



Australian Government  
Australian Fisheries Management Authority



Queensland  
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TORRES STRAIT  
**PZJA**  
PROTECTED ZONE  
JOINT AUTHORITY



# Torres Strait Prawn Management Advisory Committee (TSPMAC)

CHAIR'S SUMMARY  
TSPMAC NO. 7  
11 DECEMBER 2008

TELECONFERENCE

CHAIR: Mr. Jim Gillespie



## **CHAIR'S SUMMARY**

### **TSPMAC No. 7, 11 DECEMBER, 2008**

The 7<sup>th</sup> meeting of the Torres Strait Prawn Management Advisory Committee (TSPMAC) was held via teleconference on 11 December 2008. The following is a summary of the major discussion points from the meeting. A complete decision record can be found at Attachment A. For further information, please contact Ms Darci Wallis, the TSPMAC executive officer on (02) 6225 5303.

#### **Apologies**

Apologies were received from Mr Barry Wilson from the TSPEHA and Mr Lota Warria from CFG.

#### **TSPMAC Membership – review and call for new members**

The TSPMAC noted that the membership for TSPMAC members expires in April 2009, with two memberships expiring in February. The MAC noted that AFMA will call for membership nominations before the end of the year, with appointments to be finalised in the New Year.

#### **Update on the Management Plan**

The MAC noted that the draft Plan has been considered by the PZJA Standing Committee and is currently with the Minister. Once the Plan is determined it will be registered on the Federal Register of Legislative Instruments (FRLI). Subsequent advice since the meeting is that the PZJA have approved the draft Plan and requires Ministerial sign off before it comes into effect.

#### **TAE for the 2009 Season**

The MAC noted that the sustainable reference point for the fishery is 9,200 days. The TAE proposal allows the full 9,200 days to be allocated to the Australian operators as PNG have made their allocation available for Australia for the 2009 season. To give effect to this, a nominal TAE of 12,325 was proposed, with the effective effort capped at 9,200 fishing days. Due to the formula in the Management Plan this is the only option for allocating additional effort at the start of the season.

The MAC discussed rewording of recommendation 6.3.2.1B to ensure that the intent of the proposal is clear, due to the concerns raised by industry of the perception of an increased TAE. Industry also had some concerns about the legal issues and requested legal advice of the implications of this proposal. Mr Nerdal advised that DAFF will be seeking legal advice before sending this proposal to the Minister and will approach the MAC if this advice is negative. The MAC agreed on the following wording:

*“The MAC recommends to the PZJA an actual TAE for 2009 of 9,200 days, based on a nominal TAE of 12,325, to allow for Australian utilisation of PNG days.”*

Industry gave in principle support to the proposal, however still have some concerns about the perception and potential legal implications. The remainder of the MAC supported the proposal with the revised wording on recommendation 6.3.2.1B.

### **Strategic Assessment – WTO approval**

The MAC noted that the TSPF was granted export approval for a period of three years until 29 November 2008. Due to the delays in the plan being determined this export approval was extended until 2 December 2008 to allow export of product caught at the end of the season.

### **Proposed anchorage exclusion zones**

The proposed anchorage exclusion zones have been recommended by the islanders to protect the reef and bombies as these are important habitat for turtles, dugongs, finfish and crayfish. Industry requested a map of this closure, as they couldn't make a decision without seeing the exact area of the closure. The MAC agreed to discuss this issue at the February meeting or at the December phone hook-up, if this is required.

### **PZJA decision making process**

The MAC noted the attached the decision making paper prepared for another Commonwealth fishery to ensure the communication protocol. The TSF protocol paper would outline the roles and responsibilities between the RAGs, MACs and the PZJA when making decisions affecting the Torres Strait fisheries. Industry questioned if a previous protocol paper had been developed and suggested that this paper be further updated if necessary. The MAC agreed to develop an appropriate protocol paper, reflective of decision making processes for PZJA fisheries while considering relevant papers from previous MAC meetings. The MAC also agreed that the Prawn Entitlement Holders Association EO to ask association members to nominate a suitable industry member to assist out of session to develop a draft protocol for TSPMAC consideration at TSPMAC 8.

### **2009 Season Levies**

The MAC noted the proposed levies for the 2009 season and also that the Australian Government levy relief program has concluded which has resulted in a rise in levy costs. The Industry members of the MAC discussed if it were possible to have additional levy relief for the fishery over next couple of years, however the MAC agreed that this is not within AFMA's power, as such a decision would be made by the PZJA and may require cabinet approval. Agencies advised that they could include the comments from industry as part of the submission to the PZJA on the TAE. Agencies also advised that the budget cycle has commenced for the 2009 / 2010 financial year and that they would look for opportunities to reduce management costs. The MAC noted that following the original presentation of the budget at the MAC, costs have been reduced by around \$37,000.

### **Next meeting**

The TSPMAC agreed to hold the next TSPMAC meeting on 9-10 February 2009 in Cairns.

Mr Jim Gillespie  
TSPMAC CHAIRPERSON

**DECISION RECORD  
TSPMAC No. 6, 10-11 JULY, 2008**

**PRELIMINARIES**

***Disclosure of interest***

7.0.3 The TSPMAC **NOTED** the disclosure of interests provided by each member.

**MEETING ADMINISTRATION**

***Ratification of TSPMAC No. 5 meeting record***

6.1.1.1 The TSPMAC **AGREED** to adopt the minutes from the July 10-11, 2008 TSPMAC meeting (TSPMAC No. 6).

***Actions and/or Business arising from previous TSPMAC meetings***

6.1.2.1 The TSPMAC **NOTED** the information updates provided regarding the action items from previous TSPMAC meetings, noting that these will be addressed at TSPMAC #8 scheduled for February 2009.

***TSPMAC Membership – review and call for new members***

6.1.3.1 The TSPMAC **NOTED** that the terms of appointment of current members are due to expire next year and that, in accordance with PZJA Fisheries Management Paper No 1 (October 2005), AFMA intends to call for nominations to fill these positions before Christmas.

**REPORTS**

***Industry report – 2008 season summary/update***

6.2.1.1 The TSPMAC **NOTED** the industry report provided at the meeting in respect to the 2008 season for the TSPF.

***Data report – Final 2008 catch and effort data***

6.2.2.1 The TSPMAC **NOTED** the preliminary information presented on the trends in 2008 catch and effort data compared with earlier seasons.

**MANAGEMENT**

***Management Plan - Update***

6.3.1.1 The TSPMAC **NOTED** that the draft Torres Strait Prawn Management Plan has been submitted to the PZJA for approval.

6.3.1.2 The TSPMAC **NOTED** that a copy of the draft Plan was provided at **Attachment 3.1A**.

***TAE for 2009 season***

6.3.2.1 The TSPMAC

- (a) **NOTED** that the sustainability reference point agreed by PZJA for the Torres Strait Prawn Fishery is 9,200 days.
- (b) **AGREED** to recommend to the PZJA that the nominal TAE for 2009 be set at 12,325 fishing days on the basis that:
  - i) the Management Plan is implemented;

- ii) the PNG allocation is not used by PNG;
  - iii) the PNG allocation is transferred to Australia by Ministerial consent but is not otherwise made available to Australian operators; and
  - iv) the days held by DAFF are not otherwise made available to Australian operators.
- (c) **NOTED** that under this proposal, the maximum possible activation of effort in the fishery would not exceed 9,200 days which is the current, accepted sustainability reference point.
- (d) Further **NOTED** that this interim effort allocation proposal will be for the 2009 season only as the long-term harvest strategy for the fishery will be developed during 2009.
- (e) **NOTED** that under the Management Plan, the units allocated to Australian operators will not exceed 6867.
- (f) **AGREED** to recommend to the PZJA that if the Management Plan is not implemented for 2009, the TAE should be set at 9,200 fishing days consistent with the current, accepted sustainability reference point.

### ***Strategic Assessment – WTO approval***

#### 6.3.3.1 The TSPMAC **NOTED**

- (a) the progress in assessing the Torres Strait Prawn Fishery (TSPF) under Parts 10, 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- (b) the temporary extension to export approval for the TSPF until 2 December 2008 as a result of delays in finalising the Management Plan for the TSPF. Once the Plan is determined it will be necessary to formally accept the WTO conditions, which will require Ministerial correspondence to finalise.

### ***Proposed anchorage exclusion zones***

6.3.4.1 The TSPMAC **DISCUSSED** the CFG proposal regarding the anchorage exclusion zones, however agreed that a decision could not be made without appropriate maps being provided to members.

6.3.4.2 The TSPMAC **AGREED** to make a recommendation to the PZJA regarding this issue once a map of the area and co-ordinates were provided to members out of session.

### ***PZJA Decision making process***

6.3.5.1 The TSPMAC **NOTED** that industry members have raised concerns with senior PZJA agencies officials over the way that decisions are progressed to the PZJA.

6.3.5.2 The TSPMAC **NOTED** that senior PZJA agency officials agreed that clarification of how decisions are progressed to the PZJA would be beneficial.

6.3.5.3 The TSPMAC **NOTED** that a similar concern was expressed in a Commonwealth managed fishery several years ago and in response a protocol was developed between AFMA and the relevant MAC.

6.3.5.4 The TSPMAC **AGREED** to develop an appropriate protocol paper for the TSPMAC, reflective of decision making processes for PZJA fisheries, including consideration of discussion from previous TSPMAC meetings.

6.3.5.5 The TSPMAC **AGREED** that industry would nominate a representative to assist with developing the protocol paper.

## **FINANCE**

### **2009 Season Levies**

6.4.1.1 The TSPMAC **NOTED** that:

- (a) the proposed levies for the Torres Strait Prawn fishery for the 2009 fishing season as set out in the draft *Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2008* will comprise a \$5833.39 per licence (fixed cost) and a \$32.35 (variable cost) for each individual allocated fishing day (or unit under the new Management Plan);
- (b) the conclusion of the Australian Government's \$500,000 levy relief program, which applied for the 2007 and 2008 seasons, has resulted in a substantial rise in levies for the 2009 season; and
- (c) the draft *Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2008* are awaiting PZJA OOS endorsement prior to submission to the next available Federal Executive Council meeting for approval to ensure that these will have effect before the fishing season commences on 1 March 2008.

## **OTHER BUSINESS**

### **Out-of-session TSPMAC decisions**

6.5.1.1 The TSPMAC **AGREED** to adopt the minutes of the out of session teleconference held on 12 August 2008 with some minor amendments.

6.5.2.1 The TSPMAC **CONFIRMED** the following out of session decisions:

### **FINANCE**

#### ***FY 08/09 TSPF Budget***

1.1 The TSPMAC **AGREED** that as industry members were not present, there was no need to re-present the budget paper during the teleconference, as the paper and recommendations remained unchanged from those presented at the TSPMAC No. 6 meeting and, due to TSPMAC industry members' absence at TSPMAC No. 6, the paper had been added to the teleconference agenda for their information.

### **MANAGEMENT**

2.3 The TSPMAC **AGREED** that responses will be sent to all stakeholders who made comment during and immediately after the public comment period of the Plan.

2.5 The TSPMAC **RECOMMENDED** that the PZJA **NOTE** that all members of the TSPMAC, with the exception of the four industry members who did not participate in discussions, **ENDORSED** the Draft Torres Strait Prawn Fishery Management Plan.

### ***Dates for next meeting***

6.6.4.1 The TSPMAC **AGREED** to reconvene on 9-10 February, 2009.