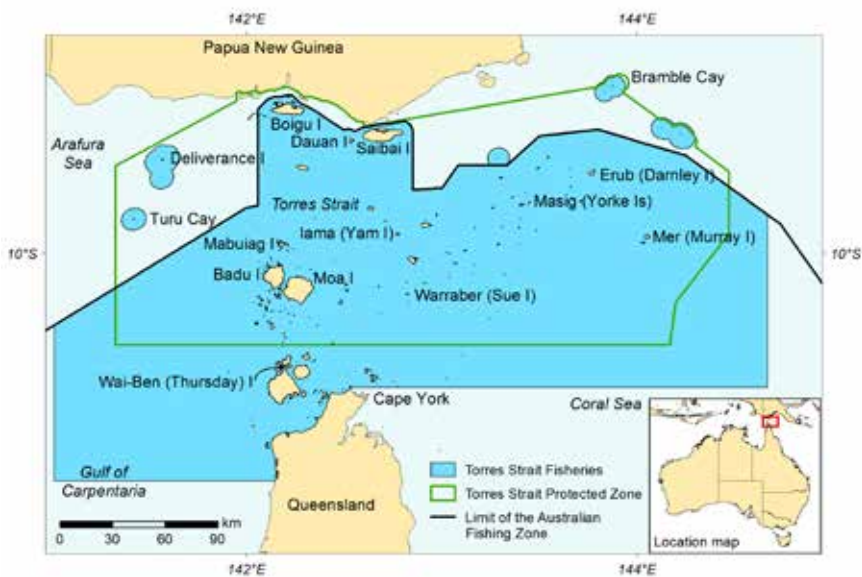


Chapter 16

Torres Strait fisheries

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FIGURE 16.1 Area of the Torres Strait fisheries



Torres Strait is located between Cape York Peninsula (north Queensland) and Papua New Guinea (PNG; Figure 16.1). It connects the Arafura and Coral seas and is an important shipping route. There are hundreds of islands and reefs in Torres Strait, with 18 islands currently inhabited. The area produces seafood for local consumption and for sale in Australia and overseas. Marine resources are a staple component of the diet of Torres Strait Islanders, as well as being central to traditional island culture and an important source of income.

The 1985 Torres Strait Treaty between Australia and PNG established the boundaries between the two nations and provides for joint management of the shared resources of the sea area. The treaty is concerned with sovereignty and maritime boundaries, protection of the marine environment and optimum use of commercial resources in the region. It also establishes the Torres Strait Protected Zone (TSPZ; Figure 16.1), in which each nation exercises sovereign jurisdiction for migratory fish and sedentary species in their own waters. The principal purpose of the TSPZ is to acknowledge and protect the way of life and livelihood of the Traditional Inhabitants of the area. This includes protecting traditional fishing methods and rights of free movement.

The management area for each Australian fishery in Torres Strait extends south of the TSPZ (Figure 16.1). In each fishery, this area of the management zone is referred to as the 'outside but near area'. The boundary of the outside but near area for each fishery varies; these boundaries are shown in the fishery maps in subsequent chapters.

Under the treaty, Australia and PNG are required to cooperate on the conservation and management of the commercial fisheries of the TSPZ, and engage in regular bilateral discussions. This cooperation includes negotiating and setting catch-sharing provisions for several Torres Strait fisheries under article 23 of the treaty. Catch sharing also includes the development of subsidiary conservation and management arrangements under article 22 of the treaty.

In the Australian area of the TSPZ, traditional fishing and commercial fisheries are managed by the Torres Strait Protected Zone Joint Authority (PZJA). The PZJA, established under the *Torres Strait Fisheries Act 1984* (TSF Act), comprises the Australian Government and Queensland ministers responsible for fisheries and the Chair of the Torres Strait Regional Authority (TSRA). The TSRA (an Australian Government statutory authority) was established in 1994 under the *Aboriginal and Torres Strait Islander Commission Act 1989* (now the *Aboriginal and Torres Strait Islander Act 2005*).

On 7 August 2013, the High Court of Australia held that Commonwealth and Queensland legislation, which prohibited fishing for commercial purposes without a licence, did not extinguish the native title rights of certain Torres Strait communities to take resources from defined areas. In practice, this means that native title holders are still required to comply with Commonwealth and Queensland licensing requirements to undertake commercial fishing, but are able to do so without extinguishing their non-exclusive native title rights.

Two Australian commercial sectors operate in Torres Strait: the Traditional Inhabitant sector, operating under Traditional Inhabitant Boat (TIB) licences; and the non-Traditional Inhabitants sector, operating under Transferable Vessel Holder (TVH) licences. TIB licences are available to fishers who satisfy the Traditional Inhabitant requirements under the TSF Act. TVH licences are issued to other commercial fishers. Catch-and-effort reporting through logbook systems is mandatory for TVH licence holders, whereas a voluntary docket-book system is used by fish receivers for recording the commercial catch of TIB fishers.

The fisheries currently managed by the PZJA are prawn, tropical rock lobster, Spanish mackerel, reef line, bêche-de-mer (sea cucumber), *Trochus* (top shell), pearl shell, crab, barramundi and traditional fishing (including turtle and dugong). Five of these fisheries—prawn, tropical rock lobster, pearl shell, Spanish mackerel, turtle and dugong—are article 22 fisheries that are jointly managed by PNG and Australia. The Torres Strait Tropical Rock Lobster Fishery is currently the largest commercial fishery in Torres Strait in terms of catch (478 t from the Australian jurisdiction and 108 t from the PNG jurisdiction in 2013). For Australian fishers the Torres Strait Tropical Rock Lobster Fishery is, in terms of earnings, the most valuable of the Torres Strait fisheries, with a gross value of production of \$18.4 million in the 2012–13 financial year, followed by the Torres Strait Prawn Fishery (499 t in 2013, worth \$5.9 million in 2012–13).

The Commonwealth Fisheries Harvest Strategy Policy (DAFF 2007) does not prescribe management arrangements for fisheries jointly managed by the Australian Government and other (domestic or international) management agencies, such as the fisheries in Torres Strait.

16.1 Literature cited

DAFF 2007, *Commonwealth Fisheries Harvest Strategy: policy and guidelines*, Australian Government Department of Agriculture, Fisheries and Forestry, Commonwealth of Australia, Canberra.