



TORRES STRAIT PRAWN FISHERY MANAGEMENT PLAN 2009

Made under s 15A of the
Torres Strait Fisheries Act 1984.

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Includes amendments up to: **Torres Strait Prawn Fishery Management Plan
Amendment 2017**

Prepared by the Australian Fisheries Management Authority

About this compilation

This compilation

This is a compilation of the *Torres Strait Prawn Fishery Management Plan 2009* that shows the text of the law as amended and in force on 16/2/2017 (the **compilation date**).

This compilation was prepared on 16/2/2017.

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Federal Register of Legislation (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Federal Register of Legislation for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Federal Register of Legislation for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Torres Strait Prawn Fishery Management Plan

Part 1 – Preliminary

1.1 Name of Plan

This Plan is the *Torres Strait Prawn Fishery Management Plan 2009*.

1.2 Commencement

This Plan commences on the day after it is registered.

1.3 Interpretation

(1) In this Plan, unless the contrary intention appears:

ALC means an Automatic Location Communicator that is part of the VMS equipment of a boat that transmits information:

- (a) about the location of the boat; and
- (b) with one or more other devices, about fishing activities being undertaken by the boat.

Act means the *Torres Strait Fisheries Act 1984*.

acting for a person means acting with the consent of, and on behalf of, the person.

approved form means a form approved by the PZJA for the section in which the term is used.

Australian unit means a unit of fishing capacity in the TSPF that is allocated to the holder of a TSPF boat licence under section 3.2, but does not include a PNG unit temporarily transferred to the holder of a TSPF boat licence.

bycatch means marine life that is:

- (a) incidentally taken in the fishery and returned to the sea; or
- (b) incidentally affected by interacting with fishing equipment in the fishery but not taken.

bycatch reduction device or **BRD** means a device that allows fish and other animals to escape immediately after being taken in the net and is constructed in accordance with any instruments under section 16 of the Act that apply to the fishery.

by-product means a species listed in Part 2 of Schedule 3 taken while fishing for prawn in the fishery.

commencement date means the date on which this Plan commences.

developmental permit means a permit granted for developmental purposes under section 12 of the Act.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999*.

estimated coordinate means a coordinate that approximates the location where a boundary intersects with the low water line of the coast.

fish receiver licence means a licence to receive fish granted under section 19(4B) of the Act.

fisheries jurisdiction line means the Torres Strait fisheries jurisdiction line as described in the Treaty.

fishery means the Torres Strait Prawn Fishery (TSPF).

fishing day, for use entitlement, means each whole number resulting from the conversion of units to use entitlement under Part 4.

fishing season has the meaning given by section 2.3.

harvest strategy means the management actions necessary to achieve defined biological and economic objectives in a fishery.

holder, for a TSPF licence or TSPF Treaty endorsement or a unit at a particular time, means the person who holds the licence, endorsement or unit at that time because of a grant of the licence or endorsement, or transfer of the licence, or allocation, transfer or temporary transfer of the unit.

interested person, for a determination, means:

- (a) a person who is able to show a continuing connection with the fishery; or
- (b) an organisation or association (whether or not incorporated) whose objectives or purposes include, or whose activities largely relate to, the fishery.

[NOTE: For example, interested persons could include:

- (a) an environmental organisation with an interest in the area of the fishery; or
- (b) persons carrying out other activities in the area of the fishery.]

length of a net means the combined length of the head rope and bottom rope of the net when taut between the outermost points of the meshes that are attached to each rope.

local time means the time of day in the State of Queensland.

observer means a person authorised by the PZJA to carry out the functions of an observer under this Plan.

PNG means Papua New Guinea.

PNG unit has the meaning given by section 4.8.

prawn means fish of a species listed in Part 1 of Schedule 3 as a target species.

prawn fishery entry means an entry under section 21 of the Act that authorises the taking, carrying or processing and carrying of prawn in the fishery.

PZJA means the Protected Zone Joint Authority.

PZJA website means web pages that form the Internet website accessible at www.pzja.gov.au.

reference point means an indicator of the level of fishing (or stock size), used as a benchmark in determining the level of fish stock in the fishery.

Register means the register of licences kept under section 10 of the Act.

Regulations means the *Torres Strait Fisheries Regulations 1985*.

scientific permit means a permit granted for scientific purposes under section 12 of the Act.

target species means a species listed in Part 1 of Schedule 3.

Total allowable catch or TAC, for a by-product species and a fishing season, means the total amount of fish of that species that may be taken in that fishing season, under all fishing entitlements to which the TAC applies, in accordance with a determination under section 2.7 or 2.8.

total allowable effort or TAE, for a fishing season, means the total fishing effort that may be expended in the fishery in that season, determined by the PZJA under section 2.5 or 2.6.

TPC licence means a licence granted under subsection 19(3) of the Act.

Treaty means the Torres Strait Treaty.

try net means a net, no longer than 10 metres, used for no longer than 25 minutes at a time for sampling or testing or to work out the abundance or presence of prawn.

TSPF boat licence means a licence granted under section 19(2) of the Act that has a prawn fishery entry that allows the boat identified in the licence to be used for commercial fishing for prawn in the fishery.

TSPF licence means a TSPF boat licence, TSPF master fisherman's licence and TSPF TPC licence.

TSPF master fisherman's licence means a licence granted under section 19(1) of the Act that has a prawn fishery entry that allows the holder to be in charge of the commercial fishing activities aboard a boat referred to on a TSPF boat licence.

TSPF TPC licence means a licence granted under section 19(3) of the Act that has a prawn fishery entry that allows the boat identified in the licence to be used for carrying, or processing and carrying, product taken by Australian boats with a TSPF boat licence in the fishery.

TSPF Treaty endorsement means an endorsement granted under section 20(1)(a) of the Act that has a prawn fishery entry that allows the boat identified in the Treaty endorsement to be used:

- (a) for commercial fishing for prawn in the fishery; or
- (b) for carrying, or processing and carrying, prawn taken in the fishery by another TSPF Treaty endorsed boat.

TSPMAC means the Torres Strait Prawn Management Advisory Committee established by the PZJA.

turtle excluder device or **TED** means a device fitted to a net, and modification made to a net, that allows turtles to escape immediately after being taken in the net, and is constructed in accordance with any instruments under section 16 of the Act that apply to the fishery.

unit means a unit of fishing capacity into which the fishing capacity is divided by the PZJA under Part 4.

use entitlement means the share of the TAE, measured in whole fishing days, which the holder can use in the fishery in a given season as determined under Part 4.

VMS means Vessel Monitoring System

[NOTE: Unless otherwise stated, a term that is used in both this Plan and the Act has the same meaning in this Plan as it has in the Act. The following terms are defined in section 3 of the Act:

Australian boat, carrying, commercial fishing, community fishing, fish, fishing, foreign boat, officer, Papua New Guinea boat, processing, Protected Zone, take, Torres Strait Treaty, traditional fishing, traditional inhabitants.]

- (2) In this Plan, a reference to a person who holds a TSPF licence, TSPF Treaty Endorsement or units includes a reference to a person acting for a person who holds the TSPF licence, TSPF Treaty Endorsement or units.

1.4 Area of the fishery

- (1) The area of the fishery is the area described in Part 1 of Schedule 1, excluding the area described in Part 2 of Schedule 1.
- (2) The position of a geographical coordinate in the description of the area of the fishery and areas excluded from the fishery in Schedule 1 is to be determined by reference to the Australian Geodetic Datum 1966 (AGD66).

- (3) For convenience in the use of navigational aids, the area of the fishery and areas excluded from the fishery are also described in Schedule 2 by reference to the World Geodetic Datum 1984 (WGS84).
- (4) Any inconsistency between the description of the areas in Schedules 1 and 2 is to be resolved by reference to Schedule 1.

1.5 Objectives of this Plan (Act s 15A(2))

The PZJA is to have regard to the following objectives for the TSPF, so far as they are not inconsistent with the objectives in section 8 of the Act:

- Objective 1** Ensure the optimum utilisation of the fishery resources within the TSPF is consistent with the principles of ecologically sustainable development and the exercise of the precautionary principle.
- Objective 2** Promote economic efficiency in the utilisation of the fisheries resources within the TSPF.
- Objective 3** Ensure cooperative, efficient and cost effective management of the Fishery.
- Objective 4** Manage the fishery's interaction with the marine environment including the incidental capture of non-target species and impacts on demersal habitats.

1.6 Measures and performance criteria

- (1) The measures by which the objectives of this Plan are to be attained, and the performance criteria against which, and time frames within which, the measures taken are to be assessed, are as follows:

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Objective 1 Ensure the optimum utilisation of the fishery resources within the TSPF is consistent with the principles of ecologically sustainable development and the exercise of the precautionary principle.

Measures by which objectives are to be attained	Performance criteria
The preservation of all ecologically sustainable traditional fishing opportunities for traditional inhabitants of Australia and Papua New Guinea.	<p>The incidental take of, or interaction with species that are recognised as important for Traditional fishing are to be monitored and reported on annually in fishery assessment reports.</p> <p>An appropriate proportion, to be determined by the PZJA, of the Torres Straits is available as refuge for key traditional fishing species.</p> <p>Interactions with key species, as monitored by observers over a three year period, do not increase by a percentage to be set by the PJZA within one year of the management plans' implementation.</p> <p>A list of key traditional species is to be developed and approved by the PZJA as soon as practicable after the Plans' commencement date.</p>
<p>Develop an Environmental Management Strategy (EMS) that will include, but not be limited to an Ecological Risk Assessment (ERA) and a bycatch reduction strategy.</p> <p>Implementing spatial management arrangements as necessary taking into account subsection 2.4.</p>	<p>Development and periodic revision of EMS components.</p> <p>Development of a cost-effective spatial management or other conservation measure that includes performance indicators.</p>
<p>Develop a program of research, data collection and monitoring relevant to the assessment and management of the TSPF.</p> <p>Ensuring that the management of the fishery takes into account the results of any research conducted in relation to the fishery.</p>	<p>Development and maintenance of an ongoing program of research, data collection and monitoring.</p> <p>Management practices of the fishery and results of any research conducted in relation to the fishery are published annually in fishery assessment reports.</p> <p>Strategies are developed and implemented in accordance with research to meet the fisheries research priorities, and appropriate components of the EMS.</p>
Maintain a unit based effort management system to control the sustainable level of effort in the fishery.	<p>Effectiveness of the effort based management and evaluation of alternative management strategies if required.</p> <p>Effort in the fishery successfully manipulated as a result of stock assessment and other scientific advice (including levels of interactions with traditional fishery species and bycatch species) via variations in the unit system.</p>

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Measures by which objectives are to be attained	Performance criteria
Maintaining target stocks at a point where population size/biomass is greater than that required to support maximum sustainable yield.	<p>Development of a harvest strategy for the fishery, including biological reference points for key species by the end of 2009.</p> <p>Development and periodic assessment of biological reference points for key target and by-product species.</p> <p>The level of effort in the fishery should reflect both prawn stocks in the fishery and the impact of the fishery on habitat, bycatch and traditional fishing.</p>
Continue and improve an effective program of catch monitoring and surveillance in the TSPF.	Monitoring of compliance in the fishery published in annual fishery assessment reports.

Objective 2 Promote economic efficiency in the utilisation of the fisheries resources within the TSPF.

Measures by which objectives are to be attained	Performance criteria
The development of a series of biological, economic and other data that can be used to assess the fishery.	<p>Development of economic efficiency indicators which may include GVP and utilisation of allocated fishing days.</p> <p>Developed economic indicators and performance against indicators are published in the annual report.</p>
Movement of licences and effort units between operators.	The number of units/allocated fishing days that move in a year are measured and included in the annual fishery assessment report.

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Objective 3 Ensure cooperative, efficient and cost effective management of the Fishery.

Measures by which objectives are to be attained	Performance criteria
<p>Effective consultation on issues potentially affecting traditional fishers.</p> <p>Engage traditional inhabitant communities in consultation processes, specifically for issues regarding economic opportunities within the fishery.</p> <p>Facilitation of consultation with industry members regarding management of the TSPF.</p>	<p>Representatives from traditional inhabitant communities are consulted on issues affecting traditional fishing practices.</p> <p>A minimum of two TSPMAC meetings a year, with at least two Industry members and two traditional inhabitant members.</p>
<p>Preparing annual budget costs associated with the fishery, setting and collecting levies and fees for the fishery.</p>	<p>Annual TSPF budget associated with managing the TSPF developed in consultation with industry.</p> <p>Budgetary objectives for the fishery are set by end of 2009.</p> <p>Government target for the recovery of the costs of management in relation to the TSPF are met on an annual basis.</p>
<p>Maintain accuracy and consistency of information kept in relation to the fishery.</p>	<p>Periodic review of data collected in catch and effort logbooks.</p>
<p>Monitoring the cost-effectiveness of, and compliance with the TSPF management arrangements.</p>	<p>Periodic review of Compliance Risk Assessment.</p> <p>PZJA will develop and periodically review a strategy to implement any recommendations of the compliance risk assessment of the fishery.</p>
<p>Increasing industry understanding of TSPF management, research and environmental matters.</p>	<p>Development and maintenance of a Communications strategy.</p> <p>Extension program to communicate achievements and promote TSPF as a responsible fishery in pursuing ecological sustainability developed and implemented by end of 2009.</p>

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Objective 4 Manage the fishery's interaction with the marine environment including the incidental capture of non-target species and impacts on demersal habitats.

Measures by which objectives are to be attained	Performance criteria
Monitor the impact of fishing practices in the TSPF on non-target species and marine ecosystems.	Development of ERA that identifies the impacts of fishing and other activities on the sustainable management of the TSPF. Observer program data collected to assess the impacts of fishing on the sustainable management of the TSPF, non-target species and associated marine ecosystems. Development and periodic assessment of biological reference points for key bycatch species and species of significance for traditional fishing as soon as practicable following the commencement date.
Closure/exclusion regimes that ensure critical habitats of non-target species are protected.	Identified critical habitats to be protected from fishing within 18 months of being identified. Facilitated by the Torres Strait Scientific Advisory Committee.
To ensure that bycatch levels and impacts on the ecosystem are sustainable and consistent with legislative requirements.	The level of observer coverage of effective effort in the fishery is maintained at or above a statistically robust level determined by the PZJA. The effectiveness of bycatch reduction strategies are periodically reviewed.
Obtain information on target, by-product and discard species to determine their vulnerability to trawling.	Species biological parameters collected as part of observer and research programs.
Maintain and develop fishing gear designed to minimise impacts on the ecosystem.	Fishing gear, including turtle excluder devices (TED) and BRDs updated across the fishery as deemed necessary by the PZJA. BRDs must be efficient in reducing bycatch while keeping levels of prawn loss within PZJA agreed limits. The acceptable levels of prawn loss are to be agreed upon by the TSPMAC within 12 months of the commencement of this Plan.
Support research on bycatch reduction and development of gear modifications to reduce bycatch.	Research programs result in industry acceptance and uptake of more efficient BRDs.

- (2) PZJA and TSPMAC will, at least once every 5 years, assess the effectiveness of this Plan, including the measures taken to achieve these objectives, by reference to the performance criteria set out in subsection (1).
- (3) Each year, TSPMAC will assess the extent to which the performance criteria have been met in that year.
- (4) PZJA will include in its annual report for a financial year a statement of the extent to which the performance criteria were met in the year.
- (5) PZJA will develop a clear process and timeframe for determining the reason for failing to meet a performance criterion and implement appropriate management measures within specified timeframes.

1.7 Persons to whom this Plan applies

- (1) This Plan applies to a person who is engaged in, or intends to engage in, any of the following in the area of the fishery:
 - (a) commercial fishing for species listed in Schedule 3;
 - (b) carrying, or processing and carrying, commercially caught species listed in Schedule 3;
 - (c) scientific or developmental research for species listed in Schedule 3.

1.8 Persons to whom this Plan does not apply

- (1) This Plan does not apply to a person who:
 - (a) is engaged in recreational fishing (whether from a charter boat or otherwise); or
 - (b) is engaged in traditional fishing.

Part 2 Fishing in the fishery

2.1 Who may fish in the fishery

- (1) A person may fish commercially for prawn in the area of the fishery only if the person:
 - (a) holds a TSPF master fisherman's licence; and
 - (i) is fishing from an Australian boat nominated on a TSPF boat licence; and
 - (ii) the holder of the TSPF boat licence holds unused units; or
 - (b) is under the direction of a person mentioned in paragraph (a); or
 - (c) is fishing from a PNG licensed boat that is owned by a person who holds:
 - (i) a TSPF Treaty endorsement for that boat; and
 - (ii) unused PNG units.

[NOTE: for endorsement of PNG licensed boats, see s.20 of the Act.]
- (2) A person may take fish in the fishery for developmental purposes only if the person:
 - (a) is fishing from a TSPF licensed boat; and
 - (b) holds a developmental permit for that boat.
- (3) A person may take fish in the fishery for scientific purposes only if the person holds a scientific permit.

2.2 Fishing methods

- (1) The requirements that apply to fishing methods and the catch or incidental capture of bycatch and by-product species are the requirements set out in instruments made under section 16 of the Act that apply to the fishery.

2.3 Fishing season

- (2) The PZJA will determine the fishing season in a particular year.
- (3) A determination under subsection (1) for a year must:

- (a) be made at least 2 weeks before the start of the fishing season or, if the determination is extending the fishing season, at least 2 weeks before the end of the fishing season; and
- (b) be published on the PZJA website and, if practicable, notified to all holders of TSPF licences and TSPF Treaty endorsements.

2.4 Determination of reference points

- (1) As soon as practicable after this Plan commences, the PZJA will determine reference points for the fishery that are appropriate to uphold the objectives of the Plan.
- (2) The PZJA will review the reference points at least every two years to ensure that they remain appropriate.
- (3) The PZJA must:
 - (a) monitor catch information on by-product species; and
 - (b) if concerns about a species are identified, determine reference points that are appropriate for maintaining ecologically viable stocks of that species and an ecologically sustainable fishery.

2.5 Determination of total allowable effort (TAE)

- (1) At least every 3 years the PZJA will determine the TAE for the fishery, based on the reference points determined under section 2.4, or other management strategy.
- (2) Before determining the TAE, the PZJA:
 - (a) will consult the TSPMAC and consider the TSPMAC's views; and
 - (b) may consult and consider the views of interested persons.
- (3) The PZJA may determine a specific TAE for particular parts of the area of the fishery.
- (4) If the PZJA determines a TAE for a particular part of the fishery, it may determine use entitlements for each TSPF boat licence and TSPF Treaty endorsement holder for that part of the fishery, as set out in section 4.3.
- (5) A determination under this section must be published on the PZJA website and, if practicable, notified to all holders of TSPF boat licences and TSPF Treaty endorsements.
- (6) The TAE will be described in terms of fishing days.

2.6 Changing the total allowable effort (TAE)

- (1) The PZJA may by determination increase the TAE determined under section 2.5 after the start of a fishing season if it is satisfied that:
 - (a) there is evidence that the fishery will be under-utilised if the TAE is not increased; and
 - (b) there will be no substantial increase in the impact of fishing on bycatch species or traditional fishing species as a result of the increase.
- (2) The determination increasing the TAE must:
 - (a) set out the new TAE, and the period for which it remains in force; and
 - (b) set out the reasons for the increase; and
 - (c) be published on the PZJA website and, if practicable, notified to all holders of TSPF boat licences and TSPF Treaty endorsements.

- (3) The PZJA may by emergency determination reduce the TAE determined under section 2.5 after the start of a fishing season if it is satisfied that:
 - (a) there exists a significant threat to the fishery's resources or to a fish or fish habitat; and
 - (b) urgent action needs to be taken to deal with the threat.
- (4) The emergency determination must:
 - (a) set out the nature of the emergency; and
 - (b) set out the amended TAE, and the period for which it remains in force; and
 - (c) be published on the PZJA website and, if practicable, notified to all holders of TSPF boat licences and TSPF Treaty endorsements.
- (5) The PZJA will revoke the emergency determination reducing the TAE as soon as practicable after it is satisfied that the emergency no longer exists.

2.7 Total allowable catch (TAC) for by-product

- (1) The PZJA may determine a total allowable catch (TAC) for a particular by-product species for a season.
- (2) If the PZJA determines a TAC for a by-product species, the total amount of that species retained in that season must not exceed the TAC.
- (3) The PZJA may also set the TAC of the holder of a TSPF boat licence and a TSPF Treaty endorsement for a by-product species by reference to the proportion of TAE held by each TSPF boat licence and TSPF Treaty endorsement holder.
- (4) If the PZJA sets the TAC as described in subsection (3), the amount of that species retained by a TSPF boat licence or TSPF Treaty endorsement holder must not exceed the limit determined by reference to that holder's proportion of the TAE.
- (5) Before determining a TAC, the PZJA:
 - (a) will consult the TSPMAC and consider the TSPMAC's views; and
 - (b) may consult and consider the views of interested persons.
- (6) The PZJA may determine a specific TAC for particular parts of the area of the fishery.
- (7) If the PZJA determines a TAC for a particular part of the fishery, it may determine TACs for each TSPF boat licence and TSPF Treaty endorsement holder for that part of the fishery.
- (8) A determination of TAC must specify:
 - (a) the TAC, expressed in:
 - (i) whole weight; or
 - (ii) other weight, as specified in the determination; and
 - (b) the period for which the TAC applies; and
 - (c) if the TAC applies only to a part of the area of the fishery – that part.
- (9) A determination under this section must be published on the PZJA website and, if practicable, notified to all holders of TSPF boat licences and TSPF Treaty endorsements.

2.8 Changing the total allowable catch (TAC)

- (1) The PZJA may by determination increase the TAC determined under section 2.7 after the start of a fishing season if it is satisfied that there will be no substantial

- increase in the impact of fishing on bycatch species or traditional fishing species as a result of the increase.
- (2) The determination increasing the TAC must:
 - (a) set out the new TAC, and the period for which it remains in force; and
 - (b) set out the reasons for the increase; and
 - (c) be published on the PZJA website and, if practicable, notified to all holders of TSPF boat licences and TSPF Treaty endorsements.
 - (3) The PZJA may by emergency determination reduce the TAC determined under section 2.7 after the start of a fishing season if it is satisfied that:
 - (a) there exists a significant threat to the fishery's resources or to a fish or fish habitat; and
 - (b) urgent action needs to be taken to deal with the threat.
 - (4) The emergency determination must:
 - (a) set out the nature of the emergency; and
 - (b) set out the amended TAC, and the period for which it remains in force; and
 - (c) be published on the PZJA website and, if practicable, notified to all holders of TSPF boat licences and TSPF Treaty endorsements.
 - (5) The PZJA will revoke the emergency determination reducing the TAC as soon as practicable after it is satisfied that the emergency no longer exists.

2.9 Instruments under s.16 of the Act

The PZJA may make instruments under section 16 of the Act to give effect to this Plan.

Part 3 Fishing licences

3.1 Grant of licences

- (1) As set out in section 19 of the Act, licences may be granted for commercial fishing from a boat in the fishery and for carrying, or for carrying and processing product in the fishery.

[NOTE: by section 36 of the Act, the Minister's powers concerning licences are exercisable by the PZJA.]

3.2 TSPF boat licences

- (1) A TSPF boat licence granted under subsection 19(2) of the Act allows the boat identified on the licence to be used for commercially fishing for prawn in the fishery in accordance with this Plan.
- (3) The PZJA must ensure that no more than 61 TSPF boat licences are in force at any one time.
- (4) The PZJA must not allow a licence granted under section 19(2) of the Act to have an entry that authorises fishing in both the TSPF and the Torres Strait Tropical Rock Lobster fishery.
- (5) A TSPF boat licence may only be granted to an Australian citizen.

3.3 Transfer of TSPF boat licence

- (1) A holder of a TSPF boat licence (the **transferor**) may transfer the licence to another person (the **transferee**), as set out in section 25 of the Act and in this section.
- (2) A licence may only be transferred to a person who is an Australian citizen.
- (3) If the licence is the transferor's last licence, the transferor must transfer all his or her units before or at the same time as the licence transfer.
- (4) The transferor and transferee must apply to the PZJA using the appropriate form and tender the fee payable for the transfer.
- (5) The PZJA must not transfer a licence if:
 - (a) a proceeding for an offence under the Act or Regulations has been brought against the transferor or the transferee and has not been decided; or
 - (b) levy due and payable by the transferor or the transferee has not been paid.

3.4 TSPF TPC licence

- (1) A TSPF TPC licence remains in force for a period of one year.
- (2) The PZJA must not allow:
 - (a) a prawn fishery entry to be written on a TPC licence; or
 - (b) a TSPF TPC licence to be granted;if the boat to which the TPC licence relates is also authorised to fish in the Torres Strait Tropical Rock Lobster fishery.

3.5 TSPF Treaty Endorsements

- (1) As set out in section 20 of the Act, a TSPF Treaty endorsement may be granted for commercial fishing for prawn in the fishery in accordance with this Plan.
[NOTE: by section 36 of the Act, the Minister's powers concerning endorsements are exercisable by the PZJA.]
- (2) A TSPF Treaty endorsement may only be granted to the holder of a PNG licence that allows the identified boat to be used for prawn trawling.
- (3) The number of boats that may be granted a TSPF Treaty endorsement in a season will be decided in accordance with the Treaty.

3.6 Scientific and developmental permits

- (1) As set out in section 12 of the Act, permits for scientific or developmental purposes may be granted for an area of the fishery.
- (2) Developmental permits will only be granted to holders of TSPF boat licences.
- (3) The PZJA may determine guidelines for:
 - (a) the grant of and revocation of scientific and developmental permits; and
 - (b) the imposition, variation and revocation of conditions of those permits.

[NOTE: For scientific and developmental permits generally, see s.12 of the Act.]

3.7 Variation of TSPF boat licence – nominated boat

- (1) The holder of a TSPF boat licence may nominate a boat for the licence.
- (2) As set out in section 25A of the Act, the holder of a TSPF boat licence may apply to the PZJA in the appropriate form for a different boat to be shown on the licence as a nominated boat for the licence.
- (3) The PZJA must:

- (a) for each nominated boat, enter in the Register the details required by the *Torres Strait Fisheries Regulations 1985* to be shown in the Register; and
- (b) give the licence holder an extract from the Register that:
 - (i) shows the name and identification code of the boat nominated for the licence; and
 - (ii) states the conditions to which the licence is subject; and
 - (iii) is signed by the PZJA.
- (4) The PZJA must not show a boat as a nominated boat on a TSPF boat licence if the boat is a nominated boat for another TSPF boat licence.
- (6) In spite of subsection (5), a boat may be nominated for a TSPF boat licence if on the commencement date, and at all times since that date, that boat has been recorded on that TSPF boat licence, and the length of that boat has not been increased.

[Note: an instrument under s16 of the Act may contain requirements about the measurement of a boat]

3.8 Other PZJA powers under the Act

Nothing in this Part is to be taken as limiting the power of the PZJA to grant licences under Section 19 of the Act.

Part 4 Units of fishing capacity

4.1 Division of fishing capacity into units

- (1) The PZJA will divide the fishing capacity of the fishery into units.
- (2) The number of units will be equivalent to the number of fishing days for the fishery at the commencement date.
- (3) In working out the number of fishing days at the commencement date, the PZJA will not take into account any fishing days that have been temporarily allocated.

4.2 Number and types of units

- (1) The PZJA will ensure that at any one time there are no more than 9,200 units allocated in the fishery.
- (2) Units are divided as follows:
 - (a) maximum of 6,867 Australian units; and
 - (b) maximum of 2,333 PNG units.

4.3 Conversion of units into use entitlement

- (1) Before the start of each fishing season, the PZJA will determine the value of units for that season using the formula: $(\text{units} / \text{total number of units remaining allocated in the fishery}) \times \text{TAE} = \text{use entitlement}$.
- (3) The PZJA will not take a part of a fishing day into account in determining the use entitlement from the conversion of units allocated to the holder of a TSPF boat licence or a TSPF Treaty endorsement.

4.4 Initial allocation of Australian units

- (1) The PZJA must allocate Australian units to TSPF boat licence holders.

- (2) The PZJA will make an initial allocation of Australian units to each TSPF boat licence holder after the commencement date on the following basis:
 - (a) the PZJA will ascertain the number of fishing days allocated to each TSPF boat licence holder:
 - (i) at the end of the fishing season in which this Plan commences; or
 - (ii) if this Plan commences after the end of a fishing season – at the end of the previous fishing season; and
 - (b) the PZJA will then allocate each TSPF boat licence holder a number of Australian units equivalent to the number of fishing days (that is to say, 1 fishing day equals 1 unit).
- (3) The reference in subsection (2) to fishing days allocated to a TSPF boat licence holder does not include temporarily allocated days.

4.5 Certificate of allocation

- (1) After the PZJA allocates a TSPF boat licence holder Australian units and before the start of a fishing season, the PZJA will give the holder:
 - (a) a certificate setting out:
 - (i) the holder's name; and
 - (ii) the number of Australian units allocated to the holder for the fishery; and
 - (iii) the period for which the Australian units are allocated; and
 - (b) a notice setting out the holder's use entitlement in fishing days.
- (2) The PZJA will also give a TSPF boat licence holder a certificate setting out the matters listed in subsection (1) if the number of units allocated to the holder changes as a result of a transfer of Australian units.
- (3) If a certificate issued by the PZJA for an allocation is lost, stolen or destroyed, the PZJA may issue a replacement certificate.

4.6 Transfer of Australian units

- (1) A holder of units (the *transferor*) may transfer some or all of his or her units to another person who holds a TSPF boat licence (the *transferee*), as set out in this section.
- (2) The transferor and transferee must apply to the PZJA using the approved form for the transfer to be registered, and pay the prescribed fee.
- (3) The PZJA must not register the transfer of a unit if:
 - (a) a proceeding for an offence under the Act or Regulations has been brought against the transferor or the transferee and has not been decided; or
 - (b) levy due and payable by the transferor or the transferee has not been paid.
- (4) A transfer of Australian units:
 - (a) does not take effect until it is registered; and
 - (b) must be of whole Australian units only.

4.7 Temporary transfer of Australian units

- (1) The holder of a TSPF boat licence (the *transferor*) that has unused units for a fishing season may temporarily transfer the unused units to the holder of another TSPF boat licence (the *transferee*), as set out in this section.

- (2) A temporary transfer of Australian units:
 - (a) must be of whole unused units only; and
 - (b) does not take effect until it is registered; and
 - (c) entitles the transferee to use the temporarily transferred units during the fishing season for which the temporary transfer is registered; and
 - (d) remains in force for that season.
- (3) The transferor and transferee must apply to the PZJA using the approved form for the temporary transfer to be registered, and pay the prescribed fee.
- (4) The PZJA must not register the temporary transfer if:
 - (a) a proceeding for an offence under the Act or Regulations has been brought against the transferor or transferee and has not been decided; or
 - (b) levy due and payable by the transferor or transferee has not been paid.
- (5) A person who holds Australian units as the result of a temporary transfer is not entitled to transfer or temporarily transfer those units.

4.8 PNG units

- (1) A PNG unit is a unit of fishing capacity in the TSPF held in trust by the Australian government for the purpose of meeting its obligations under the Treaty for catch sharing arrangements with PNG.
- (2) Before the start of each fishing season, the PZJA will determine the number of PNG units that will be available to PNG for that season.
- (3) The number of PNG units determined under subsection 4.8(2) will not exceed the number set out in paragraph 4.2(2)(b).
- (4) The determination under subsection 4.8(2) will:
 - (a) be made after discussions between the Australian and PNG governments; and
 - (b) take into account relevant catch data and offsetting arrangements.

4.9 Temporary transfer of PNG units

- (1) The Australian government may temporarily transfer PNG units to a holder of a PNG boat licence with a TSPF Treaty endorsement, or a holder of a TSPF boat licence, as set out in this section.
- (2) The PZJA will give first preference for temporary transfer of PNG units to the holders of TSPF Treaty endorsements.
- (3) For any PNG units remaining after all temporary transfers made under subsection (3), the PZJA may determine:
 - (a) the method for temporarily transferring the PNG units to TSPF boat licence holders; and
 - (b) a process for collecting levies payable by TSPF boat licence holders who are to have PNG units temporarily transferred to them for a season.
- (4) A temporary transfer of PNG units:
 - (a) must be of whole PNG units only; and
 - (b) does not take effect until it is registered; and
 - (c) entitles the temporary transferee to use the PNG units during the fishing season for which the temporary transfer is registered; and
 - (d) remains in force for that season.

- (5) The holder of a PNG unit that has been temporarily transferred is not entitled to transfer or temporarily transfer the unit.

4.10 Surrender of Australian units

- (1) A holder of Australian units of fishing capacity may, by written notice to the PZJA apply without fee to surrender some or all of the units of fishing capacity held.
- (2) A holder of Australian units of fishing capacity will cease to hold those units where those units or the licence to which they associated are not renewed.

4.11 Cancellation of Australian units

The PZJA may, cancel some or all units of fishing capacity surrendered or ceased to be held.

Part 5 TSPF Licences and TSPF Treaty endorsements subject to conditions

5.1 Licence and endorsement conditions - general

- (1) It is a condition of a TSPF licence and a TSPF Treaty endorsement that the holder must:
- (a) comply with:
 - (i) this Plan; and
 - (ii) the Regulations that apply to the fishery; and
 - (iii) all applicable provisions of the Act; and
 - (iv) all determinations under Part 2; and
 - (v) any conditions imposed on the TSPF licence or TSPF Treaty endorsement; and
 - (vi) all instruments made under section 16 of the Act that apply to the fishery; and
 - (b) ensure that each person acting under the holder's directions complies with this Plan and the legislation and other matters mentioned in paragraph (a); and
 - (c) keep a logbook of the type specified in the current logbook instrument; and
 - (d) carry an observer, and the observer's safety and monitoring equipment, as set out in section 5.5, if the PZJA asks the holder to do so; and
 - (e) fit a vessel monitoring system, as required by section 5.6; and
 - (f) minimise the impact of fishing operations on the marine environment, as set out in section 5.7; and
 - (g) give the PZJA reasonable access to biological, economic or technical information, or biological samples that are available to the holder, if the PZJA asks the holder to do so; and
 - (h) carry on board the nominated boat the TSPF boat licence or TSPF Treaty endorsement that refers to the boat.

5.3 Licence conditions – TAE and TAC

- (1) It is a condition of a licence that, in a fishing season, a holder of units ensures that the boat identified on his or her TSPF boat licence or TSPF Treaty endorsement does not exceed in the fishery:
 - (a) the amount of use entitlement to which the holder is entitled; or
 - (b) any TACs of by-product species that have been determined under section 2.7 or 2.8.

5.4 Licence conditions – Other obligations of licence and endorsement holders

- (1) It is a condition of a TSPF boat licence and TSPF Treaty endorsement that the holder engage in fishing for prawn in the fishery only during the fishing season
- (2) The species of prawn and by-product that may be taken in the fishery, and the size limits and other restrictions, are those set out in Schedules 3 and 4 or, if other species, size limits or restrictions for the fishery are set out in an instrument under section 16 of the Act, those species, limits and restrictions.
- (3) It is a condition of a TSPF licence and TSPF Treaty endorsement that the holder does not take, process, or carry any of the following in the fishery:
 - (a) shark or shark products; and
 - (b) lobster or lobster products; and
 - (c) live or dead pearl shell of any species.

5.5 Licence and endorsement conditions - observers

- (1) The PZJA may require the holder of a TSPF boat licence or TSPF Treaty endorsement to carry a fishing observer on board.
- (2) The observer is entitled to take safety and monitoring equipment on board.
- (3) The observer is entitled to collect:
 - (a) scientific, developmental and management information; and
 - (b) other information about fishing in the fishery required by the PZJA.
- (4) While the observer is on board, the TSPF licence or TSPF Treaty endorsement holder must:
 - (a) give the observer access to all parts of the fishing vessel; and
 - (b) provide reasonable accommodation for the observer; and
 - (c) allow the observer to use all equipment necessary for the performance of his or her duties.

5.6 Licence and endorsement conditions - vessel monitoring systems

- (1) The holder of a TSPF boat licence or TSPF Treaty endorsement must ensure that the vessel monitoring system (*VMS*) on the nominated boat is operational (i.e. transmitting so the PZJA can receive data) at all times.
- (2) If the VMS is not operating or malfunctioning the TSPF boat licence or TSPF Treaty endorsement holder must:

- (a) ensure the PZJA is informed as soon as practicable after the holder becomes aware the VMS has ceased operating; and
- (b) follow the directions of the PZJA.

[NOTE: guidelines on all technical requirements are published on the PZJA website.]

5.7 Licence and endorsement conditions – obligations about interactions with certain species and communities

- (1) The holder of a TSPF licence or TSPF Treaty endorsement must take all reasonable steps to ensure that the impact of fishing operations on the marine environment is kept to a minimum.
- (2) In particular, the holder must take all reasonable steps to:
 - (a) avoid interaction with the following:
 - (i) cetaceans;
 - (ii) marine species listed for section 248 of the EPBC Act;
 - (iii) migratory species listed for section 209 of the EPBC Act;
 - (iv) threatened ecological communities listed for section 181 of the EPBC Act;
 - (v) threatened species listed for section 178 of the EPBC Act; and
 - (b) ensure that anything that may harm the marine environment is not disposed of at sea.
- (3) If the fishing activities undertaken on the boat result in an interaction with a species or community mentioned in subsection (2), the licence holder must:
 - (a) record details of the interaction in a logbook kept for that purpose; and
 - (b) if there is an observer on the boat:
 - (i) immediately tell the observer about the interaction, and allow the observer to observe its consequences; and
 - (ii) give whatever assistance is necessary for the observer to collect the data, or make the observations, required by the PZJA; and
 - (c) if the interaction results in an injury to a member of the species or community, do everything that can practicably be done to give aid to it; and
 - (d) if the interaction results in the death of a member of the species or community:
 - (i) discharge its carcass from the boat in a way that does not attract birds or mammals to the boat; or
 - (ii) if directed by the PZJA to retain carcasses for scientific purposes, retain the carcass and deal with it as the PZJA directs; and
 - (e) if the interaction results in the death of, or an injury to, a member of the species or community, report the interaction in accordance with any requirement imposed by regulations made for the purposes of this section.

5.8 Additional conditions for TSPF Treaty endorsements

- (1) It is a condition of a TSPF Treaty endorsement that the holder does not fish for prawn, carry, or process and carry, prawn in the area described in Part 1(b) of Schedule 1 (known as the outside-but-near area of the fishery).
- (2) It is a condition of a TSPF Treaty endorsement that, when the boat to which the endorsement relates is in an area of Australian jurisdiction, there is to be no

- contact with an Australian inhabitant or territory, except as authorised by this Plan.
- (3) For subsection (2), “contact with an Australian inhabitant or territory” includes:
 - (a) boarding a boat at sea; and
 - (b) tying up with an Australian boat; and
 - (c) landing on an Australian island; and
 - (d) transferring a person or material from or to an Australian boat or territory.
 - (4) It is a condition of a TSPF Treaty endorsement that the holder:
 - (a) does not fish traditionally while in an area of Australian jurisdiction; and
 - (b) does not dispose of waste, by-product, fishing apparatus or any other material in an area of Australian jurisdiction; and
 - (c) anchors only in the area known as Bramble Cay or in another area specified in the endorsement.

Part 6 Miscellaneous

6.1 Register

- (1) As well as the matters mentioned in section 10 of the Act, the Register must show particulars of:
 - (a) transfers under sections 3.3 and 4.6 and temporary transfers under sections 4.7 and 4.9; and
 - (b) boats nominated under section 3.7.

6.2 Reconsideration of decisions

- (1) In this section, **decision** means a decision of the PZJA:
 - (a) allocating units under section 4.4; or
 - (b) refusing to register a transfer or temporary transfer under section 3.3, 4.6 or 4.7; or
 - (c) temporarily transferring PNG units to TSPF boat licence holders under section 4.9(4)(a); or
 - (d) nominating a boat under section 3.7.
- (2) A person affected by a decision may in writing request the PZJA to reconsider the decision.
- (3) The person must make the request within 28 days of the date of the decision.
- (4) The PZJA must reconsider the decision within 2 months of receiving the request for review, and must:
 - (a) confirm the decision; or
 - (b) revoke the decision and make another decision in its place.
- (5) The PZJA must notify the person in writing of its decision under subsection (4).

6.3 Notices

- (1) In this section:
address, for the holder of a TSPF licence, means the holder's address stated in the Register.

e-mail address, of a person, means the e-mail address (if any) given to PZJA by the person.

fax number, for the holder of a TSPF licence, means the holder's fax number stated in the Register.

notice means a notice that is required, or allowed, by this Plan to be given in writing.

working day, in a place, means a day that is not:

- (a) a Saturday or Sunday; or
 - (b) a public holiday in the place.
- (2) A notice to a person who is the holder of a TSPF licence is taken to be given to the person if it is:
 - (a) delivered to the person's residential or office address; or
 - (b) posted to the person's postal address; or
 - (c) sent by fax to the person's fax number; or
 - (d) sent by e-mail to the person's e-mail address.
- (3) The notice is taken to have been given to the person:
 - (a) if the notice is delivered to the person's residential or office address, on the day when it is delivered; and
 - (b) if the notice is sent by fax to the person's fax number or by e-mail to the person's e-mail address:
 - (i) on a working day between 9 am and 4 pm — 1 hour after the notice is sent; and
 - (ii) otherwise — at 9 am on the next working day after the day when the notice is sent.
- (4) A notice to the PZJA must be addressed to the PZJA Licensing Delegate, and delivered, posted or sent by fax or e-mail to the office address, postal address, fax number or e-mail address notified by the PZJA on its website or through written correspondence.
- (5) A notice given to the PZJA under this section is taken to have been given to the PZJA:
 - (a) if the notice is delivered or posted to an address notified by the PZJA on its website—on the day when it is delivered; and
 - (b) if the notice is sent by fax to the fax number, or by e-mail to the e-mail address, notified by the PZJA on its website:
 - (i) on a working day between 9 am and 4 pm—1 hour after the notice is sent; and
 - (ii) otherwise—at 9 am on the next working day after the day when the notice is sent.

6.4 Transitional

- (1) A TSPF licence in force immediately before the commencement date remains in force until the following 25 February.
- (2) If the PZJA exercises its powers under Part 4 before 25 February, nothing done in exercise of those powers has effect until after that 25 February.
- (3) The holder of a unit is not entitled to transfer a unit temporarily until after 25 February.
- (4) In this section, **25 February** means the first 25 February that occurs after the commencement date..

SCHEDULES

SCHEDULE 1 – Area of the fishery

Section 1.3

NOTES:

- (1) The position of a geographical coordinate in the description of the area of the fishery and areas excluded from the fishery in Schedule 1 is to be determined by reference to the Australian Geodetic Datum 1966 (AGD66), that is to say, by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,160 metres and a flattening of 1/298.25 and the position of the Johnston Geodetic Station in the Northern Territory of Australia. That station is to be taken to be situated at Latitude 25°56'54.5515" South and at Longitude 133°12'30.0771" East and to have a ground level of 571.2 metres above the spheroid referred to above.
- (2) For convenience, the coordinates of the fishery and areas excluded from the fishery are also expressed in Schedule 2 based on the World Geodetic Datum 1984 (WGS84) Reference Frame at the 2005.0 epoch. The geographic coordinates are referenced to the WGS84 reference spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,137 metres and a flattening of 1/298.257223563.
- (3) In the case of an inconsistency between the coordinates in Schedule 1 and Schedule 2, Schedule 1 takes precedence – *see* section 1.4.

PART 1 - DESCRIPTION OF AREA OF THE FISHERY

The area consisting of:

- (a) the area of waters in the Protected Zone to the south of the Fisheries Jurisdiction Line; and
- (b) the area of waters (excluding any waters within the limits of Queensland) bounded by a line-
 - (1) commencing at the point of intersection of the parallel of Latitude 10°28'00" South and the meridian of Longitude 142°09'00" East;
 - (2) running then east along the parallel of Latitude 10°28'00" South to its intersection by the meridian of Longitude 144° East;
 - (3) then south along that meridian to its intersection by the parallel of Latitude 10°41'17" South;
 - (4) then west along that parallel to its intersection by the meridian of Longitude 142°31'49" East;
 - (5) then south along that meridian to its northernmost intersection by the coastline of Cape York Peninsula at low water;

- (6) then generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection by the meridian of Longitude 142°09'00" East;
- (7) then north along that meridian to the point of commencement; and
- (c) the territorial sea of Australia north of the Fisheries Jurisdiction Line.

PART 2 - DESCRIPTION OF AREAS EXCLUDED FROM THE FISHERY

WEST OF WARRIOR REEF EXCLUSION ZONE

The areas bounded by a line --

- (1) commencing at the point of Latitude 9°46'00" South, Longitude 142°00'00" East;
- (2) running thence north-easterly along the geodesic to the point of Latitude 9°45'24" South, Longitude 142°03'30" East;
- (3) thence north along the meridian of Longitude 142°03'30" East to its intersection by the parallel of Latitude 9°15'43" South;
- (4) thence north-easterly along the geodesic to the point of Latitude 9°12'50" South, Longitude 142°06'25" East;
- (5) thence north-easterly along the geodesic to the point of Latitude 9°11'51" South, Longitude 142°08'33" East;
- (6) thence south-easterly along the geodesic to the point of Latitude 9°11'58" South, Longitude 142°10'18" East;
- (7) thence north-easterly along the geodesic to the point of Latitude 9°11'22" South, Longitude 142°12'54" East;
- (8) thence south-easterly along the geodesic to the point of Latitude 9°11'34" South, Longitude 142°14'08" East;
- (9) thence south-easterly along the geodesic to the point of Latitude 9°13'53" South, Longitude 142°16'26" East;
- (10) thence south-easterly along the geodesic to the point of Latitude 9°16'04" South, Longitude 142°20'41" East;
- (11) thence south-easterly along the geodesic to the point of Latitude 9°22'04" South, Longitude 142°29'41" East;
- (12) thence north-easterly along the geodesic to the point of Latitude 9°21'48" South, Longitude 142°31'29" East;
- (13) thence south-easterly along the geodesic to the point of Latitude 9°22'33" South, Longitude 142°33'28" East;
- (14) thence north-easterly along the geodesic to the point of Latitude 9°21'25" South, Longitude 142°35'29" East;
- (15) thence north-easterly along the geodesic to the point of Latitude 9°20'21" South, Longitude 142°41'43" East;
- (16) thence north-easterly along the geodesic to the point of Latitude 9°20'16" South, Longitude 142°43'53" East;
- (17) thence north-easterly along the geodesic to the point where it joins the outer limit of the three nautical mile territorial sea of Saibai Island closest to Latitude 9°19'26" South, Longitude 142°48'18" East;

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- (18) thence along the outer limit of that territorial sea so as to pass to the east of Saibai Island to the point of Longitude 142°51'00" East closest to Latitude 9°23'40" South;
- (19) thence south along the meridian of Longitude 142°51'00" East to its intersection by the parallel of Latitude 9°40'30" South;
- (20) thence north-easterly along the geodesic to the point of Latitude 9°40'00" South, Longitude 143°00'00" East;
- (21) thence north-easterly along the geodesic to the point of Latitude 9°33'00" South, Longitude 143°05'00" East;
- (22) thence east along the parallel of Latitude 9°33'00" South, to its intersection by the median of Longitude 143° 11'00" East;
- (23) thence south-westerly along the geodesic to the point of Latitude 9°46'00" South, Longitude 143°02'20" East;
- (24) thence south-westerly along the geodesic to the point of Latitude 10°13'00" South, Longitude 142°51'00" East;
- (25) thence south-westerly along the geodesic to the point of Latitude 10°28'00" South, Longitude 142°31'49" East;
- (26) then south-easterly along the geodesic to the point of Latitude 10°41'17" South, Longitude 142°38'30" East;
- (27) then west along that parallel to its intersection by the meridian of Longitude 142° 31'49" East;
- (28) then south along the meridian of Longitude 142°31'49" East to its intersection by the northern-most point of the shore of Cape York Peninsula at the low water mark;
- (29) thence generally south-westerly along the western coastline of Cape York Peninsula, that is along the low water line on that coast and across any river mouth, to its intersection by the meridian of Longitude 142°09'00" East;
- (30) thence north along that meridian to its intersection by the parallel of Latitude 10°28'00" South;
- (31) thence west along that parallel to its intersection by the meridian of Longitude 141°20'00" East;
- (32) thence north along that meridian to its intersection by the fisheries jurisdiction line close to the parallel of Latitude 10°10'28.73" South; and
- (33) thence north-easterly along the Fisheries Jurisdiction Line to the point of commencement.

DARNLEY ISLAND EXCLUSION ZONE

The area bounded by a line –

- (1) commencing at the point of Latitude 10°00'00" South, Longitude 143°39'00" East;
- (2) thence east along that parallel to its intersection by the meridian of Longitude 144°07'00" East;
- (3) thence north-easterly along the geodesic to the fisheries jurisdiction line at the point of Latitude 9°30'00" South, Longitude 144°15'00" East;

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- (4) thence north-westerly along the fisheries jurisdiction line to its intersection with the parallel of Latitude 9°27'20" South, close to Longitude 144°06'00" East;
- (5) thence west along that parallel to its intersection by the meridian of Longitude 143°52'00" East;
- (6) thence south-westerly along the geodesic to the point of Latitude 9°33'00" South, Longitude 143°39'00" East;
- (7) thence south along that meridian to the point of commencement.

DELIVERANCE ISLAND AND KERR ISLET EXCLUSION ZONE

The outer limit of the territorial sea of Deliverance Island and Kerr Islet shall be a continuous line formed by a series of intersecting arcs of circles having a radius of three nautical miles and drawn successively, so as to enclose the islands, from the following points—

REFERENCE	LATITUDE (AGD66)	LONGITUDE (AGD66)
(i)	9° 32' 39" S	141° 32' 15" E
(ii)	9° 32' 35" S	141° 32' 11" E
(iii)	9° 32' 07" S	141° 31' 50" E
(iv)	9° 32' 02" S	141° 31' 54" E
(v)	9° 31' 56" S	141° 31' 58" E
(vi)	9° 31' 51" S	141° 32' 02" E
(vii)	9° 31' 29" S	141° 32' 17" E
(viii)	9° 31' 27" S	141° 32' 19" E
(ix)	9° 31' 24" S	141° 32' 21" E
(x)	9° 30' 40" S	141° 33' 32" E
(xi)	9° 30' 08" S	141° 34' 01" E
(xii)	9° 30' 01" S	141° 34' 05" E
(xiii)	9° 29' 57" S	141° 34' 08" E
(xiv)	9° 29' 51" S	141° 34' 14" E
(xv)	9° 29' 51" S	141° 34' 19" E
(xvi)	9° 29' 58" S	141° 36' 13" E
(xvii)	9° 30' 04" S	141° 36' 16" E
(xviii)	9° 30' 12" S	141° 36' 16" E
(xix)	9° 30' 28" S	141° 36' 18" E
(xx)	9° 30' 47" S	141° 36' 18" E
(xxi)	9° 31' 00" S	141° 36' 15" E
(xxii)	9° 31' 11" S	141° 36' 10" E
(xxiii)	9° 31' 29" S	141° 36' 02" E
(xxiv)	9° 31' 38" S	141° 35' 55" E
(xxv)	9° 31' 47" S	141° 35' 46" E
(xxvi)	9° 31' 50" S	141° 35' 42" E
(xxvii)	9° 32' 02" S	141° 35' 21" E
(xxviii)	9° 36' 21" S	141° 34' 33" E
(xxix)	9° 36' 24" S	141° 34' 34" E
(xxx)	9° 36' 35" S	141° 34' 33" E

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(xxxi)	9° 36' 49" S	141° 34' 26" E
(xxxii)	9° 36' 56" S	141° 34' 21" E
(xxxiii)	9° 37' 05" S	141° 34' 02" E
(xxxiv)	9° 37' 14" S	141° 33' 47" E
(xxxv)	9° 37' 15" S	141° 33' 28" E
(xxxvi)	9° 37' 13" S	141° 33' 25" E
(xxxvii)	9° 37' 09" S	141° 33' 22" E
(xxxviii)	9° 37' 03" S	141° 33' 21" E
(xxxix)	9° 36' 58" S	141° 33' 22" E
(xl)	9° 36' 52" S	141° 33' 27" E

TURU CAY EXCLUSION ZONE

The outer limit of the territorial sea of Turu Cay shall be a continuous line formed by a series of intersecting arcs of circles having a radius of three nautical miles and drawn successively, so as to enclose the island, from the following points—

REFERENCE	LATITUDE (AGD66)	LONGITUDE (AGD66)
(i)	9° 49' 53" S	141° 24' 42" E
(ii)	9° 49' 39" S	141° 24' 44" E
(iii)	9° 49' 31" S	141° 24' 52" E
(iv)	9° 49' 25" S	141° 25' 02" E
(v)	9° 49' 23" S	141° 25' 13" E
(vi)	9° 49' 20" S	141° 25' 25" E
(vii)	9° 49' 19" S	141° 25' 36" E
(viii)	9° 49' 18" S	141° 25' 43" E
(ix)	9° 49' 18" S	141° 25' 53" E
(x)	9° 49' 17" S	141° 26' 07" E
(xi)	9° 49' 23" S	141° 26' 09" E
(xii)	9° 49' 26" S	141° 26' 06" E
(xiii)	9° 49' 32" S	141° 25' 58" E
(xiv)	9° 49' 38" S	141° 25' 49" E
(xv)	9° 49' 44" S	141° 25' 38" E
(xvi)	9° 49' 47" S	141° 25' 31" E
(xvii)	9° 49' 53" S	141° 25' 19" E
(xviii)	9° 49' 56" S	141° 25' 09" E
(xix)	9° 49' 57" S	141° 24' 54" E
(xx)	9° 49' 56" S	141° 24' 45" E

SCHEDULE 2 – Area of the fishery expressed using coordinates based on WGS84

Section 1.4

NOTE: For ease of use of navigational aids, the description of the fishery is also expressed in this Schedule by reference to WGS84. Any discrepancy between this description and the description in Schedule 1 is to be resolved by reference to Schedule 1 – *see* section 1.4.

PART 1 - DESCRIPTION OF AREA OF THE FISHERY

REFERENCE	LATTITUDE (WGS84)	LONGITUDE (WGS84)	DESCRIPTIVE NOTES
(b)(1)	10° 27' 54.66" S	142° 09' 03.97" E	
(b)(2)	10° 27' 54.64" S	144° 00' 03.90" E	
(b)(3)	10° 41' 11.63" S	144° 00' 03.90" E	
(b)(4)	10° 41' 11.65" S	142° 31' 52.96" E	
(b)(5)	*10° 41' 15.15" S	142° 31' 52.96" E	*Estimated coordinate
(b)(6)	*10° 55' 57.65" S	142° 09' 03.97" E	*Estimated coordinate
(b)(7)	10° 27' 54.66" S	142° 09' 03.97" E	

PART 2 - DESCRIPTION OF AREAS EXCLUDED FROM THE FISHERY

WEST OF WARRIOR REEF EXCLUSION ZONE

REFERENCE	LATTITUDE (WGS84)	LONGITUDE (WGS84)	DESCRIPTIVE NOTES
(1)	9° 45' 54.68" S	142° 00' 03.97" E	
(2)	9° 45' 18.67" S	142° 03' 33.96" E	
(3)	9° 15' 37.69" S	142° 03' 33.96" E	
(4)	9° 12' 44.69" S	142° 06' 28.95" E	
(5)	9° 11' 45.69" S	142° 08' 36.95" E	
(6)	9° 11' 52.69" S	142° 10' 21.95" E	
(7)	9° 11' 16.69" S	142° 12' 57.95" E	
(8)	9° 11' 28.69" S	142° 14' 11.95" E	
(9)	9° 13' 47.68" S	142° 16' 29.95" E	
(10)	9° 15' 58.68" S	142° 20' 44.95" E	
(11)	9° 21' 58.68" S	142° 29' 44.94" E	
(12)	9° 21' 42.68" S	142° 31' 32.94" E	
(13)	9° 22' 27.68" S	142° 33' 31.94" E	
(14)	9° 21' 19.68" S	142° 35' 32.94" E	
(15)	9° 20' 15.68" S	142° 41' 46.93" E	
(16)	9° 20' 10.68" S	142° 43' 56.93" E	
(17)	9° 19' 20.68" S	142° 48' 21.93" E	
(18)	9° 23' 34.67" S	142° 51' 03.93" E	
(19)	9° 40' 24.67" S	142° 51' 03.93" E	
(20)	9° 39' 54.67" S	143° 00' 03.93" E	

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(21)	9° 32' 54.67" S	143° 05' 03.92" E	
(22)	9° 32' 54.67" S	143° 11' 03.92" E	
(23)	9° 45' 54.66" S	143° 02' 23.93" E	
(24)	10° 12' 54.66" S	142° 51' 03.94" E	
(25)	10° 27' 54.65" S	142° 31' 52.95" E	
(26)	10° 41' 11.65" S	142° 38' 33.95" E	
(27)	10° 41' 11.65" S	142° 31' 52.96" E	
(28)	*10° 41' 15.15" S	142° 31' 52.96" E	*Estimated coordinate
(29)	*10° 55' 57.65" S	142° 09' 03.97" E	*Estimated coordinate
(30)	10° 27' 54.66" S	142° 09' 03.97" E	
(31)	10° 27' 54.67" S	141° 20' 04.00" E	
(32)	10° 10' 23.40" S	141° 20' 03.99" E	
(33)	9° 45' 54.68" S	142° 00' 03.97" E	

DARNLEY ISLAND EXCLUSION ZONE

REFERENCE	LATTITUDE (WGS84)	LONGITUDE (WGS84)
(1)	9° 59' 54.65" S	143° 39' 03.91" E
(2)	9° 59' 54.65" S	144° 07' 03.89" E
(3)	9° 29' 54.66" S	144° 15' 03.88" E
(4)	9° 27' 14.66" S	144° 06' 03.88" E
(5)	9° 27' 14.66" S	143° 52' 03.89" E
(6)	9° 32' 54.66" S	143° 39' 03.90" E
(7)	9° 59' 54.65" S	143° 39' 03.91" E

DELIVERANCE ISLAND AND KERR ISLET EXCLUSION ZONE

REFERENCE	LATTITUDE (WGS84)	LONGITUDE (WGS84)
(i)	9° 32' 33.69" S	141° 32' 18.98" E
(ii)	9° 32' 29.69" S	141° 32' 14.98" E
(iii)	9° 32' 01.69" S	141° 31' 53.98" E
(iv)	9° 31' 56.69" S	141° 31' 57.98" E
(v)	9° 31' 50.69" S	141° 32' 01.98" E
(vi)	9° 31' 45.69" S	141° 32' 05.98" E
(vii)	9° 31' 23.69" S	141° 32' 20.98" E
(viii)	9° 31' 21.69" S	141° 32' 22.98" E
(ix)	9° 31' 18.69" S	141° 32' 24.98" E
(x)	9° 30' 34.69" S	141° 33' 35.98" E
(xi)	9° 30' 02.69" S	141° 34' 04.98" E
(xii)	9° 29' 55.69" S	141° 34' 08.98" E
(xiii)	9° 29' 51.69" S	141° 34' 11.98" E
(xiv)	9° 29' 45.69" S	141° 34' 17.98" E
(xv)	9° 29' 45.69" S	141° 34' 22.98" E
(xvi)	9° 29' 52.69" S	141° 36' 16.98" E

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(xvii)	9° 29' 58.69" S	141° 36' 19.98" E
(xviii)	9° 30' 06.69" S	141° 36' 19.98" E
(xix)	9° 30' 22.69" S	141° 36' 21.98" E
(xx)	9° 30' 41.69" S	141° 36' 21.98" E
(xxi)	9° 30' 54.68" S	141° 36' 18.98" E
(xxii)	9° 31' 05.68" S	141° 36' 13.98" E
(xxiii)	9° 31' 23.68" S	141° 36' 05.98" E
(xxiv)	9° 31' 32.68" S	141° 35' 58.98" E
(xxv)	9° 31' 41.68" S	141° 35' 49.98" E
(xxvi)	9° 31' 44.68" S	141° 35' 45.98" E
(xxvii)	9° 31' 56.68" S	141° 35' 24.98" E
(xxviii)	9° 36' 15.68" S	141° 34' 36.98" E
(xxix)	9° 36' 18.68" S	141° 34' 37.98" E
(xxx)	9° 36' 29.68" S	141° 34' 36.98" E
(xxxi)	9° 36' 43.68" S	141° 34' 29.98" E
(xxxii)	9° 36' 50.68" S	141° 34' 24.98" E
(xxxiii)	9° 36' 59.68" S	141° 34' 05.98" E
(xxxiv)	9° 37' 08.68" S	141° 33' 50.98" E
(xxxv)	9° 37' 09.68" S	141° 33' 31.98" E
(xxxvi)	9° 37' 07.68" S	141° 33' 28.98" E
(xxxvii)	9° 37' 03.68" S	141° 33' 25.98" E
(xxxviii)	9° 36' 57.68" S	141° 33' 24.98" E
(xxxix)	9° 36' 52.68" S	141° 33' 25.98" E
(xl)	9° 36' 46.68" S	141° 33' 30.98" E

TURU CAY EXCLUSION ZONE

REFERENCE	LATITUDE (WGS84)	LONGITUDE (WGS84)
(i)	9° 49' 47.68" S	141° 24' 45.99" E
(ii)	9° 49' 33.68" S	141° 24' 47.99" E
(iii)	9° 49' 25.68" S	141° 24' 55.99" E
(iv)	9° 49' 19.68" S	141° 25' 05.99" E
(v)	9° 49' 17.68" S	141° 25' 16.99" E
(vi)	9° 49' 14.68" S	141° 25' 28.99" E
(vii)	9° 49' 13.68" S	141° 25' 39.99" E
(viii)	9° 49' 12.68" S	141° 25' 46.99" E
(ix)	9° 49' 12.68" S	141° 25' 56.99" E
(x)	9° 49' 11.68" S	141° 26' 10.99" E
(xi)	9° 49' 17.68" S	141° 26' 12.99" E
(xii)	9° 49' 20.68" S	141° 26' 09.99" E
(xiii)	9° 49' 26.68" S	141° 26' 01.99" E
(xiv)	9° 49' 32.68" S	141° 25' 52.99" E
(xv)	9° 49' 38.68" S	141° 25' 41.99" E
(xvi)	9° 49' 41.68" S	141° 25' 34.99" E
(xvii)	9° 49' 47.68" S	141° 25' 22.99" E
(xviii)	9° 49' 50.68" S	141° 25' 12.99" E

(xix)	9° 49' 51.68" S	141° 24' 57.99" E
(xx)	9° 49' 50.68" S	141° 24' 48.99" E

SCHEDULE 3 – Species

Section 1.3

PART 1 – TARGET SPECIES

The target species are:

Metapenaeus endeavouri (Blue endeavour prawn)

Penaeus esculentus (Brown tiger prawns)

Melicertus longistylus (Red sport king prawn)

PART 2 – BY-PRODUCT SPECIES

The by-product species are:

Penaeus spp. (tiger prawn) other than those listed in Part 1

Metapenaeus spp. (endeavour prawn) other than those listed in Part 1

Melicertus spp. (king prawn) other than those listed in Part 1

Thenus spp (Moreton Bay Bugs)

Teuthoidea (including *Loliolus*, *Nototodrus*, *Photololigo* and *Seioteuthis spp.*)
(Squid)

Metasepia sp. and Sepio spp. (Cuttlefish)

Metapenaeopsis spp. (coral prawn)

Octopus spp. (Octopus)

SCHEDULE 4 – Size limits

Section 5.3

1. In this Schedule:

Moreton Bay Bug means fish of the genus *Thenus*.

2. The size limit for taking, processing or carrying of Moreton Bay Bugs is a carapace width of at least 75 millimetres when measured at the widest point of the carapace.

Endnotes

Endnote 1 — About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

- Endnote 1 — About the endnotes
- Endnote 2 — Abbreviation key
- Endnote 3 — Legislation history
- Endnote 4 — Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnote 2—Abbreviation key

A = Act	orig = original
ad = added or inserted	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
am = amended	pres = present
amdt = amendment	prev = previous
c = clause(s)	(prev...) = previously
C[x] = Compilation No. x	Pt = Part(s)
Ch = Chapter(s)	r = regulation(s)/rule(s)
def = definition(s)	Reg = Regulation/Regulations
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislative Instruments	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LI = Legislative Instrument	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Name	FRLI registration	Commencement	Application, saving and transitional provisions
Torres Strait Prawn Fishery Management Plan 2008	F2009L00505	13/02/2009	
Torres Strait Prawn Fishery Management Plan Amendment 2017	F2017L00120	16/02/2017	

Endnote 4—Amendment history

Provision affected	How affected
s. 1.1	am. F2017L00120
s. 2.3	am. F2017L00120
s. 3.2	am. F2017L001200
s. 3.5	am. F2017L00120
s. 4.2	am. F2017L00120
s. 4.3	am. F2017L00120
s. 4.9	am. F2017L00120
s. 4.10	ad. F2017L00120
s. 4.11	ad. F2017L00120
s. 5.1	am. F2017L00120
s. 5.2	rep. F2017L00120
s. 5.6	rs. F2017L00120
s. 6.3	am. F2017L00120