



Ex. Co. Secretariat: please complete this copy by insertion of signatures and date of making, and send to Legislative Services Section, Legislative Drafting Division, Attorney-General's Department.



Statutory Rules 1985 No. *L¹*

9/

Torres Strait Fisheries Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and in pursuance of section 4 of the *Acts Interpretation Act 1901*, hereby make the following Regulations under the *Torres Strait Fisheries Act 1984*.

Dated *7 February* 1985.

N. M. STEPHEN

Governor-General

By His Excellency's Command,

(sgd) John Kerin
Minister of State for Primary Industry

Citation

1. These Regulations may be cited as the Torres Strait Fisheries Regulations.

Interpretation

2. In these Regulations, unless the contrary intention appears—

“licensing authority” means the Minister or the Protected Zone Joint Authority and includes, in relation to the exercise of a power or the performance of a function that has been delegated by the Minister or the Protected Zone Joint Authority to a person under sub-section 9 (1) or sub-section 38 (1) of the Act, as the case may be, that person;

“Protected Zone Joint Authority” has the same meaning as in Part V of the Act;

“the Act” means the *Torres Strait Fisheries Act 1984*.

Prescribed manner of publication

3. The manner of publication under sub-section 14 (11), 16 (9) or 17 (3) of the Act of the contents of a notice is by publication in such newspaper as in

the opinion of the Minister or the Protected Zone Joint Authority, as the case may be, is appropriate having regard to the nature of the contents of the notice.

Prescribed manner of broadcast

4. The manner of broadcast under sub-section 14 (11), 16 (9) or 17 (3) of the Act of the contents of a notice is by way of transmission in the State of Queensland on a frequency commonly used by fishing boats in the Torres Strait.

Payment of licence fee

5. A licensing authority shall not grant a licence under section 19 of the Act, renew a licence under section 24 of the Act or transfer a licence under section 25 of the Act unless the fee prescribed by these Regulations in respect of the grant, renewal or transfer, as the case may be, of that licence has been tendered.

Licence and other fees

6. (1) The fee specified in column 3 of Schedule 1 in an item in that schedule is payable in respect of the matter specified in column 2 of that schedule in that item.

(2) For the purposes of Schedule 1, the overall length of a boat shall be taken to be the length of an imaginary straight line following the centre of the main deck of the boat from the fore side of the stem to the aft side of the stern of the boat.

Distinguishing number

7. (1) Where a licensing authority grants a licence authorizing the use of an Australian boat for fishing in areas of Australian jurisdiction, the licensing authority shall assign to the boat a distinguishing number consisting of a letter or number, or letters followed by a number, followed by the letter "T".

(2) Where a licensing authority grants a licence authorizing the use of a foreign boat for fishing in areas of Australian jurisdiction, the licensing authority shall assign to the boat a distinguishing number consisting of the boat's international radio call-sign followed by the letter "T".

(3) If—

- (a) a boat in respect of which a licence under section 19 of the Act is in force—
 - (i) is used for fishing in areas of Australian jurisdiction; and
 - (ii) does not bear the distinguishing number assigned to it under sub-regulation (1) or (2) conspicuously and legibly displayed in such a position or in such positions on the boat as to be clearly visible from aircraft and from surface vessels in dark letters and figures on a light ground, or in light letters and figures on a dark ground, each letter and figure being not less than 50 centimetres in depth and formed in strokes that are not less than 6 centimetres or more than 7 centimetres in width;

- (b) a boat in respect of which an endorsement under section 20 of the Act is in force—
 - (i) is used for fishing in areas of Australian jurisdiction; and
 - (ii) does not bear the distinguishing number assigned to the boat under the law of Papua New Guinea and displayed in accordance with a law of Papua New Guinea applicable to fishing in the Protected Zone; or
- (c) a boat in respect of which a licence has been granted under section 19 of the Act has ceased to be so licensed and the letter "T" appended to the distinguishing number assigned to it under sub-regulation (1) or (2) has not been completely obliterated or removed,

the master and the owner of the boat shall each be guilty of an offence punishable on conviction by a fine not exceeding \$500.

Requirements of orders to be complied with

8. (1) The master of a boat in an area of Australian jurisdiction shall comply with the measures required by Marine Orders, Part 30 (Prevention of Collisions) as in force at the commencement of these Regulations relating to the prevention of collisions and the provision and use of lights and signals.

(2) A person who fails to comply with sub-regulation (1) is guilty of an offence against these Regulations punishable on conviction by a fine not exceeding \$500.

(3) The imposition of a penalty under this regulation does not relieve a person from civil liability for damage occasioned by that person's failure to comply with a measure which, under this regulation, that person was obliged to comply with.

(4) In this regulation, a reference to Marine Orders is a reference to orders made under the Navigation (Orders) Regulations.

Identity cards

9. (1) The Secretary shall cause to be issued to each officer, other than a member of the Defence Force or a member or special member of the Australian Federal Police or a member of the Police Force of Queensland, an identity card stating that the person to whom the card has been issued is an officer for the purposes of the Act.

(2) A person to whom an identity card has been issued who ceases to be an officer shall forthwith return the card to the Secretary.

Penalty: \$100.

Publication of log-books

10. (1) Where the Minister is satisfied that information—

- (a) in relation to the taking or processing of fish in areas of Australian jurisdiction and the sale or disposal of those fish; or

- (b) relating to the taking or processing of fish with the use of a boat licensed under section 19 of the Act in areas of Papua New Guinea jurisdiction and the sale or disposal of those fish,

is required in pursuit of the objectives of the Act, the Minister shall cause to be published forms of log-books in which the information can be entered in accordance with these Regulations.

(2) Each form of log-book shall be appropriate to—

- (a) the kind of fish;
- (b) the kind of fishing activity; and
- (c) the area of waters,

in respect of which information is to be entered in the log-book and shall bear a letter, number or symbol by which it can be distinguished from other forms of log-book.

(3) The information referred to in sub-regulation (1) that may be required to be entered in a log-book in respect of fish taken by means of a boat may include—

- (a) the following particulars of the person in charge of taking or processing fish by means of the boat—
 - (i) the person's name;
 - (ii) the number of his certificate of competency (if any) as a master of a boat and the name of the authority that granted it; and
 - (iii) the duration of experience of the master in the method of fishing carried on by means of a boat;
- (b) the number of the crew of the boat and the number of that crew who are normally directly engaged in taking fish;
- (c) particulars of the physical characteristics, and means of identification, of the boat and its equipment;
- (d) particulars of the fish taken by means of the boat;
- (e) particulars of circumstances related to the taking of fish by means of the boat; and
- (f) particulars of the sale or disposal of fish taken by means of the boat.

Powers of Minister

11. (1) Where the Minister has, by notice in writing published in the *Gazette* and in a newspaper circulating in the State of Queensland, determined in respect of a form of log-book—

- (a) the kind of fish;
- (b) the kind of fishing activity; and
- (c) the area of waters,

9/

in respect of which the form of log-book is to be used in accordance with these Regulations, the form of log-book is for the purposes of these Regulations the appropriate form of log-book in relation to a boat—

- (d) engaged in taking in that area of waters fish included in that class of fish; or
- (e) engaged in an activity related to taking in that area of waters fish included in that class of fish.

(2) The Minister shall, by notice in writing published in the *Gazette* and in a newspaper circulating in the State of Queensland determine in respect of each form of log-book—

- (a) the beginning and the end of the period during which sub-regulation 12 (1) or (2) shall apply in respect of the form of log-book; and
- (b) the places where copies of the form of log-book can be obtained during ordinary business hours.

(3) For the purposes of a notice referred to in sub-regulation (1) or (2), it shall be sufficient to identify a form of log-book by means of the letter, number or symbol, referred to in sub-regulation 10 (2), by which it is distinguished from other forms of log-book.

(4) In respect of a form of log-book, the beginning of a period referred to in paragraph (2) (a) shall be not less than 14 days after the date on which the notice referred to in sub-regulation (2) is published in the *Gazette*, or in a newspaper referred to in that sub-regulation, whichever is the later, in relation to the form of log-book.

(5) In respect of a form of log-book, the duration of a period referred to in paragraph (2) (a) shall not be longer than 3 years after the date on which the notice referred to in sub-regulation (2) is published in the *Gazette*, or in a newspaper referred to in that sub-regulation, whichever is the earlier, in relation to the form of log-book.

(6) The Minister may, by notice in writing published in the *Gazette* and in a newspaper circulating in the State of Queensland determine that sub-regulation 12 (1), (2) or (3) shall not apply in relation to masters of a specified class of boat in respect of a specified form of log-book.

(7) The Minister shall determine in respect of each form of log-book the newspaper or newspapers in which a notice referred to in sub-regulation (1), (2) or (6) shall be published.

(8) In making a determination under sub-regulation (7), the Minister shall have regard to the area of waters in respect of which the form of log-book is to be used in accordance with these Regulations.

(9) Nothing in these Regulations prevents notices under sub-regulation (1), (2) or (6) being combined and published as one notice.

Offences in relation to log-books

12. (1) The master of a boat licensed under section 19 of the Act or a boat in respect of which an endorsement under section 20 of the Act is in force who uses the boat in relation to the taking or processing of fish in an area of Australian jurisdiction on a day in the period specified in the appropriate log-book in relation to the boat, being the period determined in accordance with sub-regulation 11 (2) by the Minister in respect of the log-book, shall, not later than the day immediately following that day, cause information relating to the taking, processing, sale or disposal of fish to be entered in the log-book in accordance with the requirements set out in the log-book.

(2) The master of a boat licensed under section 19 of the Act who uses the boat in relation to the taking or processing of fish in areas of Papua New Guinea jurisdiction on a day in the period specified in the appropriate log-book in relation to the boat, being the period determined in accordance with sub-regulation 11 (2) by the Minister in respect of the log-book, shall, not later than the day immediately following that day, cause information relating to the taking, processing, sale or disposal of fish to be entered in the log-book in accordance with the requirements set out in the log-book.

(3) The master of a boat who caused information to be entered in a log-book shall cause the folios of the log-book in which the information has been entered to be furnished as soon as practicable to an officer, or to the Department, in accordance with the requirements set out in the log-book.

(4) The master of a boat who, without reasonable excuse, fails to comply with the provisions of sub-regulation (1), (2) or (3) is guilty of an offence punishable on conviction by a fine not exceeding \$500.

Secrecy

13. (1) A person shall not, either directly or indirectly—

- (a) make a record of, or communicate to a person, information concerning the affairs of another person, that is contained in a log-book; or
- (b) produce to a person any part of a log-book in which information has been recorded under these Regulations,

except in the performance of a duty under, or in relation to, the Act or these Regulations, or in pursuance of an order of a court.

Penalty: \$500.

(2) In this regulation, "court" includes any tribunal or person having authority under a law, or by consent of parties, to receive evidence.

Short methods of reference

14. (1) For the purposes of a notice under section 14, 16, or 17 of the Act, or any other instrument made by or under the authority of the Act, the short method of reference set out in an item in Schedule 2 in Column 2 of that Schedule, is the short method of reference to the area of Australian jurisdiction referred to in that item in Column 3 of that Schedule.

(2) In Schedule 2, unless the contrary intention appears—

“Fisheries Jurisdiction Line” means the line referred to in paragraph (a) of the definition of “area of Australian jurisdiction” in sub-section 3 (1) of the Act;

“Seabed Jurisdiction Line” means the line described in Annex 5 to the Torres Strait Treaty.

SCHEDULE 1

Regulation 6

Column 1 Item	Column 2 Matter	Column 3 Fee
		\$
1	Grant or renewal of a licence under sub-section 19 (1) of the Act	20
2	Grant or renewal of a licence under sub-section 19 (2) of the Act, other than a licence in respect of a boat referred to in item 3—	
	(a) in respect of an Australian boat of less than 15 metres in overall length	40
	(b) in respect of an Australian boat of not less than 15 metres but less than 20 metres in overall length	50
	(c) in respect of an Australian boat of not less than 20 metres in overall length	60
	(d) in respect of a foreign boat, for each metre in overall length of the boat	35
3	Grant or renewal of a licence under sub-section 19 (2) of the Act in respect of a boat to be used for community fishing	30
4	Grant or renewal of a licence under sub-section 19 (3) of the Act—	
	(a) in respect of an Australian boat authorizing the use of the boat for carrying fish taken with the use of another boat	80
	(b) in respect of an Australian boat authorizing the use of the boat for processing and carrying fish taken with the use of another boat	100
	(c) in respect of a foreign boat authorizing the use of the boat for carrying fish taken with the use of another boat	80 plus, for each metre in overall length of the boat, 35
	(d) in respect of a foreign boat authorizing the use of the boat for processing and carrying fish taken with another boat	100 plus, for each metre in overall length of the boat, 35
5	Transfer under section 25 of the Act of a licence granted under sub-section 19 (2) or (3) of the Act	10
6	Entry under sub-section 36 (4) of the Act in a licence granted under section 19 of the Act	10

SCHEDULE 2

Regulation 14

SHORT METHODS OF REFERENCE TO CERTAIN AREAS OF AUSTRALIAN JURISDICTION

Column 1 Item	Column 2 Short method of reference	Column 3 Area of Australian jurisdiction
1	"the area of the prawn fishery"	<p>The area consisting of—</p> <ul style="list-style-type: none"> (a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; (b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line— <ul style="list-style-type: none"> (1) commencing at the point of Latitude 10°28'00" South, Longitude 142°09'00" East; (2) running thence east along the parallel of Latitude 10°28'00" South to its intersection by the meridian of Longitude 144°00'00" East; (3) thence south along that meridian to its intersection by the parallel of Latitude 10°41'17" South; (4) thence west along that parallel to its intersection by the meridian of Longitude 142°31'49" East; (5) thence south along that meridian to its northernmost intersection by the coastline of Cape York Peninsula at low water; (6) thence generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection by the meridian of Longitude 142°09'00" East; (7) thence north along that meridian to the point of commencement; and (c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.
2	"the area of the tropical rock lobster fishery"	<p>The area consisting of—</p> <ul style="list-style-type: none"> (a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; (b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line— <ul style="list-style-type: none"> (1) commencing at the point of Latitude 10°48'00" South, Longitude 141°20'00" East; (2) running thence north along the meridian of Longitude 141°20'00" East to its intersection by the parallel of Latitude 10°28'00" South; (3) thence east along that parallel to its intersection by the meridian of Longitude 144°00'00" East; (4) thence south along that meridian to its intersection by the parallel of Latitude 10°41'17" South; (5) thence west along that parallel to its intersection by the meridian of Longitude 142°31'49" East; (6) thence south along that meridian to its northernmost intersection by the coastline of Cape York Peninsula at low water; (7) thence generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection by the parallel of Latitude 10°48'00" South; (8) thence west along that parallel to the point of commencement; and (c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.

SCHEDULE 2—continued

Column 1 Item	Column 2 Short method of reference	Column 3 Area of Australian jurisdiction
3	"the area of the Spanish mackerel fishery"	<p>The area consisting of—</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line;</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line—</p> <ol style="list-style-type: none"> (1) commencing at the point of Latitude 10°48'00" South, Longitude 141°20'00" East; (2) running thence north along the meridian of Longitude 141°20'00" East to its intersection by the parallel of Latitude 10°28'00" South; (3) thence east along that parallel to its intersection by the meridian of Longitude 144°00'00" East; (4) thence south along that meridian to its intersection by the parallel of Latitude 10°41'17" South; (5) thence west along that parallel to its intersection by the meridian of Longitude 142°31'49" East; (6) thence south along that meridian to its northernmost intersection by the coastline of Cape York Peninsula at low water; (7) thence generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection by the parallel of Latitude 10°48'00" South; (8) thence west along that parallel to the point of commencement; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>
4	"the area of the dugong fishery"	<p>The area consisting of—</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line;</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line—</p> <ol style="list-style-type: none"> (1) commencing at the point of Latitude 11°10'00" South, Longitude 141°01'00" East; (2) running thence north along the meridian of Longitude 141°01'00" East to its intersection by the Fisheries Jurisdiction Line; (3) thence north-easterly along that line to its intersection by the meridian of Longitude 141°20'00" East; (4) thence south along that meridian to its intersection by the parallel of Latitude 10°28'00" South; (5) thence east along that parallel to its intersection by the meridian of Longitude 144°00'00" East; (6) thence south along that meridian to its intersection by the parallel of Latitude 10°41'17" South; (7) thence west along that parallel to its intersection by the meridian of Longitude 142°31'49" East; (8) thence south along that meridian to its northernmost intersection by the coastline of Cape York Peninsula at low water; (9) thence generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection by the parallel of Latitude 11°10'00" South; (10) thence west along that parallel to the point of commencement; and

SCHEDULE 2—continued

Column 1 Item	Column 2 Short method of reference	Column 3 Area of Australian jurisdiction
5	"the area of the turtle fishery"	<p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p> <p>The area consisting of—</p> <p>(a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line;</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line—</p> <ol style="list-style-type: none"> (1) commencing at the point of Latitude 141° 01' 00" East; (2) running thence north along the meridian 141° 01' 00" East to its intersection by the Fisheries Jurisdiction Line; (3) thence north-easterly along that line to its intersection by the meridian of Longitude 141° 20' 00" East; (4) thence south along that meridian to its intersection by the parallel of Latitude 10° 28' 00" South; (5) thence east along that parallel to its intersection by the meridian of Longitude 144° 10' 00" East; (6) thence north-easterly along the geodesic to the point of Latitude 10° 15' 00" South, Longitude 144° 12' 00" East; (7) thence north-easterly along the geodesic to the point of Latitude 9° 54' 00" South, Longitude 144° 28' 00" East; (8) thence north along the meridian of Longitude 144° 28' 00" East to its intersection by the Fisheries Jurisdiction Line; (9) thence south-easterly along that line to its intersection by the meridian of Longitude 144° 40' 00" East; (10) thence south along that meridian to its intersection by the parallel of Latitude 10° 41' 17" South; (11) thence west along that parallel to its intersection by the meridian of Longitude 142° 31' 49" East; (12) thence south along that meridian to its northernmost intersection by the coastline of Cape York Peninsula at low water; (13) thence generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection by the parallel of Latitude 11° 10' 00" South; (14) thence west along that parallel to the point of commencement; and <p>(c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.</p>
6	"the area of the pearl shell fishery"	<p>The area consisting of—</p> <p>(a) the area of waters in the Protected Zone to the south of the Seabed Jurisdiction Line;</p> <p>(b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line—</p> <ol style="list-style-type: none"> (1) commencing at the point of Latitude 11° 10' 00" South, Longitude 141° 01' 00" East; (2) running thence north along the meridian of Longitude 141° 01' 00" East to its intersection by the Fisheries Jurisdiction Line; (3) thence north-easterly along that line to its intersection by the meridian of Longitude 141° 20' 00" East;

SCHEDULE 2—continued

Column 1 Item	Column 2 Short method of reference	Column 3 Area of Australian jurisdiction
		(4) thence south along that meridian to its intersection by the parallel of Latitude 10° 28' 00" South;
		(5) thence east along that parallel to its intersection by the meridian of Longitude 144° 00' 00" East;
		(6) thence south along that meridian to its intersection by the parallel of Latitude 10° 41' 17" South;
		(7) thence west along that parallel to its intersection by the meridian of Longitude 142° 31' 49" East;
		(8) thence south along that meridian to its northernmost intersection by the coastline of Cape York Peninsula at low water;
		(9) thence generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection with the parallel of Latitude 11° 10' 00" South;
		(10) thence west along that parallel to the point of commencement; and
		(c) the territorial sea of Australia north of the Seabed Jurisdiction Line.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on *L* 1985.

14 February/