

#### Attachment 4B

Amendments drafted to the *Torres Strait Prawn Fishery Management Plan 2009*, including rationale around changes, reflected in the Torres Strait Prawn Fishery Management Plan Amendments 2025. **Red words show new proposed text.**

##### Principal Amendment

Amendment number	TSPF Management Plan Section	Suggested change	Rationale
1	3.2 (5) Torres Strait Prawn Fishery (TSPF) boat licences	<i>[Delete]</i> section 3.2 (5) <i>A TSPF boat licence may only be granted to an Australian citizen.</i>	Currently TSPF licences can only be issued or transferred to Australian citizens which, by definition, is an individual. Licences in Torres Strait and more broadly Commonwealth fisheries are often owned by incorporated companies. These amendments will allow TSPF boat licences to be issued to Australian citizens (individuals) or Australian companies. In addition, TSPF boat licences are issued under s. 19(2) of the <i>Torres Strait Fisheries Act</i> (TSF Act) and as such these licenses are subject to s. 19(4) of the TSF Act which includes obligations for the PZJA regarding article 27 of the Torres Strait Treaty.
	3.3 (2) Transfer of TSPF boat licence	<i>[Delete]</i> section 3.3 (2) <i>A licence may only be transferred to a person who is an Australian citizen.</i>	Additional amendments proposed below to Section 1.3 (1) <i>Interpretation</i> will require that TSPF Licences authorise the use of an Australian boat as defined in the TSF Act <sup>1</sup> . Licensing processes are also being amended through the <a href="#"><u>Guide to Licensing Arrangements in the Torres Strait</u></a> , to ensure that the granting and transfer of licenses across all TS fisheries comply with the Torres Strait Treaty and more specifically s. 19 of the TSF Act.

<sup>1</sup> Under the section 3 of the TSF Act an Australian boat is a boat "...which is wholly owned by a natural person who is a resident of, or by a company incorporated in, Australia..."

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### Additional amendments

Amendment number	Section of the Act	Suggested change (new wording is in red, deletions shown by strikethrough)	Rationale
1	1.3 (1) Interpretation	<p>Change several definitions to reflect other amendments including:</p> <p><b>[Delete]</b> <b>ALC</b> means an Automatic Location Communicator that is part of the VMS equipment of a boat that transmits information:</p> <ul style="list-style-type: none"> <li>(a) about the location of the boat; and</li> <li>(b) with one or more other devices, about fishing activities being undertaken by the boat.</li> </ul> <p><b>[Delete]</b> <b>Australian unit</b> means a unit of fishing capacity in the TSPF that is allocated to the holder of a TSPF boat licence <del>under section 3.2</del>, but does not include a PNG unit temporarily transferred to the holder of a TSPF boat licence.</p> <p><b>[Insert]</b> <b>designated anchorage</b> means an area described in Schedule 4.</p> <p><b>[Replace]</b> <b>fishing day: see subsection 1.9(1)</b>. <del>for use entitlement, means each whole number resulting from the conversion of units to use entitlement under Part 4.</del></p>	<p>This definition is no longer required, because all references to an ALC were removed in the last management plan amendments.</p> <p>This definition was referencing the wrong section. It was meant to be referencing section 4.4 of the TSPF Management Plan. Given section 4.4 is now removed, as it was a transitional clause for allocating units under the TSPF Management Plan, it no longer needs to be referenced here.</p> <p>This new definition of <b>designated anchorage</b> is required to support the new fishing day decrementation provision under section 1.9. The definition was taken from Torres Strait Fisheries Management Instrument No 10, where the fishing day decrementation provision was previously accounted for.</p> <p>The definition of <b>fishing day</b> needed to be expanded. This allows the original definition to remain (which is a generic reference to fishing days), as well as bringing in other elements related to use of fishing days, which are more complex.</p>

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	<p><b>[Delete]</b> <b>TSPF Master Fisherman's Licence</b> means a licence granted under section 19(1) of the Act that has a prawn fishery entry that allows the holder to be in charge of the commercial fishing activities aboard a boat referred to on a TSPF boat licence.</p> <p><b>[Substitute]</b> <b>TSPF boat licence</b> means a licence granted under section 19(2) of the Act that has a prawn fishery entry that allows the <b>an Australian</b> boat identified in the licence to be used for commercial fishing for prawn in the fishery.</p> <p><b>[Insert]</b> <b>TSPF licence</b> means:</p> <ul style="list-style-type: none"><li>(a) a TSPF boat licence; <b>or</b>, <b>TSPF master fisherman's licence and</b></li><li>(b) TSPF TPC licence.</li></ul> <p><b>[Replace]</b> <b>unit</b> means a unit of fishing capacity-<b>in the fishery</b>-<b>into which the fishing capacity is divided by the PZIA under Part 4</b>.</p> <p><b>[Insert]</b> <b>unused fishing day</b>, in relation to a holder of units and a fishing season: see subsection 1.9(6).</p> <p><b>[Insert]</b> <b>used</b>, in relation to a fishing day: see subsections 1.9(3) and (5).</p>	<p><b>Master Fisherman's Licence</b> is already defined in section 3(1) of the TSF Act and is therefore not required in the TSPF MP. Additionally, references to Master Fisherman's licences have been removed from the TSPF Management Plan, so are no longer required within this definition.</p> <p><b>TSPF boat licence</b> will be amended to make the requirement for a boat in the TSPF to be an Australian Boat.</p> <p>References to Master Fisherman's licences have been removed from the TSPF Management Plan, so are not required within this definition.</p> <p>This definition needed to be broadened, to allow it to apply to all references to 'units' within the plan, including the fishing day decrementation provisions.</p> <p>This new definition is required in order to support section 1.9 – describing the decrementation of fishing days in the fishery.</p> <p>This new definition is required in order to support section 1.9 – describing the decrementation of fishing days in the fishery.</p>
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		<p><b>[Replace] use entitlement</b> of a holder of units during a fishing season, means the number of fishing days worked out or determined under section 4.3 that are available for use by the holder in the fishery, or a part of the fishery, during the fishing season. <del>means the share of the TAE, measured in whole fishing days, which the holder can use in the fishery in a given season as determined under Part 4.</del></p> <p><b>[Delete] VMS</b> means Vessel Monitoring System</p>	<p>This definition was changed to provide more clarity and also ensure the definition covers references under the new fishing day decrementation provisions.</p> <p>No longer required as definition above removed abbreviation.</p>
2	New section 1.9 (inserted at the end of Part 1 of the Plan)	<p><b>[Insert]</b></p> <p><b>1.9 Fishing day</b></p> <p><b>Meaning of fishing day</b></p> <p>(1) A <b>fishing day</b> is a day that is available for use by holders of units in the fishery during a fishing season.</p> <p>Note: Both of the following are expressed as a whole number of fishing days:</p> <ul style="list-style-type: none"> <li>(a) the total allowable effort for the fishery for a fishing season;</li> <li>(b) the use entitlement of a holder of units to a share of that total allowable effort.</li> </ul> <p>(2) However, subsection (1) does not apply to the references to a fishing day in section 4.1.</p> <p>Note: In section 4.1, the references to a fishing day are references to the days treated by the PZJA as fishing days for the purposes of dividing the fishing capacity of the fishery into units at the commencement date and allocating those units to persons who carried out fishing in the fishery at that time.</p> <p><b>When a fishing day is taken to be used during a fishing season</b></p> <p>(3) A fishing day is taken to be <b>used</b> in the fishery during a fishing season if:</p> <ul style="list-style-type: none"> <li>(a) the boat from which the fishing occurs is, at any time on that day, positioned in an area of the fishery: <ul style="list-style-type: none"> <li>(i) at which prawns are permitted to be taken; and</li> <li>(ii) that is not a designated anchorage; and</li> </ul> </li> <li>(b) at any time between 1800 hours local time on that day and 0600 hours local time on the next day, the boat:</li> </ul>	<p>This provision used to be covered in <i>Torres Strait Fisheries Management Instrument No. 10</i> and is being moved under the TSPF Plan.</p> <p>Inclusion of these provisions within the TSPF Plan, rather than in a Fishery Management Instrument (FMIs), is more consistent with the <i>Torres Strait Fisheries Act 1984</i> powers relating to determination of Management Plans (Section 15A) and making of FMIs (Section 16).</p>

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		<p>(i) has moved at a speed of less than 5 knots; and</p> <p>(ii) has moved more than 250 metres.</p> <p>(4) For paragraph (3)(a), a boat is taken to be in a particular position if the position is indicated by the boat's position reports, as received by a vessel monitoring system or through another arrangement entered into with the PZJA.</p> <p>(5) A fishing day is also taken to be <i>used</i> in the fishery during a fishing season if:</p> <p>(a) on that day, no position is indicated for the boat from which the fishing occurs by a vessel monitoring system or through an arrangement entered into with the PZJA; and</p> <p>(b) AFMA has not authorised the boat's position to not be reported on that day.</p> <p><i>Meaning of unused fishing day</i></p> <p>(6) A holder of units has an <i>unused fishing day</i> for the fishery, or a part of the fishery, and a fishing season if:</p> <p>(a) the fishing day is a part of the use entitlement of the holder for the fishery (or part) and the fishing season; and</p> <p>(b) the fishing day has not been used for the fishery (or part) during the fishing season.</p>	
3	2.1 (1) Who may fish in the fishery	<p><i>[Insert]</i> 2.1 (1) A person may fish commercially for prawn in the area of the fishery <i>only during a fishing season and only</i> if the person</p> <p><i>[Delete]</i> (a) <del>holds a TSPF master fisherman's licence; and</del></p> <p><del>(i) is fishing from an Australian boat nominated on a TSPF boat licence; and</del></p> <p><del>(ii) the holder of the TSPF boat licence holds unused units; or</del></p> <p><i>[Insert]</i> (a) is a person in respect of whom each of the following applies:</p> <p>(i) the person holds a TSPF boat licence;</p> <p>(ii) the person is fishing from an Australian boat nominated on that licence;</p> <p>(iii) the person has unused fishing days for the fishery (or for the part of the fishery in which the person is fishing) and the fishing season; or</p> <p>(b) is under the direction of a person mentioned in paragraph (a); or</p>	Under section 19(1) of the TSF Act, a Master fisherman's licence is required to undertake commercial fishing (other than community fishing) in an area of Australian jurisdiction, so reference to and its requirement is an unnecessary duplication in the TSPF Management Plan. Other minor changes were also made to ensure people understand the requirements for allowing fishing (such as during a fishing season and in the area of the fishery).

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4	2.1 (1)(c) (new paragraph)	<p><b>[Delete]</b> (c) is fishing from a PNG licensed boat that is owned by a person who holds:</p> <ul style="list-style-type: none"> <li>(i) a TSPF Treaty endorsement for that boat; and</li> <li>(ii) unused PNG units.</li> </ul> <p><b>[Insert]</b> (c) is fishing from a PNG licensed boat that is owned by a person who:</p> <ul style="list-style-type: none"> <li>(i) holds a TSPF Treaty endorsement for that boat; and</li> <li>(ii) has unused fishing days for the fishery (or for the part of the fishery in which the person is fishing) and the fishing season.</li> </ul> <p>[NOTE: for endorsement of PNG licensed boats, see s.20 of the Act.]</p>	
5	2.4 (2) Determination of reference points	<p><b>[Substitute]</b> 2.4(2) The PZJA will review the reference points at least every <del>two</del> 5 years to ensure that they remain appropriate.</p>	<p>This change of reviewing reference points from every 2 years to every 5 years is to align with other assessment cycles in the fishery such as for the 5 yearly stock assessment review.</p>
6	<p><b>[Delete]</b> 2.5 Determination of Total Allowable Effort (TAE)</p> <p><b>[Insert]</b> 2.5 PZJA to determine total allowable effort for a fishing season</p>	<p><b>[Delete]</b></p> <p>(1) At least every 3 years the PZJA will determine the TAE for the fishery, based on the reference points determined under section 2.4, or other management strategy.</p> <p>(2) Before determining the TAE, the PZJA:</p> <ul style="list-style-type: none"> <li>(a) will consult the TSPMAC and consider the TSPMAC's views; and</li> <li>(b) may consult and consider the views of interested persons.</li> </ul> <p>(3) The PZJA may determine a specific TAE for particular parts of the area of the fishery.</p> <p>(4) If the PZJA determines a TAE for a particular part of the fishery, it may determine use entitlements for each TSPF boat licence and TSPF Treaty endorsement holder for that part of the fishery, as set out in section 4.3.</p> <p>(5) A determination under this section must be published on the PZJA website and, if practicable, notified to all holders of TSPF boat licences and TSPF Treaty endorsements.</p> <p>(6) The TAE will be described in terms of fishing days.</p> <p><b>[Insert]</b></p> <p>(1) For the purposes of subsection 15A(4) of the Act, this section provides for:</p> <ul style="list-style-type: none"> <li>(a) the manner in which the fishing capacity of the fishery is to be measured; and</li> </ul>	<p>This section has been redrafted to add further context required and also provide links to the new section relating to decrementation of fishing days.</p> <p>The one notable change within this section changes the maximum period for setting the TAE from 3 years to 5 years.</p> <p>This is intended to reduce the administrative burden on the fishing industry by increasing the period a TAE can be set for, as the TAE has not changed since the commencement of the TSPF Management Plan.</p> <p>Five years is considered sufficient to allow for periodic review, while providing operational certainty to the fishery, noting there is still flexibility that the TAE can be amended sooner than this if it is required,</p>

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		<p>(b) the periodic determination of the fishing capacity, measured in that manner, permitted for the fishery.</p> <p>(2) The fishing capacity of the fishery is to be measured by working out the fishing effort for the fishery (or part of the fishery) for a fishing season, by reference to:</p> <ul style="list-style-type: none"> <li>(a) the reference points determined by the PZJA under section 2.4; or</li> <li>(b) any other management strategies of the PZJA that enables such reference points to be met or that otherwise meet the objectives of this Plan.</li> </ul> <p>(3) The PZJA must determine, each 5 years and by reference to the measurement of the fishing capacity of the fishery under subsection (2):</p> <ul style="list-style-type: none"> <li>(a) the total allowable effort for the fishery for a fishing season; or</li> <li>(b) the total allowable effort for parts of the fishery for a fishing season.</li> </ul> <p>(4) A determination under subsection (3) must be made before the start of a fishing season to which it applies.</p> <p>Note: The PZJA may, after the start of the fishing season, increase or reduce the total allowable effort for the fishing season by a determination made under section 2.6.</p> <p>(5) The total allowable effort for a fishing season must be determined as a whole number of fishing days.</p> <p>(6) Before making a determination under subsection (3), the PZJA:</p> <ul style="list-style-type: none"> <li>(a) must consult, and consider the views of, the Torres Strait Prawn Management Advisory Committee; and</li> <li>(b) may consult, and consider the views of, any other interested person.</li> </ul>	undersection 2.6 of the current TSPF Management Plan.
7	3.1 (1) Grant of Licences	<p><b>[Delete] Section 3.1 Grant of licences</b></p> <p>As set out in section 19 of the Act, licences may be granted for commercial fishing from a boat in the fishery and for carrying, or for carrying and processing product in the fishery.</p>	This section duplicates a power provided by the TSF Act under section 36 and is therefore not required in the TSPF Management Plan.
8	3.4 (1) TSPF TPC licence	<p><b>[Delete] section 3.4 (1) A TSPF TPC licence remains in force for a period of one year.</b></p>	The Plan does not need to specify the period in which a TPC licence is in force. The maximum period for licences is managed within the <i>Torres Strait Fisheries Act 1984</i> , and <i>Torres Strait Fisheries Regulations 1985</i> .

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			There are planned future amendments to the TSF Act and Regulations which will change the period for a licence to be longer than 1 year, so removing the 1 year period from Management Plan is important, to ensure it aligns with these changes.
9	3.6 Scientific and developmental permits	<p><b>[Delete]</b> Section 3.6 Scientific and developmental permits</p> <p>1) <del>As set out in section 12 of the Act, permits for scientific or developmental purposes may be granted for an area of the fishery.</del></p> <p>2) <del>Developmental permits will only be granted to holders of TSPF boat licences.</del></p> <p>3) The PZIA may determine guidelines for:</p> <p>a) <del>the grant of and revocation of scientific and developmental permits; and</del></p> <p>b) <del>the imposition, variation and revocation of conditions of those permits.</del></p>	<p>This section duplicates a power included in the TSF Act and is not required in the TSPF Management Plan.</p> <p>[NOTE: Relevant provisions for scientific and developmental permits are within see s.12 of the TSF Act.]</p>
10	3.7 (6) Variation of TSPF boat licence – nominated boat	<p><b>[Delete – including the note]</b></p> <p><del>In spite of subsection (5), a boat may be nominated for a TSPF boat licence if on the commencement date, and at all times since that date, that boat has been recorded on that TSPF boat licence, and the length of that boat has not been increased.</del></p> <p><del>[Note: an instrument under s16 of the Act may contain requirements about the measurement of a boat]</del></p>	Removed, as this section is no longer required, given it existed in reference to a previous subsection (5) which is no longer within in the current version of the TSPF Management Plan.
11	<p><b>[Delete]</b> 4.3 <b>Conversion of units into use entitlement</b></p> <p><b>[Insert]</b> 4.3 <b>Translation of units of fishing capacity into use entitlements</b></p>	<p><b>[Delete]</b></p> <p>(1) <del>Before the start of each fishing season, the PZIA will determine the value of units for that season using the formula: (units / total number of units remaining allocated in the fishery) x TAE = use entitlement.</del></p> <p>(3) <del>The PZIA will not take a part of a fishing day into account in determining the use entitlement from the conversion of units allocated to the holder of a TSPF boat licence or a TSPF Treaty endorsement.</del></p> <p><b>[Insert]</b> Scope</p> <p>(1) <b>For the purposes of paragraph 15A(6)(ga) of the Act, this section provides for the translation of units of fishing capacity in the fishery into use entitlements for a fishing season.</b></p>	<p>This section has been redrafted to better explain the formula for conversion of units of fishing capacity into the use entitlement (days).</p> <p><b>Note:</b> The intent of this section has not been changed.</p>

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		<p><i>Holder of units has entitlement to share of total allowable effort for fishing season</i></p> <p>(2) A holder of units has a use entitlement to a share of the total allowable effort for the fishery for a fishing season.</p> <p><i>Translation of units of fishing capacity into use entitlements—total allowable effort determined for whole of fishery</i></p> <p>(3) If the total allowable effort for a fishing season is determined for the whole of the fishery under paragraph 2.5(3)(a), the use entitlement for the holder for the fishing season, expressed as fishing days, is worked out according to the following formula:</p> $\left( \frac{\text{Units held by holder}}{\text{Units of fishing capacity}} \right) \times \text{Total allowable effort for the fishing season}$ <p>where:</p> <p><i>Units of fishing capacity</i> means the number of units of fishing capacity that remain allocated in the fishery.</p> <p><i>Units held by holder</i> means the number of units held by the holder.</p> <p>(4) The amount worked out under subsection (3) for the holder is to be rounded down to the nearest whole number of fishing days.</p> <p><i>Translation of units of fishing capacity into use entitlements—total allowable effort determined for parts of fishery</i></p> <p>(5) If the total allowable effort for a fishing season is determined for parts of the fishery under paragraph 2.5(3)(b), the PZJA may determine a use entitlement for the holder for particular parts of the fishery for the fishing season, expressed as a whole number of fishing days.</p> <p>(6) A determination under this section must be published on the PZJA website and, if practicable, notified to all holders of units.</p>	
12	4.4 Initial allocation of Australian units	<p><i>[Delete] section 4.4 Initial allocation of Australian units</i></p> <p>1) The PZJA must allocate Australian units to TSPF boat licence holders.</p> <p>2) The PZJA will make an initial allocation of Australian units to each TSPF boat licence holder after the commencement date on the following basis:</p> <p>a. the PZJA will ascertain the number of fishing days allocated to each TSPF boat licence holder;</p>	As the TSPF allocation process is complete, this section is no longer required.

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		<p>i. at the end of the fishing season in which this Plan commences; or</p> <p>ii. if this Plan commences after the end of a fishing season – at the end of the previous fishing season; and</p> <p>iii. the PZIA will then allocate each TSPF boat licence holder a number of</p> <p>b. Australian units equivalent to the number of fishing days (that is to say, 1 fishing day equals 1 unit).</p> <p>The reference in subsection (2) to fishing days allocated to a TSPF boat licence holder does not include temporarily allocated days.</p>	
13	4.7(1)	<p><i>[Substitute]</i> (1) The holder of a TSPF boat licence (the <i>transferor</i>) that has unused units for a fishing season may temporarily transfer the unused units units for a fishing season may temporarily transfer the units to the holder of another TSPF boat licence (the <i>transferee</i>), as set out in this section.</p>	The term “unused” is no longer required,
	4.7(1)	<p><i>[Insert]</i></p> <p>(1A) However, the unit may only be transferred under this section if:</p> <p>(a) in accordance with section 4.3, the transferor has a use entitlement (expressed as a number of fishing days) for the fishing season in relation to the unit; and</p> <p>(b) the unit is associated with a fishing day mentioned in paragraph (a) that is an unused fishing day.</p>	Due to amendments throughout the plan amendments relating to what a fishing day is, this part makes clear that only fishing days associated with unused units of fishing capacity can be transferred. This ensures expended units / fishing days cannot be transferred to another operator.
14	4.7(2)(a)	<p><i>[Delete]</i></p> <p>(2) A temporary transfer of Australian units:</p> <p>(a) must be of whole unused units only; and</p>	The term “unused units” is no longer used in the Plan. Units are now referred to, linked to unused fishing days.
	4.7(2)(c)	<p><i>[Delete]</i> entitles the transferee to use the temporarily transferred units during the fishing season for which the temporary transfer is registered; and</p> <p><i>[Insert]</i> entitles the transferee to use, during the fishing season for which the temporary transfer is registered, the unused fishing days associated with the units; and</p>	This amendment is required to remove the term “unused”, in relation to units. The term ‘unused units’ is no longer used in the plan, with ‘units’ used instead. The requirement for these units to be associated with an unused use entitlement when transferring is covered under the amended subsection 4.7(2)(c).
	4.9(4)(c)	<p><i>[Delete]</i> entitles the temporary transferee to use the PNG units during the fishing season for which the temporary transfer is registered; and</p>	This amendment is required to remove the term “unused”, in relation to units. The

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		<p><i>[Insert]</i> entitles the transferee to use, during the fishing season for which the temporary transfer is registered, any unused fishing days associated with the units; and</p>	<p>term ‘unused units’ is no longer used in the plan, with ‘units’ used instead. The requirement for these units to be associated with an unused use entitlement when transferring is covered under the amended subsection 4.9(4)(c).</p>
15	5.1 Licence and endorsement conditions - general	<p><i>[Delete]</i> section 5.1 Licence and endorsement conditions—general</p> <p>(1) It is a condition of a TSPF licence and a TSPF Treaty endorsement that the holder must:</p> <ul style="list-style-type: none"> <li>(a) comply with:</li> <li>(i) this Plan; and</li> <li>(ii) the Regulations that apply to the fishery; and</li> <li>(iii) all applicable provisions of the Act; and</li> <li>(iv) all determinations under Part 2; and</li> <li>(v) any conditions imposed on the TSPF licence or TSPF Treaty endorsement; and</li> <li>(vi) all instruments made under section 16 of the Act that apply to the fishery; and</li> <li>(b) ensure that each person acting under the holder’s directions complies with this Plan and the legislation and other matters mentioned in paragraph (a); and</li> <li>(c) keep a logbook of the type specified in the current logbook instrument; and</li> <li>(d) carry an observer, and the observer’s safety and monitoring equipment, as set out in section 5.5, if the PZJA asks the holder to do so; and</li> <li>(e) fit a vessel monitoring system, as required by section 5.6; and</li> <li>(f) minimise the impact of fishing operations on the marine environment, as set out in section 5.7; and</li> <li>(g) give the PZJA reasonable access to biological, economic or technical information, or biological samples that are available to the holder, if the PZJA asks the holder to do so; and</li> <li>(h) carry on board the nominated boat the TSPF boat licence or TSPF Treaty endorsement that refers to the boat</li> </ul>	<p>The general licence conditions are also included in other legislative instruments, policies or as conditions on the TSPF licences and have been removed to avoid duplication.</p> <p>As further changes will be periodically required to these requirements, these are better placed outside of the TSPF Management Plan, allowing changes to be made more easily as required.</p>

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16	5.4(2)	<p><b>[Substitute]</b> 5.4 (2) The species of prawn and by-product that may be taken in the fishery, and the size limits and other restrictions, are those set out in <b>Schedules 3 and 4 Schedule 3</b> or, if other species, size limits or restrictions for the fishery are set out in an instrument under section 16 of the Act, those species, limits and restrictions.</p>	<p>Schedule 4 has been removed from the TSPF Management Plan. Currently only includes a size limit for Moreton Bay Bugs 75mm Carapace width. Bug size limits and other requirements (e.g. berried females) will be implemented in a legislative instrument issued under Section 16 of the <i>Torres Strait Fisheries Act 1984</i>. This will allow size limits to be updated if required as new science becomes available.</p>
17	5.6	<p><b>[Delete]</b> <b>5.6 Licence and endorsement conditions – vessel monitoring systems</b></p> <p>(1) The holder of a TSPF boat licence or TSPF Treaty endorsement must ensure that the vessel monitoring system (VMS) on the nominated boat is operational (i.e. transmitting so the PZJA can receive data) at all times.</p> <p>(2) If the VMS is not operating or malfunctioning the TSPF boat licence or TSPF Treaty endorsement holder must:</p> <p>(a) ensure the PZJA is informed as soon as practicable after the holder becomes aware the VMS has ceased operating; and</p> <p>(b) follow the directions of the PZJA.</p> <p><b>[NOTE: guidelines on all technical requirements are published on the PZJA website.]</b></p>	<p>This section is not required, as these rules are included in the licence conditions and the VMS policies available on the AFMA website. Further changes to these requirements occur from time to time, so are better placed in outside of the TSPF Management Plan.</p>
18	5.7 Licence and endorsement conditions – obligations about interactions with certain species and communities.	<p>(2) In particular, the holder must take all reasonable steps to:</p> <p><b>[Delete]</b></p> <p>(a) avoid interaction with the following:</p> <ul style="list-style-type: none"> <li>(i) cetaceans;</li> <li>(ii) marine species listed for section 248 of the EPBC Act;</li> <li>(iii) migratory species listed for section 209 of the EPBC Act;</li> <li>(iv) threatened ecological communities listed for section 181 of the EPBC Act;</li> <li>(v) threatened species listed for section 178 of the EPBC Act; and</li> </ul>	<p>5.7 (2)(a) – changes have been made to remove reference to specific sections of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, noting that sections may change from time to time. Instead, the plan will now reference the Act in its entirety.</p>

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		<p><b>[Insert]</b></p> <p>(a) avoid interactions with the following:</p> <ul style="list-style-type: none"> <li>(i) cetaceans (as defined by the <i>Environment Protection and Biodiversity Conservation Act 1999</i>);</li> <li>(ii) listed marine species (as defined by that Act);</li> <li>(iii) listed threatened ecological communities (as defined by that Act);</li> <li>(iv) listed threatened species (as defined by that Act);</li> <li>(v) migratory species (as defined by that Act); and</li> </ul> <p>(3) If the fishing activities undertaken on the boat result in an interaction with a species or community mentioned in subsection (2), the licence holder must:</p> <p><b>[Delete]</b></p> <p>(a) record details of the interaction in a logbook kept for that purpose; and</p> <p><b>[Substitute]</b></p> <p>(e) if the interaction results in the death of, or an injury to, a member of the species or community, report the interaction in accordance with any <del>requirement imposed by regulations made for the purposes of this section</del> requirements imposed under the Act for the purposes of such reporting.</p>	
19	6.2(1)(a)	<p><b>[Delete]</b></p> <p>(1) In this section, <b>decision</b> means a decision of the PZJA:</p> <p>(a) allocating units under section 4.4; or</p>	The process of allocating units is no longer required, given allocation was completed in 2009.
20	6.4 Transitional	<p><b>[Delete] Section 6.4 Transitional</b></p> <p>1) A TSF licence in force immediately before the commencement date remains in force until the following 25 February.</p> <p>2) If the PZJA exercises its powers under Part 4 before 25 February, nothing done in exercise of those powers has effect until after that 25 February.</p> <p>3) The holder of a unit is not entitled to transfer a unit temporarily until after 25 February.</p> <p>In this section, 25 February means the first 25 February that occurs after the commencement date.</p>	This section is no longer required as it provides for transitional arrangements associated with allocation of units of fishing capacity under the TSF Management Plan when it was first coming into place.

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21	Schedule 4- Size Limits	<p><b>[Delete] Schedule 4 – Size Limits</b></p> <p>1) In this Schedule: <b>Moreton Bay Bug</b> means fish of the genus <i>Thenus</i>. The size limit for taking, processing or carrying of Moreton Bay Bugs is a carapace width of at least 75 millimetres when measured at the widest point of the carapace.</p>	<p>Currently only includes a size limit for Moreton Bay Bugs 75mm Carapace width. Bug size limits have been moved into Torres Strait Fisheries (Prawn) Management Instrument 2025, which will come into effect in 2025 pending PZJA endorsement. This is a legislative instrument under Section 16 of the <i>Torres Strait Fisheries Act 1984</i>. This will allow size limits to be updated if required as new science becomes available.</p>																
22	New Schedule 4	<p><b>Schedule 4—Designated anchorages</b></p> <p>Note: See the definition of <b>designated anchorage</b> in subsection 1.3(1).</p> <p><b>1 Aureed Island</b></p> <p>The designated anchorage at Aureed Island is the area of waters bounded by the line starting at the point described in the first item of the table and running sequentially as described in the remaining items.</p> <hr/> <p><b>Aureed Island designated anchorage</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Item</th> <th style="text-align: left; padding: 2px;">Description</th> </tr> </thead> <tbody> <tr> <td style="text-align: left; padding: 2px;">1</td> <td style="text-align: left; padding: 2px;">The point 9°55'59.10"S 143°18' 56.10"E</td> </tr> <tr> <td style="text-align: left; padding: 2px;">2</td> <td style="text-align: left; padding: 2px;">South-easterly along the geodesic to 9°57'18.54"S 143°19'22.38"E</td> </tr> <tr> <td style="text-align: left; padding: 2px;">3</td> <td style="text-align: left; padding: 2px;">South-westerly along the geodesic to 9°58'47.22"S 143°18'02.28"E</td> </tr> <tr> <td style="text-align: left; padding: 2px;">4</td> <td style="text-align: left; padding: 2px;">West along the geodesic to 9°58'31.02"S 143°15'52.92"E</td> </tr> <tr> <td style="text-align: left; padding: 2px;">5</td> <td style="text-align: left; padding: 2px;">North along the geodesic to 9°57'28.32"S 143°15'51.24"E</td> </tr> <tr> <td style="text-align: left; padding: 2px;">6</td> <td style="text-align: left; padding: 2px;">North-easterly along the geodesic to 9°56'00.18"S 143°17'10.08"E</td> </tr> <tr> <td style="text-align: left; padding: 2px;">7</td> <td style="text-align: left; padding: 2px;">Easterly along the meridian to the starting point</td> </tr> </tbody> </table>	Item	Description	1	The point 9°55'59.10"S 143°18' 56.10"E	2	South-easterly along the geodesic to 9°57'18.54"S 143°19'22.38"E	3	South-westerly along the geodesic to 9°58'47.22"S 143°18'02.28"E	4	West along the geodesic to 9°58'31.02"S 143°15'52.92"E	5	North along the geodesic to 9°57'28.32"S 143°15'51.24"E	6	North-easterly along the geodesic to 9°56'00.18"S 143°17'10.08"E	7	Easterly along the meridian to the starting point	<p>Designated anchorages are now required within the Management Plan, to support the new provisions under section 1.9 – relating to decrementation of fishing days.</p>
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	<p><b>2 Yorke Island</b></p> <p>The designated anchorage at Yorke Island is the area of waters bounded by the line starting at the point described in the first item of the table and running sequentially as described in the remaining items.</p> <hr/> <p><b>Yorke Island designated anchorage</b></p> <hr/> <table><thead><tr><th>Item</th><th>Description</th></tr></thead><tbody><tr><td>1</td><td>The point 9°43'11.82"S 143°27'38.82"E</td></tr><tr><td>2</td><td>South-easterly along the geodesic to 9°43'47.04"S 143°28'01.86"E</td></tr><tr><td>3</td><td>South along the geodesic to 9°44'42.72"S 143°28'04.38"E</td></tr><tr><td>4</td><td>South-westerly along the geodesic to 9°45'27.48"S 143°27'35.22"E</td></tr><tr><td>5</td><td>South-westerly along the geodesic to 9°45'51.18"S 143°26'45.42"E</td></tr><tr><td>6</td><td>South-westerly along the geodesic to 9°46'02.34"S 143°25'43.68"E</td></tr><tr><td>7</td><td>South-westerly along the geodesic to 9°46'21.42"S 143°24'33.30"E</td></tr><tr><td>8</td><td>North-westerly along the geodesic to 9°46'05.88"S 143°23'49.68"E</td></tr><tr><td>9</td><td>North-westerly along the geodesic to 9°45'22.80"S 143°23'25.86"E</td></tr><tr><td>10</td><td>North-easterly along the geodesic to 9°44'45.90"S 143°23'36.84"E</td></tr><tr><td>11</td><td>North-easterly along the geodesic to 9°43'15.96"S 143°26'33.90"E</td></tr><tr><td>12</td><td>Easterly along the meridian to the starting point</td></tr></tbody></table> <hr/> <p><b>3 Dugong Island</b></p> <p>The designated anchorage at Dugong Island is the area of waters bounded by the line starting at the point described in the first item of the table and running sequentially as described in the remaining items.</p> <hr/> <p><b>Dugong Island designated anchorage</b></p> <hr/> <table><thead><tr><th>Item</th><th>Description</th></tr></thead><tbody><tr><td>1</td><td>The point 10°30'19.62"S 143°04'27.78"E</td></tr><tr><td>2</td><td>East along the geodesic to 10°30'19.08"S 143°05'48.54"E</td></tr></tbody></table>	Item	Description	1	The point 9°43'11.82"S 143°27'38.82"E	2	South-easterly along the geodesic to 9°43'47.04"S 143°28'01.86"E	3	South along the geodesic to 9°44'42.72"S 143°28'04.38"E	4	South-westerly along the geodesic to 9°45'27.48"S 143°27'35.22"E	5	South-westerly along the geodesic to 9°45'51.18"S 143°26'45.42"E	6	South-westerly along the geodesic to 9°46'02.34"S 143°25'43.68"E	7	South-westerly along the geodesic to 9°46'21.42"S 143°24'33.30"E	8	North-westerly along the geodesic to 9°46'05.88"S 143°23'49.68"E	9	North-westerly along the geodesic to 9°45'22.80"S 143°23'25.86"E	10	North-easterly along the geodesic to 9°44'45.90"S 143°23'36.84"E	11	North-easterly along the geodesic to 9°43'15.96"S 143°26'33.90"E	12	Easterly along the meridian to the starting point	Item	Description	1	The point 10°30'19.62"S 143°04'27.78"E	2	East along the geodesic to 10°30'19.08"S 143°05'48.54"E
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		<p>3 South-easterly along the geodesic to 10°30'36.00"S 143°06'44.16"E</p> <p>4 South-easterly along the geodesic to 10°31'05.88"S 143°07'22.92"E</p> <p>5 South along the geodesic to 10°31'55.38"S 143°07'25.56"E</p> <p>6 South-westerly along the geodesic to 10°32'30.66"S 143°07'04.86"E</p> <p>7 South-westerly along the geodesic to 10°32'37.68"S 143°06'14.64"E</p> <p>8 North-westerly along the geodesic to 10°31'26.94"S 143°03'56.64"E</p> <p>9 North-easterly along the meridian to the starting point</p>																									
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