

## 35<sup>th</sup> Protected Zone Joint Authority Meeting

### Meeting Outcomes

Thursday 27 August 2020

#### Teleconference

#### Welcome and Apologies

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The Chair opened the 35<sup>th</sup> meeting of the Protected Zone Joint Authority (PZJA) at 4:05pm AEST with an Acknowledgment of Country. An attendance list is provided at [Attachment A](#).

#### 1. Black teatfish opening

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The Chair noted recent updates relating to this item, including:

- a. that the two Traditional Inhabitant members that were not able to attend the 7 August Hand Collectables Working Group meeting have expressed their support for the 20t Total Allowable Catch (TAC) recommendation and proposed April reopening subject to the additional reporting requirements being in place; and
  - b. the response received to the Native Title Notification, did not provide specific comment on the proposed action relating to opening the fishery for black teatfish, but rather is one of conditional objection based on the Claimant groups' desire to meet with AFMA to discuss how the group can engage more broadly on relevant fisheries management matters.
- 1.1. The PZJA **AGREED** to a trial opening of the fishery for Black teatfish (*Holothuria whitmaei*), a species within the Torres Strait Beche-de-mer (BDM) Fishery, subject to a 20 tonne competitive TAC and requirement of daily landing and reporting to AFMA of catch through the mandatory fish receiver system.
  - 1.2. The PZJA **AGREED** for AFMA to set the date of the opening having regard for:
    - a. advice from industry recommending that the opening be convened in April 2021, and that in the meantime, meetings be held with fishers to agree on further voluntary arrangements and to instil accurate daily catch and effort reporting;
    - b. impacts of the COVID-19 pandemic and AFMA's ability to communicate and monitor arrangements for an opening.
  - 1.3. The PZJA **NOTED** that AFMA will work with Malu Lamar (Torres Strait Islander) Corporation RNTBC (Malu Lamar) and the Torres Strait Beche-de-mer fishing industry to:
    - a. I understand any additional voluntary measures they intend to adopt to reinforce cultural lore with respect to who can fish and where, and further instil accurate daily catch and effort reporting;
    - b. explain arrangements for daily landing and reporting of catches and explore opportunities for voluntary reporting by fishers of more detailed daily catch and effort information and the collection of length data.
  - 1.4. The PZJA **NOTED** that AFMA will apply administrative processes to administer and monitor the fishery trial, in particular:
    - a. varying the licence conditions under section 22 of the *Torres Strait Fisheries Act 1984* (the Act) to:

- i. impose the 20 tonnes TAC for a specific period of the fishing season;
  - ii. require fishers to land catches of Beche-de-mer daily to a fish receiver; and
  - iii. require daily reporting to AFMA of Beche-de-mer received
- b. implementing a targeted education and compliance program.

## **2. Draft Tropical Rock Lobster Management Plan amendment for public consultation**

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- 2.1. The PZJA **NOTED** that it recently agreed (out-of-session) for AFMA to prepare draft amendments to the *Torres Strait Fisheries (Quotas for Tropical Rock Lobster (Kaiar)) Management Plan 2018* (TRL Plan) to extend the period for the review of the allocation of quota units to the Traditional Inhabitant sector.
- 2.2. The PZJA **ENDORSED** the draft amendment which extends the period for the PZJA to commence the quota allocation review to within four years of the TRL Plan commencement.
- 2.3. The PZJA **AGREED** to release a final draft amendment for public consultation.
- 2.4. The PZJA **NOTED** that outcomes of the public consultation would be presented to the PZJA for consideration.

## **3. Remaking Torres Strait Fisheries Legislative Instruments**

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- 3.1. The PZJA **AGREED** to make the following new legislative instruments under the *Torres Strait Fisheries Act 1984* (the Act):
  - a. *Torres Strait Fisheries (Furnishing of Logbooks) Instrument 2020* under section 14 of the Act;
  - b. *Torres Strait Fisheries (Finfish) Management Instrument 2020* (under section 16 of the Act);
  - c. *Torres Strait Fisheries (Pearl Shell) Management Instrument 2020* under section 16 of the Act; and
  - d. *Torres Strait Fisheries (Coral and Live Rock) Management Instrument 2020* under section 16 of the Act.
- 3.2. The PZJA **APPROVED** the Explanatory Statement for each of the new instruments.
- 3.3. The PZJA **AGREED** to authorise the Commonwealth Minister to execute the new instruments for and behalf of the PZJA.
- 3.4. The PZJA **AGREED** to authorise AFMA to publish the new instruments in the *Cairns Post* for the purposes of sub sections 14(11) and 16(9) of the Act.
- 3.5. The PZJA **AGREED** to authorise the Commonwealth Minister to:
  - a. commence the new Logbook Instrument on the day after it is registered, in accordance with sub section 14(10) of the Act; and
  - b. commence the new Finfish, Pearl Shell and Coral and Live Rock instruments on the day after the current instruments are repealed, being 31 December 2020, in accordance with sub section 16(4) of the Act.
- 3.6. The PZJA **NOTED** that AFMA recently sought advice from the PZJA Hand Collectables, Tropical Rock Lobster and Finfish working groups, and the Torres Strait Prawn Management Advisory Committee, on the draft instruments.

## **4. Developmental Permits for Training Purposes Policy: Final Policy for Agreement**

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- 4.1. The PZJA **NOTED** the outcomes of public consultation undertaken between 16 December 2019 to 29 February 2020.

4.2. The PZJA **AGREED** to finalise PZJA Developmental Permit for Training Purposes (Training Permit) Policy for release.

## **5. Start of Season Total Allowable Catch for the Tropical Rock Lobster (TRL) Fishery**

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5.1. The PZJA **AGREED**, consistent with advice from the PZJA TRL Resource Assessment Group (TRLRAG) and TRL Working Group (TRLWG), for the Australian Torres Strait TRL Fishery to have a start of season total allowable catch (TAC) of 200 tonnes (unprocessed weight) for the 2020-21 fishing season, commencing on 1 December 2020.

## **6. Policy approval for legislative amendments**

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6.1. The PZJA **REAFFIRMED** previous approvals in March 2017 and October 2019 to amend the *Torres Strait Fisheries Act 1984* (the Act) and *Torres Strait Fisheries Regulations 1985* (the Regulations) to make specific amendments as detailed in **Attachments A and B** noting:

- a. amendments to the Act, rather than the Regulations as previously advised, is required to implement an infringement notice scheme in the Torres Strait fisheries.

6.2. The PZJA **APPROVED** a further amendment to the Act to make it explicit that the Chief Executive Officer (CEO) of the Australian Fisheries Management Authority (AFMA) is a person to whom the Minister and the PZJA can delegate their respective functions and powers in sections 9 and 38 of the Act;

6.3. The PZJA **APPROVED** further amendments to the Act and Regulations to be prepared for the PZJA's consideration that are consistent with providing immediate improvements to the efficiency and effectiveness of fisheries administration in the Torres Strait; and

6.4. The PZJA **NOTED** that, prior to any public consultation process, the PZJA will be given the opportunity to consider the amendments.

## **7. Replacing PZJA delegations under section 38 of the Act**

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7.1. The PZJA **AGREED** to delegate powers under section 38 of the *Torres Strait Fisheries Act 1984* (the Act) to appropriate staff within the Australian Fisheries Management Authority (AFMA).

7.2. The PZJA **AGREED** to the Chair of the PZJA signing the delegation instrument to delegate powers under section 38 of the Act.

## **8. Other business**

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8.1. The TSRA member advised that the TSRA Board election is confirmed for 28 November 2020.

8.2. The PZJA **ACKNOWLEDGED** all PZJA agency staff for their work in continuing to facilitate the necessary advice and management arrangements for the fishing industry during the ongoing challenges presented from the COVID-19 pandemic.

## **Close**

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The Chair closed the meeting at 4:20pm AEST.

## Meeting attendance

27 August 2020

### **PZJA members**

#### *Chair*

- Senator the Hon. Jonathon Duniam, Assistant Minister for Forestry and Fisheries

#### *Members*

- Mr Napau Pedro Stephen AM, Chair Torres Strait Regional Authority
- The Hon. Mark Furner MP, Queensland Minister for Agricultural Industry Development and Fisheries

### **Government Delegations**

#### *Australian Fisheries Management Authority*

- Wez Norris, Chief Executive Officer
- Anna Willock, Executive Manager, Fisheries
- Steve Bolton, Senior Manager, Northern Fisheries
- Selina Stoute, Manager, Thursday Island
- Steve Hall, Senior Management Officer

#### *Queensland Government Department of Agriculture and Fisheries*

- Mr Graeme Bolton, Deputy Director-General, Fisheries and Forestry (Queensland)
- Jacqui King, Executive Director, Fisheries Queensland

#### *Torres Strait Regional Authority*

- Leilani Bin-Juda, Chief Executive Officer
- Mark Anderson, Manager, Fisheries Programme
- Yen Loban, Fisheries Portfolio Board Member

#### *Office of Senator the Hon. Jonathon Duniam*

- Danielle McKay, Advisor – Fisheries