

INSTRUMENT REGULATING FISHING

Torres Strait Fisheries Act 1984
Section 16
Torres Strait Pearl Shell Fishery

TORRES STRAIT FISHERIES MANAGEMENT INSTRUMENT NO. 7

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*, of the Minister's powers under section 16 of the *Torres Strait Fisheries Act 1984*, makes the following Instrument.

Dated: 26. 8. 2011

The Hon. Joe Ludwig, MP

Commonwealth Minister for Agriculture Fisheries and Forestry
on behalf of the Protected Zone Joint Authority

CITATION

1. This Instrument may be cited as Torres Strait Fisheries Management Instrument No. 7

COMMENCEMENT

2. This Instrument commences on the day after registration on the Federal Register of Legislative Instruments.

PERIOD OF APPLICATION

3. The application of this Instrument ceases to be in force (if not previously repealed) on 31st December 2020.

REVOCATION

4. Fisheries Management Notice No. 69 dated 18 February 2004 is repealed.

INTERPRETATION

- 5.1 In this Instrument:

- (a) "pearl shell" means molluscs of the genus *Pinctada* and *Pteria*;
- (b) "the Act" means the *Torres Strait Fisheries Act 1984*.

- 5.2 Terms used but not defined in this Instrument have the same meaning as in the Act and the *Torres Strait Fisheries Regulations 1985*.

PROHIBITION (GENERAL)

- 6.1 Pursuant to paragraph 16(1)(a) of the Act, the taking, processing or carrying of live pearl shell of the species *Pinctada maxima* or any other pearl shell species whether alive or dead, is prohibited in the area of the pearl shell fishery.
- 6.2 Pursuant to paragraph 16(1)(a) of the Act, the taking, processing or carrying of dead pearl shell of the species *Pinctada maxima* is prohibited in the area of the pearl shell fishery.

EXEMPTIONS FROM PROHIBITION

7. Pursuant to paragraph 16(1A)(d) of the Act, the following persons are exempt from the prohibitions in paragraph 6.1:
- (a) a person holding a licence granted under either subsection 19(2) or 19(3) of the Act that entitles the person to take, process or carry pearl shell;
 - (b) a person using a boat and who holds a licence that was issued under the law of Papua New Guinea that is endorsed by Australia under section 20 of the Act, authorising the boat to be used to take pearl shell in the area of Australian jurisdiction;
 - (c) a person holding a licence granted under the *Queensland Fisheries Act 1994* that entitles that person to engage in pearl shell farming;
 - (d) a person using a boat, that does not exceed 6 metres in length, in the course of community fishing; and
 - (e) a person using a boat in the course of traditional fishing.

SIZE LIMIT

8. Pursuant to paragraph 16(1)(b)(ii) of the Act, the taking of a pearl shell is prohibited if:
- (a) in the case of the species *Pinctada maxima* (commonly known as gold lip, silver lip or white shell) – the length is less than 130 millimetres or greater than 230 millimetres; and
 - (b) in the case of the species *Pinctada margaritifera* (commonly known as black lip pearl shell) – the length is less than 90 millimetres.

METHOD OF MEASURING SIZE OF PEARL SHELL

9. For the purposes of paragraph 8 pearl shell is measured in its original form as fished, across the shell overall from the butt or hinge to the opposite edge of the lip.

EXEMPTION FROM SIZE LIMIT

10. A person engaged in traditional fishing is exempt from the prohibition in paragraph 8.

GEAR RESTRICTIONS

11. Pursuant to paragraph 16(1)(c) of the Act, the taking of pearl shell is prohibited by any method other than:
 - (a) diving; or
 - (b) collecting by hand.