

Fisheries (Torres Strait Protected Zone) Regulation 1987

Unvalidated References:

Fisheries (Torres Strait Protected Zone) Act 1984

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 5 of 1987.

Fisheries (Torres Strait Protected Zone) Regulation 1987

ARRANGEMENT OF SECTIONS.

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Fisheries (Torres Strait Protected Zone) Regulation 1987

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council, under the *Fisheries (Torres Strait Protected Zone) Act 1984*.

Dated 200 .

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears—

“**factory ship licence**” means a licence in respect of a boat authorizing the use of the boat for carrying, or for processing and carrying, fish that have not been taken by the use of the boat;

“**fishing boat licence**” means a licence in respect of a boat authorizing the use of the boat for taking fish and for processing and carrying fish that have been taken with the use of the boat.

2. LICENCE TO ENGAGE IN FISHING.

(1) An application for a licence to engage in fishing under Section 5(1)(a) of the Act shall be in form 1 of Schedule 1.

(2) A licence to engage in fishing under Section 5(1)(a) of the Act shall be in form 2 of Schedule 1.

3. A FISHING BOAT LICENCE.

(1) An application for a fishing boat licence under Section 5(1)(b) of the Act shall be in form 3 of Schedule 1.

(2) A fishing boat licence under Section 5(1)(b) of the Act shall be in form 4 of Schedule 1.

4. FACTORY SHIP LICENCE.

(1) An application for a factory ship licence under Section 5(1)(c) of the Act shall be in form 5 of Schedule 1.

(2) A factory ship licence under Section 5(1)(c) of the Act shall be in form 6 of Schedule 1.

5. FEES.

(1) Subject to Subsection (2), the fees payable by a person granted a licence under the Act are as specified in Schedule 2.

(2) The fees referred to in Subsection (1) are not payable by—

(a) a person who is engaged in taking fish for consumption by himself and his immediate family and who is not selling or trading the fish; and

(b) a citizen using a boat that is of traditional build.

(3) The fees are payable at the time application is made for a licence, and in the event of a licence not being granted the amount of the fee paid shall be refunded to the applicant.

6. REQUIREMENTS FOR MARKING OF LICENSED FISHING BOATS.

(1) This section applies to a boat in respect of which a fishing boat licence or a factory ship licence has been issued.

(2) A licensed boat shall have displayed on the centre line on the stern and on each side of the bow above the water line—

(a) its name in Roman letters; and

(b) the letters “PNG” followed by the licence number in Arabic numerals, followed by the letter “T”,

painted in letters and numerals—

- (c) in black on a white background or in white on a black background; and
- (d) of a size—
 - (i) not less than 150mm high; and
 - (ii) not less than 40mm wide; and
- (e) spaced not less than 40mm apart.

(3) The licence number shall be painted horizontally on the top of the wheelhouse, or where there is no wheelhouse, as directed by the Minister, in numerals—

- (a) not less than 1m high; and
- (b) not less than 150mm wide in any part; and
- (c) in black on a yellow background.

7. ISSUE OF LOG BOOK.

The Departmental Head shall issue to the master of each licenced fishing boat and factory ship, at the time of the issue of the licence, a log-book.

8. PARTICULARS TO BE ENTERED IN LOG BOOK.

(1) The master of a licensed fishing boat or licensed factory ship shall, in respect of each day during which, or part of which, the fishing boat or factory ship is engaged in the activities for which it is licensed, enter into the appropriate folio of the log book all information that is required to complete each folio of the log book for each respective activity.

(2) The information required to be entered in a log book under Subsection (1) shall be entered not later than the day immediately following the day, or part of the day to which they relate.

9. PARTICULARS TO BE SENT TO DEPARTMENTAL HEAD.

The master of a licensed fishing boat or licensed factory ship shall, at the end of each calendar month, forward to the Departmental Head each completed folio of the log book, in accordance with the requirements set out in the log book.

10. OFFENCES.

The master of a licensed fishing boat or licensed factory ship who—

- (a) fails to complete a log book as required under Section 8; or
- (b) furnishes false or misleading information in a log book; or
- (c) fails to comply with the provisions of Section 9,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

11. SECRECY.

(1) Except as required under an Act, a person shall not disclose (except, in the course of his duty, to another person authorized by the Departmental Head to receive information under

this section) any information that has come to his knowledge by reason, directly or indirectly, of the provisions of Section 8.

(2) A person who contravenes Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

SCHEDULE 1

Form 1.—Application for licence to engage in fishing.

Act, Sec. 5(1)(a). Form 1.

Reg., Sec. 2(1).

PAPUA NEW GUINEA.

Fisheries (Torres Strait Protected Zone) Act 1984.

APPLICATION FOR LICENCE TO ENGAGE IN FISHING.

To the Minister:

I, . . . of . . . here-by apply for a licence to engage in fishing in the following areas of the Torres Strait Protected Zone.

. . .

Previous licence number . . . issued on

Fees:—

CITIZEN K10.00

NON-CITIZEN K20.00

Signature of applicant . . .

Date . . .

For office use only.

Licence No. . . . issued by . . . at . . . on . . . 20

Valid until 31st December, 20

Fees paid: K10.00

K20.00

Form 2.—Licence to engage in fishing.

Act, Sec. 5(1)(a). Form 2.

Reg., Sec. 2(2).

PAPUA NEW GUINEA.

Fisheries (Torres Strait Protected Zone) Act 1984.

LICENCE TO ENGAGE IN FISHING.

Issued at: Licence No:

Name: Date:

Address of applicant:

is licensed to engage in fishing in Papua New Guinea waters subject to the following conditions:—

1. The licensee shall comply with the provision of the *Fisheries (Torres Strait Protected Zone) Act* 1984, as in force from time to time.
2. The licensee shall not interfere with traditional fishing as defined in Section 2 of the Act.
3. Where the licensee does not use a boat when fishing, he shall render a daily catch return, in the forms provided, on monthly basis, so that returns shall reach the licencing authority not later than the 20th day of each succeeding month.
4. This license is not valid for waters in and adjacent to:
 - (a) Daru Island, as defined on the back of this licence.
5. Special conditions:

This licence remains in force until 31 December 19 . . . unless sooner cancelled or suspended under Section 10 of the Act.

Fee paid: K10.00

K20.00

(Authorized Person)

Form 3.—Application for a fishing boat licence.

Act, Sec. 5(1)(b). Form 3.

Reg., Sec. 3(1).

PAPUA NEW GUINEA.

Fisheries (Torres Strait Protected Zone) Act 1984.

APPLICATION FOR A FISHING BOAT LICENCE.

To the Minister:

I, . . . of . . . hereby apply for a licence to use a boat for fishing in the following areas of the Torres Strait Protected Zone:

. . .

Particulars of boat: Type:

Name: Gross Tonnage:

Length Overall: At:

Built of:

Based at:

Owner:

(state name and address of owner and whether resident of or company incorporated in Papua New Guinea).

Port of registry:

No. of tender boats:

Type of fishing:

* Other operations:

(Signature of applicant)

(Date)

Fee: K

* Note: If vessel intends to process or carry fish taken by other vessels, then a factory ship licence is necessary.

FOR OFFICE USE ONLY.

Licence No. . . . issued by . . . at . . . on . . . 20

Fee paid: K

Form 4.—Licence to use a boat for fishing.

Act, Sec. 5(1)(b). Form 4.
Reg., Sec. 3(2).

PAPUA NEW GUINEA.

Fisheries (Torres Strait Protected Zone) Act 1984.

LICENCE TO USE A BOAT FOR FISHING.

Licence No. . . .

Issued at . . . on . . . , 20

is hereby licensed to use . . . (hereinafter referred to as the "licensed boat").

the particulars of which are as follows:

Name: Type:

Length overall: Gross Tonnage:

Port of registry:

No. of tender boats:

Type of operations:

Other operations:

for fishing in Papua New Guinea waters subject to the following conditions:

1. The licensee shall comply with the provisions of the *Fisheries (Torres Strait Protected Zone) Act* 1984, as in force from time to time.
2. The licensee shall not interfere with traditional fishing as defined in Section 2 of the Act.
3. Fish carried on board the licensed boat shall not be delivered or transhipped to another boat without prior permission in writing from the licensing authority.
4. Transporting, preserving, cutting-up, dismembering, cleaning, sorting, packing or storing of fish that have been taken by another boat shall not be undertaken by the licensed boat.
5. The licensee shall render a daily catch return, on the forms provided, on a monthly basis, so that the returns reach the licensing authority not later than the 20th day of each succeeding month.
6. Special conditions:

This licence remains in force until 31 December, 20 . . . , unless sooner cancelled or suspended under Section 9 of the Act.

Fee Paid: K

(MINISTER)

Form 5.—Application for factory ship licence.

Act, Sec. 5(1)(c). Form 5.
Reg., Sec. 4(1).

PAPUA NEW GUINEA.

Fisheries (Torres Strait Protected Zone) Act 1984.

APPLICATION FOR FACTORY SHIP LICENCE.

To the Minister:

I, . . . of . . . hereby apply for a licence to use a boat as a factory boat in the following areas of the Torres Strait Protected Zone.

. . .

Particulars of boat: Type:

Name: Gross Tonnage:

Length overall: At:

Built of:

Based at:

Owner:

(state name and address of owner and whether resident of or company incorporated in Papua New Guinea).

Port of registry:

No. of tender boats:

Type of fishing:

* Other operations:

(Signature of applicant)

(Date)

Fee: K

* Note: A factory ship is one that processes or transports catches from other boats.
This licence is not valid for fishing.

For office use only:

Licence No. . . . issued by . . . at . . . on . . . 20

Fee paid: K

Form 6.—Licence to use a boat as a factory ship.

Act, Sec. 5(1)(c). Form 6.

Reg., Sec. 4(2).

PAPUA NEW GUINEA.

Fisheries (Torres Strait Protected Zone) Act 1984.

LICENCE TO USE A BOAT AS A FACTORY SHIP.

Licence No. . . .

Issued at . . . on . . . , 20

is licensed to use: (hereinafter referred to as the "licensed boat")

the particulars of which are as follows:

Name: Type:

Length overall:

Port of registry:

No. of tender boats:

Type of operations:

as a factory ship in Papua New Guinea waters subject to the following conditions:

1. The licensee shall comply with the provisions of the *Fisheries (Torres Strait Protected Zone) Act* 1984, as in force from time to time.
2. The licensee shall not interfere with traditional fishing as defined in Section 2 of the Act.
3. Fish carried on board the licensed boat shall not be transhipped to any other boat without prior permission in writing from the licensing authority.
4. The licensed vessel shall not carry or use any fishing gear during the licensed period.

5. Special conditions:

This licence remains in force until 31 December, 20 . . . , unless sooner cancelled or suspended under Section 10 of the Act.

Fee paid: K

SCHEDULE 2 – LICENCE FEES.

Reg. Sec. 5.

LICENCE FEES.		
1.	Grant of a fishing licence	K25.00
2.	Grant of a fishing boat licence for PNG boat where:–	
	(a) overall length does not exceed 6m	K50.00
	(b) overall length exceeds 6m but does not exceed 15m	K100.00
	(c) overall length exceeds 15m to the lower whole metre	K200.00
3.	Grant of a factory ship licence for PNG boat where:–	
	(a) overall length does not exceed 6m	K50.00
	(b) overall length exceeds 6m but does not exceed 15m	K100.00
	(c) overall length exceeds 15m to the lower whole metre	K200.00
4.	Grant of fishing boat licence for foreign boat-per metre of overall length to the lower whole metre	K50.00
5.	Grant of factory ship licence for foreign boat-per metre of overall length to the lower whole metre	K30.00
6.	Fishermen’s Fee:–	
	(a) Citizen	K10.00
	(b) Non-citizen	K20.00
7.	Issue of duplicate licence	K25.00
8.	Transfer	K25.00

Office of Legislative Counsel, PNG