



Torres Strait Fisheries (Bêche-de-mer) Management Instrument 2022

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*, makes the following instrument under section 16, and in accordance with section 40, of the *Torres Strait Fisheries Act 1984*.

Dated: Friday 11 February 2022

Senator the Hon Jonathon Duniam

Assistant Minister for Forestry and Fisheries
Assistant Minister for Industry Development
Chair, Protected Zone Joint Authority

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1 Name

This instrument is the *Torres Strait Fisheries (Bêche-de-mer) Management Instrument 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 March 2022	1 March 2022

Note 1: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 16 of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 3 of the Act, including the following:

- (a) community fishing
- (b) fish
- (c) traditional inhabitant
- (d) traditional fishing.

In this instrument:

Act means the *Torres Strait Fisheries Act 1984*.

bêche-de-mer means fish of the families Holothuriidae and Stichopodidae.

bêche-de-mer fishery means the area of the bêche-de-mer fishery prescribed in item 1 of Schedule 2 to the *Torres Strait Fisheries Regulations 1985*.

bêche-de-mer licenced person means a person who has been granted a licence under subsection 19(2), 19(3) or 19(4A) of the Act that authorises the taking, processing or carrying of bêche-de-mer in the bêche-de-mer fishery.

hookah gear means equipment to enable a person to breathe underwater where the air is supplied from either an air compressor or one or more air cylinders

above the surface of the water, and includes equipment which may be described as surface supplied breathing equipment or surface supplied breathing apparatus.

PZJA Arrangement means the document titled “*Arrangement between the Commonwealth and the State of Queensland under section 31 of the Torres Strait Fisheries Act 1984*” dated 17 March 1999 and published on the Federal Register of Legislation, as that document exists at the commencement of this instrument.

Note: The PZJA Arrangement could be viewed on the website of the Federal Register of Legislation on 20 October 2021 at:
<https://www.legislation.gov.au/Details/F2008B00750>.

Regulations means the *Torres Strait Fisheries Regulations 1985*.

underwater breathing apparatus includes **hookah gear** and self-contained underwater breathing apparatus (known as SCUBA).

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Prohibition on taking, processing or carrying bêche-de-mer

- (1) The taking, processing or carrying of bêche-de-mer in the area of the bêche-de-mer fishery is prohibited.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to the application of the PZJA Arrangement.

- (2) A person is exempt from the prohibition in subsection (1) where:

- (a) the person is a bêche-de-mer licenced person; or
- (b) the person takes or carries bêche-de-mer without the use of a boat – the number of bêche-de-mer in that person’s possession does not exceed three; or
- (c) the person takes or carries bêche-de-mer with the use of a boat, or by diving from a boat, and no other person is in the boat – the number of bêche-de-mer in the boat does not exceed three; or
- (d) the person takes or carries bêche-de-mer with the use of a boat, or by diving from a boat, and there is at least one other person in the boat – the number of bêche-de-mer in the boat does not exceed six.

7 Prohibition on taking, processing or carrying of undersize bêche-de-mer

The taking, processing or carrying of bêche-de-mer of a species listed in an item in column 1 of the table is prohibited where, in their original living form at their longest point, the length of bêche-de-mer is shorter in length than the minimum length specified in column 2 of the table.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to application of the PZJA Arrangement.

Item	Column 1 Species of bêche-de-mer	Column 2 Minimum length (centimetres)
1	Black teatfish (<i>Holothuria whitmaei</i>)	25
2	Brown sandfish (<i>Bohadschia vitiensis</i>)	25
3	Burrowing blackfish (<i>Actinopyga spinea</i>)	22
4	Curryfish (common) (<i>Stichopus herrmanni</i>)	31
5	Curryfish (vastus) (<i>Stichopus vastus</i>)	15
6	Deepwater blackfish (<i>Actinopyga palauensis</i>)	22
7	Deepwater redfish (<i>Actinopyga echinites</i>)	20
8	Elephant trunkfish (<i>Holothuria fuscopunctata</i>)	24
9	Golden sandfish (<i>Holothuria lessoni</i>)	22
10	Hairy blackfish (<i>Actinopyga miliaris</i>)	22
11	Leopardfish (<i>Bohadschia argus</i>)	30
12	Lollyfish (<i>Holothuria atra</i>)	15
13	Prickly redfish (<i>Thelenota ananas</i>)	35
14	Sandfish (<i>Holothuria scabra</i>)	18
15	Surf redfish (<i>Actinopyga mauritiana</i>)	22
16	White teatfish (<i>Holothuria fuscogilva</i>)	32

8 Prohibition on the use of certain methods

- (1) The taking, processing or carrying of bêche-de-mer in the bêche-de-mer fishery using methods to which subsection (2) applies is prohibited.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to the application of the PZJA Arrangement.

- (2) This subsection applies to all fishing methods apart from collection by hand.

9 Prohibition on the use of certain equipment

- (1) The taking, processing or carrying of bêche-de-mer in the bêche-de-mer fishery with the use of equipment to which subsection (2) applies is prohibited.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to the application of the PZJA Arrangement.

- (2) This subsection applies to:

- (a) any kind of mechanical equipment that provides for underwater propulsion; and
- (b) Any kind of underwater breathing apparatus.

10 Prohibition on the use, possession or control of underwater breathing apparatus

A person is prohibited from using, from having in his or her possession, or from having under his or her control, on a boat in the area of the bêche-de-mer fishery, any quantity of underwater breathing apparatus, where a person is also carrying bêche-de-mer on a boat in the area of the bêche-de-mer fishery.

Note: This prohibition does not apply to traditional inhabitants engaged in traditional fishing due to the application of the PZJA Arrangement.

Schedule 1—Repeals

Torres Strait Fisheries Management Instrument No. 15

F2017L00370

1 The whole of the instrument

Repeal the instrument