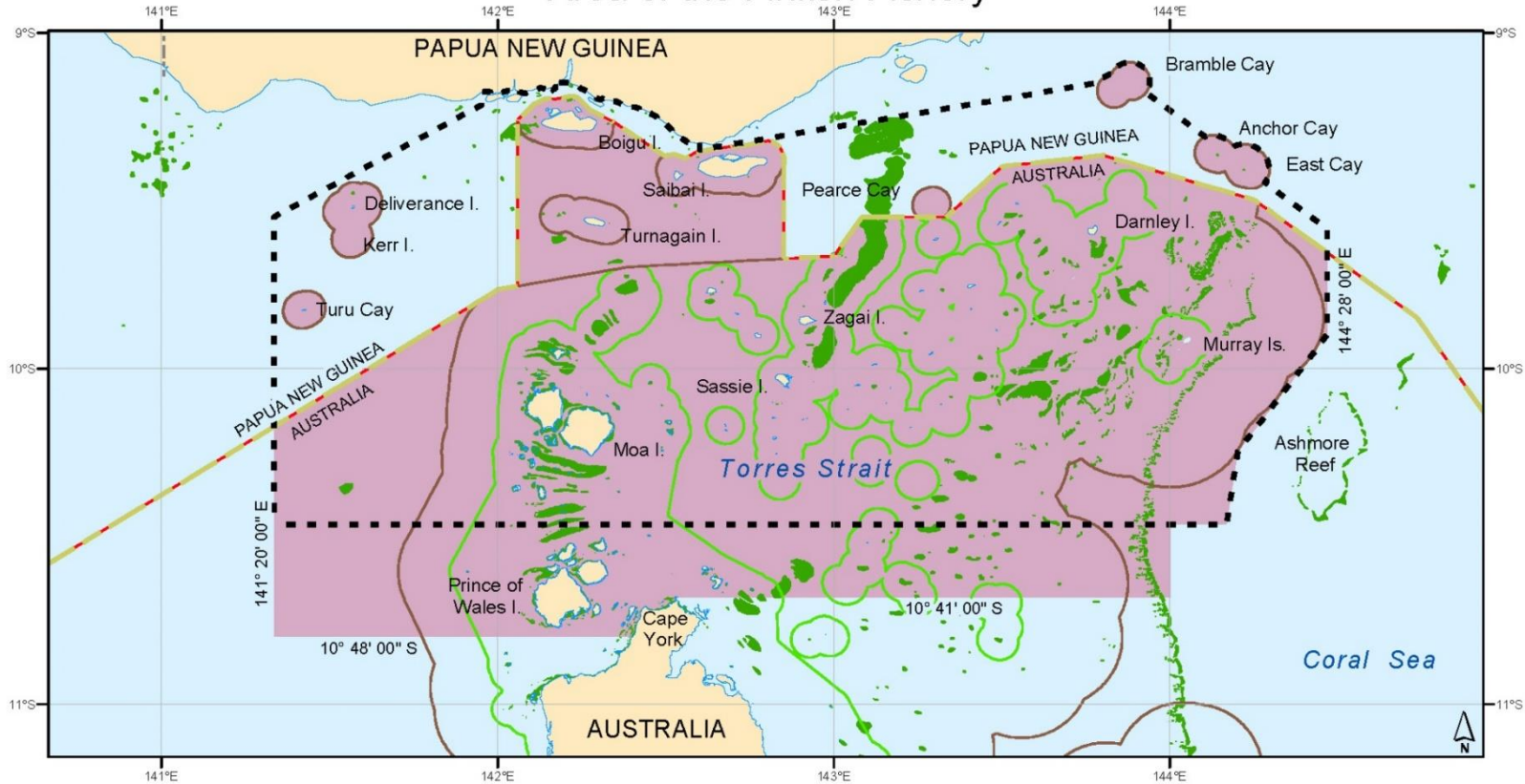
AFMA monitors TSFF catches through the season by receiving catch reports from both Sunset and TIB fishers through the Torres Strait Fish Receiver System and daily fishing logbooks publishes these reports on the PZJA website: <https://www.pzja.gov.au/fishery-catch-watch-reports>.

Table 2. Proposed Sunset licence leasing for the remainder of the 2019-20 season.

Species	Available Total Allowable Catch (t)	Traditional Inhabitant Boat Sector available catch (t)	Leased to sunset licence holders (t) reflecting proposed action to amend catch allowance on one licence
Spanish mackerel	82	18.071	63.929
Coral trout	134.9	98.9t	36
Other reef-line species	30	Uncapped	5

Torres Strait Fisheries

Area of the Finfish 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**
- Finfish 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"

GeoCat #: 64844