

Ref: NTN2023-06

20 November 2023

Dear Sir/Madam,

Comment on a proposed management action in line with section 24HA(2) of the *Native Title Act 1993*

I am writing to you on behalf of the Secretariat of the Protected Zone Joint Authority (PZJA) regarding the proposed granting of cross endorsed licences to PNG vessels to access the Tropical Rock Lobster/Kaiar Fishery in the 2023-24 season. Further details of the proposed action can be found in **Attachments A-D - Class Notification under the *Commonwealth Native Title Act 1993***.

Under section 24HA(7), the PZJA must give the recipient of this notice an opportunity to comment on the action within a period defined by this notice. Please provide any comments on the proposed management action by **close of business 8 January 2024**, in writing, to the addressee below:

Australian Fisheries Management Authority
Att: Elissa Mastroianni
PO Box 376
Thursday Island, QLD, 4875

Email: FisheriesTI@afma.gov.au

Since 2019, AFMA has been publishing the native title notifications on the [PZJA website](#). With your agreement, AFMA is also seeking to publish any comments received in response to proposed management actions. Please tell us if you are happy for AFMA to proceed with publication of your comments on the PZJA website, or alternatively let us know if you would prefer that your response was not published.

If you have any problems meeting the timeframe or if you have any additional questions regarding the proposed management action, please contact me by phone on 07 4069 1990 or email FisheriesTI@afma.gov.au.

Yours sincerely



Elissa Mastroianni
On behalf of PZJA Secretariat
Senior Management Officer
Torres Strait Fisheries
AFMA

Attachments

A-D - Class Notification under the *Commonwealth Native Title Act 1993*

Attachment A

Class Notification under the Commonwealth *Native Title Act 1993*

Cross endorsed licenses for PNG vessels

Date of Issue: 20 November 2023

SECTION OF NTA	Section 24HA
DEPARTMENT/AGENCY	Australian Fisheries Management Authority on behalf of the Torres Strait Protected Zone Joint Authority (the 'PZJA').
CONTACT NAME	Elissa Mastroianni
E-MAIL	fisheriesTI@afma.gov.au
TELEPHONE NO.	02 6225 5379
REFERENCE	NTN2023-06 – Cross endorsed licences for PNG vessels to access the Torres Strait Tropical Rock Lobster Fishery.

The Protected Zone Joint Authority intends to do the following act:

TYPE OF APPROVAL	Endorse licences granted to Papua New Guinea (PNG) vessels to access the Torres Strait Tropical Rock Lobster (Kaiar/TRL) Fishery in the 2023-24 season.
NUMBER OF APPROVALS	Two (2) licences.
UNDER WHAT ACT	S20 of the <i>Torres Strait Fisheries Act 1984</i> (the Act).

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

NATURE OF ACTIVITY	<p>Under S20 of the Act the Minister (or a delegate) may endorse a boat which is licensed by PNG to permit commercial fishing in Protected Zone commercial fisheries, including the Kaiar/TRL Fishery. This process is commonly known as cross endorsement.</p> <p>The proposed action would allow two vessels to fish commercially for Kaiar/TRL within the Torres Strait Protected Zone. It will not impact the total allowable catch (TAC) available to Traditional Inhabitant Boat (TIB) licence holders. The PNG vessels will be limited to catching the amount allocated to PNG under the normal TAC setting processes. This amount is separate to that available to the TIB and Transferrable Vessel Holder (TVH) licence holders.</p> <p>Conditions will be placed upon licences to ensure they operate consistently with Australian fisheries rules and regulations, and limit entry .</p> <p>Further information on the proposed management action is provided in Attachment B.</p>
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The above activity will be located within:

LOCATION OF ACTIVITY	The proposed management action would apply to the area of the Protected Zone.
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	<p>The extent of the Torres Strait Protected Zone is described in Annex 9 of the <i>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 know as Torres Strait, and Related Matters</i> (the Torres Strait Treaty).</p> <p>The Torres Strait Treaty can be accessed online at: http://www.austlii.edu.au/au/other/dfat/treaties/1985/4.html.</p>
MAPS/PLANS	Attachment C shows the area of the Torres Strait Protected Zone, as described in Annex 9 of the Torres Strait Treaty.
NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE	<p>Torres Strait Regional Seas Claim</p> <p>Kaurareg People #1</p> <p>Kaurareg People #2</p> <p>North Eastern Peninsula Sea Claim Group (Cape York Land Council Aboriginal Corporation)</p> <p>Torres Strait Regional Sea Claim (Malu Lamar (Torres Strait Islander) Corporation RNTBC)</p> <p>Northern Cape York Group #1 (Ipima Ikaya Aboriginal Corporation RNTBC)</p> <p>Torres Strait Regional Seas Claim (Gudang Yadhaykenu Native Title Aboriginal Corporation RNTBC and Seven Rivers Aboriginal Corporation RNTBC)</p> <p>PNG Gas Pipeline ILUA - Cape York Region</p> <p>Northern Peninsula Area Regional Council Northern Cape York Group #1 ILUA</p> <p>Ergon Energy and Northern Cape York Group #1 ILUA</p>
NAME OF NATIVE TITLE REPRESENTATIVE BODY	<p>Cape York Land Council Aboriginal Corporation</p> <p>Gur A Baradharaw Kod Torres Strait Sea and Land Council</p>

If approved, after consideration of all comments, the management option will be implemented for following period of time:

DURATION OF APPROVAL	Until the licensed vessels have caught the whole of their catch entitlement, or the Kaiar/TRL fishery season closes on 30 Septmeber 2024, whichever is earlier.
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You are invited to comment upon the class of proposed future acts outlined above. Please provide any comments on the proposed management action by close of business on 8 January 2024.

Please tell us in your response if you are happy for AFMA to proceed with publication of your comments on the PZJA website, or alternatively let us know if you would prefer that your response is not published.

Any comments must be **in writing**:

By email to: FisheriesTI@afma.gov.au

Or by mail addressed to:
 Australian Fisheries Management Authority
 Att: Elissa Mastroianni
 PO Box 376
 Thursday Island, QLD, 4875

Attachment B - Background Information

Cross endorsement under the Torres Strait Treaty – where and when vessels can fish

1. AFMA, on behalf of the Australian Minister for Agriculture, Forestry and Fisheries has received a formal application for two PNG licensed vessels to fish in the Australian waters of the Protected Zone in the 2023-24 Kaiar/TRL fishery season.
2. Under the Torres Strait Treaty, Australia has an obligation to co-operate with PNG on the issuing and endorsement of licences to permit commercial fishing in Protected Zone Fisheries.
3. If approved, these vessels will be able to fish for kaiar/TRL in the Australia waters of the Protected Zone (see dashed line on the map at **Attachment C**). This excludes the southern edge of the TRL fishery, in the “Outside But Near” area (see pink area on the map at **Attachment C**).
4. While fishing in Australian waters, cross endorsed vessels will be required to operate consistently with Australian fisheries rules and regulations. This will be enforced through licence conditions.
5. Cross endorsed vessels would be able to fish until the total allowable catch (TAC) amount apportioned to PNG is caught (further details below), or the season closes on 30 September 2023, whichever is earlier.
6. The owner of the company to which the vessels belong is from the Treaty village of Parama.
7. Cross endorsement of PNG vessels has previously occurred, most recently in 2014.

TAC Amount to be accessed

8. The TAC for the whole Kaiar/TRL fishery is informed by expert advice from the TRL Resource Assessment Group (TRLRAG) and TRL Working Group (TRLWG) each year in December. These advisory groups consist of a range of members, including TIB representative members.
9. Following these meetings, AFMA and the PNG National Fisheries Authority (NFA) negotiate catch sharing arrangements for the fishery. The amount PNG fishers are entitled to under cross endorsement arrangements is discussed and agreed every year. This year, NFA has advised that PNG TRL industry members would like to actively access that catch entitlement.
10. This is a separate amount to that available to Australian fishers, and will not affect what is available for TIB and TVH licenced fishers.

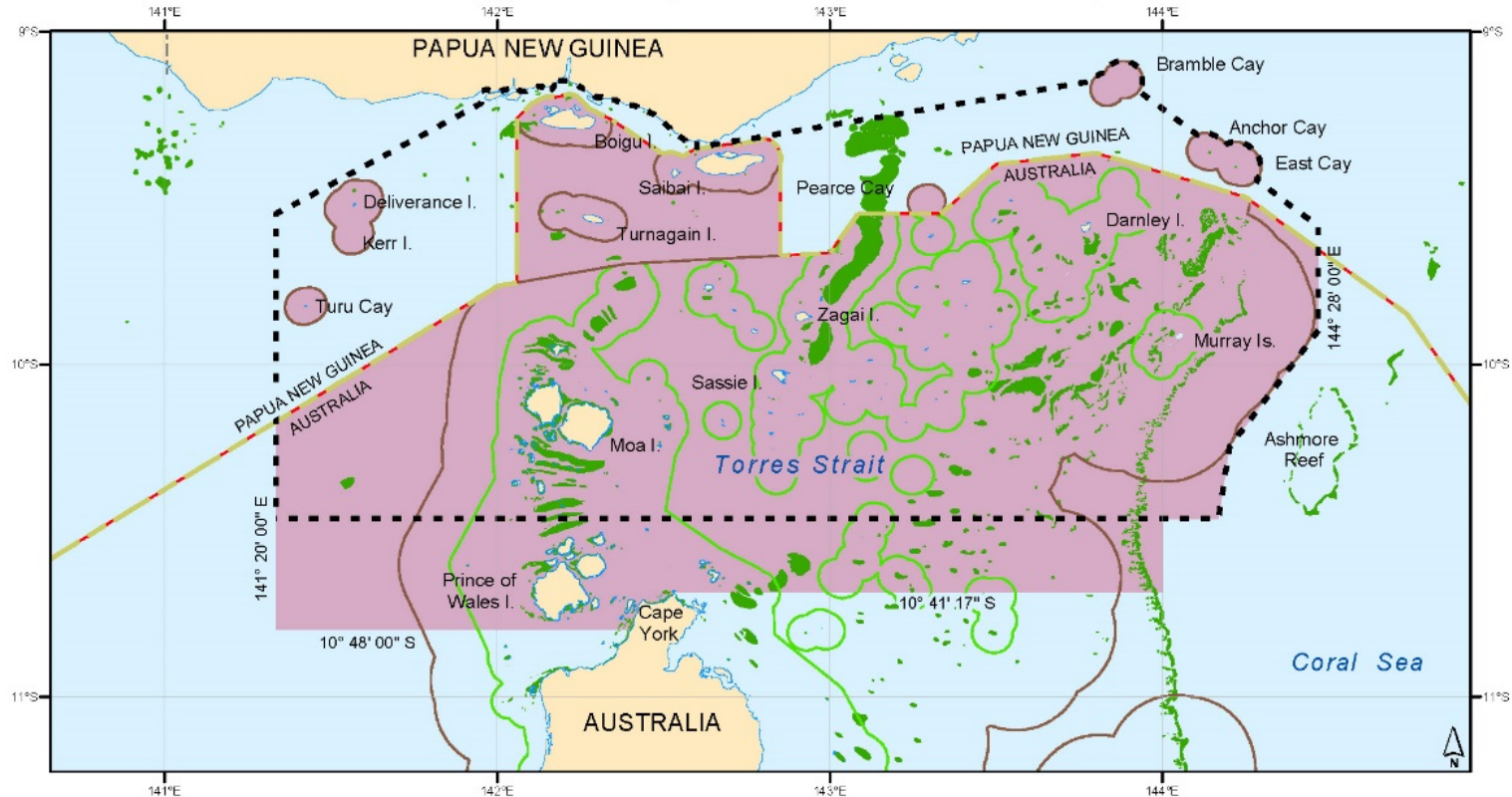
Data collection and monitoring

11. AFMA and NFA have a close working relationship. Each year NFA share catch data from the PNG TRL Fishery, which is included in TRLRAG and TRLWG discussions in December each year.
12. Cross endorsed vessels will be required to complete and return an Australian Torres Strait Tropical Rock Lobster Daily Fishing Log (the same TRL04 logbook that TVH operators complete).
13. NFA will provide Vessel Management System (VMS) details to AFMA to monitor the vessels when they are operating in Australian waters.
14. As well as fishing in accordance to Australian law, additional conditions on these vessels will prevent fishing within the home reefs of specific communities (see **Attachment D**) to seek to minimise the impact to Traditional Inhabitants and Native Title Holders.

Attachment C

Torres Strait Fisheries

Area of the Tropical Rock Lobster Fishery



- Coastal Waters limit (3nm)
- Exclusive Economic Zone limit (200nm)
- - - Fisheries Jurisdiction line
- Protected Zone Boundary
- Territorial Sea limit (12nm)
- Low tide elevations and reefs
- Torres Strait Fisheries**
- Tropical Rock Lobster Fishery



Australian Government
Australian Fisheries
Management Authority

Produced by Geoscience Australia
for the Australian Fisheries Management Authority, August 2006
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Geographic
Datum: WGS84

NOTES:

1. The area of the Fishery is sourced from the Torres Strait Fisheries Regulations 1985
2. Within this fishery, arrangements exist between the Commonwealth and QLD, whereby the Coastal Waters of that State are deemed part of the AFZ
3. The Fisheries Jurisdiction Line and Protected Zone shown on this map are established under the Treaty between Australia and the Independent State of Papua New Guinea. This Treaty entered into force on 15 February 1985
4. The maritime zone boundaries shown on this map are sourced from the 'Australian Maritime Boundaries (AMB) v2.0'

GeoCat #: 64848

Attachment D

Prohibited Area Boundaries

The boundary of each of the 11 Areas is a line that begins at point 1 then continues along the geodesics sequentially connecting the rest of the points for the area.

Area 1 – Prince of Wales, Horn Is, Hammond Is, Thursday Is.

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-10.442	142.217	10° 26' 31.2" S	142° 13' 1.2" E
2	-10.616	142.451	10° 36' 57.6" S	142° 27' 3.6" E
3	-10.800	142.267	10° 48' 0" S	142° 16' 1.2" E
4	-10.800	142.107	10° 48' 0" S	142° 6' 25.2" E
5	-10.654	142.002	10° 39' 14.4" S	142° 0' 7.2" E

Area 2 – Mabuig Is, Badu Is, Moa Is.

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-10.151	142.011	10° 9' 3.6" S	142° 0' 39.6" E
2	-9.877	142.141	9° 52' 37.2" S	142° 8' 27.6" E
3	-9.916	142.283	9° 54' 57.6" S	142° 16' 58.8" E
4	-10.02	142.218	10° 1' 12" S	142° 13' 4.8" E
5	-10.139	142.442	10° 8' 20.4" S	142° 26' 31.2" E
6	-10.354	142.282	10° 21' 14.4" S	142° 16' 55.2" E

Area 3 – Warraber Is

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-10.154	142.765	10° 9' 14.4" S	142° 45' 54" E
2	-10.154	142.882	10° 9' 14.4" S	142° 52' 55.2" E
3	-10.263	142.882	10° 15' 46.8" S	142° 52' 55.2" E
4	-10.263	142.765	10° 15' 46.8" S	142° 45' 54" E

Area 4 – Poruma Is

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-9.996	143.005	9° 59' 45.6" S	143° 0' 18" E
2	-9.996	143.13	9° 59' 45.6" S	143° 7' 48" E
3	-10.103	143.13	10° 6' 10.8" S	143° 7' 48" E
4	-10.103	143.005	10° 6' 10.8" S	143° 0' 18" E

Area 5 – lama Is

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-9.841	142.713	9° 50' 27.6" S	142° 42' 46.8" E
2	-9.841	142.836	9° 50' 27.6" S	142° 50' 9.6" E
3	-9.957	142.836	9° 57' 25.2" S	142° 50' 9.6" E
4	-9.957	142.713	9° 57' 25.2" S	142° 42' 46.8" E

Area 6 – Masig Is

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-9.696	143.345	9° 41' 45.6" S	143° 20' 42" E
2	-9.696	143.477	9° 41' 45.6" S	143° 28' 37.2" E
3	-9.81	143.477	9° 48' 36" S	143° 28' 37.2" E
4	-9.81	143.345	9° 48' 36" S	143° 20' 42" E

Area 7 – Mer Is

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-9.837	144.044	9° 50' 13.2" S	144° 2' 38.4" E
2	-9.897	144.139	9° 53' 49.2" S	144° 8' 20.4" E
3	-10.027	144.044	10° 1' 37.2" S	144° 2' 38.4" E
4	-9.943	143.939	9° 56' 34.8" S	143° 56' 20.4" E

Area 8 – Erub Is

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-9.519	143.702	9° 31' 8.4" S	143° 42' 7.2" E
2	-9.519	143.836	9° 31' 8.4" S	143° 50' 9.6" E
3	-9.65	143.836	9° 39' 0" S	143° 50' 9.6" E
4	-9.65	143.702	9° 39' 0" S	143° 42' 7.2" E

Area 9 – Ugar Is

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-9.453	143.491	9° 27' 10.8" S	143° 29' 27.6" E
2	-9.453	143.602	9° 27' 10.8" S	143° 36' 7.2" E

3	-9.562	143.602	9° 33' 43.2" S	143° 36' 7.2" E
4	-9.562	143.491	9° 33' 43.2" S	143° 29' 27.6" E

Area 10 – Saibai Is, Dauan Is

Points intersect with the Australian EEZ

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-9.353	142.471	9° 21' 10.8" S	142° 28' 15.6" E
2	-9.504	142.481	9° 30' 14.4" S	142° 28' 51.6" E
3	-9.464	142.852	9° 27' 50.4" S	142° 51' 7.2" E

Area 11 – Boigu Is

Points intersect with the Australian EEZ

Point	Decimal Degrees		Deg. Min. Sec.	
	Latitude	Longitude	Latitude	Longitude
1	-9.239	142.08	9° 14' 20.4" S	142° 4' 48" E
2	-9.342	142.08	9° 20' 31.2" S	142° 4' 48" E
3	-9.342	142.35	9° 20' 31.2" S	142° 20' 60" E
4	-9.269	142.35	9° 16' 8.4" S	142° 20' 60" E