



# **NATIONAL FISHERIES AUTHORITY**

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## **FISHERIES MANAGEMENT ACT 1998 AND FISHERIES (TORRES STRAIT PROTECTED ZONE) ACT 1984, CHAPTER 411.**

### **TORRES STRAIT AND WESTERN PROVINCE TROPICAL ROCK LOBSTER FISHERY MANAGEMENT PLAN**

**The National Fisheries Authority, under Section 28 of the Fisheries Management Act 1998 and by Section 4 (1) of The Fisheries (Torres Strait Protected Zone) Act 1984, Chapter 411 set out the Torres Strait and Western Province tropical rock lobster Management Plan. This plan takes effect from the date of notification in the National Gazette.**

<b>CONTENTS</b>	<b>PAGE</b>
<b>Background</b>	3
<b>Description of the Fishery</b>	3
<b>1. Application</b>	4
<b>2. Interpretation</b>	4
<b>3. Objectives</b>	4
<b>4. Management Arrangement</b>	5
<b>5. Management Measures</b>	6
<b>6. Research</b>	8
<b>7. Customary Rights</b>	8
<b>8. Amendment</b>	8

## Background

### Description of the Fishery

Most commercial fishing for tropical rock lobster (*Panulirus ornatus*) occurs on the northern Warrior Reefs (Silver, Wapa & Kokope Reefs) of Torres Strait Protected Zone. The lobster fishery forms part of the same stock shared with Australia. The fishery provides a major source of income for inhabitants of Daru and the surrounding coastal villages.

The lobster fishery in the Torres Strait is one of the six fisheries managed under *Article 22 of the Torres Strait Treaty*, which was ratified between Papua New Guinea (PNG) and Australia in 1985. The Treaty's main objective is to preserve the fishery for traditional inhabitants of Torres Strait. There is limited entry for non-traditional inhabitants and expansion is strictly reserved for traditional inhabitants. A limit of 7 licensed freezer vessels are allowed to operate in the fishery at any one time. A catch sharing agreement with Australia allows PNG divers to catch 25 % share from Australian side of the Torres Strait Protected Zone. To conserve the breeding populations, a ban on trawling for lobsters in both Australia and PNG waters was imposed in 1984.

There are four (4) main companies that operate seven (7) freezer vessels that freeze product at sea and each of these vessel supports about 5 – 6 dinghies. Each vessel is allowed to have licensed 5 – 6 hookah gear. There are currently over 500 divers involved in the fishery, although many of these operate few days of the year. Most participants are shore-based, operating from dinghies with outboard motors. Shore – based divers return their catch to one of two processors on Daru.

More than 90 % of the fishing occurs at three reefs; Silver, Wapa and Kokopi, with some fishing at Gimini, Parama and the fringing reefs of Daru. Divers operate year round with no significant seasonal cycle to effort.

### 1. Application

- (a) The Torres Strait and Western Province tropical rock lobster fishery management plan is prepared under the authority of, and in accordance with, *The Fisheries Management Act 1998* and *The Fisheries (Torres Strait Protected Zone) Act 1984, Chapter 411*.
- (b) This tropical rock lobster fishery management plan is cited as “the plan” and “the management plan”.
- (c) This plan applies to a species of the family Palinuridae, specifically the ornate or tropical rock lobster *Panulirus ornatus*.
- (d) This plan applies to the tropical rock lobster fishery in the Torres Strait Protected Zone (TSPZ) under the jurisdiction of the State of Papua New Guinea, Western Province and the Gulf of Papua and includes all fishing and activities associated with the catching, transshipping, processing, storage, buying, selling and exporting of tropical rock

lobster products. It also includes free diving; hookah gear; SCUBA; trawling; and day or night (in light of a torch or any other sources of light) and catching by hand, scoop net and spear.

- (e) This plan is to be interpreted in accordance with Section 2, *Fisheries Management Act 1998*, Part 1.1, *Fisheries Management Regulations 2000*, the *Fisheries (Torres Strait Protected Zone) Act 1984*, Chapter 411 and Articles 22 and 23 of the *Torres Strait Treaty*.

## 2. Interpretation

In this Management Plan, unless the contrary intention appears –

“Authority” means the National Fisheries Authority’

“*Fishery*” means the lobster fishery targeting the lobster species *Panulirus ornatus* from the waters of Torres Strait and Western Province of PNG

“*Torres Strait*” means a waterway bounded to the north and south by the Papua New Guinean and Australian mainlands.

“*Torres Strait Treaty*” means the Treaty between the Independent State of Papua New Guinea and Australia concerning Sovereignty and Maritime Boundaries in the area between two countries, including Torres Strait.

“*Protected Zone*” means the area the boundaries of which are described in Annex 9 of the Torres Strait Treaty.

“*PNG owned and Registered Vessel*” means an operations of vessel are based in a place in PNG and that is wholly owned by a PNG citizen or by a company incorporated in PNG.

“*Traditional Inhabitants*” means persons who live in or near the Protected Zone.

“*Traditional Resource Owners*” means families with fishermen or single fishermen who have fished for lobsters and finfish in Western Province and Torres Strait waters and are recognised by their people as having traditional ownership rights to the lobster and finfish resources.

“*Catch-Sharing Arrangement*” means management arrangements defined under Articles 22 and 23 of the Torres Strait Treaty.

“*SCUBA Gear*” means Self Contain Under water Breathing Apparatus.

“*Hookah Gear*” means underwater breathing apparatus

“*PMAC*” means the Provincial Management Advisory Committee.

“*Home Reefs*” means the traditional ownership rights to the reefs and fished by the traditional inhabitants.

“*Total Allowable Catch (TAC)*” means a total amount of catch considered to be sustainable level of exploitation from the fishery.

“*berried female*” means female lobster with eggs attached to the setae

### **3. Objectives**

- (a) To manage the fishery to ensure that the stock size would be maintained annually at a level that will give maximum sustainable economic yield.
- (b) To ensure that the development of the tropical rock lobster fishery benefits the traditional users, particularly the traditional inhabitants of the TSPZ.
- (c) To maximise the opportunities for traditional inhabitants to participate by implementing policies that include managing the fishery as a dive fishery.
- (d) To manage the fishery with a precautionary approach.

### **4. Management Arrangement**

- (a) The tropical rock lobster fishery will be managed nationally, which will include Article 22 and 23 of the TSPZ Treaty Arrangement between PNG and Australia.
- (b) Under Articles 22 and 23 of the TSPZ Treaty, a catch sharing agreement with Australia allows PNG licensed vessels to catch 25% share from Australian side and 75% from PNG side. Australian vessels are allowed similar arrangement under the above Catch Sharing Arrangement (25% share from PNG side and 75% from Australian side).
- (c) In view of the importance of the Torres Strait and Western Province lobster fishery, NFA will encourage the formation of Provincial Management Advisory Committee (PMAC) and the membership will include:
  - (i) one representative from provincial administration;
  - (ii) one district administrator;
  - (iii) three customary fisher representatives;
  - (iv) two local fishing industry representatives;
  - (v) one NFA representative;
  - (vi) provincial fisheries officer; and
  - (vii) one representative from a non-government organization whose objectives include conservation of the marine environment and resources.

- (d) The PMAC and its members will operate in accordance with the following procedures and such other procedures and standards as may be set by the Board:
  - (i) the Chair of the PMAC will be voted in by a two thirds majority; and
  - (ii) a quorum requires any six members and must include one customary fisher representative, the Chair and NFA representative; and
  - (iii) the PMAC will meet as required, but, no less than twice a year.
- (e) A PMAC must not include any elected political office holders from the national or provincial government or person nominated for such office.
- (f) The PMAC may be consulted on other fisheries.

## **5. Management Measures**

The following management measures set out in the management plan shall have the force of law upon notification in the National Gazette.

### **5.1 Licensing**

- (a) Under this plan no new licenses shall be issued to non-citizen companies, individuals or foreign joint venture arrangements. All licenses holders must be based in Daru.
- (b) All vessels must be citizen owned or substantially controlled and registered in PNG.
- (c) There shall be a maximum of seven (7) licensed vessels, of sizes no more than 20 m in total length.
- (d) A grace period of one (1) year is applied to current licensed vessels whose lengths are more than 20 m to meet clause 5.1 (b). The one (1) year period begins from 31<sup>st</sup> March 2002.
- (e) There shall be no more than seven (7) registered dinghies attached to each vessel.
- (f) There shall be no more than 27 registered dinghies for cross-border endorsement. The 27 dinghies will be distributed among the licensed vessel. The dinghies shall display clearly on the bow the registration number of the licensed vessel.

- (g) The PMAC shall endorse all new licenses for the vessels and dinghies before submitting to NFA. Traditional inhabitants shall be given priority for dinghy allocation.
- (h) All lobster collected shall be exported from Western Province. No product shall be moved to another province for export without clearance from the National Fisheries Authority.
- (i) All new licensed operators must have shore based facilities based in Daru, including storage, refueling, provisioning, packaging and export.
- (j) Under the direction of the Managing Director, NFA will place fisheries observers on licensed vessels from time to time. All operators must cooperate and assist the fisheries observers.
- (k) Under this plan, licensed operators must make every effort to have their hookah divers trained to dive and authorized by a certified diving instructor. This will become a compulsory requirement for a vessel license.
- (l) Taking of turtles and dugongs by licensed vessels and dinghies while fishing for tropical rock lobster or other related activities is prohibited.

## **5.2 Size Limits and Restriction on Egg-bearing Females**

- (a) Tropical rock lobster with a tail length of less than 115mm shall not be ~~caught~~harvested and exported.
- (b) Only a bag limit of 2 kgs can be transported to Port Moresby for personal consumption.
- (~~c~~b) Berried (egg-bearing) female tropical rock lobster shall not be taken at any time.

## **5.3 Gear Restrictions**

- (a) The use of hookah gear for fishing of tropical rock lobster is prohibited from 1<sup>st</sup> December to 31<sup>st</sup> March each season.
- (b) A total of 49 hookah gears will be allowed to fish inside the PNG side of the TSPZ and Western Province tropical rock lobster fishery. Each licensed vessel will be allowed to have on board a maximum of seven (7) hookah gears per year.
- (c) Fishing for tropical rock lobster is only allowed by free and hookah diving and traditional methods including surface lights.
- (d) Fishing by SCUBA gear and underwater lights is prohibited.

#### **5.4 Home Reefs**

Home reefs and other fringing reefs are reserved for traditional and subsistence uses only. Licensed commercial vessels shall not be allowed. The home reefs are: Otamabu, Potomaza, Wamero, Gimini and Parama.

#### **5.5 Total Allowable Catch (TAC)**

The TAC will be based on the Catch Sharing Arrangement between Papua New Guinea and Australia. This will be gazetted in the National Gazette. The TAC will be reviewed not less than every three (3) years.

#### **5.6 Export**

Export, possession and sale of undersized tropical rock lobster, including the export of meat from undersized lobster is prohibited and offenders will be prosecuted.

#### **5.7 Reporting**

- (a) The licensed operators must submit catch and effort data to NFA on the standard lobster logbook provided or the operators' records. The data should include; weight in kilograms, number of days fished per diver and any other information that NFA may deem necessary.
- (b) Catch reports containing the information set out in Clause (a) must be submitted to NFA every 21<sup>st</sup> day of each month.
- (c) Failure to submit the required reports within fourteen (14) days after the required 21<sup>st</sup> day of each month or submitting incorrect data may result in penalising the licensee.

### **6. Research**

NFA will work with stakeholders and with Australia and other NFA approved institutions to carry out research and information gathering activities to allow refinement of the plan, particularly the conduct of resource surveys and assessments.

### **7. Customary Rights**

Existing customary management measures, which are consistent with this plan, are recognised by the NFA and will be incorporated into this plan.

### **9. Amendment**

