

Torres Strait Fisheries Act 1984

Fisheries Management Notice No. 66

TORRES STRAIT TURTLE FISHERY

PROHIBITION ON THE TAKING OF TURTLE (GEAR RESTRICTIONS)

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*, and the Minister in accordance with the powers under section 16 of the *Torres Strait Fisheries Act 1984*, makes the following notice.

Dated this 8 day of December 2003



IAN MACDONALD

Minister for Fisheries Forestry and Conservation, member & Chair of the
Protected Zone Joint Authority

CITATION

1. This Notice may be cited as Torres Strait Fisheries Management Notice No. 66.

COMMENCEMENT

2. This Notice commences on *Gazetta*.

THIS NOTICE TO APPLY WITH OTHER NOTICES

3. This Notice applies in conjunction with any other notice in force in the area of the Turtle Fishery.

REVOCATION OF FISHERIES MANAGEMENT NOTICES

4. Fisheries Management Notice No 14, dated 10 February 1987 is revoked.

INTERPRETATION

4. (a) In this Notice:
- “Turtle” means the species *Chelonia mydas*, *Caretta caretta*, *Eretmochelys imbricata*, *Natator depressus*, *Dermochelys coriacea*, and *Lepidochelys olivacea*; and
- “the Act” means the *Torres Strait Fisheries Act 1984*; and
- “the area of the turtle fishery” means the area of Australian jurisdiction within the area described in the *Torres Strait Fisheries Regulations*; and
- “traditional fishing” means 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.
- (b) terms used but not defined in this Notice have the same meaning as in the *Torres Strait Fisheries Act 1984* and the *Torres Strait Fisheries Regulations*.

PROHIBITIONS ON TAKING TURTLE

- 5.1 Pursuant to paragraph 16(1)(a) of the Act, a person is prohibited from taking turtle in the area of the Turtle Fishery.
- 5.2 Pursuant to paragraph 16(1)(c) of the Act, a person is prohibited from the taking or carrying of turtle on a commercial fishing boat licensed under Sections 19(2) and 19(3) of the Act in the area of the Turtle Fishery.

EXEMPTIONS FROM THE PROHIBITIONS

- 6.1 Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in paragraph 5.1 if that person is taking turtle in the course of traditional fishing.
- 6.2 Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in paragraph 5.2. if that person is taking turtle in the course of traditional fishing from a boat operating under the conditions of a Traditional Inhabitant Boat (TIB) licence where the boat is no more than 6 metres in length.

MANNER OF MEASURING LENGTH OF BOAT

5. For the purpose of paragraph 6.2 the length of the boat is to be determined by measuring the distance between a vertical line passing through the foremost part of the hull and a vertical line passing through the aftermost part of the hull in a horizontal plane, including the length of any appendage which effectively increases the length of the hull, but excluding the length of any anchor rail, bowsprit or similar appendage.