

Torres Strait Fisheries Act 1984

Fisheries Management Notice No. 79

TORRES STRAIT SPANISH MACKEREL FISHERY

PROHIBITIONS RELATING TO THE TAKING, PROCESSING AND CARRYING OF SPANISH MACKEREL (GEAR AND SIZE RESTRICTIONS AND TAKE AND CARRY LIMIT)

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 this22..... day of ...September 2006

Eric Abetz

ERIC ABETZ

**Minister for Fisheries, Forestry and Conservation and member and Chair of the
Protected Zone Joint Authority.**

CITATION

1. This Notice may be cited as Torres Strait Fisheries Management Notice No. 79.

COMMENCEMENT

2. This Notice commences on the day after registration.

THIS NOTICE TO APPLY WITH OTHER NOTICES

3. This Notice applies in conjunction with any other Notice in force in the area of the Spanish Mackerel Fishery.

REVOCATION OF FISHERIES MANAGEMENT NOTICE NO 74

4. Fisheries Management Notice No. 74, dated 28 November 2005 is revoked.

INTERPRETATION

- 5.1 In this Notice, unless the contrary intention appears “the Act” means the *Torres Strait Fisheries Act 1984*.
- 5.2 Terms used but not defined in this Notice have the same meaning as in the Act and the *Torres Strait Fisheries Regulations*.
- 5.3 “mackerel” means fish of the species Spanish mackerel (*Scomberomorus commerson*), school mackerel (*Scomberomorus queenslandicus*), grey mackerel (*Scomberomorus semifasciatus*), spotted mackerel (*Scomberomorus munroi*) and shark mackerel (*Grammatorcynus bicarinatus*).
- 5.4 “finfish” means all fish of the *Superclass Pisces* other than mackerel.
- 5.5 “TVH licence” means a fishing boat licence issued under section 19(2) of the Act that is not a Traditional Inhabitant Boat (TIB) licence.

PROHIBITION (GENERAL)

6. Pursuant to paragraph 16(1)(a) of the Act, the taking, processing or carrying of mackerel is prohibited.

EXEMPTIONS FROM PROHIBITION

7. Pursuant to paragraph 16(1A)(d) of the Act, a person is exempt from the prohibition in paragraph 6 if:
 - a) a 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 mackerel; or
 - b) where a 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 finfish, takes or carries at any one time, not more than 20 kilograms of mackerel in any form; or
 - c) where a person holds a licence granted under either subsection 19(2) or 19(3) of the Act other than a licence of a kind referred to in paragraph (a) or (b), takes or carries at any one time:

- (i) not more than 20 kilograms of mackerel in any form; or
 - (ii) where a quantity of finfish is also being carried, the combined weight of mackerel and finfish are not more than 20 kilograms; or
- d) a person using a boat 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 that boat to be used to take Spanish mackerel in the area of Australian jurisdiction; or
- e) a person is using a boat in the course of traditional fishing.

SIZE LIMITS

- 8.1 Pursuant to paragraph 16(1)(b)(ii) of the Act, it is prohibited to take mackerel that when measured in accordance with Paragraph 8.2, are less than the minimum size limits specified in Schedule 1.
- 8.2 For the purposes of paragraph 8.1, the length of a mackerel is measured from the point of the snout (or tip of the lower jaw, if that tip protrudes beyond the snout), to the extremity of the tail or caudal fin, whichever is longer.

EXEMPTION TO SIZE LIMITS

9. Pursuant to paragraph 16(1A)(d) of the Act a person engaged in traditional fishing is exempt from the prohibition in paragraph 8.1.

GEAR RESTRICTIONS

10. Except as provided in paragraph 11, pursuant to paragraph 16(1)(c) of the Act, it is prohibited to take mackerel by any method other than trolling, handlining or droplining in the Australian jurisdiction.

GEAR RESTRICTIONS - BRAMBLE CAY/BLACK ROCKS

11. Pursuant to paragraph 16(1)(c) of the Act, holders of TVH licences operating in the Australian territorial sea surrounding Bramble Cay and Black Rocks are prohibited to take mackerel:
- a) between the hours of 0930 and 1500 (eastern standard time) each day during the months of August to December; and
 - b) by any method other than trolling.

EXEMPTION TO THE BRAMBLE CAY/BLACK ROCKS RESTRICTIONS

12. Pursuant to paragraph 16(1A)(d) of the Act a person engaged in traditional fishing is exempt from the prohibitions in paragraphs 10 and 11.

SCHEDULE 1

<u>SPECIES</u>	<u>MINIMUM SIZE</u>
Spanish mackerel (<i>Scomberomorus commerson</i>)	750 millimetres
Spotted mackerel (<i>Scomberomorus munroi</i>)	600 millimetres
School mackerel (<i>Scomberomorus queenslandicus</i>)	500 millimetres
Grey mackerel (<i>Scomberomorus semifasciatus</i>)	500 millimetres
Shark mackerel (<i>Grammatorcynus bicarinatus</i>)	500 millimetres