

42nd Protected Zone Joint Authority Meeting

Meeting Outcomes

Tuesday 4 October 2022

Teleconference

Welcome and Apologies

The Chair opened the 42nd meeting of the Protected Zone Joint Authority (PZJA) at 3:21 pm AEDT with an Acknowledgment of Country. An attendance list is at **Attachment A**.

The Chair welcomed the opportunity for the PZJA to meet virtually and hoped the next meeting could be face-to-face.

1. Granting of Permit for Scientific Purposes

The PZJA

- 1.1 **AGREED** to grant a Permit for Scientific Purposes in accordance with section 12(1) of the *Torres Strait Fisheries Act 1984* (the Act) to enable CSIRO to undertake a fishery independent population survey of Tropical Rock Lobster (TRL) within the area of Torres Strait TRL Fishery in 2022.
- 1.2 **AGREED** for the Chair to sign and date the Permit for Scientific Purposes for the 2022 Survey.
- 1.3 **NOTED** that no submissions were received in response to native title notification conducted under section 24HA of the *Native Title Act 1993* (the Native Title Act) with regards to the proposed grant of a Permit for Scientific Purposes.

2. Amended process for setting a TAC in the TRL Fishery

The PZJA:

- 2.1 **AGREED** to the amended process for setting a Total Allowable Catch (TAC) in the Torres Strait Tropical Rock Lobster Fishery (TRL Fishery), to be applied from the 2022-23 season onwards commencing on 1 December 2022.
- 2.2 **NOTED** that subject to PZJA agreement on recommendation 1 above, the Commonwealth Fisheries Minister will be asked, in a separate ministerial submission to determine a start of season TAC for the TRL Fishery pursuant to section 13 of the *Torres Strait Fisheries (Quotas for Tropical Rock Lobster) Management Plan 2018* (the Plan).
- 2.3 The Queensland member also noted that PZJA consideration would still be required in exceptional circumstances. All members supported the administrative efficiency which will be achieved with this decision.

3. Extinguishing Transferrable Vessel Holder (TVH) fishing licences without fishery entries

The PZJA:

- 3.1 **RECALLED** that at the meeting on 16 March 2022 the PZJA **NOTED** that:
 - a. there are three transferable vessel holder (TVH) fishing licence packages, held by three separate entities, granted under section 19(2) and 19(3) of the *Torres Strait Fisheries Act 1984* (the Act) that do not have fishery entries (made under section 21).
 - b. a s19(2) fishing licence without fisheries entries may permit the holder to fish commercially for any species, unless the species is either regulated under management instrument², or it is otherwise unlawful to commercially fish for that species under other legislation.
 - c. AFMA received an application in early 2022 to permanently transfer and activate one of these licences with the intention to fish for species groups for the ornamental aquarium trade.

- 3.2 **NOTED** that on 22 April 2022, having regard to the views of the PZJA, AFMA wrote to applicable licence holders advising of AFMA's intention to seek a PZJA decision on the ongoing role of these licence packages in the context of the PZJA's policy. The letters further advised that the applicable licences may not be regranted after their next expiry date.
- 3.3 **AGREED** that as the current licence owners are not identified as verified traditional inhabitants, any commercial fishing activity undertaken with the use of these licences is akin to an expansion of effort and therefore inconsistent with the PZJA's policy of reserving expansion in the Torres Strait, where there is scope, for traditional inhabitants.
- 3.4 **AGREED** that the three licence packages are therefore inconsistent with the objectives of the Act, and the policies of the PZJA, and should not be renewed upon their next expiry dates.
- 3.5 **AGREED** for AFMA, as the licensing delegate of the PZJA to:
- a) write to all affected licence holders advising them of the PZJA's decision above; and
 - b) no longer issue the TVH fishing and carrier licences that do not have fishery entries upon their next expiry date.

4. Updates to PZJA's Delegation under Section 38 of the *Torres Strait Fisheries Act 1984*

The PZJA:

- 4.1 **NOTED** that pursuant to section 38 of the *Torres Strait Fisheries Act 1984* (the **Act**), the PZJA may, in writing, delegate any or all of its functions or powers under the Act, other than subsection 35(1), to AFMA staff members.
- 4.2 **AGREED** to:
- a) **revoke** the current delegation instrument, the *PZJA Delegation No. 1 of 2020*; and
 - b) **delegate** its functions or powers under the Act as proposed in the *Torres Strait Fisheries (Protected Zone Joint Authority) Delegation 2022*.

5. Updates on Legislative Amendments to the *Torres Strait Fisheries Act 1984* and *Torres Strait Fisheries Regulations 1985*

The PZJA:

- 5.1 **NOTED** that the legislative and administrative process to amend the *Torres Strait Fisheries Act 1984* (the Act) and *Torres Strait Fisheries Regulations 1985* (the Regulations) continues in earnest by the Department of Agriculture, Fisheries and Forestry (DAFF) and its portfolio agency, the Australian Fisheries Management Authority (AFMA).
- 5.2 **NOTED** that a new Australian Government, and respective new Ministerial appointments, DAFF are in the process of seeking policy authority for the measures to the *Torres Strait Fisheries Act 1984*.
- 5.3 **NOTED** that AFMA intends to undertake public consultation on the amendments with Torres Strait communities in the first quarter of 2023.
- 5.4 **NOTED** that Exposure Drafts and associated plain English summaries of the proposed amendments will be provided to the PZJA Standing Committee prior to starting any public consultation.
- 5.5 The TSRA member suggested a more extensive review of the *Torres Strait Fisheries Act 1984* and recommended a face-to-face roundtable to discuss this. The Chair and Queensland member supported this recommendation, noting that it would be a longer-term project that should commence in parallel with progressing these administrative changes immediately.

Close

The Chair closed the meeting at 3:46 pm AEDT.

Meeting attendance

4 October 2022

PZJA members

Chair

- Senator the Hon. Murray Watt, Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management

Members

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

Government Delegations

Australian Fisheries Management Authority

- Wez Norris, Chief Executive Officer
- Brodie Macdonald, Senior Manager, Northern Fisheries
- Emma Freeman, Senior Manager, Torres Strait Fisheries
- Elissa Mastroianni, Senior Fisheries Officer, Northern Fisheries

Torres Strait Regional Authority

- Vonda Malone, Chief Executive Officer
- Damian Miley, Program Manager, Fisheries

Queensland Department of Agriculture and Fisheries

- Michelle Winning, Senior Fisheries Manager, Management Reform, Fisheries Queensland
- Dallas D'Silva, Executive Director, Fisheries Queensland