

## **EXPLANATORY STATEMENT**

Issued by the authority of the Protected Zone Joint Authority

*Torres Strait Fisheries Act 1984*

### **Torres Strait Fisheries Amendment (Tropical Rock Lobster) Management Instrument 2018**

The *Torres Strait Fisheries Amendment (Tropical Rock Lobster) Management Instrument 2018* (the Amendment Instrument) amends the *Torres Strait Fisheries (Tropical Rock Lobster) Management Instrument 2018* (the Instrument) to change the management arrangements in commercial fishery for tropical rock lobster (*Panulirus* spp.) in anticipation of a management plan being determined for the tropical rock lobster fishery (TRL fishery) under section 15A of the *Torres Strait Fisheries Act 1984* (the Act).

Subsection 16(1) of the Act provides for the Minister to regulate fishing through an instrument registered on the Federal Register of Legislation. Subsection 35(1) of the Act provides for the Protected Zone Joint Authority (PZJA) to exercise the powers of the Minister under subsection 16(1) of the Act in respect of a 'Protected Zone Joint Authority fishery'.

Subsection 28(1) of the Act provides that a 'Protected Zone Joint Authority fishery' is a fishery in respect of which an arrangement under Part V of the Act is in place. The *Arrangement between the Commonwealth and the State of Queensland under section 31 of the Torres Strait Fisheries Act 1984* (the Arrangement), made under Part V of the Act, provides that the PZJA is to have management of commercial fisheries in the areas described in subsection 4(2) of the Arrangement. The 'TRL fishery' as defined in the Instrument after application of the Amendment Instrument, falls within the area described in subsection 4(2) of the Arrangement. It follows that commercial fishing for Tropical Rock Lobster in the area of the TRL fishery is a 'Protected Zone Joint Authority fishery' for the purpose of subsection 28(1) of the Act and that the PZJA can exercise the power of the Minister under subsection 16(1) of the Act in relation to the TRL fishery.

The PZJA is established under section 30 of the Act and consists of the Minister administering the Act, the Queensland Minister administering the laws of Queensland relating to marine fishing in the Protected Zone and the Chairperson of the Torres Strait Regional Authority (TSRA), which is the Commonwealth agency established under the *Aboriginal and Torres Strait Islander Act 2005* that represents the interests of Torres Strait Islanders.

The Amendment Instrument is a legislative instrument for the purpose of the *Legislation Act 2003* (the Legislation Act) and, due to the application of subsections 44(1) and 54(1) of that Act, is exempt from parliamentary scrutiny and sunseting respectively (see also item 63AB of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).

#### **The TRL fishery**

The TRL fishery is currently regulated through the Act, the Regulations and the Instrument as well as through the imposition of conditions on licences under section 22 of the Act. There is no plan of management in place for the TRL fishery under section 15A of the Act, but it is anticipated that such a plan will be determined at the same time, or shortly after, this Amendment Instrument is made.

Since 2006 and in preparation for implementing a plan of management, which would include prescription of a formal total allowable catch (TAC) for each fishing season, a recommended biological catch (RBC) has been

advised for each fishing season by the Protected Zone Joint Authority Tropical Rock Lobster Resource Assessment Group and Tropical Rock Lobster Working Group. The RBC covers the Torres Strait Protected Zone and is apportioned between Australia and Papua New Guinea through application of article 23 of the *Treaty between Australia and the Independent State of Papua New Guinea concerning sovereignty and maritime boundaries in the area between the two countries, including the area known as the Torres Strait, and related matters* that was signed at Sydney on 18 December 1978 (the Torres Strait Treaty), which is outlined in Schedule 1 of the Act.

Australia's apportionment of the RBC is then considered by the PZJA to be the informal TAC for the Fishery for the given fishing season. Under the Torres Strait Treaty, and to align with the objectives of the Act outlined in section 8, the PZJA is obliged to close the commercial Fishery to Australian licence holders in areas of Australian jurisdiction once Australia's apportionment of the RBC (i.e. the informal TAC) is reached.

### **The proposed Management Plan**

In addition to making the Amendment Instrument, the PZJA is also making preparations in concert to determine a management plan for the TRL fishery under section 15A of the Act (the proposed Management Plan).

Once the proposed Management Plan is determined, which may be at the same time as the making of the Amendment Instrument if not shortly after, it will be relevant to the operation of the amended Instrument (in particular, see new section 4A of the Instrument as inserted by clause 4 of Schedule 1 to the Amendment Instrument).

### **Amendments to the Instrument as an interim measure**

Amendments to the Instrument are being made to alter the management of commercial fishing in the TRL fishery in the interim between the making of the proposed Management Plan, which provides for the introduction and establishment of a fishing quota system for the TRL fishery, and the resolution of the quota allocation process under the proposed Management Plan. At minimum, the quota allocation process will take six months but this may be extended through merits and legal appeals.

The amendments to the Instrument that will apply prior to the resolution of the quota allocation process have deliberately been phrased so as only to apply for the 2018-19 fishing season. Additionally, new section 7C of the Instrument is being inserted to accommodate the operation of the TRL fishery for the 2019-20 fishing season if the quota allocation process has been resolved prior to 1 December 2019.

This means that, if the allocation process under the proposed Management Plan has not been finalised prior to the commencement of the 2019-20 fishing season in the TRL fishery (i.e. before 1 December 2019) the PZJA will need to make further amendments to the Instrument to facilitate the operation of the fishery. This is considered to be appropriate, given the possibility that the quota allocation between licence holders in the non-traditional may change during the catch verification process. Any amendments to the quota allocation can be appropriately captured in the management arrangements for the TRL fishery, implemented under the Instrument, for the 2019-20 fishing season.

### **Details of the Amendment Instrument**

The Amendment Instrument will amend the Instrument so as to implement a split of the Total Allowable Catch for the TRL fishery between the traditional and non-traditional sectors (new section 4A), provide for the closure of the TRL fishery to the traditional sector once their part of the Total Allowable Catch is reached

(new section 7), and for individual transferrable quota (ITQ) arrangements to be established for the non-traditional sector via licence conditions (new section 7A).

The ITQ arrangements will be established by licence conditions on the basis of a catch verification process that was conducted by AFMA for the non-traditional sector in 2007, in anticipation of a Management Plan. In 2007, licence holders in the non-traditional sector were afforded the opportunity to provide further documents and detail concerning their catch history in the years 1997-2001 (which is the period in respect of which quota will be allocated under the proposed Management Plan).

Additional amendments to the Instrument will:

- (1) provide appropriate safeguards for the operator in the TRL fishery who is not authorised to take fish, but is licenced under subsection 19(3) of the Act to process and carry fish that have been taken with the use of another licence holder (new section 7B and subsection 7C(4));
- (2) provide for the operation of the proposed Management Plan should the quota allocation process be finalised before the start of the 2019-20 fishing season in the TRL fishery (new section 7C of the Instrument); and
- (3) amend the Instrument to use terminology consistent with the proposed Management Plan, in particular the use of the term ‘TRL fishery’; and
- (4) correct a minor technical error in section 12 of the Instrument.

New sections 7 and 7A of the Instrument will only have effect for the 2018-19 fishing season in the TRL fishery. Should the allocation process not be resolved prior to the 2019-20 fishing season for the TRL fishery, the PZJA will need to make further amendment to the Instrument. Any such amendment will appropriately consider the status of the TRL fishery at that future time.

## **Commencement**

Subsection 16(4) of the Act provides that an instrument made under subsection 16(1) of the Act comes into force on the day it is published under subsection 16(9) or a later day as specified. Subsection 16(9) provides that the PZJA, by way of section 35, must publish or broadcast the contents of an instrument made under section 16 in such manner as is prescribed. In relation to the Instrument, the PZJA has elected to publish the Instrument. It follows that section 3 of the Regulations states that, for the purpose of subsection 16(9) of the Act, the manner of publication is by publication in such a newspaper as in the opinion of the PZJA is appropriate having regard to the nature of the contents of the notice.

The PZJA has considered the nature and the contents of the Amendment Instrument and have determined that it would be appropriate for the Instrument to be published in the *Torres News*, which is the local newspaper in circulation across the islands of the Torres Strait. The *Torres News* is also has some limited circulation in towns across Cape York as well as in Cairns where some licencees are based.

When making the Amendment Instrument, the PZJA authorised AFMA to publish the Amendment Instrument in the *Torres News* to be published on 30 November 2018 and to register the Amendment Instrument on the Federal Register of Legislation on the day of publication. It follows that the Amendment Instrument can come into force on the day following publication on 1 December 2018, to coordinate with the opening date of the 2018-19 fishing season.

## **Consultation**

The PZJA and AFMA, who has been delegated responsibility for the day-to-day management of Torres Strait fisheries by the PZJA, are advised through a number of advisory forums that incorporate representation from traditional inhabitants of the Torres Strait. The PZJA forums generally consist of an independent Chair and representatives from the government (AFMA, the Queensland Department of Agriculture and Fisheries and TSRA), scientific experts, economists, traditional inhabitant fishing industry and, where applicable, non-traditional inhabitant fishing industry.

On 6 November 2018, AFMA sent a letter to all licence holders authorised to fish in the TRL fishery outlining the changes being made by the Amendment Instrument and attaching the Instrument as well as a draft copy of the Amendment Instrument. Comment on the draft Amendment Instrument was sought from licence holders on or before 16 November 2018. A letter was also sent to interested native title bodies inviting their comment and relevant documents published on the PZJA website on 7 November 2018. As the amendments made by the Amendment Instrument rely upon the content of the proposed Management Plan, a draft of the proposed Management Plan was also made available on the PZJA website as soon as possible after these letters were issued (on 8 November 2018).

The Amendment Instrument and the draft of the proposed Management Plan were also considered at a meeting of the Tropical Rock Lobster Working Group (TRLWG), which is the relevant and appropriate PZJA advisory forum for these measures, in a meeting on 8 November 2018.

During the consultation process and in response to consultation on the Amendment Instrument:

- (1) members of the non-traditional sector expressed a strong view that ITQ arrangements should be established, as opposed to a competitive TAC, which would provide for greater economic efficiency for the non-traditional sector in the 2018-19 TRL fishing season. Appropriate amendments were made to new sections 4A and 7A to enable this to occur, as well as the preparation of relevant conditions to be placed on licences in the non-traditional sector;
- (2) appropriate exceptions were inserted to accommodate the operator in the TRL fishery, licenced under subsection 19(3) of the Act, who was not authorised to take fish (new section 7B and subsection 7C(4));
- (3) new section 7C was amended, to make clear that the traditional inhabitant sector would not be offending against the Instrument on the basis that they did not individually hold unused quota under the Management Plan (subsection (3)).

## **Native Title**

The making of the Amendment Instrument is a future act for the purposes of the *Native Title Act 1993* (the Native Title Act). In particular, sections 24HA and 24OA of the Native Title Act relevantly provides that the making of legislation in relation the management or regulation of living aquatic resources, such as the Amendment Instrument, is a valid future act insofar as it impacts upon native title rights and interests.

## **Statement of compatibility with human rights**

As the Amendment Instrument is exempt from disallowance through the process of parliamentary scrutiny, by application of subsection 44(1) of the Legislation Act, a statement of compatibility with human rights does not have to be prepared for the purposes of Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

## **Regulation Impact Statement**

The Office of Best Practice Regulation (OBPR) advised that a Regulation Impact Statement was not required for the Instrument (OBPR ID 25464).

Details of the Amendment Instrument are set out in **ATTACHMENT A**.

## **ATTACHMENT A**

### **Details of the *Torres Strait Fisheries Amendment (Tropical Rock Lobster) Management Instrument 2018***

**Section 1** Provides that the name of the Amendment Instrument is the *Torres Strait Fisheries Amendment (Tropical Rock Lobster) Management Instrument 2018*.

**Section 2** Provides that the Amendment Instrument is made under subsection 16(1) of the Act.

**Section 3** Provides for the commencement of the Amendment Instrument. As outlined above, subsection 16(4) of the Act provides that any prohibition contained within an instrument made under subsection 16(1) of the Act does not take effect *inter alia* until the instrument is published in accordance with subsection 16(9) of the Act and section 3 of the Regulations. The PZJA authorised AFMA to publish the Amendment Instrument in the *Torres News* and to register it on the Federal Register of Legislation on the day of publication. It follows that the commencement of the Amendment Instrument the day after registration complies with the Act and Regulations.

**Section 4** Provides that the Instrument will be amended by the Amendment Instrument as provided in Schedule 1. Although section 16 of the Act does not make specific provision for the amendment of an instrument made under subsection 16(1) (such as the Instrument), it is noted that subsection 33(3) of the *Acts Interpretation Act 1901* provides authority for the Instrument to be amended in the like manner and subject to the like conditions as making the Instrument.

### **Schedule 1**

**Clause 1** Inserts additional definitions into the Instrument that are relevant to the provisions being added by way of clause 5 of the Amendment Instrument, specifically:

***allocation day*** with reference to the definition of this term in the proposed Management Plan.

***fishing season*** in the TRL fishery to be from 1 December until 30 September in the following year. It is noted that the definition of fishing season does not, by implication or otherwise, affect the definition of TIB Fishing Season or TVH Fishing Season.

***hold*** is defined in relation to holding of a licence under the Act.

***interim quota condition*** by reference to new paragraph 4A(2)(b) of the Instrument.

***Management Plan*** refers to any plan of management made for the TRL fishery under section 15A of the Act. If the proposed Management Plan can meet the requirements of Part 10 of the EPBC Act, this will operate as a reference to the *Torres Strait Fisheries (Quota for Tropical Rock Lobster (Kaiar)) Management Plan 2018*.

At the time that the Amendment Instrument was made by the PZJA, the proposed Management Plan was publically available on the PZJA website.<sup>1</sup>

***purchased licences*** means any licences purchased by the TSRA, outlined in further detail at paragraph 4A(2)(a).

***primary boat licence*** means a commercial fishing licence (within the meaning given in subsection 3(1) of the Act) that authorises the use of an Australian boat for taking tropical rock lobster in the TRL fishery (paragraph (a)), is not a commercial fishing licence that is described as a Torres Strait traditional inhabitant fishing boat licence (paragraph (b)) and is not a tender boat licence as defined elsewhere in section 4 (paragraph (c)).

This definition is intended to cover boats known as primary boats operating in the transferrable vessel holding (TVH) sector, as opposed to boats operated by traditional inhabitants of the Torres Strait in the traditional inhabitant sector. These separate sectors have been established in the TRL fishery on a policy basis since before the catch verification period (the 5 years between 1997 and 2001, as outlined in subsection 18(4) of the Management Plan).

There are two types of licences that have been issued to the TVH sector in the TRL fishery, a primary boat licence and a tender boat licence. The PZJA maintains a limited entry policy for these licences, meaning that no new primary boat licences or tender boat licences will be granted. As of the date of commencement of the Amendment Instrument, there are 12 primary boat licences that are currently granted for the TRL fishery.

This definition is identical to the definition that is used in the proposed Management Plan, and is intended to be read consistently with the proposed Management Plan.

***TAC for the TIB sector*** by reference to new section 4A of the Instrument.

***tender boat licence*** means a commercial fishing licence issued for a small dory boat, commonly described as a tender, to the TVH sector under the PZJA's limited entry policy. Each tender boat licence is attributed to a primary boat licence in a primary-tender licence package (see explanation in relation to the definition of primary boat licence above).

This definition is identical to the definition that is used in the proposed Management Plan, and is intended to be read consistently with the Management Plan.

***TIB Fishing Season*** by reference to the repealed and reinserted subsection 7(2) of the Instrument.

***TRL fishery*** means the geographic 'area of the tropical rock lobster fishery' as prescribed in item 9 of schedule 2 to the Regulations. This will replace the term 'Torres Strait Tropical Rock Lobster Fishery' throughout the Instrument, to align the Instrument and the proposed Management Plan. Consequential amendments to the Instrument are made in clauses 2, 3, 5 and 7-12 of Schedule 1 to the Amendment Instrument.

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<sup>1</sup> See <https://www.pzja.gov.au/trlconsult>

**TRL fishing licence** with reference to the definition of this term in the proposed Management Plan. This definition is used in new section 7C of the Instrument, which can only apply once the quota allocation process under the proposed Management Plan has been resolved.

**TVH Fishing Season** by reference to new subsection 7A(2) of the Instrument.

**unused quota units** by reference to the proposed Management Plan. This definition is used in new section 7C of the Instrument, which can only apply once the quota allocation process under the proposed Management Plan has been resolved.

**Clause 2** Amends the definition of ‘boat’ in the Instrument by substituting ‘Torres Strait Tropical Rock Lobster Fishery’ with ‘TRL fishery’ to be consistent with the proposed Management Plan.

**Clause 3** Omits the definition of ‘Torres Strait Tropical Rock Lobster Fishery’ consequent to the insertion of the definition of ‘TRL fishery’ (consistent with the proposed Management Plan) as outlined in clause 1.

**Clause 4** Inserts new section 4A into the Instrument, to prescribe the TAC for the TIB sector to be:

- 66.17% of the Total Allowable Catch, which represents:
  - the amount of quota that will be allocated to the TIB sector under the proposed Management Plan (see paragraph 15(1)(a) of the proposed Management Plan), equating to 56.2% of the Total Allowance Catch; and
  - the percentage of the Total Allowable Catch that would be allocated to the primary boat licences and tender boat licences it holds under the 2007 catch verification process, equating to 9.97%; and
- an additional amount that represents the percentage of the Total Allowable Catch determined by the CEO under subsections (2) and (3).

Subsections (2) and (3) provide appropriate contingencies if, during the course of the 2018-19 fishing season, the TSRA purchases additional primary boat licences or tender boat licences from operators in the non-traditional sector. Under subsection (2), if the transfer occurs before the snapshot day (i.e. 60 days after the commencement of the proposed Management Plan), the CEO may determine under subsection (2) an additional amount that he or she reasonably believes would be represented by the quota units allocated to the TSRA under section 15 of the proposed Management Plan having regard to the provisional allocation under subsection 20(6) of the proposed Management Plan.

Subsection (3) addresses the potential situation where the permanent transfer occurs on or after the snapshot day, and the right to be allocated quota accrues to the person who held the relevant licences on the snapshot day. It is the PZJA’s expectation that, should the TSRA or any other person receive a permanent transfer of primary boat licences or tender boat licences on or after the snapshot day, that the parties to the contract of sale would make appropriate arrangements for the allocated quota to be immediately transferred from the transferor to the transferee.

It is noted that the operation of subsections (2) and (3) are contingent upon the proposed Management Plan being determined and coming into force. Without determination of the

proposed Management Plan, paragraph (1)(c) will have no effect and the TAC for the TIB sector will continue to be 66.17% of the Total Allowable Catch.

When a determination is made under subsections (2) or (3), the CEO of AFMA must provide a copy of the determination to each licence holder in the TRL fishery and publish the determination on the PZJA's website (subsection (4)).

Subsection (5) clarifies that a determination under subsections (2) or (3) may be made as required from time to time.

**Clause 5** Repeals and remakes section 6 of the Instrument, to make reference to the additional exceptions in new sections 7A and 7B (being inserted by clause 6) and by substituting 'Torres Strait Tropical Rock Lobster Fishery' with 'TRL fishery' to be consistent with the proposed Management Plan.

**Clause 6** Repeals and remakes section 7 of the Instrument, and additionally inserts new sections 7A, 7B and 7C into the Instrument. These sections provide exemptions to the general prohibition on taking, carrying or processing tropical rock lobster in the TRL fishery. Section 7 of the Instrument, prior to making any amendment, provided for all licence holders authorised to take fish in the TRL fishery to operate under a single competitive TAC. The PZJA considers it to be appropriate, as an interim measure between the determination of the proposed Management Plan and the finalisation of the quota allocation process, for the TAC to be split into two separate pools for the traditional and non-traditional sector. This sectoral split is being implemented through new sections 7 and 7A of the Instrument.

#### *Section 7*

New section 7 of the instrument provides for a TAC to be implemented for operators within the traditional sector.

Subsection (1) an exception to the general prohibition contained in section 6 that applies to a person taking tropical rock lobster in the TRL fishery within the traditional inhabitant sector (paragraphs (1)(a), (b) and (d)), the person's licence is not suspended (paragraph (1)(c)) and the tropical rock lobster is being taken within the TIB Fishing Season.

The TIB Fishing Season is prescribed in subsection (2) to be the period from 1 December 2018 and 30 September 2019, subject to the potential early closure of the TIB Fishing Season by notice issued by the CEO of AFMA under subsection (3) (see also subsections (4)-(6) for procedural requirements for the CEO).

#### *Section 7A*

This section provides an exception to the general prohibition contained in section 6 for the non-traditional sector. The exception operates when a person:

- holds a TVH licence (being a licence granted under subsection 19(2) of the Act that is a primary boat licence or a tender boat licence other than those owned the TSRA, whose interim allocation is attributed to the TAC for the TIB sector) (paragraphs (a) and (b));
- the TVH licence is not suspended under section 26 of the Act (paragraph (c));



- the person takes, processes or carries tropical rock lobster within the 2018-19 fishing season (subparagraph (d)(i)) and in accordance with the conditions to which their TVH licence is subject (subparagraph (d)(ii)).

The purpose of subparagraph (d)(ii) is to enable conditions to be placed on TVH licences for the 2018-19 fishing season, pursuant to subsection 22(2) of the Act, which provide for the interim ITQ arrangements to be put in place.

Under the interim ITQ arrangements, each primary boat licence will be made subject to a condition that a certain proportion of the RBC for the TRL fishery can be taken by that primary boat and any tender boats attached to that primary boat (as noted in the primary boat licence).

The proportion of the RBC that may be taken will be implemented based on an initial catch verification process which was undertaken in 2007. This amount will be able to be transferred between primary licence holders by submitting a request to AFMA who, as licensing delegate, will amend the conditions on the transferor and transferee's licences appropriately under subsection 22(2) of the Act. Once a primary licence holder has taken the amount of tropical rock lobster permitted under their conditions, they will no longer be able to operate in the TRL fishery.

#### *Section 7B*

Provides an exception for the single operator in the fishery that holds a licence granted under subsection 19(3) of the Act, who is authorised to carry tropical rock lobster taken with a boat licenced under subsection 19(2).

Sections 7, 7A and 7B will all be in force from the date that the Amendment Instrument commences (1 December 2018) until the end of the 2018-19 fishing season. As outlined above, if the proposed Management Plan is not made, and the quota unit allocation process finalised, before the opening of the 2019-20 fishing season the PZJA will have to make further amendments to the Instrument.

#### *Section 7C*

Section 7C will operate from the commencement of the first fishing season after the 'allocation day' as defined by the proposed Management Plan, which is consistent with the transitional provisions in the proposed Management Plan (subsection (1)). Section 7C contains three separate exemptions to the section 6 prohibition, namely:

- where the person holds a TRL fishing licence that is a primary boat licence or a tender boat licence (i.e. a licence in the non-traditional sector) and the person has unused quota units for a fishing season (subsection (2));
- where the person is a traditional inhabitant and a notice has not been issued under section 11 of the proposed Management Plan for a fishing season (subsection (3));
- where the person holds a licence issued under subsection 19(3) of the Act that does not authorise the taking of tropical rock lobster (subsection (4)).

Subsection (2) is intended to allow for the operation of the non-traditional sector once the requirement to hold quota is in place under the Management Plan.

This different exemption is required for traditional inhabitants under subsection (3) because, under the proposed Management Plan, a pool of quota will be allocated to the TSRA to be held on their behalf. A fisher in the traditional inhabitant sector will not individually hold quota (or unused quota for a particular fishing season), but will be permitted to continue to take tropical rock lobster in the TRL fishery until the amount of fish caught by fishers equates to the amount of unused quota held by the TSRA within a particular fishing season. As fishers in the traditional inhabitant sector will not be able to individually track the tropical rock lobster that are taken, the proposed Management Plan provides for a notice to be issued by the Minister notifying traditional inhabitants that all of the tropical rock lobster that can be taken under their quota holding has been exhausted.

Subsection (4) is intended to allow for the holder of the single licence granted under subsection 19(3) of the Act, for which quota units will not be allocated or required to be held under the proposed Management Plan, to continue to operate in the TRL fishery.

**Clause 7** Amends subsection 9(1) of the Instrument by substituting ‘Torres Strait Tropical Rock Lobster Fishery’ with ‘TRL fishery’ to be consistent with the proposed Management Plan.

**Clause 8** Amends subsection 10(1) of the Instrument by substituting ‘Torres Strait Tropical Rock Lobster Fishery’ with ‘TRL fishery’ to be consistent with the proposed Management Plan.

**Clause 9** Amends subsection 11(1) of the Instrument by substituting ‘Torres Strait Tropical Rock Lobster Fishery’ with ‘TRL fishery’ to be consistent with the proposed Management Plan.

**Clause 10** Repeals and remakes section 12 of the Instrument. The new section 12 substitutes ‘Torres Strait Tropical Rock Lobster Fishery’ with ‘TRL fishery’ to be consistent with the proposed Management Plan and corrects a typographical error.

**Clause 11** Amends section 14 of the Instrument by substituting ‘Torres Strait Tropical Rock Lobster Fishery’ with ‘TRL fishery’ to be consistent with the proposed Management Plan.

**Clause 12** Amends section 15 of the Instrument by substituting ‘Torres Strait Tropical Rock Lobster Fishery’ with ‘TRL fishery’ to be consistent with the proposed Management Plan.