

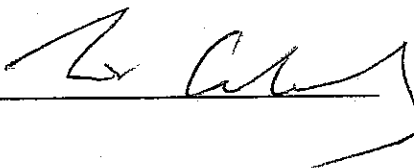
Torres Strait Fisheries Act 1984
Fisheries Management Notice No. 81

**TORRES STRAIT PRAWN FISHERY
REQUIREMENT FOR USE OF TURTLE EXCLUDER
DEVICE**

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 in accordance with the decisions made by the Authority, make the following Notice under section 16 of the *Torres Strait Fisheries Act 1984*.

Dated this 19th day Dec of 2006

ERIC ABETZ
Chairman
Protected Zone Joint Authority



CITATION

1. This Notice may be cited as Torres Strait Fisheries Management Notice No. 81.

COMMENCEMENT

2. This Notice commences on 1 March 2007.

THIS NOTICE TO APPLY WITH OTHER NOTICES

3. This Notice applies in conjunction with any other notice in force in the area of the prawn fishery.

INTERPRETATION

- 4.1 In this Notice:

"prawns" means fish of the family *Penaeidae* spp;

"the Act" means the *Torres Strait Fisheries Act 1984*.

“Turtle Excluder Device” 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 which has:

- (a) a rigid or semi rigid inclined barrier structure comprised of bars extending from the foot to the head of the net that is attached to the circumference of the net which must guide turtles towards an escape hole immediately forward of the grid. The minimum dimensions of this structure to be at least 80cm by 80cm. This structure is to be set within an angle range of 30 – 55 degrees in relation to the horizontal plane of water through the net;
- (b) an escape hole which must be either
 - (i) a double flap rectangular net opening where the cut immediately forward of the TED must allow a minimum opening of 61 cm when attached to the frame and the two forward cuts of the escape opening must not be less than 51 cm long from the points of the cut immediately forward of the TED frame. The resultant length of the leading edge of the escape opening cut must be no less than 142 cm stretched, or a double flap net triangular opening where the cut immediately forward of the TED frame must allow a minimum opening of 102 cm when attached to the frame with minimum forward cuts of 101 cm. The flaps must be composed of two equal size rectangular panels of mesh. Each panel must be a minimum of 147 cm wide and may overlap each other no more than 38 cm. The panels may only be sewn together along the leading edge of the cut. The trailing edge of each panel must not extend more than 61 cm past the posterior edge of the TED frame. Each panel may be sewn down the entire length of the outside edge of each panel, or;
 - (ii) a single flap rectangular net opening where the cut immediately forward of the TED must allow a minimum opening of 61 cm when attached to the frame and the two forward cuts of the escape opening must not be less than 66 cm long from the points of the cut immediately forward of the TED frame. The resultant length of the leading edge of the escape opening cut must be no less than 181 cm stretched, or a single flap triangular net opening where the cut immediately forward of the TED must be a minimum of 102 cm with minimum forward cuts of 136 cm. The flap must be a minimum of 338cm by 132 cm piece of mesh. The 132 cm edge of the flap is attached to the leading edge of the escape opening cut. The flap may extend no more than 61 cm behind the posterior edge of the TED frame;
- (c) a maximum bar spacing of 120mm between bars; and
- (d) it is not permitted to attach any weights, chains or other devices on the escape flap which may prevent the flap from opening.

- 4.2 For the purposes of this Notice, all net measurements refer to the measurement from centre of opposing knots, when the mesh is pulled taut.
- 4.3 Terms used but not defined in this Notice have the same meaning as in the Act and the Torres Strait Fisheries Regulations.

REVOCATION OF FISHERIES MANAGEMENT NOTICE NO 60

5. Fisheries Management Notice No 60 dated 21 February 2002 is revoked.

PROHIBITION

- 6.1 Pursuant to paragraph 16(1)(c) of the Act, the use or possession of otter trawl equipment in the area of the Torres Strait Prawn Fishery is prohibited unless each net that is used is fitted with a Turtle Excluder Device.
- 6.2 However, if a try-net is used, it does not need to be fitted with a Turtle Excluder Device.

EXPLANATORY STATEMENT

Issued by the authority of the Protected Zone Joint Authority

Torres Strait Fisheries Act 1984

Fisheries Management Notice No. 81

The proposed Fisheries Management Notice is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Subsection 16(1) of the *Torres Strait Fisheries Act 1984* (the Act) provides for the Minister for Fisheries, Forestry and Conservation to regulate fishing through a notice published in the *Gazette*. Subsection 35(1) of the Act provides for the Protected Zone Joint Authority to exercise the powers of the Minister under subsection 16(1) of the Act.

The fishery

The Torres Strait Prawn (TSP) Fishery is the most valuable commercial fishery in Torres Strait. The fishery focuses primarily on brown tiger prawns (*Penaeus esculentus*), endeavour prawns (*Metapenaeus* spp) and red spot king prawns (*Melicertus longistylus*). Prawns are taken by trawling at night. Commercial fishing occurs from 1 March to 30 November, inclusive, with a peak during March-June.

In order to reduce the bycatch of unwanted species, including marine turtles which are of conservation concern, the industry is required to use Turtle Excluder Devices (TEDs). These TEDs have to meet minimum design standards to ensure that turtles are not harmed.

Regulation Impact Statement

The Office of Regulation Review (ORR) advised AFMA that a Regulation Impact Statement was not required for the proposed Fisheries Management Notice No. 81, as the proposed amendment is only a minor modification to the current TED design standards, has wide-spread industry support and provides industry with access to the US market (ORR ID number 8729)

Consultation

This Fisheries Management Notice replaces Fisheries Management Notice No. 60, dated 21 February 2002, to bring TED requirements closer in line with standards required for market access to the United States under Section 609 of United States Public Law 101 – 162 which prohibits imports of prawns harvested in ways that are harmful to sea turtle species.

The new content of this Fisheries Management Notice has been put through the approved Torres Strait Protected Zone Joint Authority (PZJA) consultative structure. It has been discussed at the TSPMAC meetings of June and September 2006. The TSPMAC membership includes the Torres Strait Prawn Entitlement Holders Association (representing commercial fisheries) and representatives of the Community Fisheries Group (representing traditional inhabitants). Consensus was reached on the nature and content of the policy contained in this notice during the consultative process.

The Torres Strait Fisheries section of the Australian Government Department of Agriculture, Fisheries and Forestry has also been consulted on the general content of the proposed notice.

Details of the Notice

The content of the proposed notice replaces Fisheries Management Notice 60 to facilitate access to the United States markets.

Clause 1	States that the notice may be cited as Torres Strait Fisheries Management Notice No. 81.
Clause 2	States that the notice commences on 1 March 2007
Clause 3	States that the notice applies in conjunction with other notices in the Prawn Fishery.
Clause 4.1	Details how certain words and terms used in the notice are to be interpreted. Also details the specific requirements for Turtle Excluder Devices.
Clause 4.2	States how net measurements are to be made.
Clause 4.3	States that terms that are not defined in this notice have the same meaning as in the Act and the Torres Strait Fisheries Regulations.
Clause 5	Revokes Fisheries Management Notice No 60
Clause 6.1	Prohibits the use or possession of otter trawl equipment in the Torres Strait Prawn Fishery unless each net that is used is fitted with a Turtle Excluder Device.
Clause 6.2	States that a Turtle Excluder Device is not required if a try-net is used.