**INSTRUMENT REGULATING FISHING**

***Torres Strait Fisheries Act 1984***

Section 16

**Torres Strait Trochus Fishery**

**TORRES STRAIT FISHERIES MANAGEMENT INSTRUMENT NO. 13**

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: 1 September 2016**

**Senator the Hon. Anne Ruston**

Parliamentary Secretary to the Minister for Agriculture and Water Resources

on behalf of the Torres Strait Protected Zone Joint Authority

**Citation**

1. This Instrument may be cited as the *Torres Strait Fisheries Management Instrument No. 13*.

**Commencement**

2. This Instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

**Cessation**

3. This Instrument is repealed on 31 December 2025 unless earlier revoked.

**Interpretation**

4.1 In this Instrument, unless the contrary intention appears “the Act” means the *Torres Strait Fisheries Act 1984*, and:

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

4.3 “**trochus**” means fish of the species *Tectus niloticus* (previously *Trochus niloticus*); and

“**underwater breathing apparatus**” means any apparatus that delivers air or other breathing gas to a person.

### Prohibitions

5. Pursuant to paragraph 16(1)(a) of the Act, the taking, processing or carrying of trochus in the area of the Trochus Fishery is prohibited.

### Exemptions from the prohibitions

6. Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibitions in Clause 5 if:

(a) the person holds a licence granted under either subsection 19(2) or 19(3) of the Act that entitles that person to take, process or carry trochus; or

(b) the person takes, processes or carries trochus in the course of traditional fishing.

**Gear restrictions**

7. Pursuant to paragraph 16(1)(c) of the Act, the taking of trochus in the area of the Trochus Fishery is prohibited except if collected by hand and without the use of any underwater breathing apparatus.

**Size limit**

8. Pursuant to paragraph 16(1)(b)(ii) of the Act, the taking of trochus is prohibited if the trochus, when measured in their original form as fished, are less than 80 millimetres or more than 125 millimetres, at the widest part of the base of the shell.

**Exemption from size limit**

9. A person is exempt from the prohibition in Clause 8 if that person is engaged in traditional fishing.