

INSTRUMENT REGULATING FISHING

Torres Strait Fisheries Act 1984

Section 16

Torres Strait Prawn Fishery

TORRES STRAIT FISHERIES MANAGEMENT INSTRUMENT NO. 17

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. 17*.

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 This Instrument is repealed on 31 December 2026 unless earlier revoked.

This notice to apply with other notices

4. This Notice applies in conjunction with any other Notice in force in the area of the Torres Strait Prawn Fishery.

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 fish of the family Penaeidae.

Prohibitions

- 6.1 Pursuant to paragraph 16(1)(a) of the Act, the use or possession of otter trawl equipment in the area of the Torres Strait Prawn Fishery is prohibited if:
- d) where only one net is used or in possession on board a boat or attached to a boat, the length of the net is longer than 88 metres; or
 - e) where more than one net, including a try-net, is rigged for fishing, the total combined length of the nets is longer than 88 metres; and
 - f) where more than one net is rigged for fishing, and a try-net is in possession on board the boat but not rigged for fishing, the total combined length of the nets rigged for fishing and the largest try-net in possession on board the boat is longer than 88 metres; and
 - g) where a try net is rigged for fishing, in possession on board a boat, or is attached to a boat, the try net is of a length is longer than 10 metres; and
 - h) where other nets, excluding try-nets, are in possession on board a boat and are not rigged for fishing, the nets are of a size greater than 10% smaller than the largest net in possession on board the boat.
- 6.2 A net is rigged for fishing if part or all of the net is in the water, or if it is shackled, tied or otherwise connected to any trawl door or trawl board, or to any tow rope or cable, either on board the boat or attached in any manner to the boat.
- 6.3 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 if:
- a) the size of the meshes in the cod end is less than 38 millimetres; or
 - b) there are more than 150 meshes when measured in the vertical plane from the drawstring; or
 - c) the size of the meshes in all other parts of the net other than the cod end does not exceed 45 millimetres; or
 - d) there is more than 1 line of ground chain across the mouth of each net; or
 - e) the diameter of the links of the ground chain exceed 10 millimetres; or
 - f) the chain is used with a weight or an attachment, other than an attachment for joining the chain to the net.

Measuring nets and meshes

7.1 For the purposes of paragraph 6.1 the length of a net is determined by measuring the combined length, in metres, of the head rope and bottom rope when taut between the outermost points of the meshes that are attached to each rope respectively.

7.2 For the purposes of paragraph 6.3 the size of a mesh of a:

- a) knotless trawl net is determined by measuring the average distance when the net is taut, between the inner edges of 2 diagonally opposite corners of each of 10 meshes that are at least 30 centimetres from each other; or
- b) knotted trawl net is determined by measuring the average distance when the net is taut, between the inner edges of 2 diagonally opposite knots of each of 10 meshes that are at least 30 centimetres from each other.

Revocation of previous instruments

8.1 This Instrument revokes the *Torres Strait Fisheries Management Notice No. 71* from the date of commencement of this Instrument.

8.2 In accordance with s16(7A), notwithstanding the revocation of the *Torres Strait Fisheries Management Notice No. 71*, 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.

8.3 The *Torres Strait Fisheries Management Notice No.43* (prohibition on times for taking prawns); the *Torres Strait Fisheries Management Notice No. 56* (prohibition on taking Morton Bay Bugs) and the *Torres Strait Fisheries Management Notice No. 57* (prohibition on use of otter board gear for taking prawns) are revoked from the date of commencement of this Instrument.
