

# INSTRUMENT REGULATING FISHING

*Torres Strait Fisheries Act 1984*

Section 16

**Torres Strait Finfish Fishery**

## TORRES STRAIT FISHERIES MANAGEMENT INSTRUMENT NO. 8

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The **PROTECTED ZONE JOINT AUTHORITY** acting in accordance with the powers conferred on the Authority by paragraph 35(1)(a) of the *Torres Strait Fisheries Act 1984*, of the Minister's powers under section 16 of the *Torres Strait Fisheries Act 1984*, makes the following Instrument.

Dated: 26 - 8 - 2011

  
**The Hon. Joe Ludwig, MP**

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

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### CITATION

1. This Instrument may be cited as Torres Strait Fisheries Management Instrument No. 8

### COMMENCEMENT

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

### PERIOD OF APPLICATION

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 The application of this Instrument ceases to be in force (if not previously repealed) on 31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

### REVOCATION

4. Fisheries Management Notice No. 78, dated 22 September 2006, is repealed.

### INTERPRETATION

- 5.1 In this Instrument, unless the contrary intention appears "the Act" means the *Torres Strait Fisheries Act 1984*.
- 5.2 Terms used but not defined in this Instrument have the same meaning as in the Act and the *Torres Strait Fisheries Regulations 1985*.
- 5.3 In this Instrument, unless the contrary intention appears:

“finfish” means all fish of the *Superclass Pisces* other than:

- (i) mackerels (*Scomberomorus* spp.);
- (ii) Shark mackerel (*Grammatorcynus bicarinatus*);
- (iii) tunas (*Thunnus* spp.);
- (iv) skipjack tuna (*Katsuwonus pelamis*);
- (v) fish of the Family *Bramidae* (pomfrets); and
- (vi) fish of the Families *Istiophoridae* and *Xiphiidae* (billfish).

“bait net” means:

- (i) a cast net not more than 6 metres in diameter and having a mesh size of not more than 28 millimetres; or
- (ii) a mesh or seine net not more than 400 metres in length and having a mesh size of at least 12 millimetres but not more than 45 millimetres.

“fishing apparatus” means hand held fishing lines or fishing rods or mechanically operated reels and lines.

“line fishing methods” means fishing by use of hand held fishing lines or fishing rods or mechanically operated reels and lines where:

- (i) each fishing line has no more than 6 hooks attached to it; and
- (ii) at any one time no more than 3 fishing apparatus are being used for fishing from the boat in respect of which a licence holder has been granted a licence;

“mesh net” means a net used as a gill net, mesh net, ring net or a net that is not fixed or hauled.

“mesh size” means:

- (i) for a knotted mesh net, the average distance when the net is taut between the inner edges of 2 diagonally opposite knots; and
- (ii) for a knotless mesh net, the average distance when the net is taut between the inner edges of 2 diagonally opposite corners; where the distance is determined by averaging the size of each of 10 meshes at least 30 centimetres from each other.

“seine net” means a beach or haul seine net, with or without a pocket, shot in a way to partly encircle fish.

#### **PROHIBITION (GENERAL)**

6. Pursuant to paragraph 16(1)(a) of the Act, the taking, processing or carrying of finfish, other than barramundi, in the area of the finfish fishery is prohibited.

#### **PROHIBITION (BARRAMUNDI)**

7. Pursuant to paragraph 16(1)(a) of the Act, the taking, processing or carrying of barramundi in the area of the finfish fishery is prohibited.

#### **EXEMPTIONS FROM PROHIBITION**

8. Pursuant to paragraph 16(1A)(d) of the Act:

- (a) a person holding a licence granted under subsections 19(2) or 19(3) of the Act, that entitles that person to take, process or carry finfish is exempt from the prohibition in paragraph 6; or
- (b) a person holding a licence granted under subsections 19(2) or 19 (3) of the Act which is the subject of a declaration under subsection section 17 (1) that entitles that person to take, process or carry finfish is exempt from the prohibitions in paragraph 6 and 7; or
- (c) a person holding a licence granted under subsection 19(2) or 19(3) of the Act that entitles that person to take, process or carry mackerel, is exempt from the prohibition in paragraph 6 to take a maximum of 20 kilograms of finfish in any form at any one time; or
- (d) a person holding a licence granted under subsection 19(2) or 19 (3) of the Act, other than a licence of a kind referred to in paragraphs (a) or (b), is exempt from the prohibition in paragraph 6 to take or carry at any one time:
  - (i) a maximum of 20 kilograms of finfish in any form; or
  - (ii) where a quantity of mackerel is also being carried, the combined weight of mackerel and finfish are no more than 20 kilograms; or
- (e) a person holding a licence granted under subsection 19(2) of the Act that entitles the person to take Spanish Mackerel is exempt from the prohibition in paragraph 6 to use a bait net to take bait for their own use; or
- (f) a person engaged in traditional fishing is exempt from the prohibitions in paragraphs 6 and 7.

## **SIZE LIMITS**

- 9.1 Pursuant to paragraph 16(1)(b) of the Act, it is prohibited in the area of the finfish fishery, except in the course of traditional fishing, to take, process or carry finfish:
- (a) of the kind referred to in Schedule 1, that when measured in accordance with Paragraph 9.2, are less than the minimum lengths specified in Schedule 1; or
  - (b) of the kind referred to in Schedule 2, that when measured in accordance with Paragraph 9.2, are less than the minimum lengths or greater than the maximum lengths specified in Schedule 2; or
  - (c) of the kind referred to in Schedule 3, that when measured in accordance with Paragraph 9.2, are greater than the maximum length specified in Schedule 3.
- 9.2 For the purposes of paragraph 9.1, the length of a finfish shall be measured from the point of the snout (or tip of the lower jaw, if that tip protrudes beyond the snout), to the extremity of the tail or caudal fin, whichever is longer.

### **NO TAKE SPECIES**

10. Pursuant to paragraph 16(1)(b) of the Act, it is prohibited in the area of the finfish fishery, except in the course of traditional fishing, to take, process or carry finfish of the kind referred to in Schedule 4.

### **SHARK FINNING**

11. Pursuant to paragraph 16(1)(a) of the Act, it is prohibited in the area of the finfish fishery to remove the fins from a shark and discard the torso into the sea.

### **GEAR RESTRICTIONS**

- 12.1 Pursuant to paragraph 16(1)(c) of the Act, a person is prohibited in the area of the finfish fishery to take finfish, except in the course of traditional fishing, by a method other than:

- (a) line fishing methods, where a person holds a licence granted under subsections 19(2) of the Act that entitles that person to take finfish by line fishing methods;
- (b) the use of a bait net.

- 12.2 Pursuant to paragraph 16(1)(c) of the Act, a person in the course of traditional fishing is prohibited in the area of the Torres Strait Finfish Fishery to take finfish by the use of a mesh net of more than 100 metres in length, 2.5 metres in depth and having a mesh size greater than 100 millimetres.

### **PERMANENT CLOSURES**

13. Pursuant to paragraph 16(1)(a) of the Act, the taking of finfish, except in the course of traditional fishing, is prohibited by line fishing methods in that part of the finfish fishery west of Longitude 142°31'49".

### **SEASONAL CLOSURE – BARRAMUNDI**

14. Pursuant to paragraph 16(1)(a) of the Act the taking of barramundi, except in the course of traditional fishing, is prohibited in the area of the finfish fishery during the period commencing from 1200 hours on 1 November in a year and ending 1200 hours on 1 February the following year.

## SCHEDULE 1

<b>FINFISH</b>	<b>MINIMUM LENGTH IN MILLIMETRES</b>
barramundi cod ( <i>Cromileptes altivelis</i> )	450
black king-fish ( <i>Rachycentron canadus</i> )	750
black-spot tusk-fish ( <i>Choerodon schoenleinii</i> )	300
coral trout ( <i>Plectropomus</i> spp.) other than <i>P. laevis</i> (blue-spot or ocean trout – see Schedule 2)	380
dolphin-fish ( <i>Coryphaena</i> spp.)	450
grass sweetlip ( <i>Lethrinus fletus</i> )	300
hussar ( <i>Lutjanus amabilis</i> )	250
teraglin jew ( <i>Atractoscion aequidens</i> )	380
large-mouthed nannygai ( <i>Lutjanus malabaricus</i> )	400
large-scale sea perch ( <i>Lutjanus johni</i> )	350
mangrove jack ( <i>Lutjanus argentimaculatus</i> )	350
moses perch ( <i>Lutjanus russelli</i> )	250
mulloway ( <i>Argyrosomus hololepidotus</i> )	450
pearl perch ( <i>Glaucosoma scapulare</i> )	350
purple tusk-fish ( <i>Choerodon cephalotes</i> )	300
red emperor ( <i>Lutjanus sebae</i> )	550
red throat emperor ( <i>Lethrinus miniatus</i> )	380
rosy job-fish ( <i>Etelis</i> and <i>Pristipomoides</i> spp.)	380
silver jewfish ( <i>Nibea soldado</i> )	450
silver teraglin ( <i>Otolithes ruber</i> )	300
small-mouthed nannygai ( <i>Lutjanus erthropterus</i> )	400
snapper ( <i>Pagrus auratus</i> )	350
Spangled emperor ( <i>Lethrinus nebulosus</i> )	450
spotted or black jewfish ( <i>Protonibae diacanthus</i> )	450
stripey ( <i>Lutjanus carponotatus</i> )	250
venus tusk-fish ( <i>Choerodon venustus</i> )	300
wahoo ( <i>Acanthocybium solandri</i> )	750
yellowtail king-fish ( <i>Seriola lalandi</i> )	500
bar-tailed flathead ( <i>Platycephalus indicus</i> )	300
burnett salmon ( <i>Polydactylus sheridani</i> )	400
Cooktown salmon ( <i>Eleutheronema tetradactylum</i> )	400
golden lined whiting ( <i>Sillago analis</i> )	230
luderick ( <i>Girella tricuspidata</i> )	230
pikey bream ( <i>Acanthopagrus berda</i> )	230
sand flathead ( <i>Platycephalus arenarius</i> )	300
sand whiting ( <i>Sillago ciliata</i> )	230
sea mullet ( <i>Mugil cephalus</i> )	300
small spotted grunter bream ( <i>Pomadasys agenteus</i> )	300
spotted grunter bream (grunter) ( <i>Pomadasys kaakan</i> )	300
tailor ( <i>Pomatomus saltatrix</i> )	300
tarwhine ( <i>Rhabdossargus sarba</i> )	230
yellow-finned bream ( <i>Acanthopagrus australis</i> )	230

## SCHEDULE 2

FINFISH	MINIMUM LENGTH IN MILLIMETRES	MAXIMUM LENGTH IN MILLIMETRES
barramundi ( <i>Lates calcarifer</i> )	580	1200
blue-spot trout ( <i>Plectropomus laevis</i> )	500	800
estuary cod ( <i>Epinephelus</i> sp.)	350	1200
leopard/squaretail trout ( <i>Plectropomus areolatus</i> )	380	620
red bass ( <i>Lutjanus bohar</i> )	450	550

## SCHEDULE 3

FINFISH	MAXIMUM LENGTH IN CENTIMETRES
shark of the subclass Elasmobranchii but excluding electric rays (Torpediniforms), skates (Rajiformes), and stingrays (Myliobatiforms). Also excluded are hammerhead sharks ( <i>Sphyrna lewini</i> ), grey nurse sharks ( <i>Carcharias taurus</i> ) and tiger sharks ( <i>Galeocerdo cuvier</i> ) - see Schedule 4.	200

## SCHEDULE 4

### NO TAKE SPECIES

potato cod (*Epinephelus tukula*)  
Queensland groper (*Epinephelus lanceolatus*)  
chinaman fish (*Symphorus nematophorus*)  
paddletail (*Lutjanus gibbus*)  
humphead Maori wrasse (*Cheilinus undulatus*)  
hammerhead shark (*Sphyrna lewini*)  
grey nurse shark (*Carcharias taurus*)  
tiger shark (*Galeocerdo cuvier*)