

INSTRUMENT REGULATING FISHING

Torres Strait Fisheries Act 1984

Section 16

Torres Strait Tropical Rock Lobster Fishery

TORRES STRAIT FISHERIES MANAGEMENT INSTRUMENT NO. 9

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*, of the Minister's powers under section 16 of the *Torres Strait Fisheries Act 1984*, makes the following Instrument.

Dated: 26. 8. 2011

The Hon. Joe Ludwig, MP

Commonwealth Minister for Agriculture Fisheries and Forestry
on behalf of the Protected Zone Joint Authority

CITATION

1. This Instrument may be cited as Torres Strait Fisheries Management Instrument No. 9

COMMENCEMENT

2. This Instrument commences on the day after registration on the Federal Register of Legislative Instruments.

PERIOD OF APPLICATION

3. The application of this Instrument ceases to be in force (if not previously repealed) on 31st December 2020.

REVOCATION

4. Fisheries Management Notice No. 80, dated 22 September 2006 is repealed.

INTERPRETATION

- 5.1 In this Instrument, unless the contrary intention appears "the Act" means the *Torres Strait Fisheries Act 1984*, and:
- 5.2 Terms used but not defined in this Instrument have the same meaning as in the Act and the *Torres Strait Fisheries Regulations 1985*; and
- 5.3 "tropical rock lobster" means fish of the species *Panulirus* spp;

“boat” means a boat licensed to operate in the Torres Strait Tropical Rock Lobster Fishery;

“diving equipment” means face mask and fins;

“hookah gear” means equipment that is also known as “surface supplied breathing equipment” or “surface supplied breathing apparatus” and is equipment used for breathing underwater where the air is supplied from either a compressor or one or more compressed air cylinders on the surface of the water;

“implement” means a tool or utensil including lobster scissors/forceps but not including nets, explosives and poisons; and

“scoop net” means a net not more than 1.5 metres in any dimension having a handle or shaft not longer than 3 metres.

PROHIBITION (GENERAL)

6. Pursuant to paragraph 16(1)(a) of the Act, the taking, processing or carrying of tropical rock lobster in the area of the Torres Strait Tropical Rock Lobster Fishery is prohibited.

EXEMPTIONS FROM PROHIBITION

7. Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in paragraph 6 if:
 - (a) that person holds a licence granted under subsections 19(2) or 19(3) of the Act or an endorsement granted under subsection 20 of the Act that entitles them to take, process or carry tropical rock lobster; and
 - (b) tropical rock lobster is taken during the period commencing 1 December each year and ending 30 September the following year; or
 - (c) where that person is engaged in traditional fishing and the person takes or carries tropical rock lobster:
 - (i) without the use of a boat and the number of tropical rock lobsters in that persons’ possession does not exceed three; or
 - (ii) with the use of a boat, or by diving from a boat, and no other person is in the boat and the number of tropical rock lobsters in the boat does not exceed three; or
 - (iii) with the use of a boat, or by diving from a boat, and there is at least one other person in the boat and the number of tropical rock lobsters in the boat does not exceed six.

PROHIBITION ON TAKING, PROCESSING OR CARRYING OF UNDERSIZE TROPICAL ROCK LOBSTERS

8.1 Pursuant to paragraph 16(1)(b)(iii) of the Act, the taking, processing or carrying of tropical rock lobster in the area of the Torres Strait Tropical Rock Lobster Fishery that have:

(a) a carapace length of less than 90 millimetres; or

(b) a tail that is less than 115 millimetres in length;

is prohibited.

8.2 For the purposes of paragraph 8.1(a), the length of a tropical rock lobster carapace shall be measured along the dorsal surface from the anterior mid-dorsal margin to the posterior mid-dorsal margin of the carapace.

8.3 For the purposes of paragraph 8.1(b), the length of a tropical rock lobster tail shall be measured:

(a) in a straight line along the dorsal surface from the anterior margin of the first abdominal somite to the posterior margin of the sixth abdominal somite when the tail is laid flat on a horizontal surface; and

(b) firm downward pressure is placed on the third abdominal somite.

EXEMPTION TO SIZE LIMIT

9. Pursuant to paragraph 16(1A)(d) of the Act, persons taking, processing or carrying tropical rock lobster in the course of traditional fishing are exempt from the prohibition in paragraph 8.

PROHIBITION ON THE USE OF CERTAIN METHODS FOR TAKING TROPICAL ROCK LOBSTERS

10. Pursuant to paragraph 16(1)(c) of the Act a person is prohibited from taking tropical rock lobster in the area of the Torres Strait Tropical Rock Lobster Fishery:

(a) by any method other than collecting by hand or with the use of a spear, scoop net or other implement held in the fishers' hand at all times during the fishing operation; or

(b) while using any kind of equipment used for breathing underwater other than hookah gear; or

(c) while using any kind of mechanical equipment that provides underwater propulsion.

PROHIBITION ON THE CARRIAGE OR USE OF HOOKAH GEAR

11. Pursuant to paragraph 16(1)(c) of the Act, the taking or carrying of tropical rock lobster while using, or in the possession of, hookah gear, is prohibited in the area of the Torres Strait Tropical Rock Lobster Fishery during the period commencing 1 October each year and ending 31 January the following year.

PROHIBITION ON THE POSSESSION OF TROPICAL ROCK LOBSTER MEAT

12. Pursuant to paragraph 16(1)(a) of the Act, the processing or carrying of tropical rock lobster meat that has been removed from any part of a tropical rock lobster is prohibited on any boat in the area of the Torres Strait Tropical Rock Lobster Fishery.

EXEMPTION TO THE PROHIBITION ON TROPICAL ROCK LOBSTER MEAT

13. Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in paragraph 12 if that person is taking, processing, or carrying tropical rock lobster in the course of traditional fishing.

PROHIBITION ON THE CARRIAGE OF DIVING EQUIPMENT

- 14 Pursuant to paragraph 16(1)(o) of the Act, the carrying of diving equipment and tropical rock lobster between the hours of 1900 and 0600 (Eastern Standard Time) is prohibited in the area of the Torres Strait Tropical Rock Lobster Fishery.
- 15 Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in paragraph 14 if:
- (a) all diving equipment in possession of that person, or on board the boat, is stowed and secured; or
 - (b) approval has been granted by an authorised officer to carry diving equipment and tropical rock lobster between the hours of 1900 and 0600 (Eastern Standard Time).
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