

TORRES STRAIT DUGONG FISHERY
PROHIBITIONS ON THE TAKING OF DUGONGS (AREA, GEAR
AND METHOD 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. 65.

COMMENCEMENT

2. This Notice commences on *Gazettal*.

THIS NOTICE TO APPLY WITH OTHER NOTICES

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

REVOCATION OF FISHERIES MANAGEMENT NOTICES

4. The following Fisheries Management Notices are Revoked:
 - (a) Fisheries Management Notice No 13 published in the Commonwealth of Australia Special Gazette dated 10 February 1987; and

- (b) Fisheries Management Notice No 41 published in the Commonwealth of Australia Gazette No S 287, Tuesday, 18 July 1995.

INTERPRETATION

5. (a) In this Notice:

"dugong" means mammals of the species *Dugong dugon*; and

"equipment for taking dugong" includes, but is not limited to, all nets, firearms, explosives and poisons; and

"spear" means a weapon with a long shaft and pointed head used to take dugong (commonly known as a wap in the Torres Strait region); and

"the Act" means the *Torres Strait Fisheries Act 1984*; and

"the area of the dugong 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*.

PROHIBITION ON THE TAKING OF DUGONG

6. Pursuant to paragraph 16(1)(a) of the Act, a person is prohibited from taking dugong in the area of the Dugong Fishery.

PROHIBITION ON THE TAKING OR CARRYING OF DUGONG ON A COMMERCIAL FISHING BOAT.

7. Pursuant to paragraph 16(1)(c) of the Act, a person is prohibited from taking or carrying of dugong on a commercial fishing boat licensed under sections 19(2) and 19(3) of the Act in the area of the Dugong Fishery.

PROHIBITION ON EQUIPMENT USED FOR TAKING DUGONG

8. Pursuant to paragraph 16(1)(c) of the Act a person is prohibited from taking dugong in the area of the Dugong Fishery by any method other than with the use of a spear thrown by hand.

EXEMPTIONS

9. Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in:
- a) paragraph 6 if that person is taking dugong in the course of traditional fishing in the area of the Dugong Fishery other than the area described in the Schedule;
 - b) paragraph 7 if taking or carrying dugong on a boat licensed under Section 19(2) of the Act that is operating under the conditions of a Traditional Inhabitant Boat (TIB) licence where the boat is no more than 6 metres in length when measured in accordance with paragraph 10 and is less than or equal to 6 metres in length.

MANNER OF MEASURING LENGTH OF BOAT

10. For the purpose of paragraph 6 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.

SCHEDULE

AREA OF THE DUGONG SANCTUARY

The area consisting of:

- (a) Commencing at the point of Latitude 11°10' South, Longitude 141°01' East;
- (b) Running thence north along the meridian of Longitude 141°01' East to its intersection with the Fisheries Jurisdiction line specified in Annex 8 to the Torres Strait Treaty;
- (c) Thence north-easterly along that line to its intersection with the meridian of Longitude 142° East
- (d) Thence south along that meridian to its intersection with the parallel of Latitude 11°10' South;
- (e) Thence west along that parallel to the point of commencement