



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.

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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 –

“*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 incorporate 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 under water breathing apparatus.

“*Hookah Gear*” means underwater breathing apparatus

“*NMAC*” means the national management advisory committee

“*PMAC*” means the provincial management advisory committee.

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

3. Objectives

- (a) To manage the fishery so that the stock size move annually towards 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, while 75% from PNG side.
- (c) A National Management Advisory Committee (NMAC) may be formed to provide advise to the Managing Director or the Minister on the management of the tropical rock lobster fishery.
- (d) To ensure strong input from Western Province, NFA will encourage the formation of Provincial Management Advisory Committee (PMAC).
- (e) NFA will only recognise PMACs that comprise broad representation of marine resource users in the Province and the membership of each PMAC must 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.
- (f) The PMAC may submit a request to the NMAC, with justification, for members representing other stakeholder groups in the Province.

- (g) 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.
- (h) The Managing Director will determine, on recommendation of the NMAC, if a PMAC will be represented on the NMAC. The composition of the PMAC will be the deciding factor. A PMAC must not include any elected political office holders from the national or provincial government or person nominated for such office.
- (i) PMAC may be consulted on other fishery.
- (j) The PMAC may in consultation with the Provincial Government develop a schedule to this Management Plan that covers Province specific management measures. The NMAC will endorse PMAC schedules for Board approval if they are consistent with the provisions of the management plan.

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 no foreign joint venture arrangements. All licenses holders must be based in Daru.
- (b) There shall be a maximum of seven (7) licensed vessels, with no more than 20 m in total length.
- (c) There shall be seven (7) registered dinghies attach to each vessel.
- (d) All vessels must be PNG owned and registered.
- (e) There shall be no more than 27 registered dinghies for cross-border endorsement. The 27 dinghies will be evenly allocated to each licensed vessel. The dinghies shall display clearly on the bow the registration number of the licensed vessel.

- (f) The PMAC or the TSPZ Traditional Inhabitant Committee shall endorse all licenses for the vessels and dinghies before submitting to NFA. Traditional inhabitants shall be given priority for dinghy allocation.
- (g) 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 or the Western Province Fisheries Authorities.
- (h) All licensed operators must have shore based facilities based in Daru, including storage, refueling, provisioning, packaging and export.
- (i) 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 officers.
- (j) Under this plan, every licensed operator must make every effort or should have his/her/their hookah divers licensed to dive and must be authorized by authorised or certified diving instructor. This will eventually become a compulsory requirement for a vessel license.
- (k) Taking of turtles and dugongs by licensed vessels and dinghies is prohibited.

5.2 Size Limits and Restriction on Egg-bearing Females

- (a) All tropical rock lobster with a minimum tail length of 115mm shall not be harvested and exported.
- (b) Berried (egg-bearing) female tropical rock lobster shall not be taken at any time. This is to protect and increase the number of recruitment of tropical rock lobsters.

5.3 Gear Restrictions

- (a) The use of hookah gear for fishing of tropical rock lobster is prohibited from 1st December to 31st March each season. This is to protect undersized lobsters.
- (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 on board a total of seven (7) hookah gears per year.
- (c) Fishing for tropical rock lobster is only allowed by free and hookah diving, traditional methods including surface lights or current practiced methods.
- (d) Fishing by SCUBA gear is prohibited.

5.4 Home Reefs

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

5.5 Total Allowable Catch (TAC)

- (a) 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

- (a) Export, possession and sale of undersized tropical rock lobster, including the export of undersized meat 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 day of each month.
- (c) Failure to submit the required reports within fourteen (14) day after the required 21 day of each month or submitting incorrect data may result in penalising the licensee.

6. Research

- (a) NFA will work with stakeholders and with Australia and other 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

- (a) Existing customary management measures, which are consistent with this plan, are recognized by the NFA and will be incorporated into this plan.

9. Amendment

- (a) The Authority shall keep this management plan under review as new information is obtained as to meet its objectives.

Draft Torres Strait and Western Province Tropical Rock Lobster Management Plan

- (b) Any amendment to this Management Plan shall be endorse by the Board; and submitted to the Minister for approval and notified in the National Gazette.

Endorsed this day of 2001

Chairman
National Fisheries Board

Approved _____ day of _____ 2001

Ron Ganafaro
Minister for Fisheries