

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
REPORTS PZJA 22 Outcomes – Prawn Fishery	Agenda Item No. 2.1 FOR NOTING

RECOMMENDATION

2.1.1 The TSPMAC **NOTES** the outcomes relating to the Torres Strait Prawn Fishery (TSPF), arising from the Torres Strait Protected Zone Joint Authority (PZJA) No. 22 meeting, held on May 1st, 2008.

BACKGROUND

The PZJA 22 meeting was held May 1st, 2008 on Thursday Island. The meeting was attended by the PZJA members, the Australian Government Minister for Agriculture, Fisheries and Forestry, the Queensland Minister for Primary Industries and Fisheries and the Chair of the Torres Strait Regional Authority.

The process of ratifying the meeting's record of decisions is still being finalised and will require signatures by all three PZJA members in accordance with section 40(a) of the *Torres Strait Fisheries Act 1984*.

DISCUSSION

Information discussed at PZJA 22 cannot be released until the meeting's record of decisions is signed off by all three members of the PZJA, unless otherwise provided for.

At the time papers for the TSPMAC No. 6 meeting were due to be provided to members (June 24th, 2008 – as per PZJA Fisheries Management Paper No. 1) the record of decisions had not been ratified by the PZJA. Subsequently, the outcomes from the meeting cannot be provided to members at this time however, DAFF as the PZJA Secretariat will endeavour to have the record of decisions ratified before TSPMAC No. 6 on July 10-11, 2008.

Once ratified, the Secretariat (DAFF) will provide the record of decisions arising from the PZJA 22 meeting to the TSPMAC Executive Officer for distribution to members.

If the outcomes cannot be provided before or at the 6th meeting of the TSPMAC, the PZJA Secretariat will advise members of alternative arrangements.

FINANCIAL IMPLICATIONS

No financial implications of providing the PZJA 22 decision record.

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
REPORTS Data Report – Final 2007 catch and effort data	Agenda Item No. 2.2 FOR NOTING

RECOMMENDATION

2.2.1 The TSPMAC **NOTES** the finalised information on the trends in catch and effort data for the 2007 fishing season compared with earlier seasons.

BACKGROUND

A download of the 2007 TSPF logbook data was obtained from the AFMA logbook section in early June, 2008. This data was used to update the analysis presented in the 2008 edition of the Torres Prawn Handbook and provides the final catch and effort estimates for the 2007 fishing season.

The catch and effort data for the 2007 fishing season compared with previous seasons is shown in Figure 1.

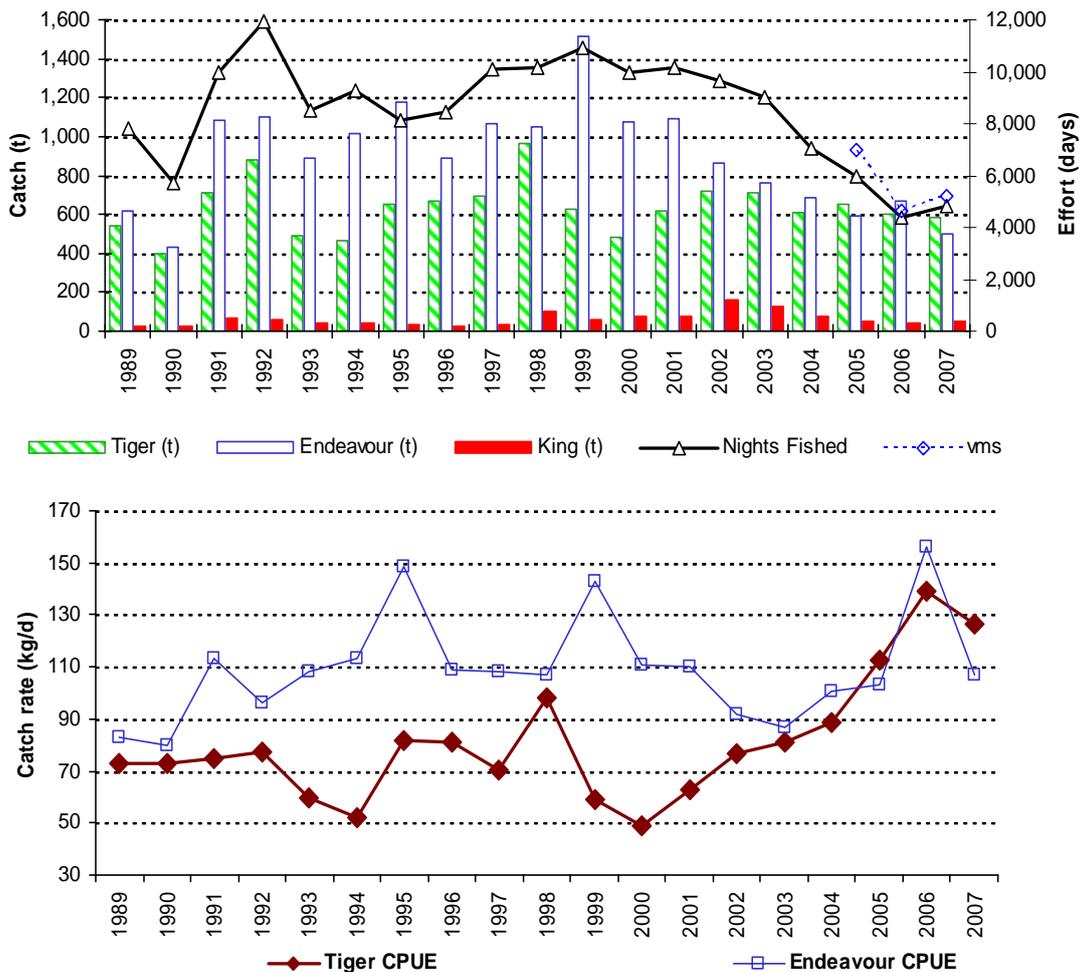


Figure 1. Annual trends in catch and effort data for the TSPF.

DISCUSSION

- 1) The final catch and effort estimates for the TSPF for the 2007 fishing season are:
 - 1,137 tonnes of prawn harvested by 4,832 nights of fishing effort.
 - The individual species catches were:

Prawn	Tonnes landed
Tiger	582
Endeavour	503
King	47
Other (incl. Soft/Broken)	5
TOTAL	1,137

- 2) The 2007 unstandardised tiger prawn catch rates were the second highest recorded indicating a high biomass level.
- 3) Endeavour prawn catch rates were about average with previous seasons. The low endeavour prawn catch for the 2007 fishing season is most likely due to the low product prices and rising fuel costs which have resulted in low fishing effort overall and to fishers directing their fishing effort towards the more valuable tiger prawn species.

FINANCIAL IMPLICATIONS

Nil.

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
REPORTS Industry report – 2008 season summary/update	Agenda Item No. 2.3 FOR NOTING

RECOMMENDATION

2.3.1 The TSPMAC **NOTES** the Industry report provided verbally in respect of the 2008 Torres Strait Prawn Fishery season to date.

BACKGROUND

The TSPMAC was formed following the PZJA 19 decision to elevate the status of the prawn working group to the TSPMAC in April 2006. As a Management Advisory Committee, the TSPMAC has a responsibility to remain current in all issues involving the fishery. At times this can be difficult due to multi-agency involvement within the fishery and the spatial distribution of its members.

The 2008 season has now been underway for approximately four months. As such it is timely for TSPMAC industry members to provide a general overview of the 2008 fishing season to date.

DISCUSSION

The TSPMAC meetings offer an opportunity for all members to share fishery information that they have received either directly or indirectly.

Members are invited to provide further verbal information relating to the 2008 season on topics including but not limited to:

- Catch rates;
- Product quality;
- Fishery economics;
- Bycatch rates; and
- Compliance issues.

FINANCIAL IMPLICATIONS

Nil.

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
MANAGEMENT Observer program report – Preliminary summary, 2008 & review of objectives	Agenda Item No. 2.4 FOR DECISION

RECOMMENDATIONS

2.4.1 The TSPMAC NOTES:

- (a) the update provided on the observer program for the 2008 season to date;
- (b) the updated observer data collection protocols;
- (c) the intention to develop a protocol to include data collection from try nets; and
- (d) the information provided on possible methods for increasing observer carriage within the fishery.

2.4.2 The TSPMAC **DISCUSSES** and **AGREES** to:

- (a) a strategy to improve observer carriage within the fishery to be developed with the intent of being implemented in the 2009 season; and
- (b) a new set of objectives for the Torres Strait Prawn Fishery observer program that target data collection that supports other data collection activities in the fishery and is in line with PZJA management objectives.

BACKGROUND

2008 observer program update

Introduced in the 2005 fishing season, the purpose of the TSPF *Observer Program*, as described in the Observer Manual (available at www.pzja.gov.au) is to:

“provide fisheries management, research organisations, fishing industry, traditional fishing sector and the wider community with up-to-date, reliable and accurate information on the fishing catch, effort and practice in the TSPF.”

Further, the observer program assists in meeting the recommendations arising from the Strategic Assessment process for the TSPF which was undertaken by the Department of the Environment and Heritage and the Arts (DEWHA, formally DEWR).

The primary objective of the *Observer Program* is to place observers on fishing vessels in the fishery to collect fishery dependent scientific data, including commercial catch, bycatch and TEP (Threatened, Endangered and Protected) species information. The data may assist in making management decisions, including the setting of effort limits within the fishery.

DISCUSSION

Review of TSPF observer program objectives

At TSPMAC No. 5, the members agreed to review the objectives and effectiveness of the observer program at the next TSPMAC meeting (TSPMAC 5.2.4.2) to ensure the program is designed to give maximum benefit to the fishery. In line with this decision, AFMA and QDPI&F held a teleconference on 1 April 2008 to discuss the objectives and scientific data collection protocols in the TSPF for the 2008 fishing season. This

review aimed to target data collection protocols in order to aid fisheries management decisions and assist in verifying data required by Logbooks, the Bycatch Action Plan and the Environmental Risk Assessment of the fishery.

Data collection protocols

A review of the current scientific data collection protocols in the TSPF for the 2008 fishing season was conducted by AFMA and QDPI&F. It was determined that current protocols will continue (See Attachment 2.4A) with the addition of a list of “Species of Interest.” The list includes:

- Tropical Rock lobsters
- Rabbit Fish
- Mangrove Jack
- Red Emperor
- Blue Tuskies
- Maori Wrasse
- Barramundi Cod
- Rays, and
- All other sharks

It was also agreed that QDPI&F and the AFMA Observer Section, as far as possible, would use the same data collection protocols when collecting scientific data so as to create an analogous data set.

2007/2008 financial year observer program update

The observer program budgeted for 180 observer days in the fishery for the 2007–2008 financial year. Observer coverage is always allocated by the financial year despite the fishing season operating in calendar years. This equates to approximately 2.62% coverage for the fishery (based on 6,867 allocated nights to the Australian industry for 2007). As of the 30th June 2008, a total of 176 observed fishing nights and 5 travel days were achieved for the 2007–2008 financial year. The logbook data is incomplete for the beginning of 2008 and therefore the percentage of observer coverage for the financial year can not be calculated. The coverage for the 2008–2009 financial has been budgeted as 180 days.

Observer coverage for the 2007 TSPF fishing season was 125 observed fishing nights and 8 travel days. This equates to approximately 2.58% of the actual nights fished in the 2007 season. Days of coverage throughout the 2007 fishing season are provided in Table 2.4A below.

Table 2.4A. Fishing effort and observer days in the TSPF from 1st March – 30th November 2007 (source: AFMA Logbooks).

Month	Nights fished / month 2007	Observer Days
3	1022	0
4	871	30
5	704	42
6	442	0
7	342	0
8	426	0
9	433	0
10	409	6
11	185	47
Total	4,834	125
Observer coverage of nights fished		2.58%

Carriage of observers within the TSPF

At TSPMAC No. 5 on 4 December 2007, the members highlighted that the uptake of observer coverage across the TSPF fleet was poor and usually undertaken by the same vessels year after year. Members discussed possible methods of broadening observer coverage within the TSPF including:

- a ballot system where vessels are drawn randomly to carry observers; and
- utilizing VMS to determine which vessels are in the fishery at a given time and may be able to take an observer.
- a formal system (i.e. letter) asking industry when they will take an observer during the season (would have to consider the vessels fishing plans between the East Coast Prawn Fishery and the NPF).
- a merit system where boats were rewarded for carrying an observer (extra nights).

In an attempt to increase observer uptake within the fishery for the 2008 season, a letter was sent by AFMA, on behalf of the PZJA to all TSPF boat licence holders on 29 February 2008. The letter was aimed at identifying individuals who would be agreeable to hosting a scientific observer on their vessel for a short period during the first three months of the season (March-May). If operators were unable to take an observer, they were asked to specify the reason why.

Responses were received from nine individuals who held 14 TSPF boat licenses in total. It was indicated that of the 14 vessels covered by the licences, five would not be

operating in the TSPF for the 2008 season and one had unsuitable accommodation to house an observer. Of the eight vessels who did indicate their willingness to carry an observer, only six were intending to work beyond mid-March 2008 due to the Northern Prawn Fishery (NPF) banana prawn season opening. That number was further reduced to five when the owner of one of the vessels that had indicated a willingness to carry an observer informed AFMA that their skipper was unwilling to take an observer at this time. Subsequently, two AFMA observers were operating in the fishery by the 22nd March 2008 and remained until late May 2008 (Table 2.4B). It is hoped that observer uptake across the fleet for the remainder of the 2008 season will see vessels that have not yet carried an observer doing so. As with previous years, spatial and temporal trends of vessels operating in the TSPF will continue to impact on the feasibility of observer coverage.

Table 2.4B. TSPF vessels that have participated in the observer program from 2005 to 2008.

VESSEL	2005	2006	2007	2008
Impact	X	X		
Valkyrie Voyager	X			
K Maree II	X	X		
Maggie Jo	X			
Ida G	X	X		
Faysea G	X			
Judy B	X	X	X	
Cassandra	X			
Signet	X			
Gold Coaster	X			
Aquarius 6		X	X	
Ankh Cross		X		
Danny B		X		
Violetta		X		
Crystal Enterprise		X		
Relentless		X		
Darden Star			X	
Samantha J			X	X
Bounty Hunter			X	
Vandarlia				X

Improving observer uptake within the TSPF

In order for observer data to provide an accurate and representative sample of the fleet and assist in reducing any data bias created by the current vessel sample size, it is important to ensure observers are carried on the maximum number of TSPF vessels possible.

At 20 June 2008, there were 61 TSPF TVH licenses with 53 recorded boats attached to them. Two vessels have taken observers onboard so far this season, equating to 3.77% of the total TSPF fleet.

Table 2.4B identifies the vessels that have participated in the observer program during 2005, 2006, 2007 and 2008 to date. A total of 20 vessels have participated in the observer program since its inception. However, only five vessels in 2007 and two vessels in 2008 to date, have taken observers.

As seen in previous years spatial and temporal trends of the TSPF fishing fleet will continue to influence observer coverage and vessel accessibility. This trend will persist and have implications for observer coverage across the entire season. Other factors inhibiting observer access are vessel having limited space or surveyed.

In order to improve observer uptake within the TSPF, PZJA agencies and the TSPMAC must work together to develop a strategy for increasing observer uptake for the remainder of the 2008 and also the 2009 seasons. Below is a list of potential methods that may be incorporated into the strategy for improving observer uptake:

Education

- Targeted education where it is needed to market the benefits of the observer program to industry - “what’s in it for industry?” Include observer and logbook education together – “the importance of data for your fishery”;
- Involve industry organisations/associations;
- Conduct port-based workshops where industry associations are not as strong;
- PZJA agencies to acknowledge the unsavoury aspects of the current observer program and discuss these with industry;
- Address the perspective of enforcement (reiterate that observers are not enforcement officers);
- Change the behaviour of fishers to AFMA observers so the experience is more pleasant for all involved; and
- Provide scientific equipment that can be used by observers to assist fishers, in real time, to improve their fishing efficiency.

Rules

- Review and amend the rules and regulations regarding observer carriage to ensure that they are enforceable;
- Determine the legislation that allows licences to be suspended if observers are not carried without just cause; and
- Outline the master’s responsibilities towards the observers on licences.

Enforcement

- Suspend boats that will not take an observer; and
- Keep a registrar/points system for vessels that take observers and -
 - implement a more permanent observer coverage on vessels that constantly avoid carrying observers (i.e. a certain percentage of their trips; and
 - Provide incentives to vessels doing the right thing.

Improved guidelines and procedures

- Keeping a log/record of when operators are requested to carry observers;
- Provide documentation;
- Provide an updated list of where observers will be going on the internet;
- Provide vessel operators with feedback regarding observer data; and
- Rather than ask to take observers, just notify operators that they will be taking observers. In this case observers may be positioned through a ballot process run by industry associations.

The AFMA Observers Program would like to express their thanks for the cooperation of the 5 vessel who agreed to carry observers during the 2008 season and to the vessels and crews involved in the program to date. The Observer Program would also like to acknowledge the assistance and cooperation provided to the program by QDPI&F.

FINANCIAL IMPLICATIONS

No new financial implications.

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
REPORTS Compliance report – Season update on activities, 2008	Agenda Item No. 2.5 FOR NOTING

RECOMMENDATION

2.5.1 The TSPMAC **NOTES** the Domestic Compliance Report provided by the Queensland Boating and Fisheries Patrol, for the period August 2007 to April 2008

BACKGROUND

The purpose of the Queensland Boating and Fisheries Patrol (QB&FP) operations within the Torres Strait is to carry out surveillance and enforcement duties to support the legislation and the policies of the PZJA. Specifically:

- 1) To provide an education and extension service for both traditional and commercial fisher persons to enhance the development and management of the fisheries within the Protected Zone.
- 2) To undertake such duties as required by the PZJA to protect the resources of the TSPZ and to enhance their exploitation by persons permitted to utilise those resources in keeping with the spirit of the Treaty between Australia and Papua New Guinea.

The program is run from the Thursday Island office of the QB&FP with support from offices in Brisbane, Cairns and Townsville.

The Domestic Compliance Report is provided at Attachment 2.5A.

DISCUSSION

The District aims to achieve approximately 8 days at sea per month to target particular fisheries and complaint response whilst conducting community visits. To date the District has completed fifty three 'at sea' days with a further forty three days forecast to be completed prior to February 2009.

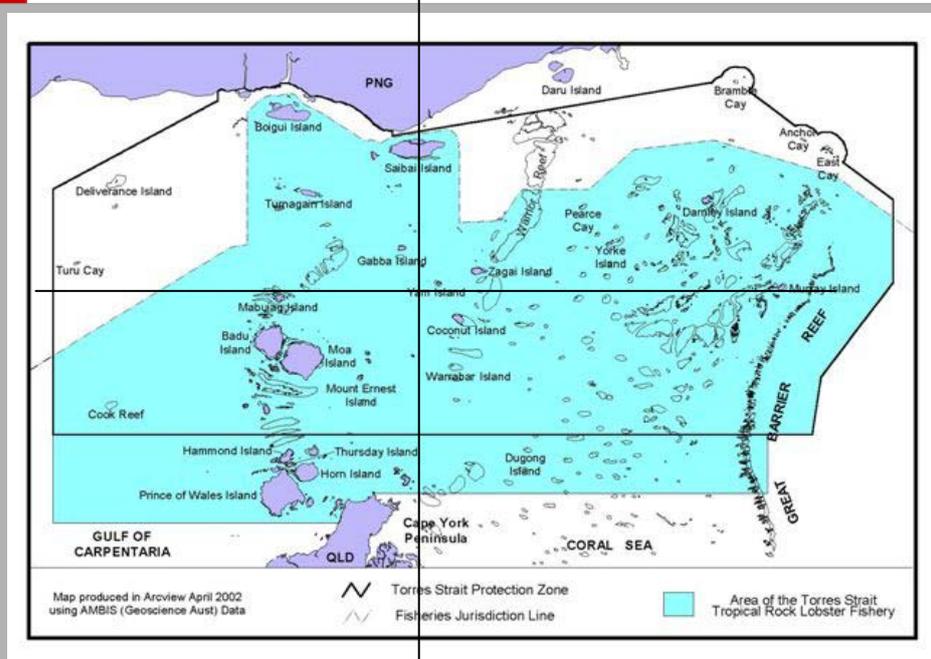
The QB&FP has the ability to conduct joint patrols with the Australian Navy and the Queensland Police. While routine joint patrols were conducted with the Queensland Police during the reporting period, no joint Navy patrols were undertaken. Inspections were also carried out during visits to fifteen communities throughout the Torres Strait.

A number of pending and finalised prosecutions occurred during the reporting period. These included unlicensed fishing, breach of licence conditions, undersized fish and infringements issued for offences under the *Transport Operations Marine Safety Act 1994*.

FINANCIAL IMPLICATIONS

N/A

TORRES STRAIT PRAWN COMPLIANCE REPORT



Queensland Boating & Fisheries Patrol
Thursday Island

Compliance Report June 2008

District Staffing

The District is staffed by

- 1 District Officer
- 1 Administration Officer
- 3 Field Officers

District Resources

The District currently has two Departmental and a charter vessel that are capable of being used to assist District with local compliance issues.

1. Patrol Vessel Pelagic 6.7 metre

Pelagic has a 2C survey and is used to patrol the Prince Of Wales group of Islands and weather pending may venture further to mainland Australia and canvas the closer of the outer Islands

2. Patrol Vessel Sea Jay 4.3 metre

Sea Jay has a 2D survey. This vessel is used to respond to local complaints and patrol local areas of the District

Charter Vessel

Department of Primary Industries & Fisheries, Queensland Boating & Fisheries Patrol has in place an agreement with the private charter company Northern Blue Charters. The vessel is used by the District to conduct TSPZ patrols.

The District aims to achieve approximately 8 days at sea per month to target particular fisheries and complaint response whilst conducting community visits. To date the District has completed fifty three @ sea days with a further forty three days forecast to be completed prior to February 2008.

Whilst utilising a private charter to conduct patrols has been noticeably advantageous with achieving outcomes there is a downside. The Patrol does not have sole use of the charter vessel and therefore the Patrol must forecast patrols up to three months in advance. Taking this into account the Patrol may not be in the position to respond in real time as per the availability of the chartered platform.

As a contingency the District has a number of resources that may be used to accommodate response when the need arise. These platforms include other Government resources such as Thursday Island Water Police and Australian Navy and other private commercial vessels may be chartered if available.

Due to the requirements of the District to access all areas of the TSPZ to conduct inspections of particular fisheries, the patrol vessel is required to transit through unsurveyed waters. To date each patrol undertaken onboard the charter vessel has operated partially in unsurveyed waters and has archived the patrol objectives.

Further, utilising the charter vessel does present the District with the ability of patrols remaining covert; as the vessel is unmarked it assists Officers observing/detecting offences against relevant legislation.

Australian Navy

Whilst the Australian navy vessel has been utilised by the District over the previous reporting period the District has not had the vessel available through this period.

Queensland Police

The District has throughout the reporting period conducted joint patrols with Queensland Police Officers on board QBFP's patrol vessels, the charter vessel and Police vessel.

Cross decking has presented the District with the opportunity to continue to service client groups throughout the TSPZ whilst achieving a cost effective means to monitor compliance.

Domestic

Community Visits

Whilst the District carries out inspections within the various fisheries the District also has a responsibility to perform extension services such as community visits. These visits are imperative to positive enforcement to achieve voluntary compliance.

The District to date has achieved visits to the following communities

- Badu Is
- Coconut Is
- Darnley Is
- Dauan Is
- Kubin Is
- Mabuiag Is
- Siabia Is
- St Pauls Is
- Stephens
- Sue Is
- Yam Is
- Yorke Is
- Murray Is
- Boigu Is
- NPA

Issues arising from visits to communities include,

- Stake holders are concerned with licensing procedures. Currently an applicant who wishes to apply for a commercial fishing licence (TIB) is required to sign the application in person. Current practice is that if the applicant is not on Thursday Island the District will send application via facsimile to the applicant. The applicant may then complete and return by post directly to licensing.
- When Officers have liaised with industry while conducting community visits, Officers have reported that some vessels are not currently licensed as a Traditional Inhabitant

Boat but are suspected to be used as commercial fishing vessels. Throughout the inspection process Officers have issued Marine Infringement notices to the master's or owners of vessels as the vessels were found to be used as recreational vessels when inspected.

- Officers continue to inform stakeholders of the definition of traditional fishing and legislation pertaining to this type of activity. A lack of understanding is present throughout the TSPZ of licensing requirements when traditional persons wish to exercise their traditional rights in regards to traditional fishing. It is showcased when a traditional person applies for a TIB without the intention to commercially fish but wishes to undertake traditional fishing.

This can lead to incorrect data when establishing the impact on the fishery with regard to the number of active licences.

Patrols have focused on the following fisheries,

- *Prawn*
- *TRL*
- *BDM*
- *Dugong*
- *Reef Line*
- *Trochus*

A number of fishery issues have been observed:

Prawn

- Production of documentation (operators fail to have on board the vessels fishing and safety manuals including manning certificates and the vessels fishing authority)

Action: The District addresses this issue by continuing the education process whilst conducting the inspection process. Further, Officers have issued Infringement Notices when detecting these types of offences

- Carriage of safety equipment in accordance with registration requirements

Action: Officers continue to conduct In-service checks on behalf of Marine Safety Queensland when in the field. When offences are detected, Officers have issued an Infringement Notice

- Vessels crew awareness of the nil take of TRL, this is in relation to fisheries management notice no 19

Action: When conducting fisheries inspections Officers continue to liaise with crew with regards to the nil possession of TRL. The District has not recorded an offence of this type for the reporting period

Tropical Rock Lobster

- Tender vessels over the prescribed length (over six meters)

Action: vessels reported to be over six meters have been measured by the District as prescribed under the Torres Strait Fisheries Act 1984. These vessels have been found to be under the maximum allowable length

- Primary vessels returning to port to off load product, along with other TRL operators product.

This type of operation is an issue as the vessel carrying the product is required to be licensed with a Torres Processor carrier boat licence. Further if the vessel is carrying other TRL product from another boat involved in the operation the vessel must have a TPCB (b)

Action: Officers have highlighted this issue with licence owners, owners have made the relevant submissions to QDPI&F licensing that have resulted with a (b) or (c) licence being issued.

- Primary vessels continue to use tenders that may have been suspended under the 30% reduction

Action: District has forecast patrols to ensure compliance with regards to this issue

- No Torres Strait Master fishermen Licence

Action: Officers have conducted record of interviews with persons found not to be correctly licensed. Further, brief reports have been submitted to the Department of Public Prosecutions for their action

- Production of documentation (manning certificates)

Action: Officers continue to conduct random inspections on operators of commercial fishing vessels. These inspections have led to certificates being on hand on request by Officers.

- Failing to comply with conditions of a licence

Action: Officers have conducted investigations that have led to a record of interview with alleged offenders. These investigations have further resulted with a fine being issued by the court.

- Carriage of safety equipment in accordance with registration requirements

Action: Inspections have resulted with Officers issuing Marine Infringement Notices for these offences

- Knowledge of relevant licensing conditions by crew

Action: Whilst conducting the inspection process Officers have liaised with crew on current fisheries legislation, Officers have provided crew with current literature whilst in the field

BDM

- Low activity in fishery
- Take of no take species, (sand fish, black teat fish, surf red)

Action: Officers continue to provide industry with current education literature whilst conducting the inspection process in the field

- Unlicensed fishing

Action: District has forecast patrols to address the issue of unlicensed fishing

Reef line

- Low knowledge of current fishery legislation (take/no take species)

Action: Officers continue to provide industry with current education literature whilst conducting the inspection process

- Carriage of safety equipment in accordance with registration requirements

Action: Officers have issued Marine Infringement Notices for these offences when conducting the inspection process

Dugong

- Knowledge of the fishery sanctuary

Action: District has forecast patrols to the dugong sanctuary to ensure compliance

- Reported sale of Dugong and turtle products

Action: District has conducted patrols to communities throughout the TSPZ to investigate complaints concerning the sale of dugong. To date the District has not detected an offence being committed

- Carriage of safety equipment in accordance with registration requirements

Action: Officers conduct inspections of vessels partaking in the traditional take of dugong. Officers have issued Marine Infringement Notices for this type of offence when detected

Trochus

- Knowledge of legislation pertaining to the fishery with particular note to size limits

Action: The District has forecast patrols to investigate complaints concerning this type of activity. Officers have successfully prosecuted operators for the commercial take of under and over size shell

Other comments

The availability of an on the spot fine system would greatly streamline QBFPs capacity to deal with less significant offences.

The availability of a licence sticker to enable identification of TIB vessels would have significant compliance benefits. QBFP has provided advice on an appropriate TIB sticker model which could be adopted.

Over all achieved TSPZ patrol days from October 2007 to date

- Private charter 51
- QBFP patrol vessel Pelagic 18
- QBFP patrols targeting MSQ compliance 25
- Qld Police vessel 5
- Qld Police on board Pelagic 6

Total of 105 patrol days

Offences detected

Fisheries	Offence	Outcome
Tropical Rock Lobster	Breach of condition of licence Torres Strait Fisheries Act 1984 Section 45 (f)	Convicted & fined \$1250
TRL	Torres Strait Fisheries Act 1984 Section 45 (1) (a) Unlicensed	Pending
Trochus	Torres Strait Fisheries Act 1984 Section 16 (1) (v) Prohibit the take, processing, carrying of fish specified in a notice That have a dimension greater than specified	Convicted & fined \$1250
TRL	Torres Strait Fisheries Act 1984 Section 45 (1) (a) Unlicensed	Pending
TRL	Torres Strait Fisheries Act 1984 Section 45 (1) (a) Unlicensed	Pending
Marine Safety Queensland	48 Marine Infringements Notices issued by District	These infringements were issued for offences under the Transport Operations Marine Safety Act 1994

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
REPORTS PNG Preferential entitlement allocations to Australian licences for the 2008 season	Agenda Item No. 2.6 FOR NOTING

RECOMMENDATIONS

2.6.1 The TSPMAC **NOTES** that:

- (a) for the 2008 Torres Strait Prawn Fishery season, Papua New Guinea were allocated 2,104 nights of fishing effort, as agreed upon under the catch sharing arrangements in the Torres Strait Treaty;
- (b) the Papua New Guinea Minister for Fisheries and Marine Resources informed the Australian Government on February 4, 2008 that they would not be utilising any of the allocation for the 2008 fishing season, and as a result, the 2,104 nights of fishing effort were offered to the Australian sector of the Torres Strait Prawn Fishery on a pro rata, user pays basis;
- (c) the initial round of the preferential allocations of the unused PNG nights resulted in 934 of the nights added to TSPF licences;
- (d) in response to the decisions made at the PZJA No. 22 meeting on May 1st, 2008, a second round allocation of the remaining 1,170 nights was offered to the Australian sector on June 12, 2008, based on the nights required by fishers to operate viably for the remainder of the 2008 fishing season; and
- (e) in addition the 229 nights held in trust by the Australian Government were also offered to the Australian sector on June 12, 2008.

BACKGROUND

Approximately 25% of the total allocated fishing nights in the TSPF were purchased by the Australian Government in 2006 in order to meet Australia's obligations to share the catch of the fishery with PNG under the Torres Strait Treaty. These nights are currently held in trust by the Australian Government (2,333 nights).

Preferential access to any unutilised PNG fishing effort is negotiated at the annual bilateral meeting held between Australia and PNG. The intent of these negotiations is to ensure that the unutilised PNG effort will be made available to the Australian sector in a timely manner. This negotiation process has resulted in an increase in fishing access for the Australian sector over the past two years.

At PZJA 22 it was decided that management agencies would allocate this additional effort in a manner that would provide potential for greater financial benefit to industry. This decision was made in response to industry's request (raised at TSPMAC No. 5) for the establishment of an interim harvest strategy that would assist industry to operate at a more financially effective level prior to the implementation of the TSPF Management Plan.

DISCUSSION

The allocation of this additional fishing effort had previously been distributed on a pro rata basis providing greater benefits to fishers with larger allocations. This process has

also seen a large percentage of the additional allocation remain unutilised even though it had been allocated and cost recovered from industry. It is thought that operators have applied for days with the belief that such interim transfers of fishing effort in the TSPF may benefit operators from a fishing history perspective and increase their future allocations.

In light of the decision from the PZJA 22 meeting on May 1st, 2008, and in response to industry's request for an interim harvest strategy, a second round allocation of the remaining PNG nights is currently being offered. The additional 229 nights held by the Australian Government are also being included. Letters were sent out to licence holders on 12 June 2008 detailing the second round allocation process and the amount of effort available. Included was a description of the process by which this additional effort is to be allocated with emphasis being placed on industry financial viability.

Management agencies have stressed the importance of operators only applying for additional effort which they are going to be capable of utilising during the remainder of the 2008 fishing season, they have also reiterated that there will be no 'fishing history' benefit generated from these temporary allocations.

Once interested fishers have indicated the number of nights they believe they would require to operate at a cost effective level for the remainder of the 2008 season, a process will be established to allocate all remaining effort on a user pays basis. If the required number of nights exceeds those available delegate of the PZJA will investigate the available options in terms of providing further effort in the fishery.

In conclusion it should be noted that the current arrangements for accessing additional effort in the TSPF are only envisaged to be interim measures until the implementation of the TSPF Management Plan for the 2009 fishing season. Following the TSPF Management Plans implementation, detail within the plan will allow for a greater transfer of effort from within the fishery, while the option to apply for PNG effort will still remain if they are made available by PNG, as per the process described in section 4.9 of the Draft TSPF Management Plan (provided below).

4.9 Temporary transfer of PNG units

- (1) The Australian government may temporarily transfer PNG units to a holder of a PNG boat licence with a TSPF Treaty endorsement, or a holder of a TSPF boat licence, as set out in this section.
- (2) The PZJA will give first preference for temporary transfer of PNG units to the holders of TSPF Treaty endorsements.
- (3) For any PNG units remaining after all temporary transfers made under subsection (3), the PZJA will determine:
 - (a) the method for temporarily transferring the PNG units to TSPF boat licence holders; and
 - (b) a process for collecting levies payable by TSPF boat licence holders who are to have PNG units temporarily transferred to them for a season.
- (4) A temporary transfer of PNG units:
 - (a) must be of whole PNG units only; and
 - (b) does not take effect until it is registered; and



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- (c) entitles the temporary transferee to use the PNG units during the fishing season for which the temporary transfer is registered; and
 - (d) remains in force for that season.
- (5) The holder of a PNG unit that has been temporarily transferred is not entitled to transfer or temporarily transfer the unit.

FINANCIAL IMPLICATIONS

No new financial implications.

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 6 10-11 July, 2008
REPORTS PNG prawn quarantine and access - Update	Agenda Item No. 2.7 FOR NOTING

RECOMMENDATIONS

2.7.1 The TSPMAC **NOTES** that:

- (a) the process for accessing the PNG jurisdiction of the TSPZ is lengthy and that not all operators requests are likely to be successful;
- (b) Biosecurity Australia (BA) and the Australian Quarantine and Inspection Service (AQIS) advise that:
 - (i) prawn stocks are common in both the Australian and Papua New Guinea (PNG) jurisdiction of the Torres Strait Protected Zone (TSPZ) and have the same disease status;
 - (ii) fishers require an Import Permit under the *Quarantine Act 1908* to bring prawns caught in the PNG jurisdiction into the Australian jurisdiction;
 - (iii) bringing prawns into the Australia jurisdiction will not be subject to the requirements of the *Imported Foods Control Act 1992*; however
 - (iv) until the AQIS Import Conditions Database is updated, likely to be late 2008, these conditions cannot be implemented or acted upon.

BACKGROUND

Access to PNG Jurisdiction

In September 2006 an Australian and PNG Fisheries Working Group meeting was held in Cairns to further develop catch sharing arrangements agreed to at the Australia and PNG Bilateral Fisheries discussions on 23–24 August 2006.

At the working group meeting PNG acknowledged that Australia's 50 tonnes of prawn entitlement in the PNG jurisdiction would equate to 253 days of fishing effort. It was also suggested that seven Australian vessels would be an appropriate number of vessels for cross-endorsement, with a maximum of two vessels entering the PNG jurisdiction at any one time.

DAFF conducted an expression of interest to determine which Australian prawn license holders wanted to access concessions in the PNG jurisdiction and received 19 applications. These were ranked using a ballot process. The first seven operators drawn getting first preference to the entitlements.

Queensland Department of Primary Industries and Fisheries and the PNG National Fisheries Authority (NFA) also determined restrictions for Australian Vessels within the PNG Vessel Monitoring System.

To assist Australian authorities with the tracking of Australian vessels, PNG NFA advised that they would required the following information from the Australian Government before endorsing Australian licenses to operate in the PNG jurisdiction of the Torres Strait Protected Zone:

- Vessel name
- Call sign
- IMN number
- ALC type
- ALC model
- ALC Serial Number

On 9 February 2007, DAFF received a “Conditions of Endorsement” from PNG NFA setting out conditions Australian operators would need to undertake when entering and while conducting fishing operations in the PNG jurisdiction of the TSPZ. On 20 March 2007, DAFF replied to PNG NFA with proposed changes to the conditions after consultations with Australian Government and Australian Industry. PNG accepted the changes.

In the future if Australian fishers want to seek access to the prawn fishery of the TSPZ, the process described in Table 2.7 A will need to be followed. Given the PNG NFA will need to respond to any requests from the Australian Government, the total time required to achieve cross-endorsement could easily exceed three months.

Quarantine Status of PNG Prawns

On 15 March 2007, Biosecurity Australia were asked to assess the claim made by the Australian Torres Strait Prawn Fishery Industry that the prawn populations either side of the Fisheries Jurisdiction Line of the TSPZ are overlapping.

In their response Biosecurity Australia advised that they had assessed the submission including scientific papers provided by the industry and concluded that the information provided to support the claim is adequate, and therefore these prawns may be imported without specific disease and pest risk management measures.

On 30 October 2007 AQIS provided advice from the Australian Customs service regarding the relevant part of the *Australian Customs Act 1901*. AQIS has confirmed that fishers will need an Import Permit under the Quarantine Act but the material will not require any testing on arrival. Importantly Australian Nationals fishing within the PNG jurisdiction of the TSPZ, who did not make landfall on a non-Australian asset, would not need to go through the standard immigration process upon return to an Australian port.

If landfall was anticipated, all Australian Nationals would need to comply with standard Australian Immigration, Customs and AQIS processes, with the addition of registering at a specific location designated by Customs.

Table 2.7A. Process for Australian vessels to receive cross-endorsement in the PNG jurisdiction.

Action	Time	Description
1	Anytime	Industry informs the PZJA Standing Committee through DAFF of its intention to access the Papua New Guinea jurisdiction of the Torres Strait Protected Zone.
2	Process commences	Mail request for expressions of interest to TSPF licence holders and post on PZJA website.
3	One Month	Close of period for accepting expressions of interest.
4	Two weeks	Evaluate expressions of interest in accordance with guidelines – including conducting an independent ballot if required. Then notify unsuccessful and successful initial nominations and provide list to the National Fisheries Authority (NFA) with a request for formal advice on conditions and costs.
5	Unknown A	National Fisheries Authority advise conditions and costs. Also, during this period the specific quarantine and customs conditions would be determined.
6	One week after Unknown A	Advise nominees of PNG conditions and costs and Australian quarantine and customs requirements and seek their formal nomination request together with payment of costs.
7	Three weeks after Unknown A	Paid up nominees notified to PNG NFA with request for Treaty endorsement.
8	Unknown B	Treaty endorsements received.

DISCUSSION

Access to PNG Jurisdiction

The process of seeking cross-endorsement of licences to access the PNG jurisdiction of the TSPZ requires the Australian Government to liaise with PNG NFA. Given this, the Australian Government will only undertake to do this if there is interest from the TSPF. If any fisher in the TSPF seeks access to the PNG jurisdiction, then to be equitable all fishers must be given the opportunity to nominate for cross-endorsement. This process will take some time, so if fishers are intending to access the PNG jurisdiction in 2009, then they should inform the TSPMAC before December, 2007.

Quarantine Status of PNG Prawns

DAFF expects that AQIS will finalise the Import Conditions Database in the later half of this year.

FINANCIAL IMPLICATIONS

Nil