



**Australian Government**

**Australian Fisheries Management Authority**

# **Australian Fisheries Management Authority Advice**

Torres Strait Treaty endorsements in the  
Australian Fisheries Jurisdiction of the  
Protected Zone

Tropical Rock Lobster Fishery (TRL) –  
2023/24 Season

[www.pzja.gov.au](http://www.pzja.gov.au)

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In September 2023, an application was received from a Papua New Guinea (PNG) licenced operator to participate in the Torres Strait Tropical Rock Lobster Fishery within the area of Australian fisheries jurisdiction of the Torres Strait Protected Zone. This application was made under the provisions of the Torres Strait Treaty, which is a 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 Torres Strait.

After careful consideration of the nominations in accordance with the PZJA *Guidelines for authorising cross-endorsement in areas of Australian jurisdiction of the Torres Strait Protected Zone* (Guidelines available on the PZJA website - [www.pzja.gov.au/corporate-and-reports/cross-endorsement-guideline](http://www.pzja.gov.au/corporate-and-reports/cross-endorsement-guideline)), AFMA as the licensing delegate, has approved two Treaty endorsements for two PNG licenced vessels, *FV Jupiter (and associated seven tenders)* and *FV Dinh Thang (and associated seven tenders)*, operated by the company Aquila Enterprises Limited, to fish for TRL this season.

AFMA are aware of concerns expressed by some sectors of the Torres Strait community and TRL industry regarding these approved Treaty endorsements. This document intends to provide information and clarify common questions which community members may have about this activity.

## **PNG Cross-endorsement Frequently Asked Questions**

### **Why can PNG fish in Australian waters and how much can they catch?**

- The Torres Strait Treaty provides for the catch sharing of Tropical Rock Lobster between Australia and Papua New Guinea. It is agreed that 85% of the global TAC is to be taken in Australian waters and 15% of the global TAC is to be taken in PNG waters. This is based on the agreed distribution of TRL in the area of the Torres Strait Protected Zone.
- Of the 85% share of the TAC in Australian waters, PNG is entitled to catch 25% of that share under what is commonly referred to as “cross-endorsement” arrangements.
- Based on a global TAC of 530 tonnes this fishing season, split between the two countries, PNG are entitled to catch 92.75 tonnes in Australian waters this season. An illustration of this season’s catch sharing agreement is outlined on page 3.
- Each year, the global TAC for the whole TRL fishery is set for each fishing season through a rigorous process of scientific assessment undertaken by CSIRO. It is then considered by the PZJA TRL Resource Advisory Group (TRL RAG) and the TRL Working Group (TRL WG). Both advisory committees have traditional inhabitant members, one from each island cluster nation. For more detail on how the TAC is set, refer to the TRL Management Arrangements Booklet 2023-24.
- The PNG licence nominations were discussed at the TRL RAG & WG meetings in December 2023. Concerns raised by traditional inhabitant members at these meetings were taken into consideration in the development of the licence conditions to be applied to the PNG licence Treaty endorsements.
- Agreement on the global TAC and how it is to be shared between Australia and PNG occurs annually at a meeting between AFMA and PNG National Fisheries Authority (PNG NFA), in accordance with the Torres Strait Treaty. This most recently occurred in January 2024.
- PNG have not accessed their share of the catch in Australian waters since 2015, however, in 2023 PNG sought nominations for two PNG licenced TRL boats and their associated tenders to fish for PNG’s 92.75 tonne catch entitlement in Australian waters in the 2023-24 TRL fishing season. This is called a Treaty endorsement.



## How long can they fish for?

- The PNG boats are authorised to fish until the end of the TRL fishing season (30 September 2024) or until their catch entitlement (92.75 tonnes) is caught.

## What fishing rules will apply to the PNG boats?

- Treaty endorsements are subject to conditions just as Traditional Inhabitant Boat (TIB) and Transferable Vessel Holder (TVH) fishing licences are, and it is an offence under the *Torres Strait Fisheries Act 1984* to fail to comply with a condition of a Treaty endorsement.
- Consistent with the Guidelines, a range of conditions have been applied to the PNG Treaty endorsements. These include, but are not limited to, conditions that are:
  - the same to those applied in Australian Torres Strait TRL Fishery:
    - a) carrying an operational Vessel Monitoring System (VMS) on each primary boat;
    - b) daily logbook reporting (the same as the TVH sector);
    - c) catch reporting via the TDB02 Catch Disposal Record;
    - d) a total catch limit (92.75 tonnes as per the catch sharing agreement); and
    - e) moontide hookah closures.
  - applied to the Treaty endorsements only (i.e. are not conditions applied in the Australian TRL Fishery):
    - a) exclusion from the area commonly referred to as Australia's "outside but near" area;
    - b) a prohibition on the landing or transshipment of catches in areas of Australian jurisdiction;
    - c) prior entry/exit reporting requirements;
    - d) exclusion from the Australian Territorial seas north of the Fisheries Jurisdiction Line (i.e. Anchor Cay, Black Rocks, Bramble Cay, Deliverance Island, East Cay, Kerr Islet, Pearce Cay and Turu Cay).
    - e) boat markings with a "T"; and
    - f) a requirement to land all catches in PNG (specifically, the Port of Daru).
- A prohibition on fishing in areas around inhabited islands in Australian waters was applied. This is consistent with Australia's obligations to acknowledge the traditional way of life and livelihood of traditional inhabitants regarding traditional fishing. The coordinates of these prohibited areas are detailed in the Treaty endorsement conditions. Refer to map on page 3 for indicative purposes only.
- PNG National Fisheries Authority have also advised AFMA that an NFA senior fisheries officer and NFA fisheries observer will be on board both boats for each Treaty endorsement fishing trip.

**If you have queries on this matter, please contact DFAT, TSRA, or AFMA:**

### **Department of Foreign Affairs and Trade**

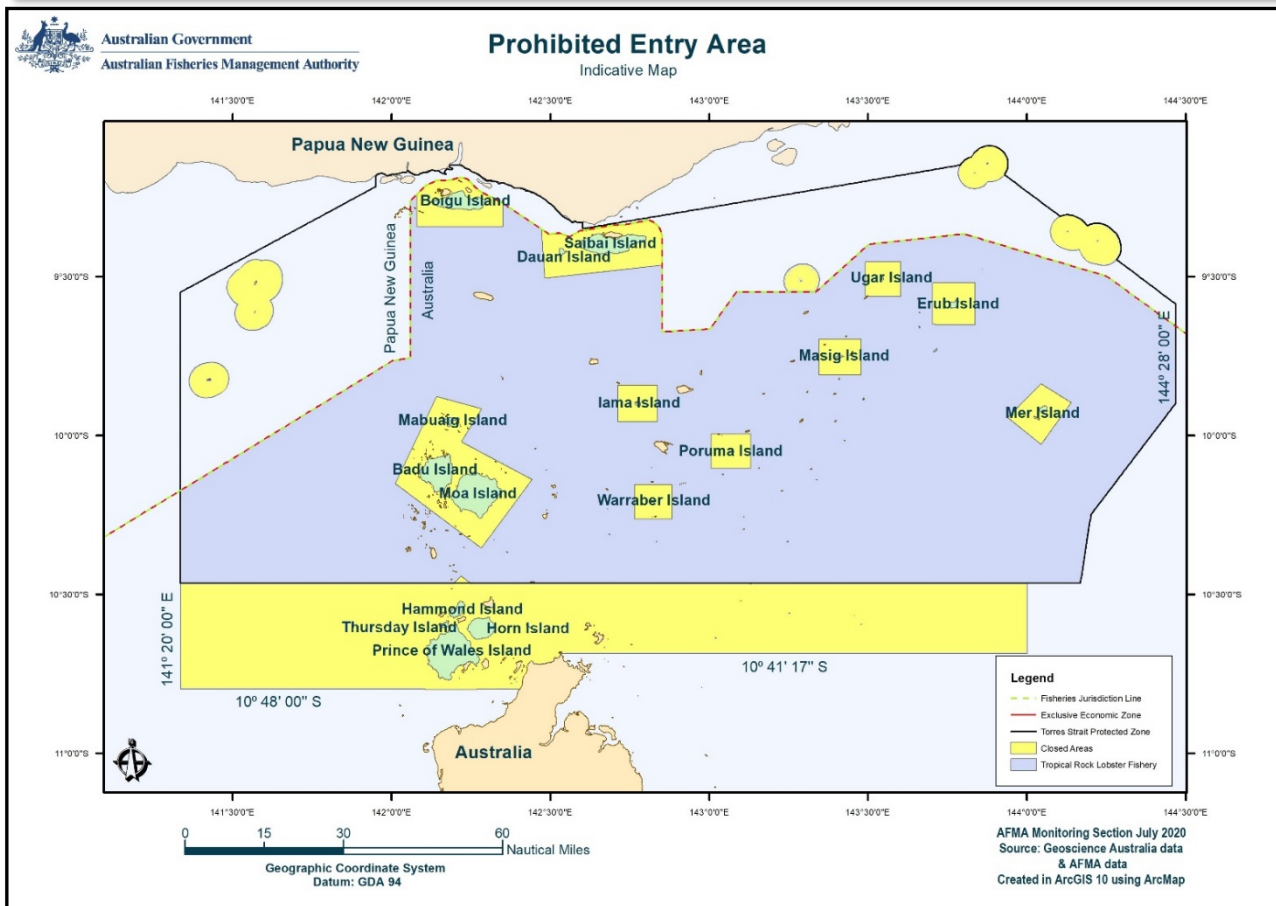
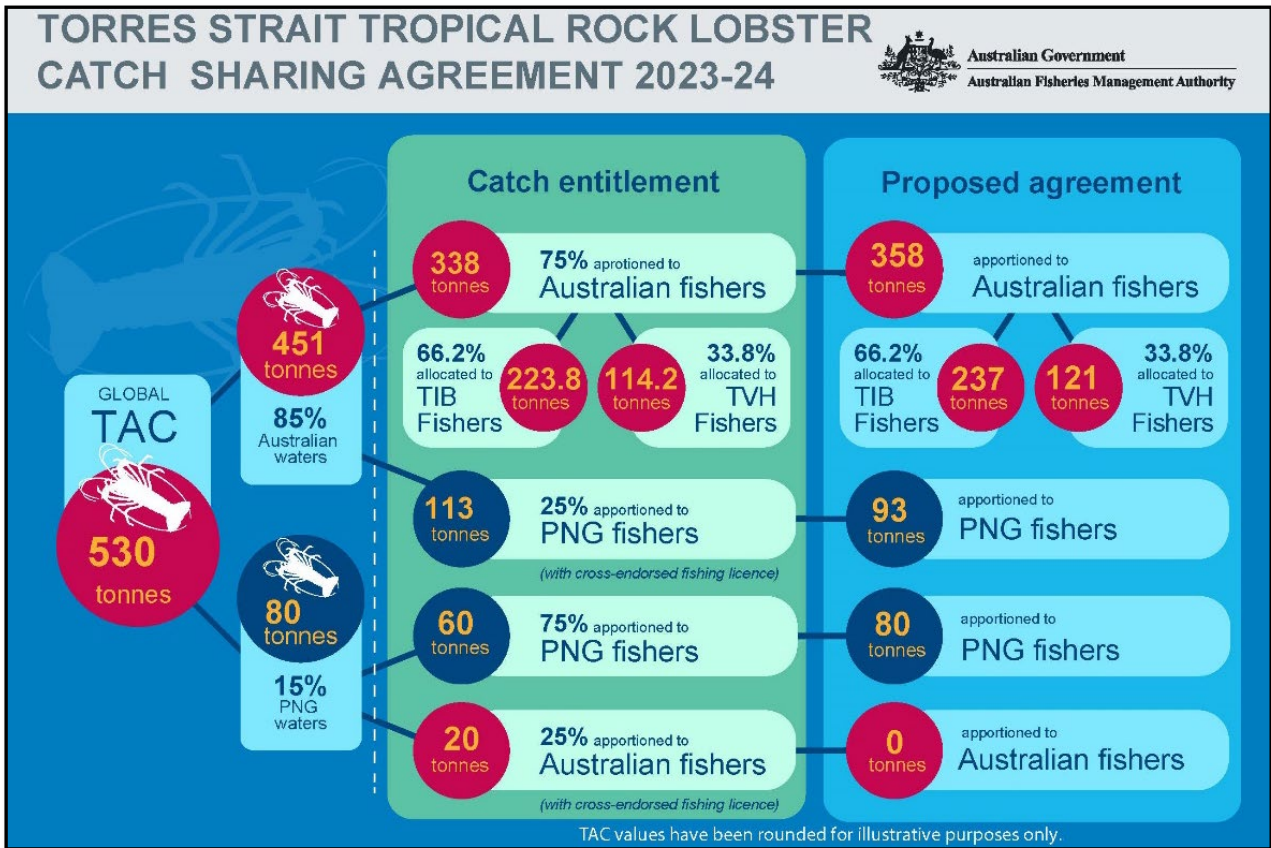
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Note: Every effort has been made to ensure that the information contained in this document is correct and accurate at the time of publication. However, the information provided is intended to serve as a guide only. This document is not intended to replace any conditions or requirements of an operator's Treaty endorsement as made under the *Torres Strait Fisheries Act 1984*.