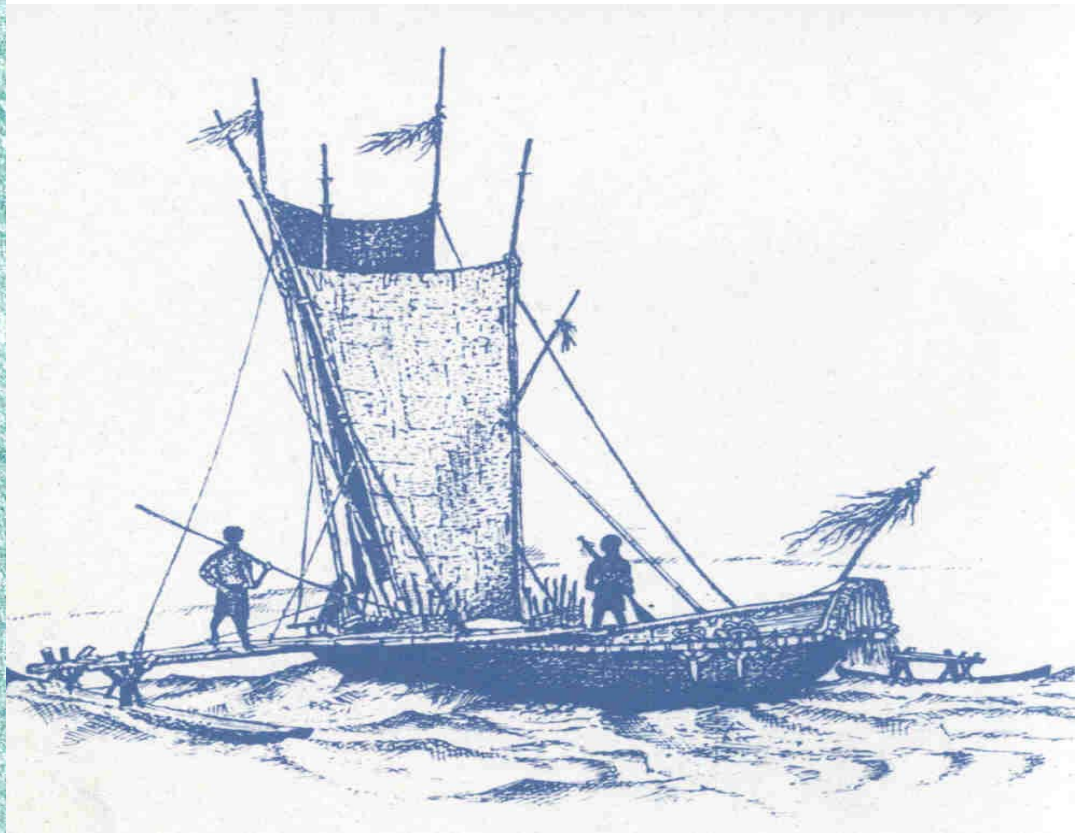
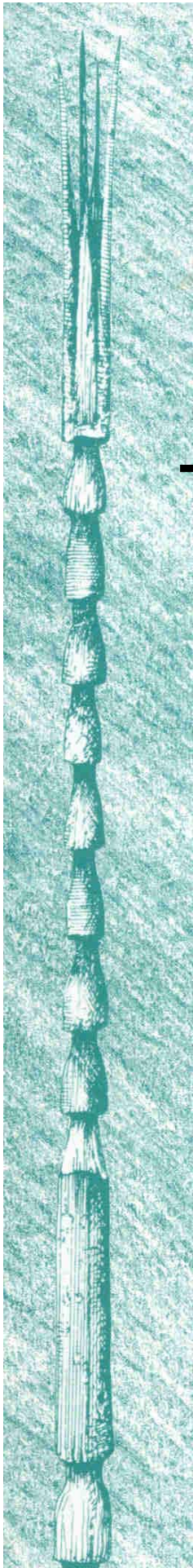


A GUIDE TO MANAGEMENT ARRANGEMENTS FOR TORRES STRAIT FISHERIES



JUNE 2004

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FOREWORD

This guide has been prepared jointly by the Australian Fisheries Management Authority (AFMA) and Queensland Department of Primary Industries and Fisheries (QDPI&F) in collaboration with the Queensland Boating and Fisheries Patrol (QB&FP).

The Torres Strait Treaty was ratified by Australia and Papua New Guinea on 15 February 1985. It is concerned with sovereignty and maritime boundaries in the area between the two countries, the protection of the way of life and livelihood of traditional inhabitants and the protection of the marine environment. The Treaty also establishes the Torres Strait Protected Zone (TSPZ) in which each country exercises sovereign jurisdiction for swimming fish and sedentary species on the respective sides of the agreed jurisdiction lines (Fisheries Jurisdiction Line and Seabed Jurisdiction Line – see Maps, Appendix 3).

The Guide outlines how the Protected Zone Joint Authority (PZJA) manages selected fisheries in the TSPZ under obligations established by the Treaty. It is intended only to provide a general guide to fisheries management arrangements in the Torres Strait and does not replace detailed advice specific to individual circumstances. We trust the information presented will help readers to understand the arrangements and direct them to other appropriate sources of further information.

The information in this Guide in no way limits the powers and decisions of the PZJA in its determinations, or in its considerations of any matters placed before it. Individuals who wish to take part in the Torres Strait fisheries, or who wish to vary the conditions under which they take part, should be aware that the powers are vested with the PZJA to consider each application on its individual merits.



Queensland
 Government



Australian Government

Australian Fisheries Management Authority



ACRONYMS

AFMA	Australian Fisheries Management Authority
CRC	Cooperative Research Centre - Torres Strait
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DAFF	Department of Agriculture, Fisheries and Forestry
<i>EPBCA</i>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ICC	Island Co-ordinating Council
PNG	Papua New Guinea
PZJA	Protected Zone Joint Authority
QB&FP	Queensland Boating and Fisheries Patrol
QDPI&F	Queensland Department of Primary Industries and Fisheries
<i>TSFA</i>	<i>Torres Strait Fisheries Act 1984</i>
TSFMAC	Torres Strait Fisheries Management Advisory Committee
TSPZ	Torres Strait Protected Zone
TSRA	Torres Strait Regional Authority
TSSAC	Torres Strait Scientific Advisory Committee

BOAT DEFINITIONS

<i>Primary Boat</i>	A principle fishing boat operating either alone or operating in conjunction with a tender boat/s. Primary boats exceed 6 metres in length.
<i>Tender Boat</i>	A boat measuring 6 metres or less in length, has the same licensee as the primary boat and operates in conjunction with a primary boat.
<i>Dinghy</i>	A boat measuring 6 metres or less in length, other than a tender boat.

OTHER DEFINITIONS

<i>Adjacent Coastal Area</i>	In relation to Australia, the coastal area of the Australian mainland, and the Australian islands, near the Protected Zone; and, in relation to Papua New Guinea, the coastal area of the Papua New Guinea mainland, and the Papua New Guinea islands, near the Protected Zone.
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<i>Commercial Fisheries</i>	The fisheries resources of present or potential commercial significance within the Protected Zone and, where a stock of such resources belongs substantially to the Protected Zone but extends into an area outside but near it, the part of that stock found in that area within such limits as are agreed from time to time by the responsible authorities of the Parties.
<i>Fisheries Jurisdiction</i>	Sovereign rights for the purpose of exploring and exploiting, conserving and managing fisheries resources other than sedentary species.
<i>Fisheries Resources</i>	All living natural resources of the sea and seabed, including all swimming and sedentary species.
<i>Seabed Jurisdiction</i>	Sovereign rights over the continental shelf in accordance with international law, and includes jurisdiction over low-tide elevations, and the right to exercise such jurisdiction in respect of those elevations, in accordance with international law.
<i>Sedentary Species</i>	Living organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil;
<i>Traditional Activities</i>	Activities performed by the traditional inhabitants in accordance with local tradition, and includes, when so performed activities on water, including traditional fishing, as well as other activities defined by the Treaty
<i>Traditional Fishing</i>	The taking, by traditional inhabitants for their own or their dependants' consumption or for use in the course of other traditional activities, of the living natural resources of the sea, seabed, estuaries and coastal tidal areas, including dugong and turtle;
<i>Traditional Inhabitants</i>	In relation to Australia, persons who are Torres Strait Islanders who live in the Protected Zone or the adjacent coastal area of Australia, are citizens of Australia, and maintain traditional customary associations with areas or features in or in the vicinity of the Protected Zone in relation to their subsistence or livelihood or social, cultural or religious activities; (unless otherwise specified this document generally refers to Australian traditional inhabitants as "traditional inhabitants ¹ ") and

¹ The PZJA following consultation with Australian traditional inhabitants determined that for the purposes of fisheries management it would extend that definition to also include former PNG nationals who were granted amnesty in 1978 and their descendants, and to aboriginal people living in the adjacent coastal area (Northern Peninsula Area) who are generally the traditional owners of that area.



Traditional Inhabitants In relation to Papua New Guinea, persons who live in the Protected Zone or the adjacent coastal area of Papua New Guinea, are citizens of Papua New Guinea, and maintain traditional customary associations with areas or features in or in the vicinity of the Protected Zone in relation to their subsistence or livelihood or social, cultural or religious activities.

INTRODUCTION

Fisheries management arrangements in the Torres Strait involve fisheries agencies from the Commonwealth, Queensland and Papua New Guinea (PNG) Governments.

This Guide describes the fisheries management arrangements for the Torres Strait current at the time of publication. More detailed information is contained in the Torres Strait Treaty, *Torres Strait Fisheries Act 1984*, *Torres Strait Fisheries Regulations 1985*, *Fisheries Levy (Torres Strait Prawn Fishery) Regulations 1995*, and fisheries management notices (see Appendix 4 for more details). Fisheries management measures are from time to time altered and new fisheries notices issued. Readers should contact one of the offices listed on page 32 for information on any changes that may have been made.

FISHERIES ASPECTS OF THE TORRES STRAIT TREATY

The jurisdiction and management framework for commercial and traditional fishing in the Torres Strait is governed by the provisions of the Torres Strait Treaty, ratified in 1985, between Australia and PNG and the *Torres Strait Fisheries Act 1984 (TSFA)*. This Treaty describes an area in the Torres Strait known as the Torres Strait Protected Zone (TSPZ). The TSPZ consists of areas in which Australia and PNG have jurisdiction over certain swimming marine species and sedentary marine species. Treaty Articles 20-28 set out a framework to guide both countries in providing for the management, conservation and sharing of fisheries resources, and inspection and enforcement in the TSPZ. The areas of Australian and PNG jurisdiction for fisheries in the TSPZ are shown in Map 1, Appendix 3.

PURPOSE OF THE PROTECTED ZONE

The principal purpose in establishing the TSPZ was to acknowledge and protect the traditional way of life and livelihood of the traditional inhabitants of the area, including their traditional fishing and traditional right of free movement between the two countries. In addition, the TSPZ was established to enable



the orderly development of the commercial harvesting of fish. The Treaty also requires the Australian and PNG Governments to protect and preserve the marine environment and indigenous fauna and flora of the area.

One of the main objectives of management in the Torres Strait fisheries is to reserve expansion of effort in each fishery for traditional inhabitants. When the current management arrangements for PZJA fisheries first came into place, transferable licences were granted to persons who were able to demonstrate the required prior history and commitment to fishing in Torres Strait. This led to transferable licences being granted principally to non-traditional inhabitants, and a smaller number of traditional inhabitants who operated larger vessels that were required to have a licence. Since then very few new licences have been granted to non-traditional inhabitants to fish, and in most fisheries the number of transferable licences have reduced.

Traditional inhabitants who fished from small boats were able to continue to fish commercially (community fishing) without a licence in the tropical rock lobster, Spanish mackerel, and pearl shell fisheries, while Queensland granted community fishing licences to Community councils for the finfish, beche-de-mer and crab fisheries.

Currently, traditional inhabitants can be granted a Traditional Inhabitant Boat licence (TIB) on application by meeting the working definition of “traditional inhabitant” agreed by the PZJA, and paying a nominal fee. Endorsements to commercially participate in up to eight PZJA fisheries can also be nominated. Boats with these licences must be crewed by traditional inhabitants² and these licences are only transferable to other traditional inhabitants (this is explained in more detail on page 17).

AUSTRALIAN AND COOPERATIVE MANAGEMENT OF FISHERIES WITH PNG IN THE TSPZ

Since the Treaty was ratified Australia has entered into formal arrangements with PNG to cooperatively manage six fisheries. These are referred to Article 22 fisheries and include commercial fisheries for prawns, tropical rock lobster, Spanish mackerel, pearl shell, and traditional fisheries for turtles and dugong.

Other fisheries were managed by Queensland and included the beche-de-mer, crab, trochus, and finfish fisheries, however since 1 April 1999 these commercial are also managed by the PZJA. Unlike the Article 22 fisheries there are no formal arrangements made with PNG about their management and there are no catch sharing provisions in place. However, either country could nominate one of these fisheries to also be managed cooperatively under the arrangements outlined by Article 22 of the Treaty.

² Boats must be solely owned and operated by traditional inhabitants except under certain circumstances where special conditions can be put on the licensed boats (this is explained in more detail on page 17).



Queensland maintains responsibility for the management of recreational fishing, including the operations of charter boats. Queensland is also responsible for licensing and monitoring seafood buyers in Torres Strait and the management of aquaculture.

This guide is concerned with those fisheries managed by the PZJA. Commercial fishing for any other species or by a different method not incorporated in the above fisheries is treated as developmental fishing by the PZJA.

MANAGEMENT STRUCTURES

The Protected Zone Joint Authority (PZJA), established under the *Torres Strait Fisheries Act 1984*, is responsible for the management of PZJA fisheries. Its membership consists of the Commonwealth and Queensland Ministers responsible for fisheries and the chair of the Torres Strait Regional Authority (TSRA).

To assist in the management of these fisheries, the PZJA has established a structure of advisory bodies with industry, traditional inhabitants and government representatives (Figure 1).

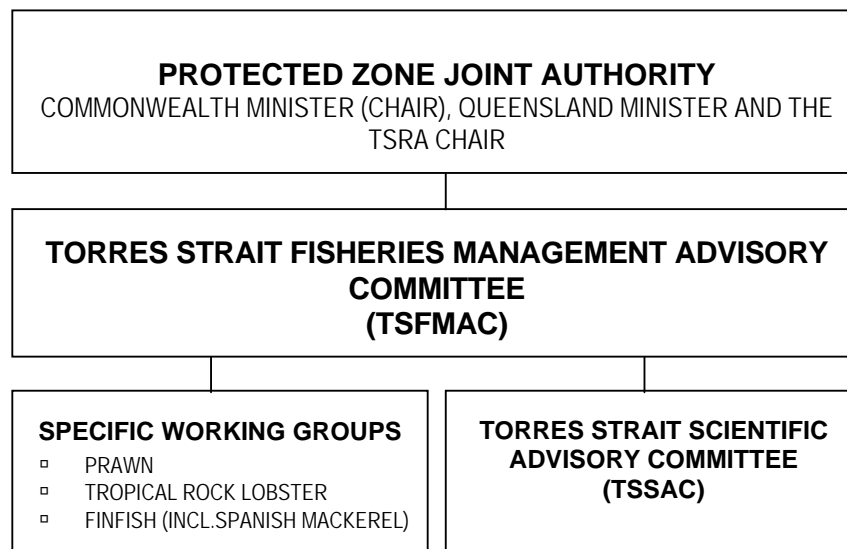


Figure 1. The structure of the Torres Strait Protected Zone Joint Authority and advisory bodies.



FISHERIES MANAGEMENT MEASURES IN THE TSPZ

CONSULTATIVE PROCESS

To manage fisheries within the Australian jurisdiction of the TSPZ, the PZJA has developed a consultative process which incorporates Australian traditional inhabitant commercial and traditional fishers, non-traditional inhabitant commercial fishers (industry), Australian Government and Queensland officials, and technical experts. The PZJA is advised by a Torres Strait Fisheries Management Advisory Committee (TSFMAC).

The Torres Strait Scientific Advisory Committee (TSSAC), which is comprised of representatives from research organisations, fisheries managers, traditional inhabitants and industry, advises the TSFMAC and working groups on scientific issues associated with TSPZ fisheries. The TSSAC has a second role of advising the board of the Cooperative Research Centre (CRC Torres Strait) Incorporated.

Management agency officers, on behalf of the PZJA, also participate in and contribute to bilateral (Australia/PNG) meetings of:

- the Treaty Liaison Committee;
- the Joint Advisory Council (established by the Treaty to oversee Treaty issues); and
- the Environmental Management Committee.

These committees discuss among other things, fisheries issues in a general sense where they affect the smooth operation of the bilateral arrangements of the Treaty. They may refer issues to the fisheries committees where specialised advice is required to resolve an issue.

The policies outlined in this Guide have been adopted by the PZJA as a result of this consultative process.

MANAGEMENT ARRANGEMENTS FOR PZJA FISHERIES

TRADITIONAL FISHING

Traditional fishing is the taking, by traditional inhabitants for their own, or their dependants' consumption, or for use in the course of other traditional activities, of the living natural resources of the sea (including turtles and dugongs), seabed, estuaries and coastal tidal areas.

Torres Strait traditional inhabitants of both PNG and Australia may undertake traditional fishing activities in both the Australian and PNG waters of the TSPZ. In line with a policy of placing few restrictions on traditional fishing, traditional inhabitants may in the course of traditional fishing be exempt from size



restrictions, a prohibition on the taking of female crabs and some other restrictions that may apply to either commercial or recreational fishing. However, some restrictions are currently in place on traditional fishing include:

- that product taken in the course of traditional fishing can not be for sale.; and
- bag limits, and take and carry prohibitions for some species. You may find these below under the specific fisheries.

ARTICLE 22 FISHERIES

Article 22 fisheries include PZJA fisheries which are jointly managed by Australia and PNG and are subject to catch sharing arrangements (this is explained in more detail on page 28). Fisheries for which catch sharing arrangements have been negotiated are:

Prawn fishery

The Torres Strait prawn fishery is a multi-species (endeavour, tiger and king) prawn fishery which operates in the eastern part of the Torres Strait (see Map 2, Appendix 3). It is the most valuable commercial fishery in the Torres Strait with some 76 vessels licensed to operate in 2004. There is an extensive set of management measures in place for the prawn fishery and over half of the TSPZ is permanently closed to trawling.

In 1993, management arrangements were introduced into the fishery to cap fishing effort by limiting the number of days access each vessel may spend in the fishery. Under these arrangements, vessels are allocated a number of fishing days based on their fishing history. In February 1994, the PZJA approved more flexible provisions for the transfer of access days within the fleet.

Management Regulations: Regulations currently in force in the Torres Strait prawn fishery include:

- a closure of the entire fishery between 1 December and 1 March of the following year;
- possession ban for prawns in the entire fishery between 15 December and 1 March of the following year;
- closure of an area east of Warrior Reef between 1 March and 31 July each year;
- a permanent closure of the area west of Warrior Reef and an area around Murray and Darnley Islands;
- restrictions on the carriage of equipment in closures and through the Thursday Island-Cape York transit corridor;
- restrictions on deployment of fishing gear for a limited period immediately before the opening and after the closure of the prawn fishery;



- restrictions on boat length, net length and size of mesh, and ground chain size;
- a requirement to complete logbooks;
- bycatch restrictions on shark species;
- a prohibition on the retention of pearl shell;
- the compulsory use of Turtle exclusion Devices (TED's) an approved Bycatch Reduction Devices (BRD's); and
- the compulsory carriage of a operational Vessel Monitoring System (VMS).

Tropical rock lobster (crayfish) fishery

The Torres Strait tropical rock lobster fishery is the second most valuable commercial fishery in Torres Strait and very important to many Torres Strait Islanders (see Map 3, Appendix 3). The fishery is based on a single species, the ornate or tropical rock lobster (*Panulirus ornatus*). Lobsters, *kaiar* and *kaier* in the traditional languages, are taken by hand, scoop net or a short hand spear by divers working from dinghies. Most divers free dive on shallow reef tops but others use hookah (surface air supplied) to dive the large areas of open bottom in Torres Strait. Most fishing occurs during neap tides when currents are slower and the water is clearer. Some fishers also fish by night with lights and spear or net lobsters that are active in shallow reef areas. Commercial fishing occurs from December to September, inclusive, with a peak during March-August. Management arrangements are designed to conserve the stock, promote the fishery as a dive fishery and maximise the opportunities for traditional inhabitants.

Management Regulations: Regulations currently implemented in the Torres Strait tropical rock lobster fishery include:

- limiting the method of taking of lobster to either hand or with the use of a hand held implement, such as a spear, snare or scoop net;
- an 01 October – 31 January ban on the use of hookah gear;
- a total closure for all forms of commercial lobster fishing covering the period 01 October – 30 November;
- a minimum tail size of 115 mm or minimum carapace length of 90 mm for all commercial fishing;
- a prohibition on the possession or carrying of lobster meat that has been removed from the shell on any commercial boat; and
- a bag limit of 3 lobsters per person or 6 lobsters per dinghy applies to traditional fishing in the area of the fishery (Queensland has implemented the same bag limits in its recreational fishery).

Spanish mackerel fishery

The Torres Strait Spanish mackerel fishery operates predominantly in eastern Torres Strait, targeting the narrow-barred Spanish mackerel (*Scomberomorus*



commerson) (see Map 4, Appendix 3). In 1999, the fishery was expanded to include the mackerel species - school mackerel (*Scomberomorus queenslandicus*), grey mackerel (*Scomberomorus semifasciatus*), spotted mackerel (*Scomberomorus munroi*) and shark mackerel (*Grammatorcynus bicarinatus*). This is an all-year round fishery in which Spanish mackerel, *dhuboy* and *dabor* in the traditional languages, are fished by trolling from dories/dinghies operating either to a mothership or by themselves. The majority of the catch is taken by a small number of non-traditional commercial fishers as the level of traditional inhabitants participating in the fishery remains low due to other fisheries, such as tropical rock lobster, being relatively more profitable.

Management Regulations: Regulations currently implemented in the Torres Strait Spanish mackerel fishery include:

- the taking of mackerel is restricted to trolling, hand-lining and drop-lining fishing methods only;
- for all commercial fishing operators, the following legal minimum size limits measured from the snout to caudal fin tip are applicable –

Spanish mackerel (<i>Scomberomorus commerson</i>)	750 mm
Spotted mackerel (<i>Scomberomorus munroi</i>)	600 mm
School mackerel (<i>Scomberomorus queenslandicus</i>)	500 mm
Grey mackerel (<i>Scomberomorus semifasciatus</i>)	500 mm
Shark mackerel (<i>Grammatorcynus bicarinatus</i>)	500 mm
- commercial mackerel operators are permitted to take bait for their own use - using a general purpose bait net; and
- an allowance of up to 20kgs of Spanish mackerel and/or reef fish may be carried at any one time by all holders of a Torres Strait fishing licence granted under section 19(2) or 19(3) of the TSFA.

Dugong and Turtle fisheries

Hunting for dugong (*dangal and deger*) and turtle (*waru and nam* in the traditional languages) is important in Torres Strait traditional inhabitant culture as well as being a major source of protein in Islanders' diets (see Maps 5 and 6, Appendix 3).

Management Regulations: Regulations currently implemented in the traditional Torres Strait dugong and turtle fishery include:

- dugong and turtle may only be taken in the course of traditional fishing and used for traditional purposes (eg. subsistence food or for special occasions such as weddings, funerals and tombstone openings);
- dugongs may only be taken using the traditional spear (*wap*) thrown by hand. Nets, firearms etc. are banned when taking dugongs or turtles;
- a large area in south-western Torres Strait is set aside as a dugong



sanctuary (see map 5, Appendix 3). Dugong hunting is totally banned in this area; and

- the taking or carrying of dugong or turtle on a commercial fishing boat is strictly prohibited. A person is exempt from this prohibition if a current Traditional Inhabitant Boat (TIB) licence is held where the nominated boat is less than or equal to 6 metres in length.

Pearl shell collecting fishery

The gold-lipped pearl shell (*Pinctada maxima*) and to a lesser extent the black-lipped pearl shell (*Pinctada margaritifera*) are the main species targeted in the Torres Strait (see Map 7, Appendix 3). Pearl shell is collected live for pearl culture farms by divers free diving or using hookah diving equipment. The majority of the catch is taken by a small number of dedicated vessels, particularly between the months of October and March. Pearl farming is regulated by the Queensland Department of Primary Industries and Fisheries (QDPI&F).

Management Regulations: Restrictions in the Torres Strait pearl shell fishery are aimed at promoting the taking of live pearl shell for farming purposes and currently include:

- a prohibition on the taking of dead gold-lipped pearl shell, black lipped pearl shell or any other pearl shell species;
- minimum and maximum size limits for gold and pearl shells (not less than 130 mm or greater than 230 mm length; and greater than 90 mm length, respectively), which are aimed at ensuring the most suitable shells are taken for farming while protecting young shell and spawning stocks; and
- banning the taking of shell by any method other than diving or collecting by hand.

COMMERCIAL FISHERIES THAT ARE NOT ARTICLE 22 FISHERIES

Finfish fishery

The Torres Strait finfish fishery is a multi-species, multi-gear fishery targeting a range of reef and inshore fish. The line sector focuses on a handful of species, in particular, coral trout (*Plectropomus* spp.), mixed reef fish (*Lutjanus* spp. and *Lethrinus* spp.), and numerous species of rock cods (*Epinephelus* spp.) (see Map 8, Appendix 3). Finfish in the reef-line sector are mainly taken by hand lines.

The level of traditional inhabitants participating in the line sector is expected to grow in future due to the continued demand for these well regarded food fish. The practice of retaining fish live (live reef fish fishery) is currently banned in the fishery pending future development of appropriate management arrangements for this fishery.



There is also a net sector in the Torres Strait finfish fishery, in which only traditional inhabitants may participate. Currently there are few active fishers in this sector of the fishery.

Management Regulations: Regulations in the Torres Strait finfish fishery include that:

- all line fishing methods must have no more than 6 hooks attached to each line;
- no more than 3 fishing apparatus can be used per boat;
- minimum size limits apply to all species taken commercially and maximum size limits apply to some species;
- retaining, storing or the carrying of live finfish is prohibited;
- a seasonal barramundi closure (for commercial fishing) commencing on midday 01 November to midday 01 February the following year;
- specific length, drop and mesh size restrictions for each net fishing method;
- specific restrictions on net markings, including size, number and colour of floats and lights when net fishing;
- a permanent area closure by net fishing methods in that part of the finfish fishery west of 142°09', and in part of the fishery east of 142°09' and north of 10°28';
- a permanent closure by line fishing methods in that part of the finfish fishery west of 142°31'49" (except in the course of traditional fishing); and
- vessels must be less than 20 metres in length.
- It is also expected that there will be a prohibition on the take of some species for commercial purposes in the near future but at the time of publication there are no prohibitions in place. The TSFMAC has recommended five species that should be prohibited including the Red Bass, Potato Cod, Queensland Groper, Chinaman Fish and Paddletail.
- New size limits have also been recommended by the TSFMAC as follows: minimum and maximum size limit for Maori Wrasse of 750mm minimum and 1200mm maximum, respectively; and 450mm minimum size for Barramundi Cod. Again these new sizes have not been legislated at time of publication but are expected to be soon after.

Bêche-de-mer (sea cucumber) fishery

The Torres Strait bêche-de-mer fishery is an important commercial fishery to traditional inhabitants (see Map 9, Appendix 3). The fishery was based primarily on sandfish (*Holothuria scabra*) in the past, however harvesting of this species has been stopped while stocks recover. Current fishing effort focuses on white teatfish (*Holothuria fuscogilva*), prickly redfish (*Thelenota ananas*) and to a lesser extent, several lower value species.

Fishing for sea cucumbers in Torres Strait is mainly by free diving from dinghies crewed by 2-3 fishers or by hand collection along reefs at low tide.



Once collected, the animal is gutted, graded, cleaned, boiled, smoked and dried into the final product commonly referred to as *bêche-de-mer* or *aber* in the traditional language of eastern Torres Strait. This is a labour intensive process usually carried out on processing vessels or at shore based facilities. This fishery is particularly vulnerable to over-harvesting and is therefore subject to a range of stringent output and input controls. These controls aim to prevent overfishing but also allow Islanders to benefit from the use of sea cucumber stocks. All sandfish, black teatfish and surf redfish fisheries are presently closed.

Management Regulations: Regulations currently implemented in the Torres Strait *bêche-de-mer* fishery include:

- a competitive Total Allowable Catch (measured in wet weight gutted) for:

Sandfish	0 tonnes
Black teatfish	0 tonnes
Surf redfish	0 tonnes
White teatfish	260 tonnes
Prickly redfish	260 tonnes
All other species of sea cucumbers (collectively)	80 tonnes;
- minimum size limits for the following species:

Sandfish (<i>Holothuria scabra</i>)	180 mm
Lollyfish (<i>Holothuria atra</i>)	150 mm
Black teatfish (<i>Holothuria whitmaei</i>)	250 mm
White teatfish (<i>Holothuria nobilis</i>)	320 mm
Elephant's trunk fish (<i>Holothuria fuscopunctata</i>)	240 mm
Prickly redfish (<i>Thelenota ananas</i>)	300 mm
Surf redfish (<i>Actinopyga mauritiana</i>)	220 mm
Black fish (<i>Actinopyga miliaris</i>)	220 mm
Curry fish (<i>Stichopus hermanni</i>)	270 mm
Deepwater redfish (<i>Holothuria echinites</i>)	120 mm
- limiting the method of taking sea cucumbers to either hand or hand held non-mechanical implements;
- a ban on the use of hookah gear or SCUBA gear;
- a bag limit of 3 *bêche-de-mer* (sea cucumber) per person or 6 *bêche-de-mer* (sea cucumber) per dinghy applies to traditional fishing in the area of the fishery;
- restricting Islander dinghies to less than 7 metres in length; and
- limiting the activities of the one non-Islander licensed operator to primarily involve the participation of Islanders in those activities.



Trochus fishery

The Torres Strait trochus (*Trochus niloticus*) fishery is a small, single-species commercial and subsistence fishery (see Map 10, Appendix 3). The fishery is sometimes an important source of income for some traditional inhabitants, especially women and children. The level of participation in the fishery is relatively low at present, largely due to a recent decline in overseas market demand for shells in button manufacture. There is no non-traditional involvement in the commercial take of trochus in the Torres Strait. Trochus is usually taken by free-diving, although SCUBA and hookah may also be used. Fishers operate from dories/dinghies crewed by 2-3 Islanders. Reef top collection of trochus is also possible at low tide.

Management Regulations: Regulations currently implemented in the Torres Strait trochus fishery include:

- limiting the method of taking of trochus to hand collection or by hand held non-mechanical implements;
- the use of underwater breathing apparatus is permitted;
- a minimum size limit of 80 mm and maximum size limit of 125 mm (when measured in their original form as fished, at the widest part of the base of the shell) applies to all fishing, except traditional fishing; and
- a competitive Total Allowable Catch (measured in tonnes with animal in shell) of 150 tonnes.

Crab fishery

The Torres Strait crab fishery (see Map 11, Appendix 3) primarily targets mud crab (*Scylla* spp.) although a small quantity of blue-swimmer crab (*Portunus pelagicus*) which are incidentally caught may also be retained. The level of participation in the commercial fishery is low due to the limited nature of the resource.

Management Regulations: Regulations currently implemented in the Torres Strait crab fishery include:

- a prohibition on the take or possession of female crabs;
- a minimum carapace width of 150 mm;
- prohibition on the take or possession of spanner crab (*Ranina ranina*);
- restricting the number of prescribed crab apparatus to less than 50;
- specific restrictions on crab apparatus markings, including size and colour of floats; and
- no vessels greater than 14 metres in length;



OTHER FISHERIES AND AQUACULTURE

Recreational fishing and aquaculture (including pearl farming) is managed under Queensland law. For further information on aquaculture contact QDPI&F (see page 32 for contact details).

MANAGEMENT OF FISHERY STOCKS WHICH EXTEND OUTSIDE THE TSPZ – ‘OUTSIDE BUT NEAR AREAS’

When part of a fisheries stock belongs substantially to the TSPZ but also extends outside but near the Zone, the *TSFA*, consistent with the definition in Article 1 of the Treaty, provides for such areas to be proclaimed under certain conditions. These areas are referred to as the ‘outside but near areas’. The outside but near areas for the fisheries are shown in Maps 2 - 11, (Appendix 3). Papua New Guinea has similar provisions in its *Torres Strait Fisheries Act* 1985, and has also declared outside but near areas in respect of its Article 22 fisheries. Catch sharing arrangements explained on page 28 do not apply to outside but near areas.

LICENSING ARRANGEMENTS IN THE TSPZ

LICENSING PROVISIONS OF THE *TORRES STRAIT FISHERIES ACT*

Commercial fishing activity in the Torres Strait is licensed under a Torres Strait Fishing Boat Licence (TVH) or a Traditional Inhabitant Boat (TIB) Licence - often referred to as a community licence. All non-traditional inhabitant commercial and community fishermen are required to be licensed under the *TSFA* in order to fish in PZJA commercial fisheries, i.e. to take fish for sale. In the case of TVH licences a Torres Strait Master fisherman must be in control of the boat (see below), however in the case of TIB licences no master fisherman licence is required. Licences must be produced when instructed by a fisheries officer.

Additional licences are required for processing and marketing/buying operations that are land or sea based. These arrangements are explained on page 17. The PZJA has delegated powers for licensing in the Torres Strait fisheries to Queensland and the licensing section of QDPI&F performs this function.

Prior to applying for any licensing transaction, licence holders or prospective licence transferees are strongly encouraged to seek advice on any management arrangements, existing or proposed, that could affect the use of the fishing licence. Licensing enquiries can be directed to QDI&F.



TORRES STRAIT MASTER FISHERMAN'S LICENCES

A person in charge of a boat with a TVH licence fishing commercially in a PZJA fishery must hold a Torres Strait Master Fisherman's Licence (TMJ) endorsed for the relevant fishery. This applies whether the licensed boat is a primary boat, a tender or a dinghy.

Conditions for the grant of a TMJ to non-traditional inhabitants vary between fisheries. Details of these conditions are presented in the following sections. Traditional inhabitants are entitled to apply for and be granted Torres Strait Master Fisherman's licenses endorsed for any fishery.

PRAWN FISHERY MASTER FISHERMAN'S LICENCE

Masters of licensed prawn vessels in the TSPZ are required to hold a prawn fishery Master Fisherman's Licence.

TROPICAL ROCK LOBSTER FISHERY MASTER FISHERMAN'S LICENCE

Licences may be granted to Australian traditional inhabitants of Torres Strait or, to a person not being an Australian traditional inhabitant (or to a nominee of that person) who purchased an existing primary vessel and tender boat licence package provided that the licence transfer took place on or after 01 January 1988. A Master Fisherman's licence should only be issued to a person who is not an Australian traditional inhabitant if that person (or nominee of that person) to which an existing primary vessel has been transferred, remains the licensee of that vessel and that the person (or nominee of that person) remains in charge of that vessel or any other vessel of which that person is the licensee.

Additionally, a temporary Master Fisherman's licence may be issued for a limited period for compassionate and extenuating reasons to a person, nominated by the owner of the licence, who is not an Australian traditional inhabitant of Torres Strait to operate an existing licensed primary vessel.

For non-traditional inhabitants, there are various conditions and restrictions upon this licence and its transfer (see page 21).

SPANISH MACKEREL, LINE AND PEARL SHELL FISHERIES MASTER FISHERMAN'S LICENCE

Master Fisherman's licences for the Spanish mackerel, line and pearl shell fisheries may be issued either to:

- an Australian traditional inhabitant; or
- to a non-traditional inhabitant (or to their nominee) who holds an existing primary vessel and/or tender boat licence package provided that the transfer of the vessel licences took place on or after 01 January 1988. There are restrictive conditions on such a transfer (see page 21).



TORRES STRAIT TRADITIONAL INHABITANT BOAT LICENCE

The new Traditional Inhabitant Boat (TIB) licence system was introduced on a trial basis in April 2000 to replace the community licensing arrangements that had existed up to that date. The introduction of the new licensing system allows traditional inhabitants of the TSPZ to fish commercially in PZJA fisheries however, there are a number of restrictions that apply to a TIB licence including:

- applicants must be traditional inhabitants of the TSPZ or adjacent coastal area of Australia (see Appendix 2 for Torres Strait Islander/Aboriginal identification criteria);
- the nominated boat must be fully owned by the applicant;
- only traditional inhabitants are allowed to commercial fish from the boat;
- the licence is only valid for the TSPZ fisheries, including their 'outside but near areas'; and
- boats cannot exceed 20 metres in length.

To assist traditional inhabitants in achieving greater participation in the Torres Strait fisheries, the PZJA provided some flexibility in relation to TIB licences by allowing non-islanders³ on board TIB licensed vessels on the condition that the non-islander provides training to the islanders on the vessel. This type of TIB licence is known as a 'Training Licence'. For further information on obtaining a Training licence please contact AFMA at the Thursday Island office (see page 32).

VESSEL LICENCES IN THE AUSTRALIAN PART OF THE TSPZ

Australian boats fishing commercially in the Australian part of the TSPZ must be licensed with the relevant TVH or TIB licence and the appropriate endorsements. In the case of Papua New Guinea boats they must have a current licence endorsed by Australia. A reciprocal arrangement would apply to an Australian boat being used to fish in the PNG area of jurisdiction.

Four types of licences are issued by the QDPI&F on behalf of the PZJA for vessels operating in the Australian part of the TSPZ:

1. a Fishing vessel licence which authorises use of the vessel for taking fish, in the fishery or fisheries for which it is valid, and for carrying and processing (eg. filleting or freezing) its own catch – can be a TVH or TIB licence;

³ A person who is not an Australian traditional inhabitant should not be employed where there is a suitably qualified Australian traditional inhabitant reasonably available to carry out that function.



2. a Processor/Carrier boat licence (TPC-A) which authorises the use of the boat for carrying and processing the catch from tenders included in the licence package;
3. a Carrier boat licence (TPC-B) which authorises the use of the boat to carry (without changing the nature of the product) the catches of other vessels in the fishery or fisheries for which it is appropriately endorsed; and
4. a Processor (mothership) boat licence (TPC-C) which authorises the use of the boat for processing the catches of other vessels in the fishery or fisheries for which it is appropriately endorsed.

NOTE: (1) To purchase product in the TSPZ from a vessel with a TPC-C licence a Queensland Buyers licence is also required, (2) the vessel may not take on board product from a PNG boat and (3) no new TPC-C licences will be granted to non-traditional inhabitants.

DISTINGUISHING SYMBOL ON A VESSEL

The distinguishing symbol allocated to a vessel licence for fishing under the *TSFA* must be clearly displayed on the vessel in contrasting tones (black letters or figures on a yellow background) in strokes between 10 - 45 cm long and 01 – 07cm wide (for specific requirements relating to a distinguishing symbol on a vessel please contact AFMA Thursday Island or QB&FP on page 32). The letter 'T' must be removed if the vessel ceases to be licensed for a Torres Strait fishery.

CONDITIONS OF LICENCE

Licences are issued subject to a number of conditions. New conditions may be imposed at any time on licences already in force, subject to written notice being given to the licensee.

Prawn fishery

Licensed Australian prawn vessels may not hold a concurrent PNG prawn vessel licence. PNG licensed prawn vessels endorsed by Australia to fish in the Australian waters of the TSPZ prawn fishery must comply with all Australian Torres Strait fisheries legislation when fishing in the Australian area of jurisdiction.

Prawn vessel licences issued to Australian traditional inhabitants of the Torres Strait under special management provisions should at all times remain wholly owned, operated and crewed by Australian traditional inhabitants, except for training purposes approved by the PZJA.

Tropical rock lobster, Spanish mackerel and line fisheries

Tender vessels (i.e. dinghies or dories working with a larger primary vessel as part of a licence package) are authorised only to take catch for the purpose of trans-shipping onto the primary vessel specified in the licence package, being a vessel which has the same licensee and bears the same distinguishing symbols. In such cases the primary vessel will also need a processor/carrier vessel licence to entitle it to receive product from its own tenders.



Bêche-de-mer and trochus fisheries

A competitive *Total Allowable Catch* (TAC) exists for both the bêche-de-mer and trochus fisheries.

ENTRIES IN VESSEL LICENCES

The *TSFA* provides for making two kinds of entries in licences:

1. exempting vessels from prohibitions in notices; and
2. extending the validity of a licence to one or more additional PZJA fisheries.

POLICY ON GRANT OF VESSEL LICENCES

PZJA policy is that in the interests of proper management of fisheries in the TSPZ there should be certain pre-requisites to the grant of vessel licences and that it is undesirable that no new vessel licences be granted in the PZJA fisheries except under special circumstances. The present policy on the grant of licences is as follows:

Prawn fishery

No new licences are issued for the Torres Strait prawn fishery. The only exception is that the PZJA have agreed that three licences, for vessels up to a length of 20 metres, may be granted to traditional inhabitants of the Torres Strait.

Tropical rock lobster, Spanish mackerel, pearl shell, finfish, bêche-de-mer, trochus and crab fisheries

New vessel licences for these fisheries are currently only granted to vessels owned and operated by Australian traditional inhabitants of Torres Strait. These licences are either TIB or TPC licences and may not be transferred to a non-traditional inhabitant.

Processor / carrier vessel licence

To accept product from their registered tender vessels, primary vessels in PZJA fisheries are required to have processor/carrier vessel licences.

Carrier vessel licence

PZJA carrier vessel licences only apply to operations in and product caught in PZJA fisheries. Operations in fisheries under Queensland jurisdiction and/or in Queensland waters require appropriate Queensland licences (see page 30).

Licences for vessels for the purpose of carrying product (but not for processing product) caught by either vessels licensed to fish in the PZJA fisheries or community fishing vessels will normally only be issued to licensed fishing vessels in the Torres Strait or boats which are legitimate cargo vessels (i.e.. meeting cargo vessel survey certificate requirements). The one exception is for pearl shell where new carrier licences are still issued.



Processor (mothership) vessel licence

PZJA processor (mothership) vessel licences only apply to operations in and product caught in PZJA fisheries. Operations in fisheries under Queensland jurisdiction and/or in Queensland waters require appropriate Queensland licences (see page 30).

The number of PZJA processor/carrier vessel licences issued to vessels that do not fish is limited. These licences allow vessels to carry and process product caught by licensed fishing vessels. These vessels may not be used to:

- transport fishing vessels to and from fishing grounds; or
- accommodate fishers.

PZJA processor/carrier and State buyers licensed vessels cannot buy product within ten nautical miles of a community in the TSPZ without written permission from the community's chairperson.

It is advisable that applicants for these licences seek advice from the fisheries management authorities regarding the present policy before proceeding with an application.

APPLYING FOR LICENCES

It is essential that application forms for licences are fully and correctly completed. Application forms may be obtained from QDPI&F in Brisbane or the QB&FP Office on Thursday Island.

Torres Strait Fishing Boat Licences (TVH)

Applications for Fishing Boat licences cover:

- the grant of a new licence;
- renewal of current licences; and
- making an entry in a licence.

Torres Strait Master Fisherman's Licence (TMJ)

Applications for Master Fisherman's licences cover both the granting of new licences and renewal of current licences. Applications for new licences must list under Schedule 1 of the form, the names of each PZJA fishery in which the applicant wishes to be licensed as a Master Fisherman.

Torres Strait Traditional Inhabitant Boat Licence (TIB)

Applications for Traditional Inhabitant Boat licences cover both the granting of new licences and renewal of current licences. Applications for new licences must list in the space under Schedule 2 of the form, the names of each PZJA fishery in which the applicant wishes to be endorsed. These endorsements include tropical rock lobster, Spanish mackerel, reef line, net, bêche-de-mer, trochus, pearl shell and crab fisheries.



Processor/carrier vessel, carrier vessel and processor (mothership) vessel licences (TPC)

The application for either of these licences is similar to that of a fishing vessel licence.

TRANSFER OF LICENCES

Torres Strait Fishing Boat Licences (TVH)

TVH licences for an existing primary vessel and tender boats can only be transferred as a package; they cannot be split up and attached to a number of vessels working separately.

The transfer policies in the Torres Strait take into consideration the present need to contain effort in specific fisheries and to recognise the objective of promoting Australian traditional inhabitants' participation in PZJA commercial fisheries. The specific policies for the PZJA fisheries are as follows:

Prawn licence

Under the management arrangements introduced in 1994, prawn trawlers can sell their days (in 10-day blocks) to other boats holding Torres Strait prawn licences. Entitlement holders are permitted to trade nights but they must hold a minimum of 50 nights to operate in the fishery⁴. In October 2001, the PZJA approved a boat replacement policy for the replacement of smaller vessel with larger vessels and the transfer of fishing days from a smaller vessel to a larger vessel, as defined by vessel length. In these situations, a 20 per cent reduction in the number of days transferred will apply. For detailed information regarding the transfer of days, please contact AFMA or QDPI&F (see page 32).

Tropical rock lobster, Spanish mackerel and pearl shell licences

Where a TVH licence was granted before 01 January 1988, it may be transferred to any person. Licences granted after 01 January 1988 should only be transferred to an Australian traditional inhabitant.

If a licence is part of a primary vessel and tender boat package, all other licences of the primary vessel and tender boat package should also be transferred.

RENEWAL OF LICENCES

Renewal should only be considered when all the particulars in the original licence continue to apply. Renewal of licences are considered upon application.

⁴ Excluding those operators who hold less than 50 nights prior to introduction of this policy.



LICENCE FEES

Licence application fees under the *TSFA* as at June 2004 are:

Grant or renewal of a 1 year Master Fisherman's Licence.....	\$ 50
Grant or renewal of a 5 year Master Fisherman's Licence.....	\$ 100
Grant or renewal of a Fishing Boat Licence.....	\$ 100

For each endorsement on a 1 year Fishing Boat Licence:

Boat less than 6 metres in length.....	\$ 10
Boat at least 6 metres but less than 10 metres in length.....	\$ 20
Boat at least 10 metres but less than 15 metres in length.....	\$ 40
Boat at least 15 metres in length.....	\$ 80

For each endorsement on a 5 year⁵ Fishing Boat Licence:

Boat less than 6 metres in length.....	\$ 50
Boat at least 6 metres but less than 10 metres in length.....	\$ 100
Boat at least 10 metres but less than 15 metres in length.....	\$ 200
Boat at least 15 metres in length.....	\$ 400

Processor/carrier vessel licence (TPC-A).....	\$ 20
Carrier vessel licence (TPC-B).....	\$ 80
Processor (mothership) vessel Licence (TPC-C).....	\$ 100
Transfer of Fishing Boat Licence.....	\$ 10
Entry to add a PZJA fishery to a licence.....	\$ 10

The fee must be tendered with the application. The amount of fee may be amended from time to time.

SURRENDER OF LICENCES

PZJA licence holders may surrender their licences by written notice to the PZJA, GPO Box 2764, Brisbane, Queensland, 4001.

COST RECOVERY

In October 1996, the PZJA determined that the Torres Strait prawn fishery be subject to cost recovery⁶ and costs will be recovered using the same method of calculation as for other Commonwealth fisheries.

⁵ 5-year Fishing Boat licences are currently **NOT** being issued.

⁶ Cost recovery is the recovery of some or all of the costs of a particular activity (i.e. fisheries management).



These associated costs are continually reviewed and open to scrutiny by the Prawn Working Group members, with the view to achieve the most cost effective management arrangements.

VESSEL REPLACEMENT IN THE PZJA FISHERIES

The vessel replacement policies for individual fisheries are listed below. Fishermen should consult with the QDPI&F prior to any vessel replacement commitments being entered into. Rules vary from fishery to fishery and licence holders for vessels also endorsed in fisheries outside the TSPZ should acquaint themselves with the rules applying in that fishery eg. the prawn fishery.

Prawn fishery

A boat replacement policy currently exists in the Torres Strait Prawn Fishery that entails a 20% reduction in nights on vessel upgrade (from a smaller to a larger vessel, as defined by vessel length) and for the transfer of nights from smaller to a larger vessel. Similarly, vessels also licensed to fish in Northern Prawn Fishery or Queensland Otter Trawl Fishery would be subject to the vessel replacement requirements for those fisheries.

Tropical rock lobster fishery

Vessel replacement in this fishery is subject to the following conditions:

- a vessel measuring six metres or less should be replaced by a vessel measuring six metres or less;
- a vessel measuring between six metres and 10 metres in length should be replaced by a vessel measuring 10 metres or less;
- a vessel greater than 10 metres and less than 14 metres in length may be replaced by a vessel of 14 metres or less; and
- where the existing vessel is greater than 14 metres in length and prior approval has been given for a replacement vessel, as far as practicable, the replacement vessel should be of the same size as the existing vessel or less.

Spanish mackerel fishery

The replacement of a vessel in this fishery is subject to the following conditions:

- a vessel measuring six metres or less may be replaced by a vessel measuring six metres or less;
- a vessel greater than six metres in length but less than 14 metres in length may be replaced by a vessel less than 14 metres in length; and
- where the existing vessel is greater than 14 metres in length and prior approval has been given for replacement, the approval should be for, as far as practicable, a replacement vessel of the same size or less.



Pearl fishery

A vessel operating in the pearl shell fishery may be replaced under the following conditions:

- a vessel measuring six metres or less may be replaced by a vessel measuring six metres or less;
- where the existing vessel is greater than six metres in length and prior approval has been given for replacement, the approval should be for, as far as practicable, a replacement vessel of the same size or less.

Finfish line fishery

The replacement of a vessel in this fishery is subject to the following conditions:

- a vessel measuring six metres or less may be replaced by a vessel measuring six metres or less;
- a vessel greater than six metres in length but less than 14 metres in length may be replaced by a vessel less than 14 metres in length; and
- where the existing vessel is greater than 14 metres in length and prior approval has been given for replacement, the approval should be for, as far as practicable, a replacement vessel of the same size or less.

CATCH REPORTING

Logbook reporting in the TSPZ for prawn, tropical rock lobster, Spanish mackerel and finfish fisheries is compulsory for most TVH endorsed operators where it is likely to be condition of the licence to complete a logbook. The exception to the rule is for licence holders operating a from a primary boat less than 7 metres in length.

Logbooks are supplied by officers of AFMA. Except for the NP14 (prawn logbook), new logbooks can be supplied by contacting the AFMA office in Thursday Island – be sure not to leave this to the last minute. Contact details are provided on page 32. Prawn logbooks are supplied from the Canberra office. Contact details for the office are found in the logbook and on page 32.

Each logbook contains general information and full instructions on how it should be completed. Master Fishermen are required to complete the logbook by no later than one day after the day on which the fishing activities in each entry took place. In order to have the most up to date information on catch trends, fishermen are required to send in their completed logsheets by the 14th day of the following month. Envelopes have been provided for this purpose. If you require additional envelopes please contact the AFMA office in Thursday Island, or in the case of the prawn fishery the Canberra office.

Current reporting requirements for each fishery are detailed in the following:



PRAWN FISHERY

A new logbook, the Northern and Torres Strait Prawn Fisheries Daily Fishing Log - NP14, was introduced for the 2004 season. Licence holders who had pages left in their NP13 logbook are allowed to continue to submit these, however all licence holders are encouraged to complete the new NP14 logbook and to voluntarily provide accurate size grade information⁷. While it is not generally possible to weigh catches at sea all fishers are encouraged to estimate the weights as accurately as possible. Catches are recorded by species in kilograms whole weight. Fishermen keep the duplicate pink copy of logsheets for personal use and send in the original white copy to AFMA. Interactions with protected species must be recorded accurately - it is in the interest of the fishery to do this. For more information see page 27 (where we have protected species information).

TROPICAL ROCK LOBSTER

Tropical rock lobster fishermen are required to fill out the Torres Strait Tropical Rock Lobster Daily Fishing Log – TRL04. The information sought includes daily catch and fishing effort. Every day of the season should be accounted for in the logbook by completing the “extended non-fishing and “trip detail” parts of the form. Incidental catches of pearl shell, Spanish mackerel and mixed reef fish can also be recorded in this logbook. Original logsheets must be sent to the AFMA office on Thursday Island and the duplicate copies retained by the fisher.

SPANISH MACKEREL AND FINFISH FISHERIES

Spanish mackerel and finfish fishermen are required to fill out the Torres Strait Finfish Daily Fishing Log – TSF01, introduced in 2003. A daily fishing record of the number of each mackerel species caught, total number of mackerel, total number of trays/cartons and average weight and level of processing is recorded.

Catches for finfish species are recorded by total fresh weight (whole weight) in kilograms and total finfish species caught. Specifically for coral trout species the total number of cartons, average weight and number of fish per carton is recorded. Also estimated is the percentage species split by number for coral trout. Original logsheets must be sent to the AFMA office on Thursday Island and the duplicate copies retained by the fisher.

TORRES STRAIT SEAFOOD BUYERS AND PROCESSORS DOCKET BOOK

In late 2003, a new docket book was introduced to Torres Strait seafood buyers and processors in an attempt to improve catch and effort data for day-to-day fisheries management in Torres Strait and, to facilitate the PZJA in pursuit of its legislative objectives in managing Torres Strait Fisheries. The Torres Strait Seafood Buyers and Processors Docket Book – TDB01 are basically modified receipt books that are used by seafood buyers to replace existing receipt/tax invoice paperwork.

⁷ The completion of the Northern and Torres Strait Prawn Fisheries Daily Fishing Log - NP14 and the provision of grade information is mandatory in the Northern Prawn Fishery (NPF).



Key elements of the docket book system include:

- capture of all catch and some effort data (from the indigenous commercial sector) at the point of sale in the Torres Strait;
- coverage of fish receivers in Torres Strait and those receivers in Cairns who purchase seafood direct from fishers in Torres Strait;
- education and increased awareness of fishers and fish receivers of the need to provide catch and effort data for the sustainable management of fish stocks in the Torres Strait;
- a docket book management system to distribute docket books, receive completed returns and follow upon non-returns or poor data; and
- a database and data entry system in for capturing and managing the docket book data.

The Torres Strait Seafood Buyers and Processors Docket Book requests buyers and processors to voluntarily provide true and correct monthly information to AFMA on catch, effort and catch disposal data including: sellers name, (ABN) Australian Business Number, licence number and address. Furthermore, each logsheet requires either the Traditional Inhabitant Boat (TIB) or the Non Traditional Inhabitant Boat (TIB) sections including details of catch being sold to be filled out.

Fishing effort and boat details recorded for Traditional Inhabitant Boat (TIB) licensed fishers section of the docket book include: boat symbol, days fishing, number of divers /fishers, area fished⁸ and methods used. For Non Traditional Inhabitant Boat (TIB) licensed fishers and buyers of PNG and QLD East coast produce, information recorded in this section of the docket includes: region fished and whether catch information is recorded elsewhere in another logbook. Information details of catch being sold include: species being sold, processing code, grade, weight (kg), dollars paid per kilo and/or total price paid.

The fisher/seller retains original logsheets (white), duplicate copies (yellow) must be sent to the AFMA office on Thursday Island and the triplicate copies (pink) are retained by the buyer. Torres Strait Seafood Buyers and Processors Docket Books are available from the AFMA logbook officer in Thursday Island (see page 32 for contact details).

ALL INFORMATION GATHERED FROM FISHING INDUSTRY LOGBOOKS AND CATCH REPORTS IS CONFIDENTIAL.

HOW LOGBOOK INFORMATION IS USED

Logbooks provide the primary source of information for researchers and managers on the fishing effort and catches in the fisheries. This information is

⁸ In establishment of the “area fished” section of the Torres Strait Seafood Buyers and Processors Docket Book – TDB01, management sought advice from CSIRO on appropriate bioregions by which to partition the TSPZ. Map 12 (Appendix 3) illustrates the bioregions as advised by CSIRO.



used to assess the state of fish stocks and the condition of fisheries. Data from all logbooks is processed and entered in Canberra into AFMA's secure database. Information from fishing logbooks is confidential and its use is governed by strict legislative guidelines.

INTERACTIONS WITH COMMONWEALTH PROTECTED MARINE SPECIES

Under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBCA)*, it is an offence to intentionally kill, injure, trade, keep or move any protected species in a Commonwealth area without a permit.

The Commonwealth area includes marine areas beyond the coastal waters of each State and the Northern Territory and includes all of Australia's Exclusive Economic Zone (EEZ). The EEZ generally extends to 200 nautical miles (approximately 350 kilometres) from the coast. The Commonwealth area extends further in some areas to cover the continental shelf and continental slope. It also includes the waters in the EEZ around the Australian Antarctic Territory and Australia's External Territories, such as Norfolk, Christmas, Heard and Macdonald Islands.

It is not an offence to kill, injure, trade, keep, or move a protected species in a Commonwealth area if you do so as a result of an unavoidable accident, but you are legally required to report it to the Department of the Environment and Heritage (DEH) within seven days or you could face a fine.

To report an accidental interaction with, or if you witness someone intentionally interfering with, a protected species in a Commonwealth area:

Call 1800 803 772, or

Email epbcwild@deh.gov.au, or

Write to The Secretary
Department of the Environment and Heritage
GPO Box 787
Canberra ACT 2601

When reporting interactions please include if possible:

- time and date
- species name
- number of animals
- location (latitude and longitude coordinates if possible)
- incident type (eg. dead catch, live catch and release, collision, sighting etc)
- gear or bait type used (if catch)

For accidental interactions that occur as part of normal fishing you are requested to report these to the regulating fisheries agency such as AFMA or QDPI&F. In most instances this should be done through normal reporting



mechanisms such as logbooks or catch documentation schemes.

IF YOU ARE IN ANY DOUBT – REPORT IT.

For more information on notification of interactions with a protected marine species visit

www.deh.gov.au/epbc/permits/species/notifications/index.html

For more information on the *EBPCA* visit

www.deh.gov.au/epbc/index.html

OUR MARINE LIFE CAN DIE FROM GETTING TANGLED, OR CONSUMING DISCARDED FISHING GEAR AND BAIT STRAPS. PLEASE DON 'T THROW FISHING GEAR AND BAIT STRAPS OVERBOARD.

SHARING THE COMMERCIAL FISH CATCH OF THE TSPZ WITH PAPUA NEW GUINEA

Australia and PNG exercise fisheries jurisdiction in the TSPZ, on their respective sides of the fisheries and seabed jurisdiction lines (Map 1, Appendix 3). That jurisdiction is exclusive. That is, vessels of one country break the other country's law if they fish commercially in the other country's jurisdiction without specific authorisation from the other country.

The Torres Strait Treaty recognises the rights of both countries to the commercial fisheries of the TSPZ. This recognition is implemented via the catch sharing provisions of Article 23 of the Treaty. Australia and PNG have agreed to share catches by apportioning fishing effort to the other country to provide the other country with the capacity to harvest its share of the allowable catch. In practice, this has been a process whereby each country nominates an agreed number of vessels to fish in the other country's waters.

Australia has generally not nominated Australian boats to have their licences endorsed by PNG for operation in that fishery in the PNG area of the TSPZ. However, in return PNG has accepted a proportionately smaller allocation of effort in the Australian area, ie it does not nominate as many vessels to fish in the Australian area.

PNG licence holders are not required to hold a Torres Strait Master Fisherman's licence to fish in the Australian area of jurisdiction nor does PNG have a requirement for an Australian master to hold a Master Fisherman's licence or equivalent in the PNG area of jurisdiction. Australian vessels can not be licensed in both PNG and Australia concurrently. This is distinct from being licensed by one country and have that licence endorsed by the other country. Australia and PNG have agreed not to accept applications directly from fishermen in the other country and to refer any such applications received directly from a licence holder to the appropriate authorities in the country of the



applicant's residence.

Decisions regarding the nomination of any particular Australian vessel for endorsement by PNG will be taken in the light of the management arrangements for the fishery in which the vessel operates. Fishermen should seek advice from either the QDPI&F or AFMA if they wish to consider fishing in the Torres Strait waters under PNG jurisdiction.

It is illegal for Australian fishermen to operate in the PNG part of the TSPZ without proper authorisation from PNG and without notifying Australian authorities and vice-versa.

Customs, Quarantine, and Immigration laws of both countries may apply to activities undertaken and information and advice on the requirements of these authorities should be obtained from those departments.

FISHERIES RESEARCH IN THE TSPZ

Research into PZJA fisheries is co-ordinated through the Torres Strait Scientific Advisory Committee (TSSAC). The Australian Government (AFMA) has committed \$450K per year to the Torres Strait Cooperative Research Centre (CRC) for research into the marine environment, major commercial fisheries and traditional fishing in Torres Strait. At June 2003 this arrangement will apply to the end of the 2005/06 financial year.

Research has concentrated on the most valuable fisheries, prawn, tropical rock lobster and finfish, with environmental impacts and traditional fishing also being studied. Research programs in the Torres Strait tend to be long term and aimed at providing resource or fish stock assessment advice.

The Torres Strait research program is complemented by an education and extension program, which is coordinated by the Torres Strait Cooperative Research Centre (CRC). The new role of the CRC Marine Research Liaison Officer (see page 32 for contact details) position is to provide an extension service in the Torres Strait.

Information on recent research and a list of resulting publications and reports can be found in the annual report of the PZJA which is available from AFMA or QDPI&F.

ENFORCEMENT IN THE AUSTRALIAN PART OF THE TSPZ

The QB&FP undertakes fisheries enforcement and surveillance for all fisheries in the Australian part of the TSPZ on behalf of the PZJA.



CONTROLS ON FISHING OPERATIONS

Controls on fishing operations in PZJA fisheries are effected through the gazettal of Fisheries Management Notices. Details of these Notices currently in force are at Appendix 1.

'ACROSS-THE-LINE' ENFORCEMENT

The Treaty provides for the enforcement of Australian and PNG laws in cases where fishermen of one country operate in the part of the TSPZ, or in the areas declared 'outside but near' the TSPZ, that are under the other country's jurisdiction, without authorisation from the other country or in breach of that country's laws.

Offences against PNG law by Australian vessels licensed for particular Article 22 fisheries, committed in the PNG part of the TSPZ, are heard in Australian courts as offences against the *TSFA* if they relate to the fishery for which the vessel is licensed. PNG enforcement officials may detain the vessel concerned for investigation of the offence, including the assembly of evidence, following which they must either release the vessel or hand it over to Australian enforcement officials unless there is some other ground for continuing detention (eg. Customs offences).

For all other offences involving Australian vessels in waters under PNG jurisdiction, whether in the TSPZ, in areas agreed to be 'outside but near' under an Article 22 arrangement or beyond either of these, the courts of PNG have jurisdiction to hear and determine the case, including ordering fines, forfeitures and imprisonment in PNG.

FISHERIES MANAGEMENT UNDER QUEENSLAND LEGISLATION

The *Queensland Fisheries Act 1994* applies in all waters in the Australian part of the TSPZ including the 'outside but near areas' to all fishing activities which the Torres Strait PZJA does not manage.

Queensland fisheries law also applies in the whole of the Australian part of the TSPZ to recreational fishing, ie. fishing that is not traditional fishing (subsistence fishing by traditional inhabitants) or commercial fishing (which includes community fishing). Queensland fisheries law also applies to fishing by persons on foreign vessels in TSPZ other than in relation to PZJA fisheries. Queensland also retains responsibility for aquaculture and fisheries marketing in the TSPZ. Further information on these activities can be obtained from the (see page 32 for details).



CONTACTS

Should you require further information about management of fisheries in the TSPZ, contact:

MANAGEMENT

Australian Fisheries Management Authority

Jim Prescott
 Manager – Torres Strait Fisheries
 PO Box 376
 THURSDAY ISLAND QLD 4875
 Phone: (07) 4069-1307
 Fax: (07) 4069-1277

John Marrington
 Senior Management Officer
 PO Box 376
 THURSDAY ISLAND QLD 4875
 Phone: (07) 4069-2805
 Fax: (07) 4069-1277

QDPI and Fisheries

John Kung
 Policy Officer – Torres Strait Fisheries
 GPO Box 46
 BRISBANE QLD 4001
 Phone: (07) 3225-1851
 Fax: (07) 3225-1823

Licensing

Inoni Harris
 QDPI and Fisheries
 GPO Box 46
 BRISBANE QLD 4001
 Phone: (07) 3225-1852
 Fax: (07) 3221-8793

LOGBOOKS

Prawn

Alex Lynch
 Senior Logbook Officer
 AFMA
 PO Box 7051
 CANBERRA MC ACT 2610
 Phone: (02) 6272-4212
 Fax: (02) 6272-4614

Tropical rock lobster, Spanish mackerel and docket book

Vanessa Moore
 Logbook Officer
 AFMA
 PO Box 376
 THURSDAY ISLAND QLD 4875
 Phone: (07) 4069-1990
 Fax: (07) 4069-1277

Queensland Seafood Industry Association

Barry Ehrke
 Vice President
 PO Box 392
 CLAYFIELD QLD 4011
 Phone: (07) 4056-2207
 Fax: (07) 4056-3828
 Mobile: 0412 783 734

Enforcement

District Officer
 QLD Boating & Fisheries Patrol
 PO Box 238
 THURSDAY ISLAND QLD 4875
 Phone: (07) 4069-1772
 Fax: (07) 4069-1385



CONTACTS

Scientific Advisory Committee

Dr Bruce Mapstone
 Chair - Torres Strait SAC
 Antarctic Climate and Ecosystems CRC
 Private Bag 80
 HOBART TAS 7001
 Phone: (03) 6226-7844
 Fax: (03) 6226-2973

Torres Strait Regional Authority

Peter Yorkston
 Fisheries Co-ordinator
 Torres Strait Regional Authority
 PO Box 261
 THURSDAY ISLAND QLD 4875
 Phone: (07) 4069-0700
 Fax: (07) 4069-1879

Torres Strait Prawn Entitlement Holders Association

Mark Millward
 President
 Phone: (07) 4055-6523
 Fax: (07) 4055-6529

Torres Strait Cooperative Research Centre

Toshio Nakata
 Marine Research Liaison Officer
 Torres Strait Regional Authority
 PO Box 261
 THURSDAY ISLAND QLD 4875
 Phone: (07) 4069-0700
 Fax: (07) 4069-1879



APPENDIX 1

FISHERIES NOTICES IN FORCE AS OF 30 JUNE 2004

No. 18: 08 July 1987, TORRES STRAIT BARRAMUNDI FISHERY

PROHIBITION RELATING TO THE TAKING OF BARRAMUNDI IN THE TORRES STRAIT PROTECTED ZONE

Prohibits commercial fishing for barramundi in the PZJA barramundi fishery except in the course of community fishing.

No. 19: 09 March 1988, TORRES STRAIT PRAWN FISHERY

PROHIBITION RELATING TO THE INCIDENTAL TAKING OF TROPICAL ROCK LOBSTER BY PRAWN TRAWLERS IN THE TORRES STRAIT PROTECTED ZONE AND IN CERTAIN WATERS OUTSIDE BUT NEAR THE ZONE

Prohibits the incidental taking and carrying of tropical rock lobster by prawn trawlers in the Torres Strait prawn fishery.

No. 29: 14 April 1989, TORRES STRAIT PRAWN FISHERY

PROHIBITION ON TAKING OF PRAWNS BY PAPUA NEW GUINEA BOATS

Prohibits licensed PNG prawn vessels from taking prawns in the Australian area of the Torres Strait prawn fishery unless endorsed under catch sharing arrangements. Licensed PNG vessels may carry equipment capable of being used for taking prawns (eg. otter trawl nets and boards) provided the equipment is stowed and secured.

No. 40: 24 February 1994, TORRES STRAIT PRAWN FISHERY

PROHIBITION ON TAKING PRAWNS AND CARRYING FISHING EQUIPMENT

Prohibits the taking of prawns and carrying of fishing equipment in the following areas:

- i. permanently in the area west of Warrior Reef;
- ii. permanently in the area around Darnley Island;
- iii. in the Thursday Island and Cape York transit corridor unless equipment is stowed and secured;
- iv. in the area of the prawn fishery from 01 December until 01 March the following year; and
- v. in an area east of Warrior Reef from 01 March until 31 July each year.



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No. 47: 10 September 1997, TORRES STRAIT FISHERIES

RESTRICTION ON SIZE OF BOATS

Prohibits the taking, carrying or processing of fish in any fishery under the jurisdiction of the Torres Strait PZJA, with the use of a boat longer than 20 metres.

No. 49: 16 April 1998, TORRES STRAIT PRAWN FISHERY

PROHIBITION ON TAKING PRAWNS

Amends Fisheries Management Notice No. 40. Prohibits the carrying of prawns in the area of the prawn fishery from 15 December until 01 March the following year.

No. 50: 29 March 1999, TORRES STRAIT CRAB FISHERY

PROHIBITION ON THE TAKING OF CRAB (GEAR, SIZE, AREA AND BOAT LENGTH RESTRICTIONS)

Prohibits the taking or carrying in the area of the crab fishery, of crabs of less than 150 millimetres when measured across the widest part of the carapace. If the carapace is missing the crab, when measured across the underside of the body on one side from the notch at the junction of the last leg with the body, must not be less than:

- i. blue swimmer crabs – 37 millimetres in length
- ii. mud crabs – 46 millimetres in length.

Prohibits the taking, carrying or processing of crabs in the area of the crab fishery with the use of a boat longer than 14 metres, with the use of not more than 50 crab apparatus. Requires crab apparatus used to take crabs to have an affixed tag with the owner's name and a light coloured float of at least 150 millimetres on which is recorded the registration number of the owner's boat.

No. 51: 29 March 1999, TORRES STRAIT FINFISH FISHERY

PROHIBITION ON THE TAKING OF FINFISH (GEAR, SIZE, AND AREA RESTRICTIONS)

Prohibits the taking, processing or carrying of finfish in the area of the finfish fishery by any method other than the use of a mesh, seine, bait or set mesh net not including a ring net.

Provides restrictions on length, drop and mesh size as well as restrictions on net markings, size, number and colour of floats and lights when fishing at night.



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Prohibits the taking, processing or carrying in the area of the finfish fishery, of finfish of less than the length set out in column 2 of the minimum and maximum length schedules.

No. 52: 29 March 1999, TORRES STRAIT TROCHUS FISHERY

PROHIBITION ON THE TAKING OF TROCHUS (GEAR AND SIZE RESTRICTIONS)

Prohibits the taking of trochus in the area of the trochus fishery except by hand collection, either with or without the use of underwater breathing apparatus or by using a hand held non-mechanical implement.

Prohibits the taking of trochus that, when measured in their original form as fished, at the widest part of the base of the shell, are less than 80 millimetres or more than 125 millimetres.

No. 55: 10 July 1999, TORRES STRAIT FINFISH FISHERY

PROHIBITION ON THE TAKING OF FINFISH (AMENDMENT TO FMN NO. 51)

Amends Fisheries Management Notice No. 51. Addition to the exemptions from prohibitions on taking finfish in the area of the Torres Strait finfish fishery.

No. 56: 04 May 2001, TORRES STRAIT PRAWN FISHERY

PROHIBITION ON TAKING MORETON BAY BUGS (SIZE RESTRICTION)

Prohibits the taking, processing and carrying of Moreton Bay bugs in the area of the prawn fishery with a carapace width of less than 75 millimetres.

No. 58: 22 November 2001, TORRES STRAIT TROPICAL ROCK LOBSTER FISHERY

PROHIBITIONS RELATING TO THE TAKING, PROCESSING OR CARRYING OF TROPICAL ROCK LOBSTER (SIZE RESTRICTIONS, CLOSED SEASONS, GEAR RESTRICTIONS AND BAG LIMITS)

Prohibits the taking, processing or carrying of tropical rock lobster which have a carapace length of less than 90 millimetres and where the carapace length is not available for measurement, a tail length of less than 115 millimetres. Lobster taken in the course of traditional fishing are exempt from this provision.

Prohibits the taking of tropical rock lobster during the months of October and November each year.



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Prohibits a person in the course of traditional fishing from taking or carrying more than three tropical rock lobster or where two or more people are on board a limit of six per boat applies.

Prohibits the taking of tropical rock lobster by any method other than diving and collecting by hand, with the use of a spear held in the diver's hand at all times during the diving operation, and also prohibits the use of any type of breathing apparatus other than surface supplied (hookah) equipment or the use of any form of mechanical underwater propulsion.

Prohibits taking, processing or carrying of tropical rock lobster by the use of hookah gear during the months from 01 October until 31 January the following year.

No. 60: 21 February 2002, TORRES STRAIT PRAWN FISHERY

REQUIREMENT FOR USE OF TURTLE EXCLUDER DEVICE

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. Try-nets need not be fitted with a Turtle Excluder Device.

No. 61: 21 February 2002, TORRES STRAIT PRAWN FISHERY

SHARK BYCATCH RESTRICTION AND SHARK FINNING PROHIBITION

Prohibits the taking, processing or carrying of sharks in excess of the maximum limit set. The maximum limit is the lesser of 5 sharks or 30 kilograms of shark.

Prohibits the processing or carrying of shark fins that are not attached to the trunk of the shark.

No. 62: 24 December 2002, TORRES STRAIT TROPICAL ROCK LOBSTER FISHERY

PROHIBITION ON THE PROCESSING OR CARRYING OF TROPICAL ROCK LOBSTER MEAT

Prohibits the processing or carrying of tropical rock lobster meat that has been removed from any part of a tropical rock lobster on any boat. Lobster taken in the course of traditional fishing are exempt from this provision.



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No. 63: 24 December 2002, TORRES STRAIT FINFISH FISHERY

PROHIBITION ON THE RETAINING, STORING OR CARRYING OF LIVE FINFISH

Prohibits the retaining, storage or carrying of live finfish on any boat. Live finfish taking in the course of traditional fishing are exempt from this provision.

No. 64: 24 December 2002, TORRES STRAIT BÊCHE-DE-MER (SEA CUCUMBER) FISHERY

PROHIBITION ON TAKING SEA CUCUMBERS (GEAR AND SIZE RESTRICTIONS)

Prohibits the taking of sea cucumbers in the area of the sea cucumber fishery with the use of any underwater breathing apparatus or by any other method other than collection by hand.

Prohibits the taking of sea cucumbers that, when measured in their original form as fished at their longest point, are less than the length set out in column 2 of the minimum length schedule, in respect of each species in the schedule.

No. 65: 23 February 2004, TORRES STRAIT DUGONG FISHERY

PROHIBITIONS ON THE TAKING OF DUGONGS (AREA, GEAR AND METHOD RESTRICTIONS)

Prohibits the taking or carrying of dugong on commercial fishing boats. Traditional Inhabitant Boat (TIB) licensed boats six metres or less are exempt from this prohibition.

No. 66: 23 February 2004, TORRES STRAIT TURTLE FISHERY

PROHIBITION ON THE TAKING OF TURTLE (GEAR RESTRICTIONS)

Prohibits the taking or carrying of turtle on commercial fishing boats. Traditional Inhabitant Boat (TIB) licensed boats six metres or less are exempt from this prohibition.

No. 67: 23 February 2004, TORRES STRAIT SPANISH MACKEREL FISHERY

PROHIBITION ON THE TAKING, PROCESSING AND CARRYING OF SPANISH MACKEREL (GEAR AND SIZE RESTRICTIONS AND TAKE AND CARRY LIMIT)

Replaces FMN Nos. 45 and 54 and specifies the new size limits for Spanish and spotted mackerels. The taking of mackerel by any method other than trolling, handlining or droplining is prohibited



APPENDIX 1

No. 68: 23 February 2004, TORRES STRAIT PRAWN FISHERY

PROHIBITION ON THE CARRIAGE OF EQUIPMENT (AMENDMENT TO FISHERIES MANAGEMENT NOTICE NO. 40)

Allows the deployment of fishing gear for a limited period immediately before the opening and a limited period immediately after the closing of the Torres Strait prawn fishery.

No. 69: 23 February 2004, TORRES STRAIT PEARL SHELL FISHERY

PROHIBITION ON TAKING, PROCESSING AND CARRYING OF PEARL SHELL (GEAR AND SIZE RESTRICTIONS)

Prohibits the taking of pearl shell (when measured in their original form across the shell overall from the butt or hinge to the opposite edge of the lip) of gold lip, silver lip or white shell of less than 130 millimetres in length or greater than 230 millimetres in length. Prohibits the taking of black lip pearl shell of less than 90 millimetres in length.

Prohibits the taking of pearl shell by any method other than diving or collecting by hand.

Replaces FMN No. 46 and removes the provision allowing prawn trawlers to retain up to four pearl shells.

No. 70: 23 February 2004, TORRES STRAIT PRAWN FISHERY

REQUIREMENT FOR USE OF BY-CATCH REDUCTION DEVICES

The use or possession of otter trawl equipment in the area of the Torres Strait prawn fishery is prohibited unless each net that is rigged for fishing is fitted with an approved By-catch Reduction Device.

No. 71: 23 February 2004, TORRES STRAIT PRAWN FISHERY

RESTRICTIONS ON NET SIZE

Replaces FMN No. 59 and prohibits the taking of prawns in the area of the prawn fishery with the use of or possession of:

- i. an otter trawl net, or two or more otter trawl nets where the combined head and footrope length exceeds 88 metres including the try net;
- ii. otter trawl nets the meshes of which are less than 38 millimetres in the codend; and
- iii. less than 45 millimetres in any other part of the net;
- iv. there are more than 150 meshes when measures in the vertical plane from the drawstring; or
- v. there is more than 1 line of ground chain across the mouth of each net; or
- vi. the diameter of the links of the ground chain exceed 10 millimetres; or



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- vii. the chain is used with a weight or an attachment, other than attachment for joining the chain to the net.

No. 72: 23 February 2004, TORRES STRAIT PRAWN FISHERY

PROHIBITION ON TAKING PRAWNS (TIME ALLOCATION) AND AMENDMENT TO FMN NO. 40

Replaces FMN No. 43 and specifies the calculation of fishing days utilising a Vessel Monitoring System (VMS).



APPENDIX 1

COMMUNITY FISHING NOTICES IN FORCE AS OF 30 JUNE 2004

No. 1: 29 March 1999, COMMUNITY FISHING IN THE TORRES STRAIT

PROHIBITION ON TAKING FISH WITHOUT A LICENCE

Prohibits the taking, processing or carrying of fish in the area of Australian jurisdiction by persons engaged in community fishing, other than those licensed to take, process or carry fish in the course of community fishing.

CATCH REPORTING NOTICES IN FORCE AS OF 30 JUNE 2004

No. 8: 11 July 1985, TORRES STRAIT PRAWN FISHERY

REQUIREMENT TO FURNISH INFORMATION RELATING TO THE TAKING OF PRAWNS IN THE COURSE OF COMMERCIAL FISHING

Describes the requirement for reporting commercial catches of prawns taken in the Torres Strait fishery.

No. 12: 12 September 1989, TORRES STRAIT SPANISH MACKEREL FISHERY

REQUIREMENT TO FURNISH INFORMATION RELATING TO THE DELIVERY OF SPANISH OR NARROW-BARRED MACKEREL

Describes the requirement for reporting commercial and community catches of Spanish mackerel caught in the Torres Strait fishery.

No. 13: 12 September 1989, TORRES STRAIT TROPICAL ROCK LOBSTER FISHERY

REQUIREMENT TO FURNISH INFORMATION RELATING TO THE DELIVERY OF TROPICAL ROCK LOBSTER

Describes the requirement for reporting commercial and community catches of tropical rock lobster caught in the Torres Strait fishery.



APPENDIX 2

QUICK REFERENCE GUIDE TO DIFFERENCES BETWEEN TORRES STRAIT FISHING BOAT LICENCES (TVH) AND TRADITIONAL INHABITANT BOAT (TIB) LICENCES

Issues/Conditions	Torres Fishing Boat Licence	Traditional Inhabitant Boat Licence
Eligibility	A “person”	A traditional inhabitant or a former PNG national who would have qualified to be on the “amnesty list”
Registers a boat/vessel	Yes	Yes
Can be used for commercial fishing	Yes	Yes
Requires a Master Fisherman’s licence while commercially fishing	Yes	No
Can be used for traditional fishing	Hunting for dugong and turtle is not permitted from a commercial fishing boat (ie. TVH licensed boat). However, the boat can be used for traditional fishing for other species provided that only traditional inhabitants participate in the traditional fishing activity. Bag limits apply for sea cucumbers (bêche-de-mer) and rock lobsters. Size limits do not apply for traditional fishing.	Hunting for dugong and turtle is not permitted from a TIB licensed boat over 6 metres in length. However, the boat can be used for traditional fishing for other species provided that only traditional inhabitants participate in the traditional fishing activity. Bag limits apply for sea cucumbers (bêche-de-mer) and rock lobsters. Size limits do not apply for traditional fishing.
Can be used for recreation or general transport	Yes, the boat can be used for transport and recreational fishing. Bag and size limits for recreational species must be followed.	Yes, the boat can be used for transport and recreational fishing. Bag and size limits apply. There is a fine and often blurred line between traditional fishing and recreational fishing. An example of recreational fishing is where a traditional inhabitant registers or fishes with the intention of being part of a fishing competition.



APPENDIX 2

Issues/Conditions	Torres Fishing Boat Licence	Traditional Inhabitant Boat Licence
Boat replacement policy	Yes	No
Maximum boat size (subject to replacement policy)	20 metres	20 metres (fisheries specific eg. maximum of 7 metres for sea cucumber fishery).
Transferable	<p>There are three “classes” of fishing boat licences:</p> <ol style="list-style-type: none"> 1. Non transferable dinghy licence (few in number); 2. Fully transferable boat licences and attendant tenders; and 3. “Islander transferable only” which as the name indicates can only be transferred from one traditional inhabitant to another. 	<p>There has been no need to transfer a TIB licence, as there has been no limit put on the number of licences that would be granted.</p>
Licence Fee Structure	<p>The current fee structure for Master Fisherman’s licences and Torres Strait Fishing Boat licences was introduced for all Torres Strait fisheries following the introduction of single jurisdiction on 1 April 1999.</p>	
Grant of licences	<p>No new licences are granted to non-traditional inhabitants. Most licences granted in 1985 immediately following ratification of Torres Strait Treaty and enactment of the <i>Torres Strait Fisheries Act</i></p>	<p>New licences granted to eligible persons</p>
Renewal of licences	<p>A licence comes into effect on the day of issue and remains valid for the period specified on the licence. Although licences are now only issued for a maximum period of 12 months, TS Fisheries Regulations allow for licences to be issued for up to five years.</p>	
Surrender of licence	<p>Licence holders may surrender their licence(s) by written notice to the PZJA</p>	



APPENDIX 2

Issues/Conditions	Torres Fishing Boat Licence	Traditional Inhabitant Boat Licence
Suspension/cancellation/amend conditions	The Minister may suspend or cancel a licence depending on the circumstances, or amend conditions on a licence	The Minister may suspend or cancel a licence depending on the circumstances, or amend conditions on a licence
The terms used above have the same definition as appears in the Torres Strait Treaty and the <i>Torres Strait Fisheries Act 1984</i>.		



APPENDIX 2

TORRES STRAIT ISLANDER/ABORIGINAL IDENTIFICATION CRITERIA

To determine bonafide status of a new Traditional Inhabitant Boat (TIB) licence application, Torres Strait Islanders/Aboriginals must identify to at least one of the three following criteria.

- A Torres Strait Islander who lives in the Protected Zone or adjacent coastal area of Australia and is an Australian citizen who maintains traditional customary associations with the area in relation to subsistence or livelihood or social, cultural or religious activities.**

 - The applicant is a Torres Strait Islander and is resident in your community (ie in the Protected Zone or Bamaga and Seisia on the NPA); and
 - The applicant is an Australian citizen; and
 - To the best of your knowledge, the applicant has maintained traditional associations in the Protected Zone in relation to their subsistence or livelihood or social, cultural or religious activities.

- An Aboriginal traditional inhabitant of the Torres Strait or the Northern Peninsula Area as defined under the Torres Strait Treaty and who is resident in that area.**

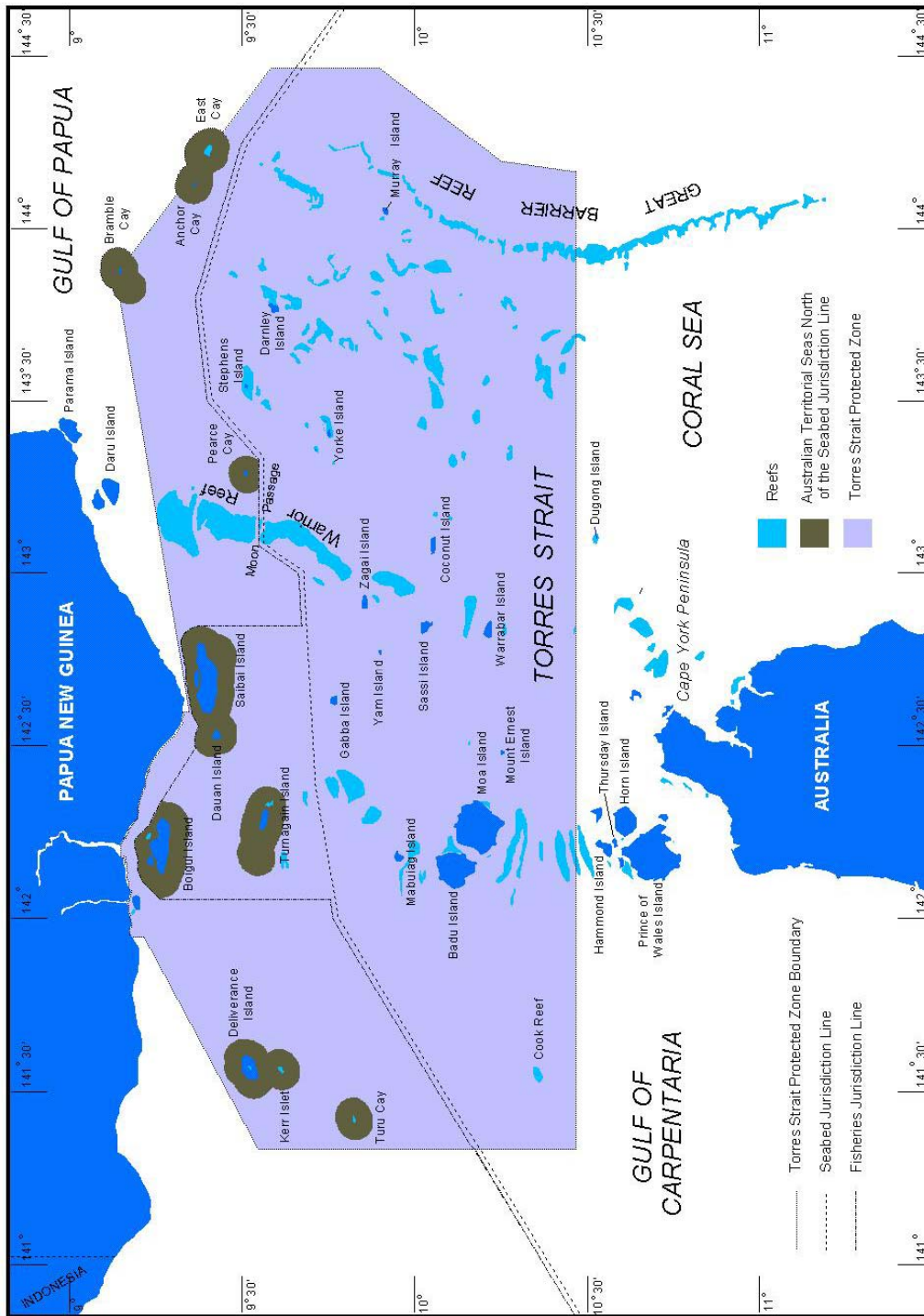
 - The applicant is Aboriginal and resident in the one of the following Aboriginal NPA communities (Umagico, New Mapoon, or Injinoo) or is resident in the Torres Strait in your community; and
 - The applicant is an Australian citizen; and
 - To the best of your knowledge, the applicant has maintained traditional associations in the Protected Zone in relation to their subsistence or livelihood or social, cultural or religious activities.

- A Papua New Guinea traditional inhabitant from the PNG area of jurisdiction of the Protected Zone who is now an Australian citizen and resides in the Protected Zone or adjacent coastal area of Australia and who was granted permanent residency status under the 1978/79 Immigration Taskforce Amnesty List.**

 - The applicant has attached a letter from the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) confirming that the application was a former Traditional Inhabitant from Papua New Guinea and has satisfied the amnesty criteria and was subsequently granted permanent residency in Australia (or is a son or daughter of); and
 - The applicant is now an Australian citizen; and
 - The applicant is resident in your community; and
 - To the best of your knowledge, the applicant has maintained traditional associations in the Protected Zone in relation to their subsistence or livelihood or social, cultural or religious activities.



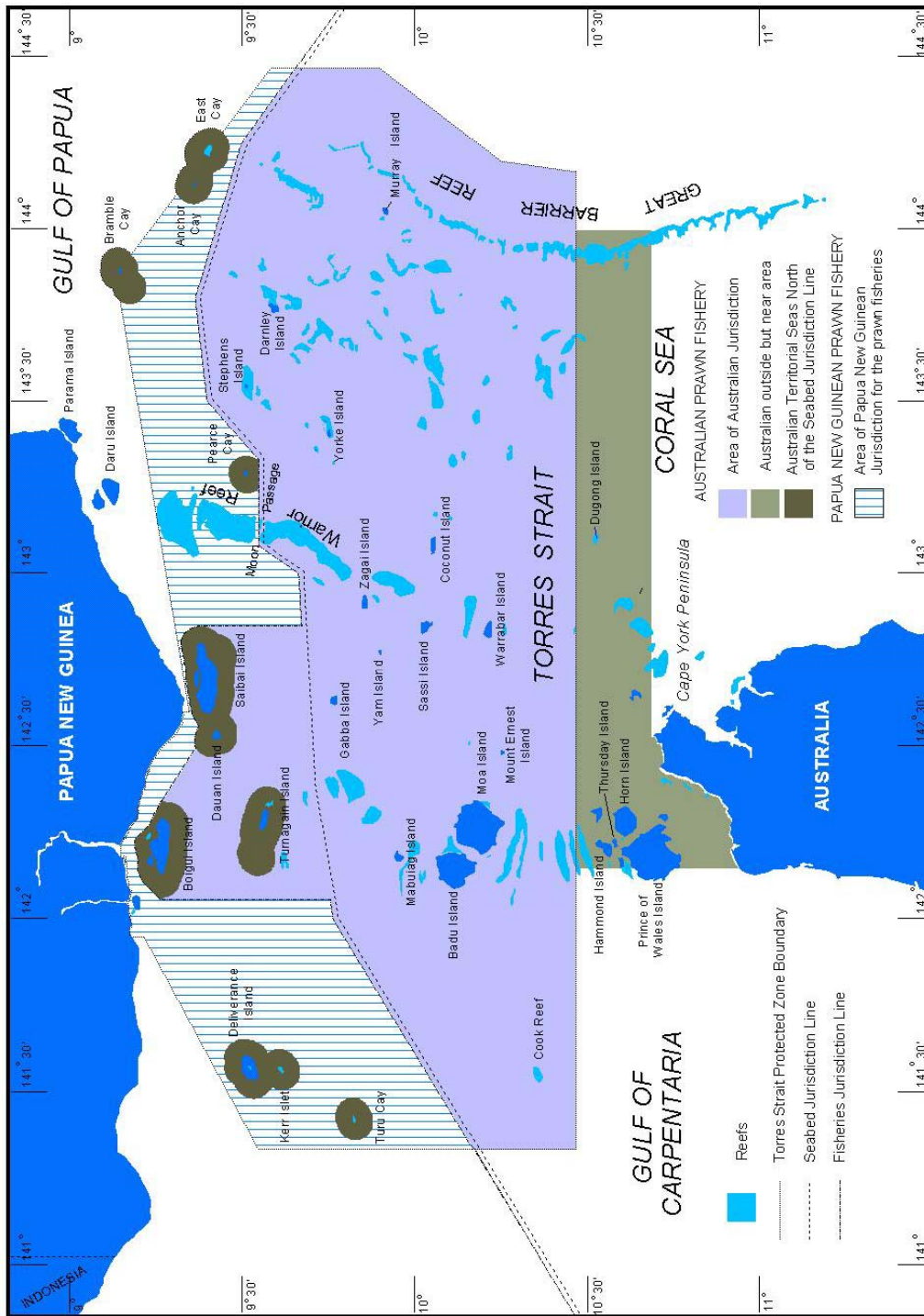
APPENDIX 3



Map 1. Area of the Torres Strait Protected Zone.



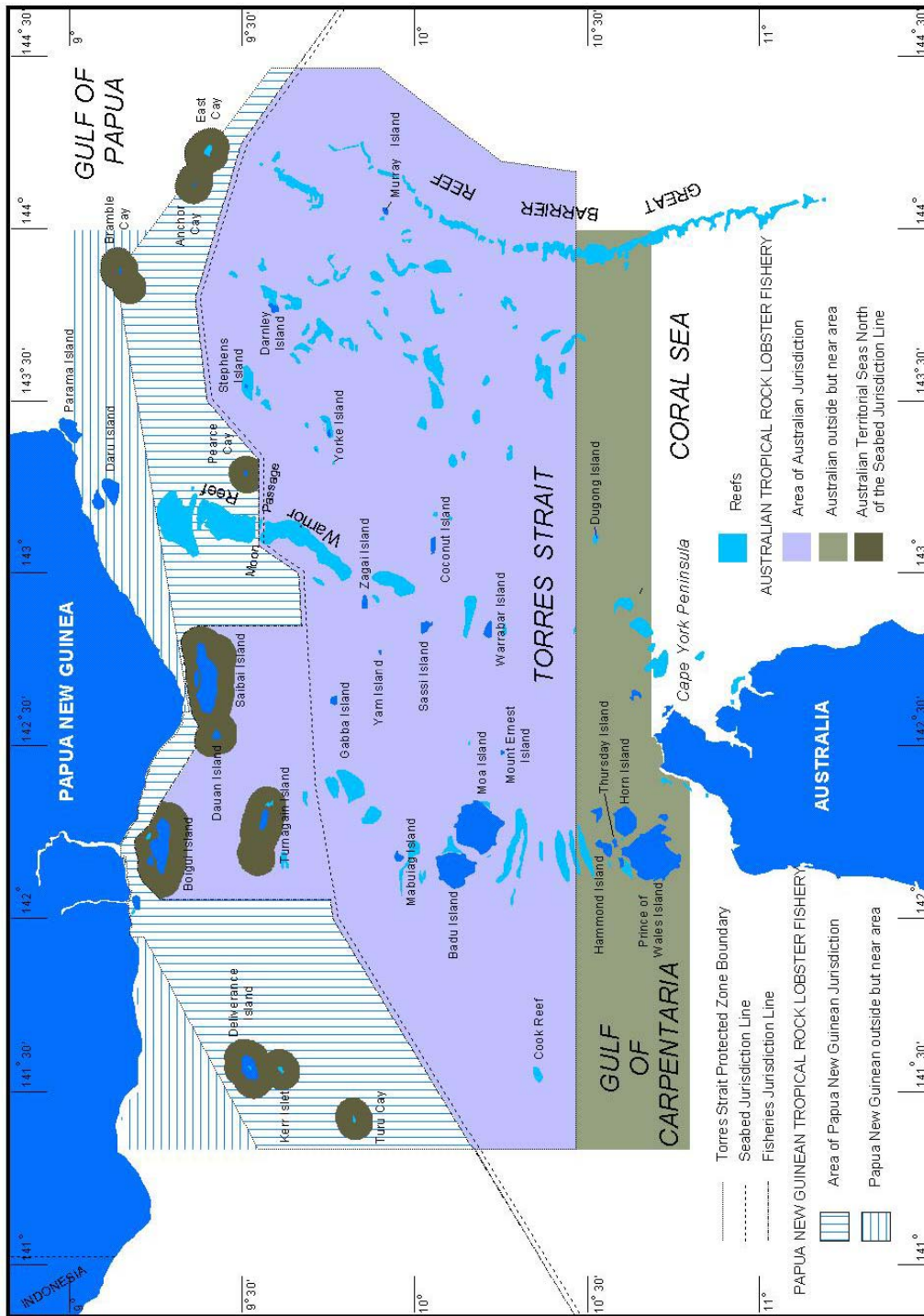
APPENDIX 3



Map 2. Area of jurisdiction for the Torres Strait prawn fishery.



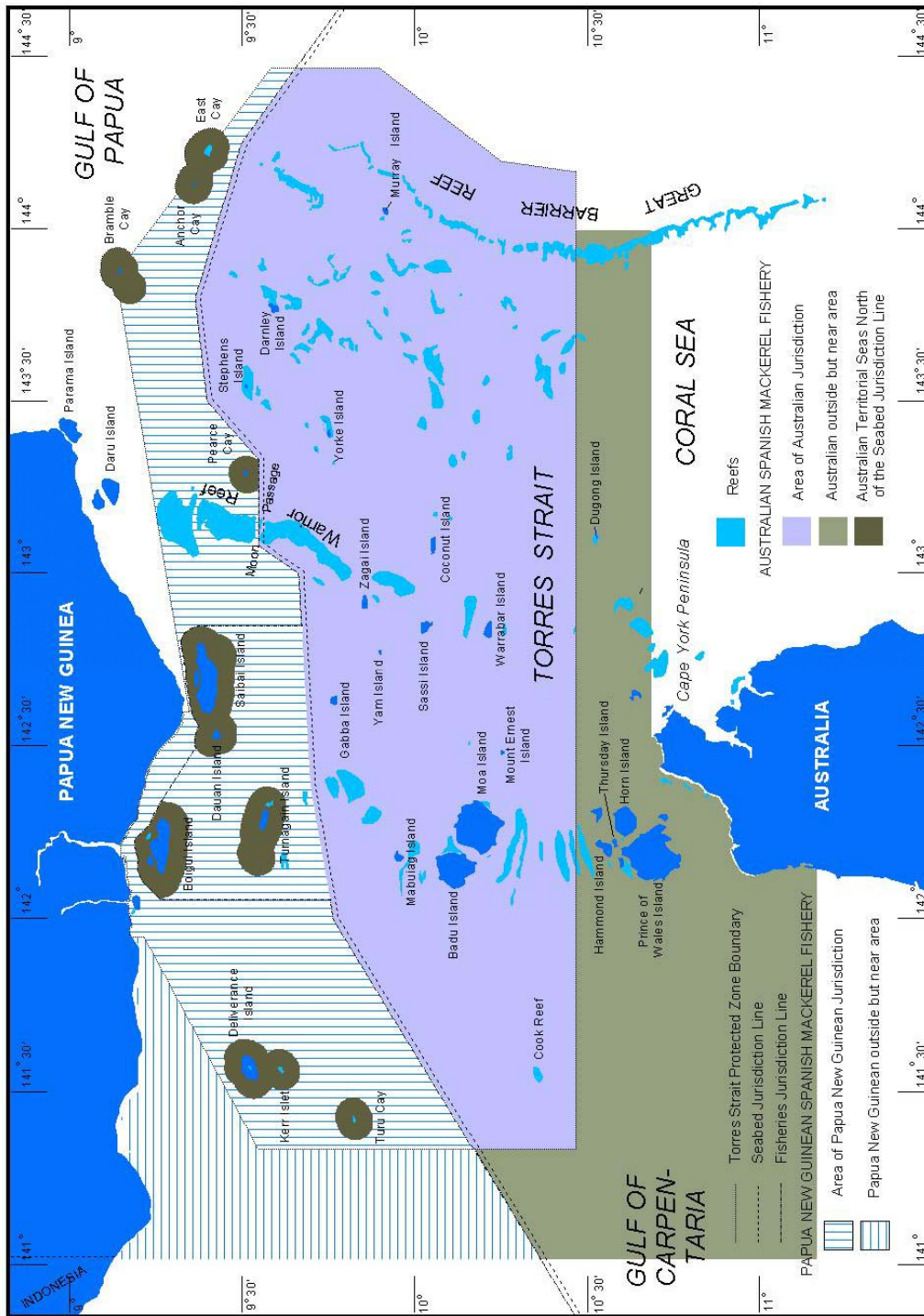
APPENDIX 3



Map 3. Area of jurisdiction for the Torres Strait tropical rock lobster fishery.



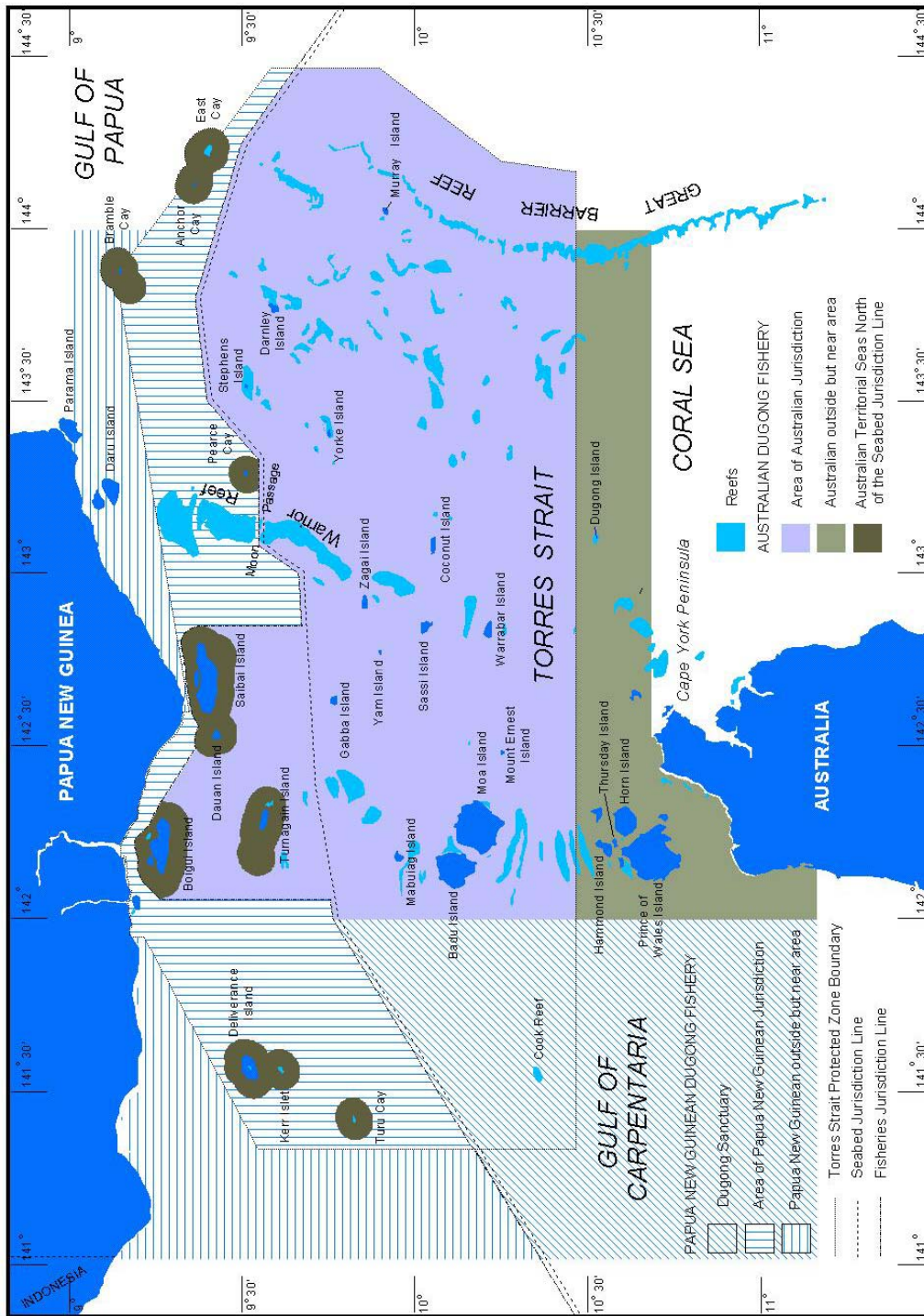
APPENDIX 3



Map 4. Area of jurisdiction for the Torres Strait Spanish mackerel fishery.



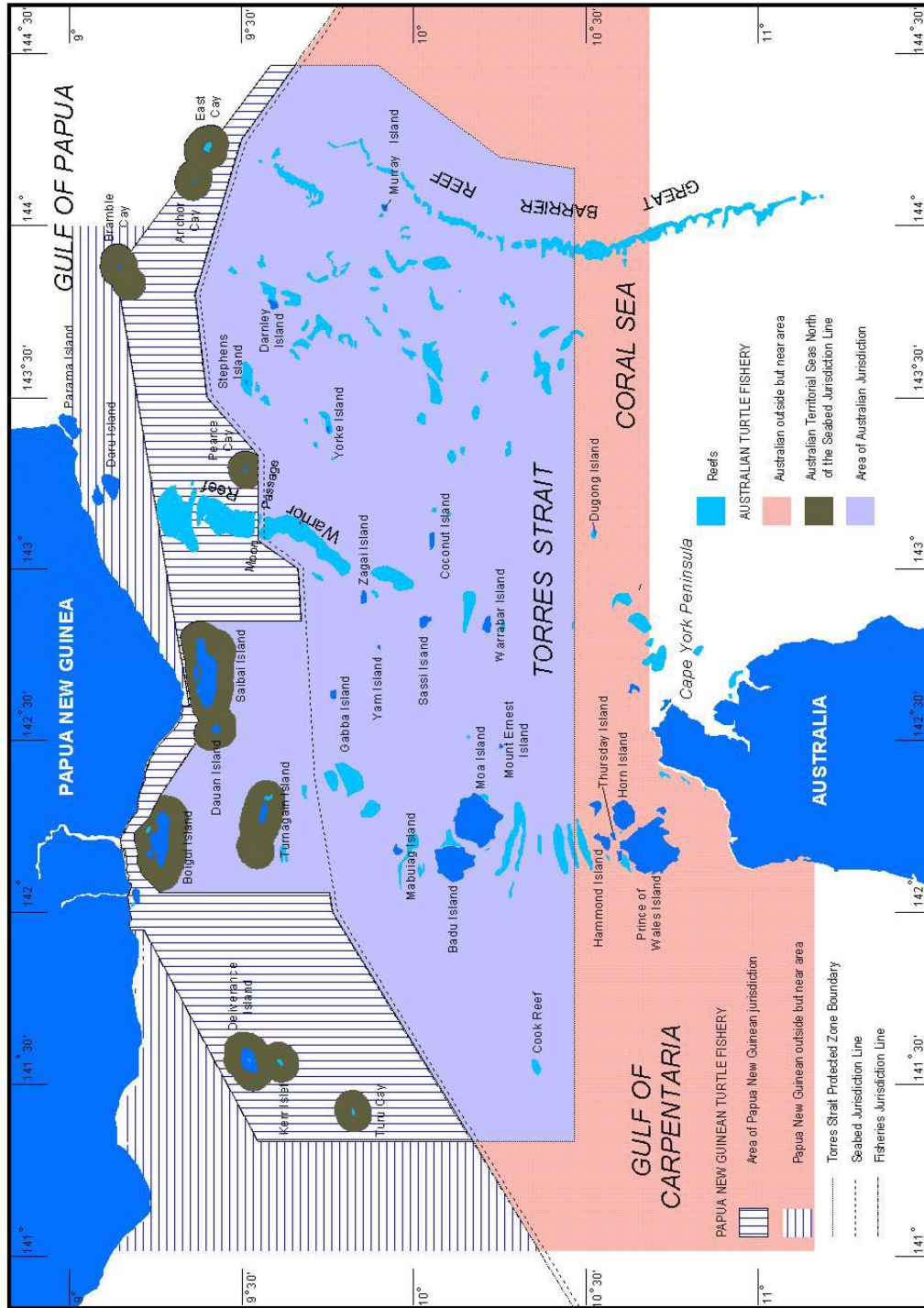
APPENDIX 3



Map 5. Area of jurisdiction for the Torres Strait traditional dugong fishery.



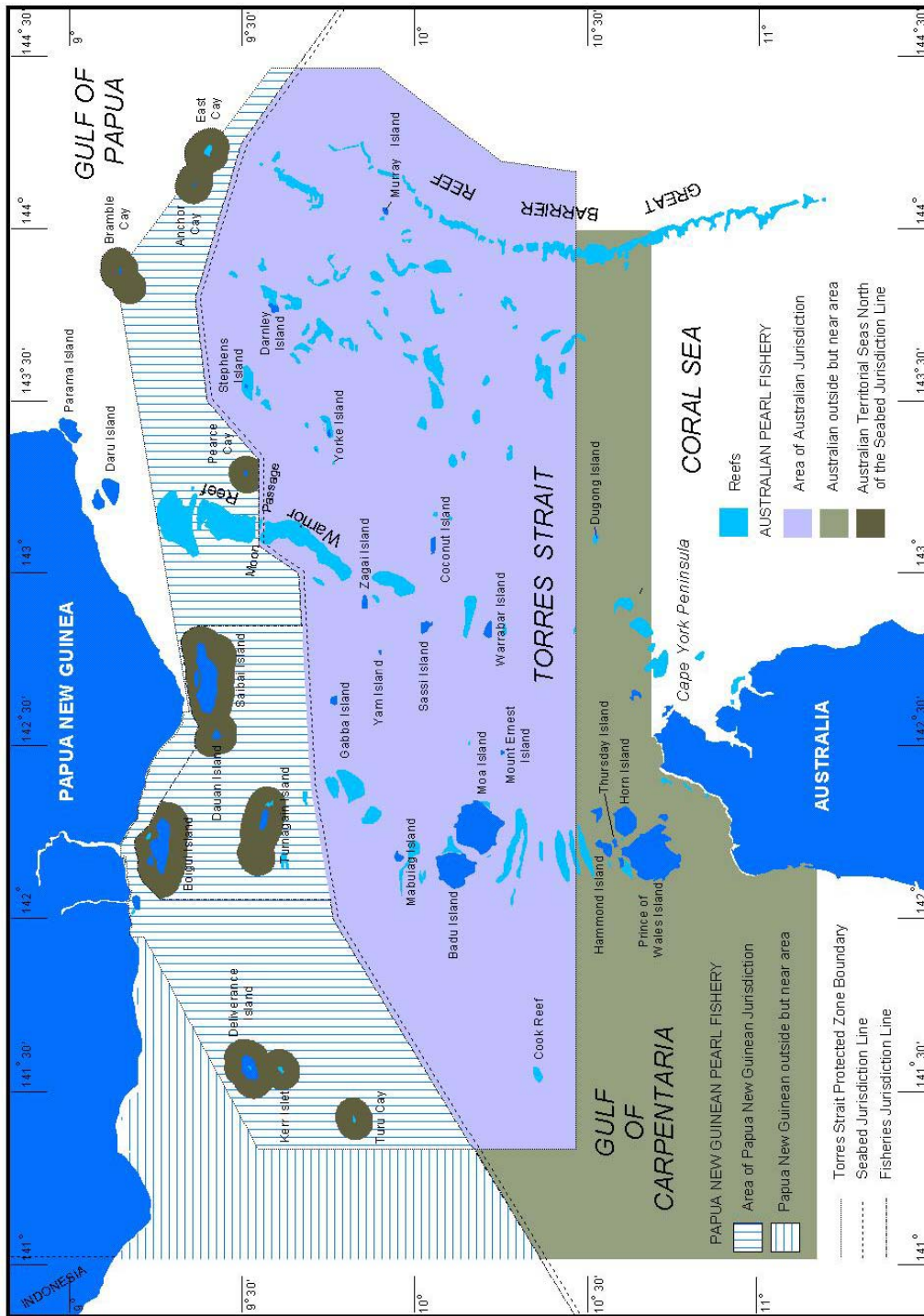
APPENDIX 3



Map 6. Area of jurisdiction for the Torres Strait traditional turtle fishery.



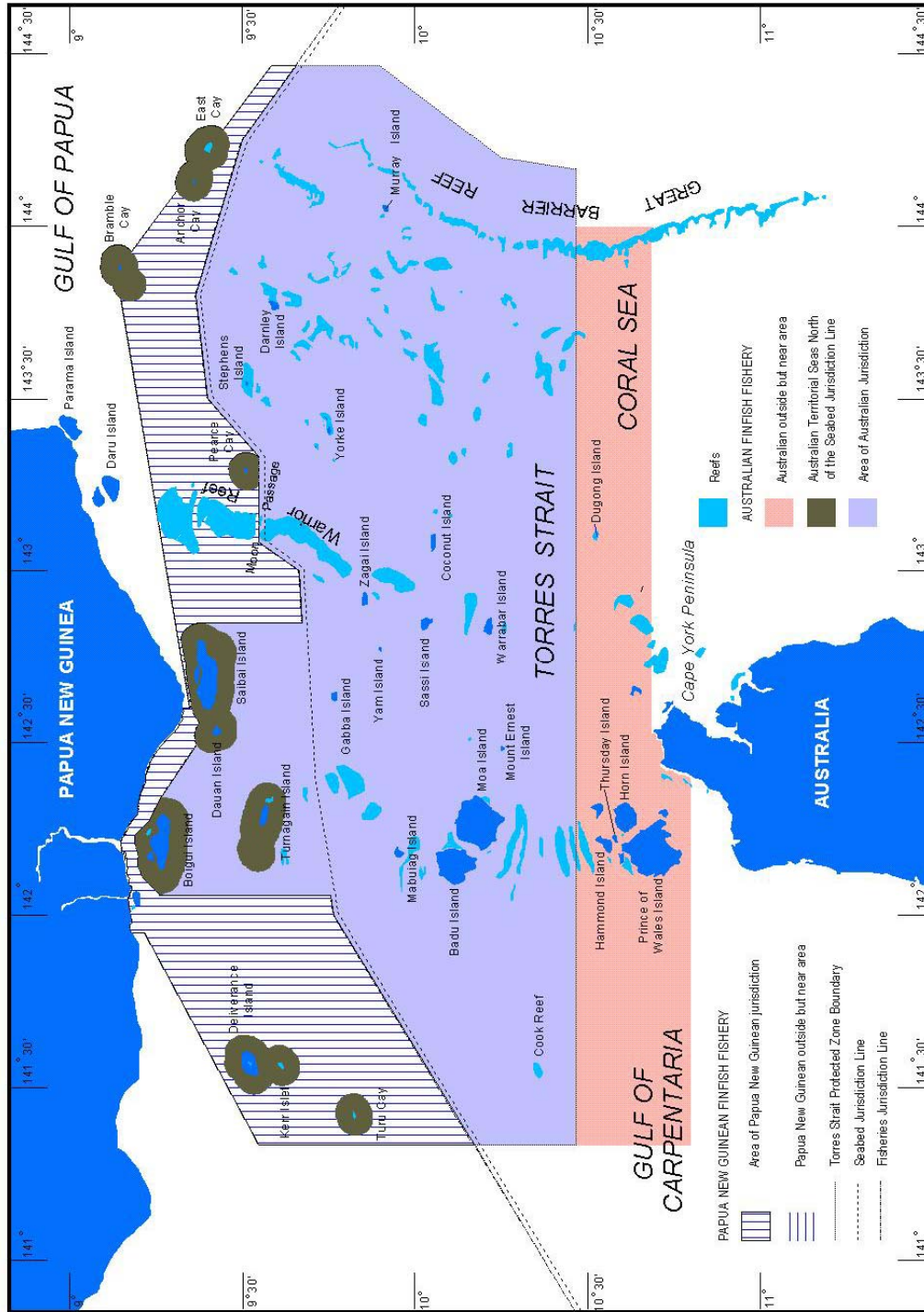
APPENDIX 3



Map 7. Area of jurisdiction for the Torres Strait pearl shell-collecting fishery.



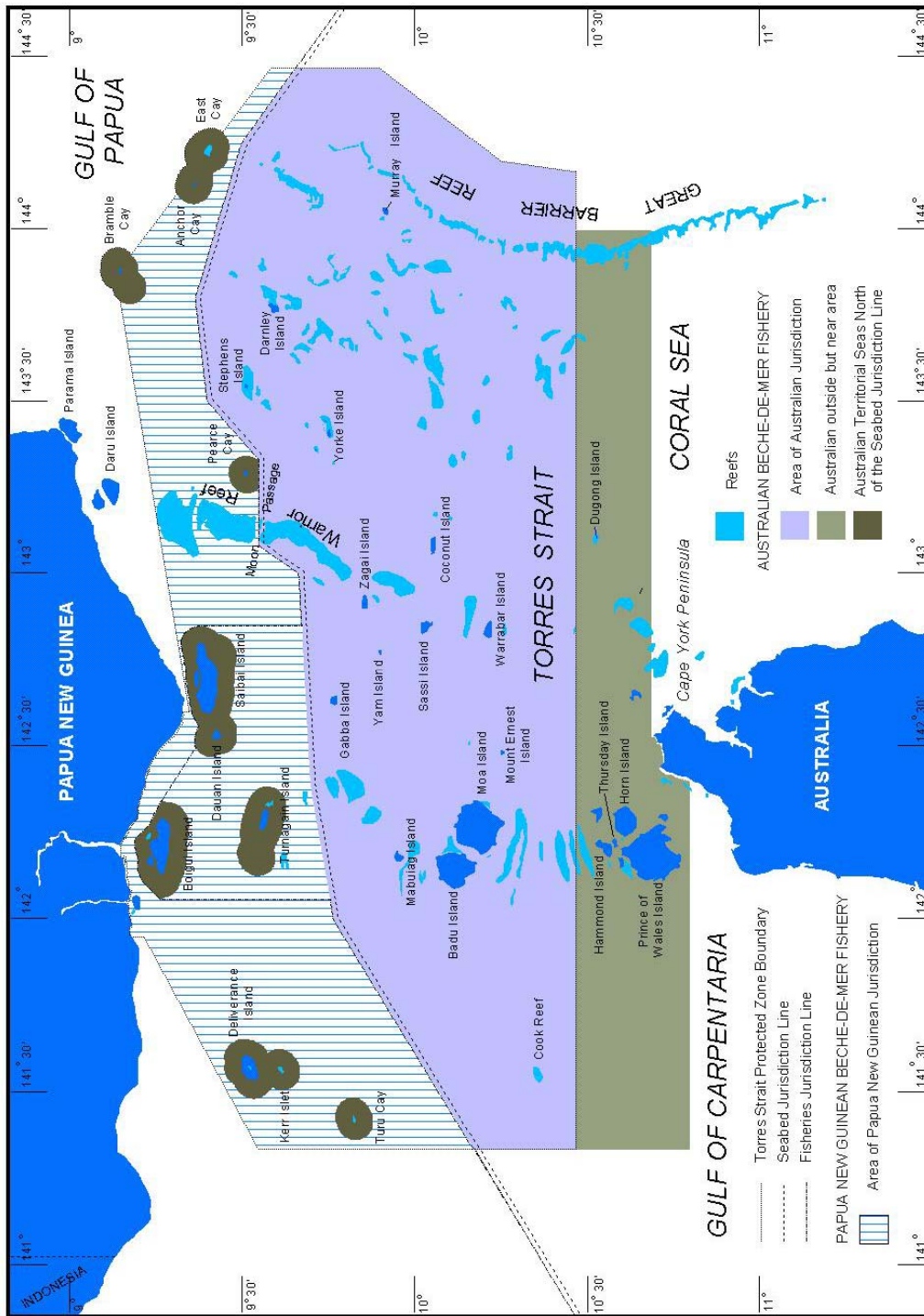
APPENDIX 3



Map 8. Area of jurisdiction for the Torres Strait finfish fishery.



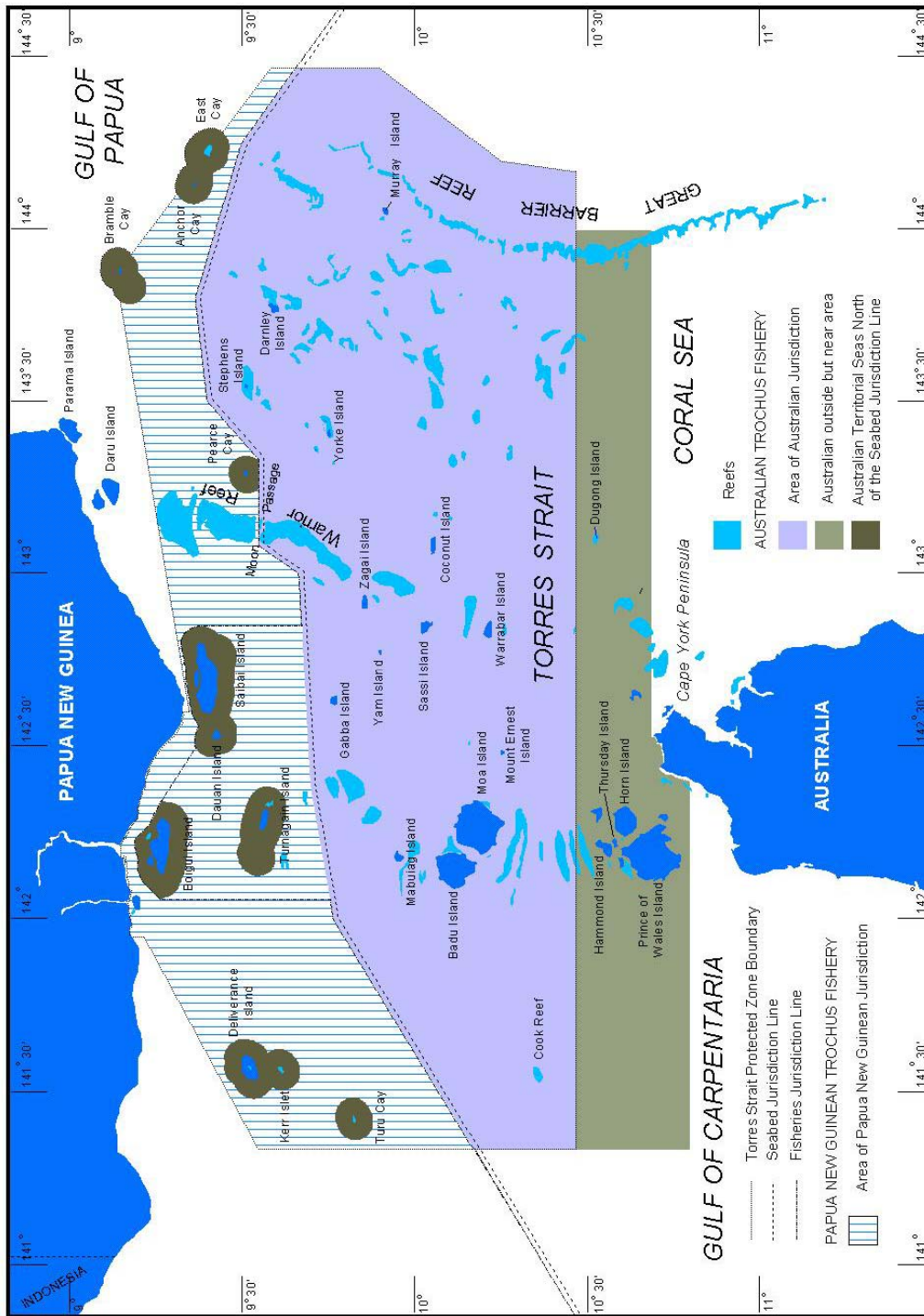
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Map 9. Area of jurisdiction for the Torres Strait bêche-de-mer (sea cucumber) fishery.



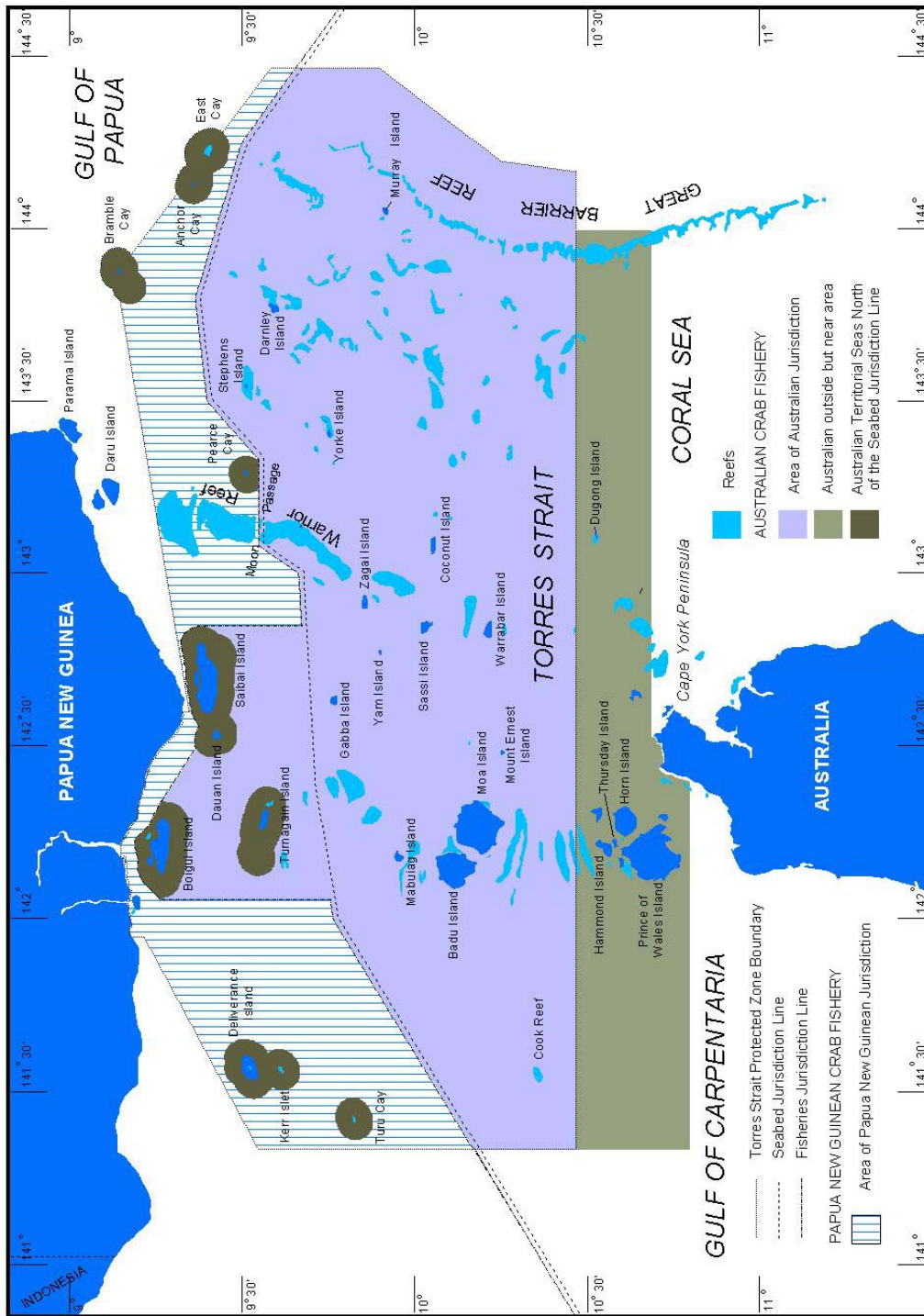
APPENDIX 3



Map 10. Area of jurisdiction for the Torres Strait trochus fishery.



APPENDIX 3



Map 11. Area of jurisdiction for the Torres Strait crab fishery.



APPENDIX 3



Map 12. Areas (bioregions as advised by CSIRO) for the Torres Strait docket book.



APPENDIX 4

CURRENT LEGISLATION RELEVANT TO TORRES STRAIT FISHERIES

- ***Environment Protection and Biodiversity Conservation Act 1999***
<http://scaleplus.law.gov.au/html/pasteact/3/3295/top.htm>
- ***Fisheries Levy (Torres Strait Prawn Fisheries) Regulations 1998***
<http://scaleplus.law.gov.au/html/pastereg/2/1437/top.htm>
- ***Native Title Act 1993***
<http://scaleplus.law.gov.au/html/pasteact/2/1142/top.htm>
- ***Torres Strait Fisheries Act 1984***
<http://scaleplus.law.gov.au/html/pasteact/0/98/top.htm>
- ***Torres Strait Fisheries Regulations 1985***
<http://scaleplus.law.gov.au/html/pastereg/0/44/top.htm>



NOTES

