

Torres Strait Fisheries Act 1984

Torres Strait Fisheries Management Instrument No. 4

TORRES STRAIT PRAWN FISHERY

PROHIBITION ON TAKING PRAWNS BY PAPUA NEW GUINEA BOATS

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 of the Authority, makes the following instrument under s 16 of the *Torres Strait Fisheries Act 1984*.

Dated this20th..... day ofMay..... 2011

Senator the Hon. Joe Ludwig
Commonwealth Minister for Agriculture, Fisheries and Forestry
On behalf of the Protected Zone Joint Authority

1. NAME OF THIS INSTRUMENT

This instrument is the Torres Strait Fisheries Management Instrument No. 4.

2. COMMENCEMENT

This instrument commences on the day after registration.

3. APPLICATION OF THIS INSTRUMENT

This instrument applies in conjunction with any other notice or instruments in force in the Torres Strait Prawn Fishery (TSPF).

4. REVOCATION OF FISHERIES MANAGEMENT NOTICE 29

Fisheries Management Notice No. 29, dated 14 April 1989 is revoked.

5. INTERPRETATION

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

“area of the fishery” means the area described in Part 1 of Schedule 1 of the *Torres Strait Prawn Fishery Management Plan*, excluding the area described in Part 2 of Schedule 1 of the Plan.

“fishery” means the Torres Strait Prawn Fishery as described in the *Torres Strait Prawn Fishery Management Plan*.

“prawns” means *Metapenaeus endeavouri* (blue endeavour prawn), *Penaeus esculentus* (brown tiger prawn) and *Melicertus longistylus* (red spot king prawn).

“the Act” means the Torres Strait Fisheries Act 1984.

“Torres Strait Prawn Fishery Management Plan” means the plan of management for the fishery as made by the PZJA under s 15A of the Torres Strait Fisheries Act 1984, currently registered on the Federal Register of Legislative Instruments under s 24 of the Legislative Instruments Act 2003.

“treaty endorsement” means the Treaty endorsement as defined under the Torres Strait Prawn Fishery Management Plan.

(2) A word used in this instrument that is used in the Act, the *Torres Strait Fisheries Regulations 1985* or the *Torres Strait Prawn Fishery Management Plan* has the same meaning as in the Act, Regulations or Plan.

6. PROHIBITIONS

(1) Under paragraph 16(l)(e) of the Act, the taking of prawns is prohibited in the area of the fishery with the use of a boat for which a Papua New Guinea (PNG) licence is in force.

(2) Under paragraph 16(l)(o) of the Act, a person in charge of a boat for which a PNG licence is in force must not, in the area of the fishery, have in his or her possession or under his or her control, otter trawl nets and boards, unless:

- (a) no part of the nets or boards is in the water; and
- (b) each board is stowed in the racks or hanging from the blocks; and
- (c) the cod-end of each net is open.

7. EXEMPTIONS

Under paragraph 16(1A)(d) of the Act, prohibitions outlined in section 6 do not apply to a boat with a PNG licence that has a TSPF Treaty endorsement.
