Chapter 15
Torres Strait fisheries

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FIGURE 15.1 Area of the Torres Strait fisheries
Torres Strait is located between Cape York Peninsula (north Queensland) and Papua New Guinea (PNG; Figure 15.1). It connects the Arafura and Coral seas, and is an important shipping route. There are hundreds of islands and reefs in Torres Strait, with 17 island communities plus several communities in the Northern Peninsula Area on Cape York. The area produces seafood for local consumption and for sale in Australia and overseas. Local seafood is a primary food source for 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 marine resources. 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 15.1), in which each nation exercises sovereign jurisdiction over migratory fish and sedentary species in its own waters. The principal purpose of establishing 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 15.1). 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 in the TSPZ; they also 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 includes the development of subsidiary conservation and management arrangements under article 22 of the treaty.

In Australia’s area of the TSPZ, traditional fishing and commercial fisheries are managed by the Torres Strait Protected Zone Joint Authority (PZJA), which was established under the Torres Strait Fisheries Act 1984. The PZJA comprises the ministers from the Australian and Queensland governments 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), and has responsibility for managing programs that aim to improve the way of life and livelihood of Torres Strait Islanders and Aboriginal people living in Torres Strait.
On 7 August 2013, the High Court of Australia held that Commonwealth and Queensland legislation that 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 may do so without extinguishing their non-exclusive native title rights.

The commercial fisheries currently managed by the PZJA are prawn, tropical rock lobster, Spanish mackerel, finfish (reef line), bêche-de-mer (sea cucumber), trochus (top shell), pearl shell, and crab. Traditional fishing (including turtle and dugong) is also managed under the TSFA. Two Australian commercial fishing sectors operate in Torres Strait: the Traditional Inhabitant Boat Sector, operating under Traditional Inhabitant Boat (TIB) licences; and the non-Traditional Inhabitant Sector, operating under Transferable Vessel Holder (TVH) licences. TIB licences are available only to fishers who satisfy the traditional inhabitant requirements. Traditional inhabitants now have exclusive access to fishing entitlements in the bêche-de-mer, finfish, Spanish mackerel and trochus fisheries. There are 12 TVH licences in the tropical rock lobster fishery, 3 of which are held by the TSRA for the benefit of traditional inhabitants. All licences in the prawn fishery are TVH. The TSRA has leased several licences to non-traditional persons in the finfish and mackerel fishery due to there being latent effort, generating revenue for the region. These are called sunset licences because they are not necessarily renewed beyond a season. There are some inactive TVH licences in the pearl shell fishery. It is PZJA policy that no new TVH licences be granted, giving traditional inhabitants greater opportunity to participate in Torres Strait commercial fisheries.

It is mandatory for all TVH licence holders to report catch-and-effort data in logbooks. There is no equivalent catch-and-effort logbook for TIB licence holders. However, the PZJA implemented a mandatory fish receiver system (FRS) for all Torres Strait fisheries (excluding the Torres Strait Prawn Fishery) on 1 December 2017. The FRS replaced the voluntary docket-book system used by fish buyers and processors, and records catch-and-effort information from all fishers, including TIB fishers. Effort information is provided voluntarily. Under the FRS, all licensed commercial fishers are required to unload their catch to a licensed fish receiver, and licensed receivers are only permitted to receive product from a licensed fisher.

Five of the commercial fisheries currently managed by the PZJA—prawn, tropical rock lobster, pearl shell, Spanish mackerel, and turtle and dugong—are article 22 fisheries that are jointly managed by PNG and Australia. For Australian fishers, the Torres Strait Tropical Rock Lobster Fishery is the most commercially valuable of the Torres Strait fisheries, with a gross value of production of $20.5 million (368 t, whole-weight equivalent) in 2018–19. This is followed by the Torres Strait Prawn Fishery (824 t, worth $11.2 million in 2018–19).
The Commonwealth Fisheries Harvest Strategy Policy (HSP; Department of Agriculture and Water Resources 2018) 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. However, a harvest strategy for the Torres Strait Prawn Fishery was implemented in 2011 (AFMA 2011). In November 2019, the PZJA adopted harvest strategies for the bêche-de-mer and tropical rock lobster fisheries (AFMA 2019a, b). These harvest strategies are modelled on the HSP with settings relevant to the objectives of the treaty. No harvest strategies are currently in place for any other Torres Strait fisheries.

**15.1 References**


———2019a, *Torres Beche-de-mer Fishery harvest strategy*, Australian Fisheries Management Authority, Canberra.

———2019b, *Torres Strait Tropical Rock Lobster Fishery harvest strategy*, Australian Fisheries Management Authority, Canberra.