**INSTRUMENT REGULATING FISHING**

***Torres Strait Fisheries Act 1984***

Section 16

**Torres Strait Sea Cucumber Fishery**

**TORRES STRAIT FISHERIES MANAGEMENT INSTRUMENT NO. 15**

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 19th 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 31st March 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

**Citation**

1. This Instrument may be cited as the *Torres Strait Fisheries Management Instrument No. 15*.

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 This Instrument is repealed on 31 December 2026 unless earlier revoked.

**Interpretation**

4.1 In this Instrument, unless the contrary intention appears “the Act” means the *Torres Strait Fisheries Act 1984*; and

4.2 Terms used but not defined in this Instrument have the same meaning as in the Act and the *Torres Strait Fisheries Regulations 1985*; and

4.3 “**sea cucumber**” means fish of the families Holothuriidae and Stichopodidae; and

4.4 “**underwater breathing apparatus**” means any apparatus that delivers air or other breathing gas to a person.

**Prohibitions**

5. Pursuant to paragraph 16(1)(a) of the Act, the taking, processing or carrying of sea cucumber in the area of the Torres Strait Sea Cucumber Fishery is prohibited.

**Size limits**

6. Pursuant to paragraph 16(1)(b) of the Act, it is prohibited to take in the area of the Torres Strait Sea Cucumber Fishery species of the kind referred to in the Schedule that, when measured in their original living form at their longest point, are less than the lengths specified in respect of each species in the Schedule.

**SCHEDULE**

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| --- | --- |
| **SPECIES** | **LENGTH IN MILLIMETRES** |
| Sandfish (*Holothuria scabra)* | 180 |
| Lollyfish (*Holothuria atra*) | 150 |
| Black teatfish (*Holothuria whitmaei*) | 250 |
| White teatfish (*Holothuria fuscogilva*) | 320 |
| Deepwater redfish (*Actinopyga echinites*) | 120 |
| Prickly redfish (*Thelenota ananas*) | 300 |
| Elephant’s trunk fish (*Holothuria fuscopunctata*) | 240 |
| Surf redfish (*Actinopyga mauritiana*)  | 220 |
| Blackfish (*Actinopyga miliaris*) | 220 |
| Curry fish (*Stichopus variegatus*) | 270 |

**Gear restrictions**

7 Pursuant to paragraph 16(1)(c) of the Act, the taking of sea cucumber in the area of the Torres Strait Sea Cucumber Fishery with the use of any underwater breathing apparatus or by any method other than collection by hand, is prohibited.

### Exemption from the prohibitions

8.1 Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in paragraph 5 if:

1. where the person takes or carries sea cucumbers without the use of a boat – the number of sea cucumber in that person’s possession does not exceed three; or
2. where the person takes or carries sea cucumbers with the use of a boat, or by diving from a boat, and no other person is in the boat – the number of sea cucumbers in the boat does not exceed three; or
3. where the person takes or carries sea cucumbers with the use of a boat, or by diving from a boat, and there is at least one other person in the boat – the number of sea cucumber in the boat does not exceed six.

8.2. Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in paragraph 5 if the person holds a licence granted under subsections 19(2) or 19(3) of the Act that entitles that person to take, process or carry sea cucumber.

8.3 Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in paragraph 5 if the person takes, processes or carries sea cucumber in the course of traditional fishing.

**Revocation of previous instrument**

9.1 This Instrument revokes the *Torres Strait Fisheries Management Notice No. 64* dated 24th December 2002 from the date of commencement of this Instrument.

9.2 In accordance with s16(7A) , notwithstanding the revocation of the *Torres Strait Fisheries Management Notice No. 64,* any entry previously made under s21(1) of the Act in an existing licence granted under s19(2) or (3) or treaty endorsement granted for engaging in activities that were prohibited in that revoked instrument, such entry shall continue to operate as if it referred to the prohibition in this instrument.