

# INSTRUMENT REGULATING FISHING

## *Torres Strait Fisheries Act 1984*

### Section 16

## Torres Strait Prawn Fishery

### TORRES STRAIT FISHERIES MANAGEMENT INSTRUMENT NO. 12

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The **PROTECTED ZONE JOINT AUTHORITY** exercising jurisdiction under Commonwealth law over commercial fishing in the Protected Zone pursuant to the arrangement between the Commonwealth and the State of Queensland published on 19<sup>th</sup> March 1999 in the Commonwealth Gazette No. S125 and acting in accordance with the powers conferred on the Authority by paragraph 35(1)(a) of the *Torres Strait Fisheries Act 1984*, under section 16 of the *Torres Strait Fisheries Act 1984*, makes the following Instrument.

**Dated:** 22<sup>nd</sup> Feb 2017

#### **Senator the Hon. Anne Ruston**

Parliamentary Secretary to the Deputy Prime Minister and Minister for Agriculture and Water Resources

Chair of the Torres Strait Protected Zone Joint Authority

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#### **Citation**

1. This Instrument may be cited as the *Torres Strait Fisheries Management Instrument No. 12*.

#### **Commencement**

2. This Instrument commences on the day after it is registered on the Federal Register of Legislative Instruments..

#### **Cessation**

3. This Instrument is repealed on 31 December 2026 unless earlier revoked.

#### **Revocation**

4. This Instrument repeals the *Torres Strait Fisheries Management Instrument No. 81* from the date of commencement of this Instrument.

#### **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 “**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*.

“**Turtle Excluder Device**” means a device fitted to a net, and modification made to a net, that allows turtles to escape immediately after being taken in the net, and which has:

- (a) a rigid or semi rigid inclined barrier structure comprised of bars extending from the foot to the head of the net that is attached to the circumference of the net which must guide turtles towards an escape hole immediately forward of the grid. The minimum dimensions of this structure to be at least 80cm by 80cm. This structure is to be set within an angle range of 30 – 55 degrees in relation to the horizontal plane of water through the net;
- (b) an escape hole which must be either
- (i) a double flap rectangular net opening where the cut immediately forward of the TED must allow a minimum opening of 61 cm when attached to the frame and the two forward cuts of the escape opening must not be less than 51 cm long from the points of the cut immediately forward of the TED frame. The resultant length of the leading edge of the escape opening cut must be no less than 142 cm stretched, or a double flap net triangular opening where the cut immediately forward of the TED must allow a minimum opening of 102 cm when attached to the frame with minimum forward cuts of 101 cm. The flaps must be composed of two mesh panels. Each panel must be a minimum of 147 cm wide and may overlap each other no more than 38 cm along the leading edge when stretched. The panels can be tapered two bar, one point so the flap overlap increases as they get closer to the bottom of the TED frame. The panels may only be sewn together along the leading edge of the cut and down the entire length of the outside edge of each panel. The trailing edge of each panel must not extend more than 61 cm past the posterior edge of the TED frame.
  - (ii) a single flap rectangular net opening where the cut immediately forward of the TED must allow a minimum opening of 61 cm when attached to the frame and the two forward cuts of the escape opening must not be less than 66 cm long from the points of the cut immediately forward of the TED frame. The resultant length of the leading edge of the escape opening cut must be no less than 181 cm stretched, or a single flap triangular net opening where the cut immediately forward of the TED must be a minimum of 102 cm with minimum forward cuts of 136 cm. The flap must be a minimum of 338 cm by 132 cm piece of mesh. The 132 cm edge of the flap is attached to the leading edge of the escape opening cut. The flap may extend no more than 61 cm behind the posterior edge of the TED frame;
- (c) a maximum bar spacing of 120mm between bars; and

- (d) it is not permitted to attach any weights, chains or other devices on the escape flap which may prevent the flap from opening and
- (e) If the escape hole is in the bottom of the net, the following floats must be attached to the grid—
  - (i) if the grid has a circumference of no more than 3050mm, at least—
    - a. 2 small floats; or
    - b. 1 medium float;
  - (ii) if the grid has a circumference of more than 3050mm, at least—
    - a. 4 small floats; or
    - b. 2 medium floats;
  - (iii) if plastic floats are to be used, regardless of the grid circumference —
    - a. 3 small plastic floats; or
    - b. 2 medium plastic floats; or
    - c. 1 large plastic float.

(f) In subclause (e) —

**“attached”** means secured to the top half of the grid—

- (i) inside the net and behind the grid; or
- (ii) outside the net but not secured to a flap.

**“large plastic float”** means a float made of hard plastic that is at least 250mm in diameter.

**“medium float”** means a float made of ethylene vinyl acetate or polyvinyl chloride that is at least—

- (a) 222mm long; and
- (b) 172mm in diameter.

**“medium plastic float”** means a float made of hard plastic that is at least 200mm, but less than 250mm, in diameter.

**“small float”** means a float made of ethylene vinyl acetate or polyvinyl chloride that is at least—

- (a) 180 mm, but less than 222 mm, long; and
- (b) 147 mm, but less than 172 mm, in diameter.

**“small plastic float”** means a float made of hard plastic that is at least 150 mm, but less than 200mm, in diameter.

**“weight”** means weight expressed in grams or kilograms.

## Prohibitions

- 6.1 Pursuant to paragraph 16(1)(c) of the Act, the use or possession of otter trawl equipment in the area of the Torres Strait Prawn Fishery is prohibited unless each net that is used is fitted with a Turtle Excluder Device.
- 6.2 However, if a try-net is used, it does not need to be fitted with a Turtle Excluder Device.