

Class Notification under the Commonwealth *Native Title Act 1993*

Torres Strait Prawn Fishery 2019-20 Total Allowable Effort Limit

Date of Issue: 29 January 2019

SECTION OF NTA	Section 24HA
DEPARTMENT/AGENCY	Australian Fisheries Management Authority on behalf of the Torres Strait Protected Zone Joint Authority (PZJA)
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TELEPHONE NO.	02 6225 5555
REFERENCE	Torres Strait Prawn Fishery 2019-20 Total Allowable Effort Limit

The Australian Fisheries Management Authority intends to issue:

NUMBER OF APPROVALS	The proposed management action seeks to set one (1) Total Allowable Effort (TAE) limit for the Torres Strait Prawn Fishery (TSPF).
TYPE OF APPROVAL	The TAE limit must be set and determined by the PZJA at least every three years in the TSPF (S2.5 of the Torres Strait Prawn Fishery Management Plan 2009 (the plan)). The TAE was last set in 2016 to apply for the 2016, 2017 and 2018 fishing seasons. The proposed management action seeks to re-apply the same TAE arrangement unchanged for the 2019 and 2020 fishing seasons. Refer to Attachment B for more information on the TSPF and TAE setting process.
UNDER WHAT LEGISLATION	The TAE is set under S15A of the <i>Torres Strait Fisheries Act 1984</i> (The Act) and S2.5 of the plan.

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

NATURE OF ACTIVITY	<p>The TAE will apply to the 61 licences in the TSPF. The TAE is divided among these licences based on the number of effort units held by each licence holder (9,200 units total in the fishery) in accordance with the formula outlined in S4.3 of the plan).</p> <p>The TAE is usually set before the start of the season (Licence holders commence fishing on 1 February each year) and was last set for three seasons. The Torres Strait Prawn Management Advisory Committee (TSPMAC) which includes Traditional Inhabitant members has recommended that the TAE remain unchanged and the PZJA set the TAE for the next two years at 9,200 days.</p> <p>A TAE will not be set before the start of the 2019 season (1 February 2019). It is anticipated that a TAE will be determined by end of February 2019 if approved by the PZJA. As the proposed TAE arrangements are unchanged from the previous setting, the minor delay in determining the TAE will not impact fishing activities. Fishers will commence fishing from the start of</p>
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	the season as usual and have the limit of fishing days relative to their holding of units included on their fishing licence.
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The above activity will be located within:

LOCATION OF ACTIVITY	<p>The extent of the fishery area to which the licences grant access is described in Item 1 of Schedule 2 of the <i>Torres Strait Fisheries Regulations 1985</i> as follows:</p> <p>Fishery Area:</p> <p>The extent of the fishery area to which this relates is described in Item 1 of Schedule 2 of the <i>Torres Strait Fisheries Regulations 1985</i> as follows:</p> <p>The area of the prawn fishery is the area consisting of:</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line beginning at the point of latitude 10° 28' 00² south, longitude 142° 09' 00² east and running progressively:</p> <ul style="list-style-type: none"> · east along the parallel of latitude 10° 28' 00² south to its intersection with the meridian of longitude 144° 00' 00² east; · south along that meridian to its intersection with the parallel of latitude 10° 41' 17² south; · west along that parallel to its intersection with the meridian of longitude 142° 31' 49² east; · south along that meridian to its northernmost intersection with the coastline of Cape York Peninsula at low water; · generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the meridian of longitude 142° 09' 00² east; · north along that meridian to the point where the line began; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>
MAPS/PLANS	<p>The attached map (Fig. 1) shows the area of the TSPF as described in Item 6 of Schedule 2 of the <i>Torres Strait Fisheries Regulations 1985</i>.</p>

NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE	Cape York Land Council Carpentaria Land Council Aboriginal Corporation Kaurareg Native Title (Aboriginal) Corporation RNTBC Malu Lamar (Torres Strait Islander) Corporation RNTBC
NAME OF NATIVE TITLE REPRESENTATIVE BODY	Torres Strait Regional Authority

If approved, after consideration of all comments, each permit will be granted for the following period of time:

DURATION OF APPROVAL	Subject to PZJA approval, the application proposes the TAE be set for a two year period.
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You are invited to comment upon the class of proposed future acts outlined above. Due to the delayed process to determine the TAE, please provide any comments on the proposed management action by close of business on 12 February 2019.

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

By mail addressed to:

Australian Fisheries Management Authority
Attn: Steve Hall
PO Box 7051
CANBERRA BC ACT 2610

Or by email to: steve.hall@afma.gov.au

Attachment B - Background Information

Under the [Torres Strait Prawn Fishery Management Plan 2009](#) (the plan) the PZJA must set a TAE, in the form of fishing days at least every three years consistent with the TSPF harvest strategy.

The TAE is set at a level to provide the “maximum sustainable yield” from the fishery. This is the catch of tiger prawns that can be taken from the stock sustainably season after season, and is calculated based on the most recent stock assessment and the catch trends that are continually monitored in the fishery.

Under these conditions, the TAE for the TSPF has been set at 9,200 days since 2006. The TAE was set annually between 2006 and 2010. Since 2011, the PZJA has generally set the TAE for three seasons at a time, with one year exception in 2015 to allow the Native Title representative bodies to be established following the Native Title claim decision. The TAE continues to be set for longer periods at 9,200 days on the basis of:

- scientific advice that 9,200 total annual days is sustainable for the fishery;
- the management plan provides for the TAE to be changed between seasons by the PZJA if needed and can be changed by emergency determination within a fishing season if there is a significant threat to the fisheries resources or to a fish or fish habitat (S2.6 of the plan); and
- setting the TAE for a two or three year period is preferred by the PZJA because it is efficient and cost-effective administration of the fishery.

Where is the Torres Strait Prawn Fishery and how is it managed?

The TSPF operates in the eastern part of the Torres Strait. The fishery is managed by the PZJA under the the plan and the *Torres Strait Fisheries Act 1984*. Both these instruments are available online at www.comlaw.com.au.

Fishing is permitted in the TSPF from 1 February to 1 December each year and is limited by a TAE in the form of total annual fishing days. This is the total number of days that could be fished by all licenced boats each year.

Fishing for prawns occurs at night using the trawl method which involves towing trawl nets across the sea floor. Trawl gear can only be used on relatively flat, sandy or muddy ground. Hard rocky sea floor or reef will damage the fishing gear and is avoided by trawl operators, who have built up good knowledge of where it is safe to trawl. The TSPF has restrictions on the total length of fishing net and boats that can be used in the fishery. Closed areas are also in place to protect important habitat and animals such as sea grass meadows, turtles and juvenile prawns and fish. Special modifications are also required in trawl nets to ensure turtles and other large animals such as sharks and rays are not caught. The fishery has been assessed as ecologically sustainable to comply with wildlife trade requirements under the *Environment Protection and Biodiversity Conservation Act 1999*.

All proposed management arrangements for the TSPF are considered by the TSPMAC. The TSPMAC has representatives from the traditional inhabitant sector, commercial prawn fishers, government and scientific experts. This ensures a broad range of stakeholders are involved in the decision making process. The TSPMAC makes recommendations to the PZJA, giving consideration to the fishery goals and objectives, scientific advice, existing management arrangements and cultural protocols.

Why do we need to set a TAE?

The PZJA is required by legislation to set the TAE at a minimum of once every three years. It can be set annually but when there is high confidence in the science behind the decision it is considered a more wise use of administrative resources to set the TAE for longer periods.

How do we know the TAE is being set at the right level?

The PZJA uses both the most current assessment of the stock and the annual catch and effort data to determine the sustainable effort level each year. Even when the TAE is set for two or three years, an annual assessment is considered by AFMA and the TSPMAC. The TAE has continued to be set at 9,200 days since 2006 primarily because the effort levels in the fishery have remained well below this level and the stocks have only been lightly fished each year. Current scientific advice remains confident that a 9,200 day TAE is sustainable for the fishery. Setting the TAE for two years is a very low-risk decision, particularly since it can be changed at any time by the PZJA if needed. When the stock assessment is completed in 2019/20, a new TAE may be considered for the 2021 season.

What is the process to change the TAE during a multi-year period?

Each year the TSPMAC will review the level of effort used in the preceding season. On this basis the TSPMAC will consider whether 9,200 days remains the sustainable harvest level. Should there be an increase in effort and catch rates appear to be problem, further stock assessment may be required and the level of the TAE may need to be revised by the PZJA. The annual consideration of effort and catch rates ensures that the fishery will not operate unsustainably regardless of having set a TAE for multiple years.

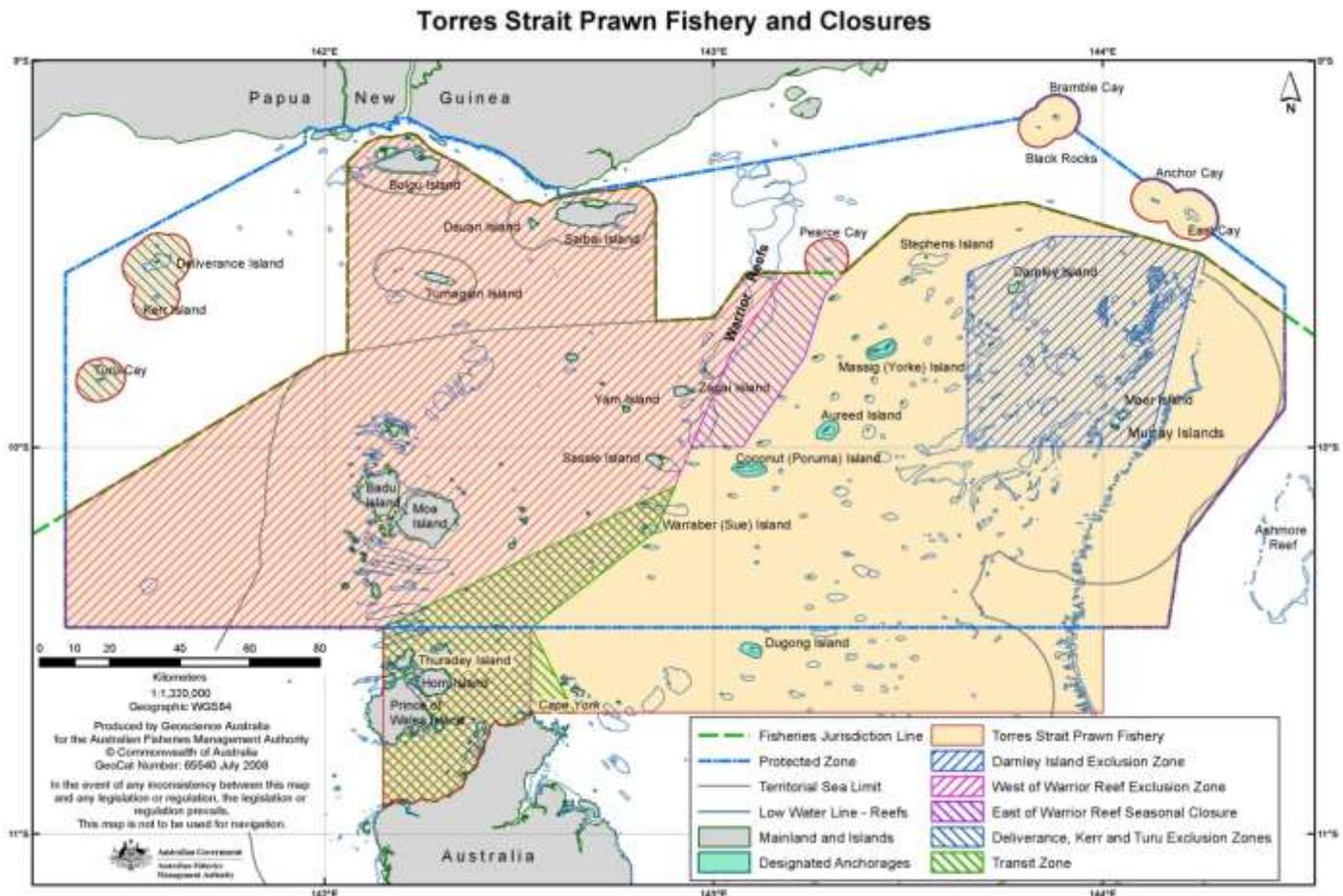


Figure 1. The area of the TSPF.