

Torres Strait Fisheries Act 1984

Torres Strait Fisheries Management Instrument No. 1

TORRES STRAIT PRAWN FISHERY

**PROHIBITION ON TAKING PRAWNS (TIME ALLOCATION, TRANSIT ZONE
AND DESIGNATED ANCHORAGES)**

The Protected Zone Joint Authority acting in accordance with the powers conferred on the Authority by paragraph 35(1) (a) of the *Torres Strait Fisheries Act 1984*, and in accordance with the decisions of the Authority, makes the following instrument under s 16 of the *Torres Strait Fisheries Act 1984*.

Dated this20th day ofMay..... 2011

Senator the Hon. Joe Ludwig
Commonwealth Minister for Agriculture, Fisheries and Forestry
On behalf of the Protected Zone Joint Authority

1. NAME OF THIS INSTRUMENT

This instrument is the Torres Strait Fisheries Management Instrument No. 1.

2. COMMENCEMENT

This instrument commences on the day after registration.

3. APPLICATION OF THIS INSTRUMENT

This instrument applies in conjunction with any other notices or instruments in force in the Torres Strait Prawn Fishery (TSPF).

4. REVOCATION OF FISHERIES MANAGEMENT NOTICE NO. 72A

Fisheries Management Notice No. 72A, dated 11 October 2006 is revoked.

5. INTERPRETATION

(1) In this instrument, unless the contrary intention appears:

“area of the fishery” means the area described in Part 1 of Schedule 1 of the *Torres Strait Prawn Fishery Management Plan*, excluding the area described in Part 2 of Schedule 1 of the Plan.

“fishery” means the TSPF as described in the *Torres Strait Prawn Fishery Management Plan*.

“local time” means the time of day in the state of Queensland.

“prawns” means *Metapenaeus endeavouri* (blue endeavour prawn), *Penaeus esculentus* (brown tiger prawn) and *Melicertus longistylus* (red spot king prawn).

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

“transit zone” means the area described in Schedule 1.

“Torres Strait Prawn Fishery Management Plan” means the plan of management for the fishery as made by the PZJA under s 15A of the *Torres Strait Fisheries Act 1984*, currently registered on the Federal Register of Legislative Instruments under s 24 of the Legislative Instruments Act 2003.

“treaty endorsement” means the Treaty endorsement as defined under the *Torres Strait Prawn Fishery Management Plan*.

(2) A word used in this instrument that is used in the Act, the *Torres Strait Fisheries Regulations 1985* or the *Torres Strait Prawn Management Plan* has the same meaning as in the Act, Regulations or Plan.

6. DESCRIPTION OF TRANSIT ZONE AND ANCHORAGE ZONES

(1) The position of a geographical coordinate in the description of the area of the transit zone in Schedule 1 is to be determined by reference to the Australian Geodetic Datum 1966 (AGD66).

(2) The position of a geographical coordinate in the description of the area of the anchorage zones in Schedule 3 is to be determined by reference to the World Geodetic Datum 1984 (WGS84).

- (3) For convenience in the use of navigational aids, the area of the transit zone is also described in Schedule 2 by reference to the World Geodetic Datum 1984 (WGS84).
- (4) Any inconsistency between the description of the areas in Schedules 1 and 2 is to be resolved by reference to Schedule 1.

7. PROHIBITIONS

- (1) Under paragraph 16(1)(a) of the Act, the taking of prawns is prohibited in the area of the fishery unless an exemption under this instrument is in force.
- (2) Under paragraph 16(1)(a) of the Act, the processing or carrying of prawns is prohibited in the area of the fishery unless an exemption under this instrument is in force.
- (3) Under paragraph 16(1)(o) of the Act, in the area of the fishery the possession of any equipment capable of being used for prawn trawling is prohibited unless:
 - (a) the boards are unshackled from the nets and are placed on board the boat;
or
 - (b) an exemption under this instrument is in force.
- (4) The carrying of prawns is prohibited absolutely in the area of the fishery during the period commencing at 0600 hours local time on 15 December in a year and ending at 1700 hours local time on 1 March in the following year.

8. EXEMPTIONS – FISHING DAYS

- (1) Under paragraph 16(1A)(d) of the Act a person is exempt from subsections 7(1) and 7(3) if:
 - (a) the person is, or is acting on behalf of, the holder of a TSPF boat licence or is the master of a boat for which a TSPF boat licence is in force; and
 - (b) there is specified in the licence a condition, under subsection 22(1) of the Act, that limits the number of days in a year that the boat can be used for fishing in the area of the fishery; and
 - (c) the number of days that the boat, and any other boats for which the TSPF boat licence was in force, has been used for fishing in the area of the fishery since the start of the year is less than the number specified in the licence.
- (2) For the purposes of subsection 8(1), a boat is taken to have been fishing for one day if:
 - (a) the boat's position reports, received via the Vessel Monitoring System (VMS) or through another arrangement entered into with the Protected Zone Joint Authority (PZJA), indicate that the boat:
 - (i) is in an area of the fishery where prawns are permitted to be taken; and
 - (ii) is not within the area of one of the designated anchorages specified in Schedule 3; and

- (iii) at any time between 1800 hours local time on one day and 0600 hours local time on the next day:
 - (A) has moved at a speed of less than 5 knots; and
 - (B) has moved more than 250 metres; or
 - (b) no boat position reports are received via the VMS.
- (3) A boat is not taken as having been fishing for one full day because of paragraph 8(2)(b) if:
 - (a) the boat is not used for fishing, and an exemption is granted as set out in section 9; or
 - (b) the boat is being moved from one place to another without fishing, and an exemption is granted as set out in section 10; or
 - (c) the boat is testing fishing apparatus, and an exemption is granted as set out in subsection 11; or
 - (d) the boat is undergoing maintenance, and an exemption is granted as set out in subsection 12.

9. VMS – NON-FISHING EXEMPTION

- (1) The holder of a TSPF boat licence may apply to the PZJA for an exemption from reporting via the VMS during a period if the boat will not be used for fishing during that period.
- (2) The application must:
 - (a) be made while the boat is outside the fishery; and
 - (b) state:
 - (i) the boat's name and distinguishing number; and
 - (ii) the start and end of the period for which the exemption is required; and
 - (iii) where the boat will be during the period.
- (3) The VMS may be switched off during the period of the exemption.

10. VMS – STEAMING EXEMPTION

- (1) The holder of a TSPF boat licence may apply to the PZJA for an exemption from reporting via the VMS during a period if during that period the boat will be moving from one place to another, as follows:
 - (a) from one designated anchorage area to another; or
 - (b) from a designated anchorage area to a place outside the fishery; or
 - (c) from a place outside the fishery to a designated anchorage area; or
 - (d) from a place outside the fishery to another place outside the fishery.
- (2) The application must state:

- (a) the boat's name and distinguishing number; and
 - (b) the boat's proposed destination; and
 - (c) the time, date and place of departure; and
 - (d) the estimated date and time of arrival at the destination; and
 - (e) each time the boat will enter and leave the fishery, if the boat's proposed movement involves entering and leaving the fishery.
- (3) The licence holder must notify the PZJA if the following details change during the trip:
- (a) the proposed destination; or
 - (b) the estimated date and time of arrival at the destination; or
 - (c) the proposed entries and exits from the fishery.
- (4) During the trip:
- (a) the VMS must be on and operational; and
 - (b) no fish can be taken using trawl nets in the fishery; and
 - (c) all trawl nets must be stored in-board the boat and not suspended from a mast or boom, unless the trip is from one designated anchorage area to the nearest designated anchorage.

11. VMS – GEAR TRIAL EXEMPTION

- (1) The holder of a TSPF boat licence or the person in control of a boat may apply to the PZJA for an exemption from reporting via the VMS during a period if the person wants to test fishing apparatus without losing a fishing day.
- (2) The application must be made at least twenty four hours before the proposed testing and must state:
- (a) the boat's name and distinguishing number; and
 - (b) the boat's proposed destination; and
 - (c) the time, date and place of departure; and
 - (d) the estimated date and time of arrival at the destination.
- (3) During the period of the exemption:
- (a) the destination must be no more than one nautical mile from where the trip started; and
 - (b) the trip must substantially comply with the trip details stated in the application; and
 - (c) the VMS must be on and operational; and
 - (d) no fish can be taken using the trawl nets; and
 - (e) the cod ends of each trawl net must be open.

12. VMS – MAINTENANCE EXEMPTION

- (1) The holder of a TSPF boat licence or the person in control of the boat may apply to the PZJA for an exemption from reporting via the VMS during a period if the person wants to shut down the VMS for maintenance.
- (2) The application must state:
 - (a) the boat's name and distinguishing number; and
 - (b) the start and end of the period for which the exemption is required; and
 - (c) where the boat will be located; and
 - (d) the reason for the maintenance.
- (3) An exemption will be granted for no more than 6 hours.

13. EXEMPTIONS – LICENCE

- (1) Under paragraph 16(1A)(d) of the Act, a person who holds a licence under subsection 19(3) of the Act for the fishery is exempt from the prohibition in subsection 7(2).
- (2) Under paragraph 16(1A)(d) of the Act, a person is exempt from the prohibitions in subsections 7(1) and 7(3) if:
 - (a) the person holds a Papua New Guinea (PNG) licence for the boat; and
 - (b) a TSPF Treaty endorsement is in force for the boat.

14. PROHIBITIONS – TRANSIT ZONE

- (1) Under paragraph 16(1)(a) of the Act, in the area of the transit zone the taking of prawns is prohibited.
- (2) Under paragraph 16(1)(o) of the Act, in the area of the transit zone a person is prohibited from having in that person's possession or under that person's control in a boat, equipment that is:
 - (a) capable of being used for any kind of trawling; or
 - (b) capable of being used for taking prawns;unless the equipment is carried so that all of the equipment is out of the water or, if any part of the equipment is in the water:
 - (c) all cod ends are open and drawn up to the boat so that the cod ends would be visible from an aircraft or another boat; and
 - (d) the boards are at the blocks.

SCHEDULES

NOTES:

- (1) The position of a geographical coordinate in the description of the area of the transit zone is to be determined by reference to the Australian Geodetic Datum 1966 (AGD66), that is to say, by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,160 metres and a flattening of 1/298.25 and the position of the Johnston Geodetic Station in the Northern Territory of Australia. That station is to be taken to be situated at Latitude 25°56'54.5515" South and at Longitude 133°12'30.0771" East and to have a ground level of 571.2 metres above the spheroid referred to above.
- (2) For convenience, the coordinates of the transit zone are also expressed in Schedule 2 based on the World Geodetic Datum 1984 (WGS84) Reference Frame at the 2005.0 epoch. The geographic coordinates are referenced to the WGS84 reference spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,137 metres and a flattening of 1/298.257223563.
- (3) In the case of an inconsistency between the coordinates in Schedule 1 and Schedule 2, Schedule 1 takes precedence – see section 6.

SCHEDULE 1

Transit Zone

That area of waters bounded by a line:

- | Reference | Description |
|-----------|--|
| (1) | commencing at the point of Latitude 10°06'00" South, Longitude 142° 54'00" East; |
| (2) | running thence south-westerly along the geodesic to the point of Latitude 10°13'00" South, Longitude 142°51'00" East; |
| (3) | thence south-westerly along the geodesic to the point of Latitude 10 ° 28'00" South, Longitude 142°31'49" East; |
| (4) | thence in a south-easterly direction to its intersection along the geodesic by the parallel of Latitude 10°41'17" South, and the meridian of Longitude 142° 38'30" East; |
| (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 northern most 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 meridian of Longitude 142°09'00" East; and |
| (8) | thence north along that meridian to its intersection by the parallel of latitude 10°28'00" South; |
| (9) | thence north-easterly along the geodesic to the point of commencement. |

SCHEDULE 2

Area of the Transit Zone Expressed Using Coordinates Based on WGS84

- NOTES: 1. For ease of use of navigational aids, the coordinates of the closure are also tabulated in this Schedule by reference to WGS84. Any discrepancy between these coordinates and the description in Schedule 1 is to be resolved by reference to AGD66 – see s.4.4.
2. The reference field within the conversions tables in Schedule 2 contain numbers and characters which reference the Schedule 1 numbers and characters.

That area of waters bounded by a line:

REFERENCE	LAT. WGS84 (ITRF2000@2005)	LONG. WGS84 (ITRF2000@2005)
(1)	10° 05' 54.66" S	142° 54' 03.94" E
(2)	10° 12' 54.66" S	142° 51' 03.94" E
(3)	10° 27' 54.65" S	142° 31' 52.95" E
(4)	10° 41' 11.65" S	142° 38' 33.95" E
(5)	10° 41' 11.65" S	142° 31' 52.96" E
(6)	10° 41' 15.15" S	142° 31' 52.96" E
(7)	10° 55' 57.65" S	142° 09' 03.97" E
(8)	10° 27' 54.66" S	142° 09' 03.97" E
(9)	10° 05' 54.66" S	142° 54' 03.94" E

SCHEDULE 3

Designated Anchorages in WGS84

AUREED ISLAND

That area of waters bounded by a line:

- (1) commencing at the point of intersection of the parallel of Latitude 9° 55' 59.10" South and the meridian of Longitude 143° 18' 56.10" East;
- (2) running thence south-easterly along the geodesic to the point of Latitude 9° 57' 18.54" South, Longitude 143° 19' 22.38" East;
- (3) thence south-westerly along the geodesic to the point of Latitude 9° 58' 47.22" South, Longitude 143° 18' 02.28" East;
- (4) thence west along the geodesic to the point of Latitude 9° 58' 31.02" South, Longitude 143° 15' 52.92" East;
- (5) thence north along the geodesic to the point of Latitude 9° 57' 28.32" South, Longitude 143° 15' 51.24" East;
- (6) thence north-easterly along the geodesic to the point of Latitude 9° 56' 00.18" South, Longitude 143° 17' 10.08" East;

- (7) thence easterly along the meridian to the point of commencement where it terminates.

YORKE ISLAND

That area of waters bounded by a line:

- (1) commencing at the point of intersection of the parallel of Latitude 9° 43' 11.82" South and the meridian of Longitude 143° 27' 38.82" East;
- (2) running thence south-easterly along the geodesic to the point of Latitude 9° 43' 47.04" South, Longitude 143° 28' 01.86" East;
- (3) thence south along the geodesic to the point of Latitude 9° 44' 42.72" South, Longitude 143° 28' 04.38" East;
- (4) thence south-westerly along the geodesic to the point of Latitude 9° 45' 27.48" South, Longitude 143° 27' 35.22" East;
- (5) thence south-westerly along the geodesic to the point of Latitude 9° 45' 51.18" South, Longitude 143° 26' 45.42" East;
- (6) thence south-westerly along the geodesic to the point of Latitude 9° 46' 02.34" South, Longitude 143° 25' 43.68" East;
- (7) thence south-westerly along the geodesic to the point of Latitude 9° 46' 21.42" South, Longitude 143° 24' 33.30" East;
- (8) thence north-westerly along the geodesic to the point of Latitude 9° 46' 05.88" South, Longitude 143° 23' 49.68" East;
- (9) thence north-westerly along the geodesic to the point of Latitude 9° 45' 22.80" South, Longitude 143° 23' 25.86" East;
- (10) thence north-easterly along the geodesic to the point of Latitude 9° 44' 45.90" South, Longitude 143° 23' 36.84" East;
- (11) thence north-easterly along the geodesic to the point of Latitude 9° 43' 15.96" South, Longitude 143° 26' 33.90" East;
- (12) thence easterly along that meridian to the point of commencement where it terminates.

DUGONG ISLAND

That area of waters bounded by a line:

- (1) commencing at the point of intersection of the parallel of Latitude 10°30'19.62" South and the meridian of Longitude 143°04'27.78" East;
- (2) running thence east along the geodesic to the point of Latitude 10°30'19.08" South, Longitude 143°05'48.54" East;
- (3) thence south-easterly along the geodesic to the point of Latitude 10°30'36.00" South, Longitude 143°06'44.16" East;
- (4) thence south-easterly along the geodesic to the point of Latitude 10°31'05.88" South, Longitude 143°07'22.92" East;

- (5) thence south along the geodesic to the point of Latitude 10°31'55.38" South, Longitude 143°07'25.56" East;
- (6) thence south-westerly along the geodesic to the point of Latitude 10°32'30.66" South, Longitude 143°07'04.86" East;
- (7) thence south-westerly along the geodesic to the point of Latitude 10°32'37.68" South, Longitude 143°06'14.64" East; and
- (8) thence north-westerly along the geodesic to the point of Latitude 10°31'26.94" South, Longitude 143°03'56.64" East;
- (9) thence north-easterly along that meridian to the point of commencement where it terminates.

COCONUT ISLAND

That area of waters bounded by a line:

- (1) commencing at the point of intersection of the parallel of Latitude 10°02'24.18" South and the meridian of Longitude 143°04'00.72" East;
- (2) running thence south-easterly along the geodesic to the point of Latitude 10°02'25.98" South, Longitude 143°04'29.46" East;
- (3) thence south-easterly along the geodesic to the point of Latitude 10°02'40.14" South, Longitude 143°06'01.08" East;
- (4) thence east along the geodesic to the point of Latitude 10°02'27.12" South, Longitude 143°07'11.46" East;
- (5) thence south-easterly along the geodesic to the point of Latitude 10°02'43.50" South, Longitude 143°07'53.46" East;
- (6) thence south-easterly along the geodesic to the point of Latitude 10°03'38.46" South, Longitude 143°08'10.32" East;
- (7) thence south-westerly along the geodesic to the point of Latitude 10°04'20.88" South, Longitude 143°06'36.48" East;
- (8) thence west along the geodesic to the point of Latitude 10°04'26.82" South, Longitude 143°04'33.72" East;
- (9) thence north-westerly along the geodesic to the point of Latitude 10°03'20.88" South, Longitude 143°02'43.02" East;
- (10) thence north-easterly along the geodesic to the point of Latitude 10°02'31.92" South, Longitude 143°03'29.94" East;
- (11) thence north-easterly along that meridian to the point of commencement where it terminates.