

Torres Strait Prawn Management Advisory Committee, Meeting No. 3
17 February 2007
Port Room, Mercure Harbourside Hotel, Cairns

Draft Record

Attendance

The following members and observers were in attendance at the Torres Strait Prawn Management Advisory Committee (TSPMAC) meeting:

Members

Mr Jim Gillespie (Chair)
Mr Augustine Mobiha (NFA)
Mrs Rosemary Millward (TSPEHA)
Mr Mark Millward (TSPEHA)
Mr Rob Giddens (TSPEHA)
Mr Barry Wilson (TSPEHA)
Mr Ken Bedford (CFG – Darnley Island)
Mr Shane Gaddes (QDPI&F)
Mr Phillip Polon (NFA)
Ms Dorothea Huber (AFMA)
Mr Denis Snowdon (Executive Officer / AFMA)

Observers

Mr Bill Walsh (Industry)
Mr Neil Green (QSIA President) – from 3pm onwards

Opening

The Chair opened the meeting at 0830 hrs, welcoming all attendees.

Apologies

The Chair did not formally call for apologies; however the Executive Officer received apologies from Mr Stephen Colquitt (DAFF) and from Mr Marcus Finn (TSRA). Mr Finn also forwarded apologies on behalf of Mr Toshie Nakata (TSRA) and the other CFG members that were not able to attend.

Adoption of meeting agenda

The agenda was adopted. Mrs Millward requested that additional items in regard to AQIS issues and leasing in the TSPF be added to the agenda. The attendees agreed to add “Other AQIS issues” as item 7.3 and to add “Leasing in the TSPF” as item 12.3.

1. Ratification of record of previous TSPMAC meeting

Mr Snowdon spoke to this item and advised that the draft minutes of the September 2006 TSPMAC meeting had been forwarded to attendees of the meeting for comment on 10 October 2006. Comments received were incorporated into the finalised minutes.

The Chair called for any further comments in regard to the minutes of the September 2006 meeting. The following additional comments were received:

- Mr Millward queried whether it was clear that a minimum holding of 34 days (Agenda Item 3.1(c) of the September 2006 minutes) only applied to the 2007 season. The members agreed that this was the case.
- Mr Giddins asked how the 263 additional days purchased by DAFF in giving effect to PNG's access rights under the Treaty were going to be distributed amongst the Australian sector. The members agreed that DAFF would need to provide advice on this issue.

ACTION 1: DAFF to provide advice on how 263 (“overbought”) days will be distributed. Responsibility – DAFF

- Mr Wilson advised that his comments recorded in the minutes in regard to agenda item 5, section 11 were not accurate. Mr Wilson advised that industry only wanted the 34 days minimum holding for the 2007 season and that industry want the minimum holding to be reconsidered in the management plan. The industry members also reiterated that they did not want leasing in the fishery until the management plan was finalized.
- In regard to agenda item 5, section 31 the industry members requested that the industry position be included. The industry position is that one effort unit should initially equal one allocated fishing day.
- In regard to agenda item 9.1 Mrs Millward made the comment at the September 2006 meeting that the 2006/07 budget came to the MAC as a fait accompli and that industry want further consultation in regard to the budget finalization.
- Mr Millward queried whether there are any other closure problems similar to the ten day moon closures around Burke Island. AFMA agreed to investigate this further.

ACTION 2: AFMA to investigate whether there will be any closure problems, similar to the issue in regard to the Burke Island closure, in the fishery. Responsibility – AFMA

- Mrs Millward requested that an additional column be added into the table of action items to show when the item was actioned. The members agreed that this should be included.

ACTION 3: An additional column needs to be added to the action arising table, to show when the item was actioned. Responsibility – AFMA

The members agreed that once the comments provided at this meeting were added, the minutes would be a true account of the September 2006 meeting.

2. Actions and/or business arising from the previous TSPMAC meeting

The Chair worked through Table 2.1 informing the members of the status of each item, as per the status column of Table 2.1. The Chair called for any comments in regard to the status of each action item.

In regard to action item two, Mr Snowdon advised that he had not received the words on the setting of reference points for the Management Plan from Mr Clive Turnbull. Mr Snowdon advised that once he receives the words from Mr Turnbull, that he would circulate them to members for out-of-session comment.

In regard to action item five, Mrs Millward apologized for not providing the TSPEHA's contact details for inclusion in the newsletter.

In regard to action item eight, AFMA advised that they anticipated that the 2007 Handbook would be completed by 21 February 2007. Mr Millward requested that copies of the handbook be forwarded to the Northern Fisheries Centre and that he would then put them on one of the motherboats for distribution. AFMA agreed to this request and also offered to include a CD version of the handbook with the hard copies. All members agreed that this was a good idea.

ACTION 4: 2007 Handbook to be completed by 21 February 2007. Once completed copies are to be sent to the Northern Fisheries Centre and industry will distribute them. A CD version is to be included with the hard copies. Responsibility – AFMA

In regard to action item 19, the members agreed that this item should be changed to the following wording (changes are underlined):

“That the consideration of a spatial management system be considered at a future MAC meeting. Consideration will be given to the revised stock assessment with a view to increasing the Total Allowable Effort in the fishery.”

The members agreed to remove action item 21.

3. PZJA Decisions relevant to the Torres Strait Prawn Fishery

3.1 Update on progress of management plan

Ms Huber spoke to this item and advised that the Management Plan Working Group met via teleconference to discuss and resolve the issues raised by the TSPEHA at the PZJA 20 Stakeholder Meeting. Ms Huber then explained the resolutions for each of the issues as detailed in attachment 3.1.1 of the TSP MAC paper. Ms Huber also advised that the management plan could not come into affect until the amendments to the *Torres Strait Fisheries Act (TSFA) 1984* have been completed. A drafter was recently assigned to progress the legislative amendments bill.

Extract from Attachment 3.1.1:

“v. Under the Commonwealth Management Arrangements does AFMA have any legal right to make decisions for the PZJA Fisheries or should this be done by the PZJA or a delegate of the PZJA (as determined by the PZJA from time to time)?

Resolution: Individual positions within AFMA can be a delegate for certain roles under the the TSF Act, but the AFMA Board can not be a delegate. AFMA delegations must be approved by the Minister.”

In regard to item V of attachment 3.1.1, Mrs Millward advised that industry were concerned that the AFMA Board may receive delegations and they felt that this was

inappropriate as the AFMA Board was not involved in the direct management of the Torres Strait Fisheries. However industry supported the current provisions under the TSFA of giving delegations to specific officers in AFMA and QDPI&F.

Extract from Attachment 3.1.1:

“vii. Re Effort units see Industry comment in 5.2.2 below. Also, how legally can there be separate classes of units in a Fishery when these units are entitled to be, and proposed by Government to be, utilized at various times by any or all licensees in the Fishery eg the balance of units not taken up by PNG equivalent to 8 vessels x 275 AFDs? What actually is the proposed difference in these CLASSES? This has not been advised to Industry yet.

Resolution: There can be two separate classes of units in the one fishery and this occurs in other fisheries. There would be no difference in the unit values. The PNG units will be held by the Commonwealth Government and then leased to individuals. The industry representative questioned whether the Government would be accountable in the case that there is a compliance issue, as they were the owner of the units. It was agreed that legal advice may need to be sought on this issue, which AFMA is currently seeking.”

In regard to item VII of attachment 3.1.1, Ms Huber advised that under the management plan there will be two classes of units (ie Australian commercial and PNG), but the classes were yet to be defined. Mrs Millward advised that the Australian industry should not have to lease units, the units should be a seasonal access right. All members agreed to this.

Mrs Millward requested that a document detailing all PZJA decisions relevant to the TSPF be compiled. Whilst AFMA agreed in principle to this request, it was pointed out that these decisions were readily available on the PZJA website and that given the current staff shortages, there were other higher priorities to be addressed.

ACTION 5: Compile, as time permits, a document detailing the relevant PZJA decisions in regard to the prawn fishery. Responsibility – AFMA

Ms Huber then provided a handout to all members outlining the process for implementing the management plan. The handout is attached to the minutes (Attachment 1). Ms Huber discussed the process detailed in the handout and advised that once the amendments recommended by the Management Plan Working Group and the PJZA agencies had been made, that the draft management plan would be circulated to all TSPMAC members for final out-of-session comment.

Ms Huber advised that the Office of Legislative Drafting (OLD) currently has a large back log of work and that if the drafting of the management plan is to go through the OLD, that it will not be completed until the end of 2007. Ms Huber also advised that the OLD will not draft the management plan until the amendments to the TSFA have been completed. She noted that both issues posed a serious impediment to the introduction of the management plan by 2008.

An alternative option is to enlist the services of an OLD-approved drafter. However this option will incur additional costs. Mrs Millward queried whether the additional costs

would be borne by industry or Government. Ms Huber took this question on notice and agreed to provide a response out-of-session.

ACTION 6: Investigate the cost of hiring an OLD approved drafter and the source of funding to draft the management plan. Responsibility – AFMA

Mr Snowdon then provided an overview of the current Regulatory Impact Statement (RIS) process. Currently, when there is a change to regulation/legislation, the Government agency making the change must first apply the Office of Best Practice Regulation's (OBPR) Business Cost Calculator (BCC). The BCC is an internet based tool, that allows Government agencies to determine if a RIS is required or not. Mr Snowdon advised that even if the BCC result was that a RIS was not required, that AFMA would seek written advice from OBPR as to whether a RIS is required or not.

Mrs Millward made the comment that industry were concerned that they are being "left out of the loop" and recommended that even if a RIS is not required, that a RIS should be done anyway, so that industry get a chance to look at the management plan and gain a better understanding of proposed changes. The Chair commented that time constraints may determine if a RIS can be done, in the event that OBPR gave an exemption from doing a RIS. Mrs Millward advised that industry supports the RIS process.

Ms Huber advised that, although linked, the strategic assessment process under the Environment Protection and Biodiversity Act is a separate process to the drafting of a Management Plan. She indicated that the next Strategic Assessment Report for the TSP (as detailed in the handout given to members) is not required til 2008. However, AFMA will notify the Department of Environment and Water Resources (DEW) formally that the TSPF is moving to a management plan.

Ms Huber advised that the consultation period will be dependent on the content of the management plan. Mrs Millward commented that most of the content in the proposed management plan is not contentious. The only contentious issue will be the definition of effort units in the management plan. The Chair suggested that it would be desirable to do a 7 – 8 week consultation period on the draft management plan if possible.

The discussion then focused on the time period that the management plan would be valid for. Industry members advised that they would prefer that the management plan is an on-going instrument with review mechanisms built into it. The Government agency representatives agreed with this view.

As the management plan may need to change from time to time, the MAC discussed provisions for making changes to the management plan once it has been implemented. Ms Huber advised that there was discussion in regard to this issue at the PZJA agency meeting of 5 and 6 February, where the question of, how can the management plan be amended for minor changes with out a lengthy consultative process, was raised. Minor changes would include such things as grammatical errors. Ms Huber commented that amendments to management plans made under the *Fisheries Management Act (FMA) 1991* can take up to a year but that immediate provisions (such as closures, gear restrictions, TACCs and TAEs) could be introduced relatively quickly through Determinations or Directions and, in emergency situations, through Temporary Orders.

She suggested that a similar flexibility be sought in the design of the TSP Management Plan.

Ms Huber suggested that once the TSFA amendments are completed, it would be worth while having a teleconference to discuss the effects of the amendments on the management plan.

Mr Gaddes advised of the discussion at the PZJA agency meeting in regard to the performance indicator/criteria section of the draft management plan. It was found that the objectives of the draft management plan did not link with the measures or the performance indicator/criteria sections of the draft management plan. Ms Huber advised that there needs to be commonality between the management plans for each of the Torres Strait Fisheries, in respect to these sections. These sections will be reworked by the agencies to ensure greater consistency and then circulated to the Management Plan Working Group members for comment.

Ms Huber advised that currently there was duplication in regard to the definitions in the draft management plan, in that they were already defined in parent legislation such as the *Torres Strait Treaty*, the TSFA and the *Acts Interpretation Act 1901*. AFMA will be reviewing these definitions to ensure definitions are not duplicated. Mrs Millward suggested that the definitions of the management plan should be consistent with PZJA definitions as well.

ACTION 7: The management plan working group is to meet via teleconference to discuss the final draft of the proposed management plan before it is forwarded for legislative drafting. Responsibility – AFMA/Management Plan Working Group

4. Research

4.1 Stock Assessment Update

Mr Gaddes provided a PowerPoint presentation prepared by Mr Clive Turnbull on the most recent stock assessment update for tiger prawns. He advised members that the assessment report was still in draft form pending the feedback of this meeting and that he would try to answer questions to the best of his ability, bearing in mind that he had not conducted the stock assessment.

TSP MAC considered the fishing power analysis, which estimated “effort creep” in the fishery following the 2005 buy-out of licences. Mr Gaddes advised that fishing power had been standardized back to 1989. However Mr Turnbull had been unable to conduct a full gear survey since the buy-out and that the estimate of increased fishing power (3.2%) was therefore based on a precursory analysis of effort creep. Industry expressed concern that the analysis seems to indicate that there has been a major increase in power. The industry members felt that if the boats remaining in the fishery were surveyed and if their historical information was reviewed, it would probably show that the power in the fishery has remained fairly consistent. Industry also commented that there should not be a change in fishing power, unless gear changes have occurred. Industry were also worried that there may be a reduction in nights due to the fishing power analysis.

Mr Gaddes commented that buy-outs always had the effect of taking out the less efficient boats in a fishery and thereby providing for a structured fleet with a higher fishing power. He advised that the model does not account for the number of boats in the fishery; rather it takes account of the total effort in the fishery and the efficiency of the boats that worked in a given year.

TSP MAC members agreed that a comprehensive analysis of fishing power based on a survey was essential to resolve this issue but the Committee noted the comments by QDPI&F staff that Mr Turnbull was currently fully committed with research work and not in a position to review the fishing power analysis.

ACTION 8: Mr Clive Turnbull to review the fishing power analysis as soon as possible.
Responsibility – Clive Turnbull.

The graphs in regard to “trends in the tiger prawn stock biomass” showed that due to a decrease in effort there has been an increase in biomass. The higher catch rates observed in the fishery may be a reflection of this increased abundance but they could also be due to increased fishing power as a result of more efficient vessels left in the fishery after the buy-out.

Mr Millward called for days to “be handed back” to industry in light of the positive trend shown in the 2006 fishery assessment. He claimed that this was consistent with the outcome of previous TSPMAC meetings where it was discussed that the TAE for the fishery could be increased if there was an improvement in the status of stocks which gave a higher MSY estimate.

*(Action Item 19 - That the consideration of a spatial management system be considered at a future MAC meeting. Consideration will be given to the revised stock assessment with a view to increasing the Total Allowable Effort in the fishery).

* This action item was added at TSPMAC 1 as action item 10. It is referred to as action item 19 in Table 3.1.2 of Agenda Item 3.1 of TSPMAC 3.

Mr Gaddes felt that the increase in biomass is due to the low effort and that if all of the available nights in 2006 were fished, an increase in the biomass may not have occurred. He pointed out that there was in excess of 6,000 nights available in the fishery, yet only approximately 4,000 nights were used in the season. Ms Millward commented that the management practices in place since 2000 have had a positive effect on the fishery, resulting in the increase in the biomass

Mr Millward queried the government agency positions in regard to this issue. Mr Gaddes advised that based on the revised stock assessment update the Queensland position is that there should be no increase in the Total Allowable Effort in the TSPF due to the large amount of unused days in the 2006 season. Ms Huber advised that she agreed with the Queensland position and this was a clear case for permitting the leasing of fishing days in this fishery. Both government agency members were of the firm view that the amount of allocated fishing nights should not be altered on the basis of the 2006 assessment, when only around 66% of the available effort had been used and there was still uncertainty about the changes in fishing power as a result of the buyback. It was pointed out the proposed management plan would offer more flexibility in the fishery through the ability to revise the value of the allocated fishing days from time to time.

Based on the findings in Mr Turnbull's report, Mrs Millward commented that industry is concerned that the fishery is being under utilized and that the fishery should not be managed by E_{MSY} . She was also totally opposed to the notion of industry having to lease fishing days, stating that industry should not be forced to pay for fishing days that had been taken away from operators by the government.

Mr Mobiha apologized for the lack of progress in making the Papua New Guinea (PNG) share of the fishery available to the Australian industry, stating that the PNG Government had been unable to advise the Australian Government to date if PNG boats would fish in the Australian part of protected zone. The industry representatives agreed that access to the PNG share was required. There was a discussion on the timetable for having this matter resolved. Ms Huber indicated that priority had been given by DAFF to facilitating access for Australian boats to the PNG zone and that access by the TSP boats to PNG's share in the Australian zone would need to be progressed at the next bilateral talks between the two countries. Mrs Millward pointed out that such access arrangements would not be finalized until late in the 2007 season and that this was therefore of little benefit to industry as small entitlement holders would not want to steam back to the Torres Straits late in the season.

TSP MAC discussed the timetable for finalizing the Stock Assessment update. Mr Gaddes advised that based on heavy research commitment over the next few months, Mr Turnbull was unlikely to have the reassessment done before May 2007. He also indicated that there was no immediate funding for conducting another fishery-wide survey on changes in fishing power post the buy-back.

Mr Millward asked if there was scope for a structural adjustment in the interim rather than handing days back to the industry. The industry members requested that the MAC support a structural adjustment of the 31.8% effort reduction following the 2005 season. Ms Huber advised that this was a matter for industry to take up with the Ministers.

4.2 Torres Strait Prawn Research Program – Progress report and update on the tender process to procure research providers

Agenda item 4.2 was noted by the members, without further discussion.

5. TED Fisheries Management Notice – floatation requirements

Agenda items 5.1 and 5.2 were combined in the one paper.

5.1 Update on FMN 81, flotation devices and US export accreditation & 5.2 US accreditation visit

Ms Huber spoke to this item and called for industry's views on the negotiations with the US.

The industry was concerned about the difficulties in achieving US accreditation of TEDs. Mr Millward commented that the US representatives that came to Australia on their previous visit did not seem to have a mandate to approve the device and that they had gone back on their undertaking to permit bottom-opening TEDs without floatation. Mr Millward also suggested that individual operators should perhaps seek accreditation rather than the entire fishery. Ms Huber pointed out that the US Government only gave approval for fisheries rather than individuals.

Industry advised that they are happy to meet with US representatives on their proposed trip at the end of March provided they were willing to reconsider the issue of floatation. However, they also indicated that there may be no boats at Yorke Island for the US to inspect. Ms Huber agreed to inform DAFF of industry's views so that the US could be advised of this position before their pending visit, where they had scheduled a trip to the Torres Straits.

Ms Huber expressed concern that the September 2006 MAC meeting outcome in regard to TED Fisheries Management Notice was overturned at the Stakeholder Forum at PZJA20. She indicated that MAC outcomes should be binding on its members and not be undermined by subsequent unilateral actions.

ACTION 9: Ms Huber to immediately contact DAFF and advise the Department of industry's position. DAFF to advise the US of industry's position in regard to the floatation requirements for TEDs. Responsibility – Ms Huber & DAFF

6. Finances

6.1 2006/2007 Budget Year to Date

Agenda item 6.1 was noted by the members, without further discussion.

6.2 Cost Recovery of levies for 2007 – Letter sent to licence holders by AFMA

Mrs Millward spoke to this item, commenting that industry are concerned that they are paying 100% of the TSPF management costs, when they only have access to 75% of the fishery. Industry believes that they should only be paying for the 75% of the fishery that they have access to and that they will be seeking a reimbursement of 25% of the 2007 levies.

Ms Huber advised that the budget is based on the real costs of managing the 75% Australian share of the TSPF and does not account for the 25% Papua New Guinea share of the fishery.

Industry acknowledged that the fishery is 100% cost recovered. However, it was felt that the 25% reduction in the fleet through the buyback has not been reflected in the budget. They stated that if the costs of management are for only 75% of the former fishery, then 25% of the costs should be cut out of the budget.

Industry also felt that it was unfair that a fisher had to pay for unused fishing days and they argued that management cost should be based on real rather than potential effort. Ms Huber advised that fisheries managers had to take account of the maximum potential effort in the fishery, as latent effort could be activated at any point of the fishing season.

Industry also requested that a draft budget be put together to show the 100% management costs including the PNG 25% share. Ms Huber indicated that the agencies did not have the time or resources to undertake such a hypothetical task but she agreed to provide a more detailed explanation at the next TSP MAC meeting as to why costs had risen (and not dropped) after the buy-out. Mr Gaddes agreed that the MAC needs to look at why costs are continuing to increase. The members agreed to this.

Ms Huber also advised that if PNG operators fished the PNG share, the Australian Government would need to find a way of funding the management costs of the PNG share. If Australian operators fish the PNG share, then the operators would need to pay the management costs for the PNG share.

ACTION 10: Government agencies to provide a history of the management costs and an explanation of the rising management costs with respect to the fleet reduction of 25% by TSPMAC 4. Responsibility – AFMA/QDPI&F

6.3 2007/2008 draft budget

Mr Snowdon spoke to this item, commenting that there has been a decrease in the draft budget as shown in Attachment 6.3.1 and called for members to raise any questions they had in regard to the proposed AFMA budget.

Mr Millward queried whether the costs for a port visit needed to be included as it had been previously agreed that port visits were not required. It was agreed that this cost could be taken out of the budget.

Mr Giddins asked whether the costs of the observer program could be decreased by decreasing the observer coverage. Ms Huber advised that the PZJA agreed to comply with the Strategic Assessment, of which the observer program is a requirement. Under the Strategic Assessment the current level of observer coverage needs to be maintained until the Strategic Assessment is reviewed.

Industry queried whether the TSPMAC could request that the Department of Environment and Water Resources (DEW) allow a decrease in observer coverage. It was felt that as it was a PZJA decision to comply with the Strategic Assessment, it would not be appropriate for the TSPMAC to make this request.

Industry queried whether the QDPI&F draft budget was available, and if it was not whether it could be provided out-of-session. Mr Gaddes informed the TSPMAC that the QDPI&F budget for 2007/08 was not currently available, however it should remain fairly static and the only likely increase would be due to increased staffing costs by one position.

7. PNG update

7.1 Update on Australian industry access to the PNG jurisdiction of the Torres Strait Protected Zone and the expression of interest process

Ms Huber spoke to this item. In the week leading up to TSPMAC 3, DAFF received the Conditions of Endorsement from the National Fisheries Authority (NFA), for Australian operators that wish to fish in the PNG waters of the TSPZ. Mr Mobiha advised that the NFA would like TSP MAC to provide their views on the conditions.

There was a discussion in regard to the conditions that need to be determined for fishing in PNG waters. These included:

- Requirements for product caught in Australian waters being taken across the line to PNG waters and then being brought back into Australian waters;
- Labeling requirements for product caught in PNG waters.

It was questioned whether the Vessel Monitoring Systems (VMS) used by the relevant PNG and Australian agencies are compatible and who would monitor boats crossing into the PNG jurisdiction. Mr Gaddes felt that the relevant persons in the Queensland and PNG organizations that monitor the VMS should resolve the issue and suggested that in the interim the Queensland VMS section could monitor these vessels. Mr Mobiha advised that the Queensland and PNG VMS systems are compatible.

With respect to the proposed endorsement conditions by PNG, Mr Millward requested that condition 20 regarding landfall be reviewed by PNG, as this condition would only allow fishing in a very limited area.

Mr Giddens advised that condition 17 may not be workable as vessels may be continually crossing the border due to changing circumstances (eg. weather). Mr Gaddes informed the MAC that at the bilateral discussions it was decided that endorsed vessels would be required to go into PNG waters for designated blocks of time.

Mr Giddens also queried whether Australian observers had to be used to fulfill the requirements of condition 17. As the cost of PNG observers is significantly lower than the cost of Australian observers, industry felt that using PNG observers was the preferred option. It was commented that the use of PNG observers may not be possible in periods of bad weather and it was queried whether exemptions could be made in situations such as this.

Industry also expressed concern that with the 2007 season about to start, operators had not been formally notified of the access arrangements and that several of the conditions required urgent clarification. Industry was advised that if they have any further comments on the conditions of endorsement, that they should provide them directly to DAFF.

ACTION 11: Industry to provide any further comments on the PNG conditions directly to DAFF. Responsibility – Industry

ACTION 12: The relevant Australian Government agencies are to specify the conditions of re-entry into Australian waters after fishing in PNG waters and the conditions of endorsement. This information is to be relayed to industry via the TSP Handbook – 2007 and a letter to the endorsed operators. Responsibility – DAFF to co-ordinate conditions and letter / AFMA to amend Handbook.

Mrs Millward thanked the NFA representatives for the conditions of endorsement, stating that she felt they were reasonable requirements.

Mr Giddens questioned what would happen to a vessel's PNG access if a licence that was endorsed to fish in PNG changed hands during the season. He queried if the access was conferred to the vessel or the permit holder. Mr Giddens also questioned what would happen in the event that one of the seven nominated boats successful in the Expression of Interest process choose not to take up the PNG nights assigned to them. He questioned on what basis the “next eligible” boat was would be selected. It was agreed by the MAC that DAFF would need to provide advice in regard to both of these scenarios.

ACTION 13: DAFF to clarify what happens to PNG nights if licences are transferred and provide details of what happens if one of the seven nominated boats successful in the Expression of Interest process decides not to take up the PNG nights assigned to them. Responsibility - DAFF

7.2 Update on AQIS issues in regard to Australian vessels fishing in Papua New Guinean waters

Mr Snowdon spoke to this item and provided an overview of the options available to “import” prawns caught in PNG waters by Australian vessels. The options outlined were as follows:

1. Individual operators apply for an import permit and meet the current (and future) import permit conditions;
2. Get the NFA to seek PNG freedom from the quarantineable diseases of concern; or
3. Provide a scientific submission to AQIS providing evidence that prawns in the PNG area of the TSPF are of the same genetic stock as those in the Australian area and evidence that prawns in the TSPF are exposed to the same disease risks whether they are in the PNG or Australian areas of the fishery.

TSPMAC agreed that the third option was the best approach provided that funds to tests the genetics of the stock could be identified. As detailed in the paper provided by DAFF for agenda item 7.2, the cost of a basic genetic study would be approximately \$5,000. Ms Huber indicated that AFMA research funds may be available but that approval of these funds would need to be given by the Managing Director of AFMA.

ACTION 14: AFMA and/or DAFF to check if research funds for the genetic testing of PNG prawns for the scientific submission is available. Responsibility – AFMA/DAFF

TSP MAC recommended that DAFF should co-ordinate the scientific submission if the genetic tests proceeded. Members agreed that Jenny Ovenden should be contacted to

provide details the collection of samples and, if possible, Clive Turnbull should be contacted with this information so that he can collect samples during his current survey.

ACTION 15: Ascertain if DAFF could co-ordinate the scientific submission that is to be put to AQIS. Responsibility – DAFF

ACTION 16: Jenny Ovenden to be contacted to find out what form the samples need to be in and how soon she could run the genetic tests. Responsibility – QDPI&F

ACTION 17: Clive Turnbull to be contacted to collect samples for the tests during his current survey. Responsibility – QDPI&F

7.3 Other AQIS issues

Mr Giddens advised that the requirements that are being imposed by AQIS on vessels are beyond what is needed and that it takes excessive amounts of time to complete all the required paperwork. Mr Giddens also commented that there seems to be no consistency or co-ordination between Government agencies with respect to bureaucratic requirements that are imposed on vessels.

The MAC noted these concerns and the TSPEHA representatives advised that they would consider what channels to raise these issues through in an effort to decrease the burden on operators.

8. 2007 Season Arrangements

8.1 Logbooks

Mr Snowdon spoke to this item, detailing the difference between the new NP15 and the NP14 logbooks. The only change in the new NP15 logbook is that a section has been added to record sawfish interactions. Mr Snowdon advised that completion of this section was voluntary. Mr Wilson advised that industry do not have a problem with making the completion of this section mandatory.

The MAC agreed to make the completion of the sawfish section mandatory.

8.2 Torres Prawn Handbook 2007

Mr Snowdon spoke to this item and advised that the handbook would be completed in the coming week and forwarded out as discussed under agenda item 2.

Mr Millward requested that all of the management arrangements be included in the 2008 handbook if the management plan has not been implemented. Mr Millward also requested that Mr Giddens' contact details be included in the 2007 handbook.

ACTION 18: Add Rob Giddens' contact details to the List of Contacts in the 2007 Prawn Handbook. Responsibility - AFMA

9. Observer program

9.1 2006 Trip report

Ms Huber spoke to this item and advised members that the observer program is seeking feedback on how useful the 2006 observer report is and how it could be improved. Ms

Huber also advised that the AFMA Data Entry section has noticed that information on by-product is not being filled in properly in the logbooks.

The following comments were put forward in regard to the 2006 Observer Report:

- Mr Gaddes queried why there was so few shots observed in the first two voyages of the 2006 season.
- Mr Giddens noticed that the title of the last column of Table 2 of the report is incorrect. The title should be Discarded Catch % rather than Retained Catch %.

ACTION 19: AFMA to seek an explanation from the observer program as to why only 6 shots were observed during the first two trips of the 2006 program. Responsibility – AFMA.

ACTION 20: Advise the observer program of the error in the heading in the last column of Table 2 in the 2006 report. Responsibility - AFMA

9.2 2007 Program planning/options

Ms Huber spoke to this item and invited members to provide input into the 2007 Observer Program.

Industry queried whether there is a specific level of observer coverage required in the fishery. They felt that coverage is too high, as the observer program is one of largest attributable costs to the fishery.

Ms Huber stated that that AFMA aimed to be as efficient as possible in the delivery of its services, including the observer program. However, she stressed that a certain level of observer coverage was essential to meet the requirements of EPBC accreditation. Ms Huber agreed to seek advice from the AFMA Observer and Environment Sections in regard to the minimum coverage requirements for the fishery.

ACTION 21: Seek advice from the AFMA Observer and Environment Sections as to what level of coverage is required in the TSPF. Responsibility – AFMA

The members also agreed that at one of the MAC meetings each year, the costs of the observer program should be scrutinized.

Mr Millward queried whether different TSPF boats were being used each year in the observer program as rotation of vessels was essential to obtain a representative sample of fleet coverage.

ACTION 22: Seek advice from the observer program as to whether different boats are being used each season. Responsibility – AFMA

NOTE: The TSPMAC was joined at this point by the QSIA president, Mr Neil Green.

10. TSPMAC members – Update on nomination process

Mr Gaddes spoke to this item, advising that Mrs Millward and Mr Giddens would be nominated for approval by the PZJA as TSPMAC members.

Mr Gaddes also advised that as Mr Bob Robbins had failed to attend TSPMAC 3, his membership would be reviewed.

11. Research

11.1 Updates on the structure of the TSSAC

Ms Huber spoke to this item and advised that the revised Terms of Reference (TOR) for the TSSAC were accepted by the PZJA Standing Committee and that the final endorsement of the revised TOR will be sought from the PZJA out-of-session. Ms Huber also advised that the composition of the TSSAC would be updated in Fisheries Management Paper No.1.

Mrs Millward requested a copy of the revised TOR. Ms Huber agreed to provide the revised TOR to all MAC members.

ACTION 23: AFMA to send the TSSAC revised Terms of Reference and proposed membership to TSPMAC members. Responsibility – AFMA

Ms Huber advised the TSP MAC that there would only be one industry member on the TSSAC. The industry members suggested that there should be more than one industry representative on the revised TSSAC, as they were concerned that the industry member may be from one of the other Torres Strait fisheries.

Mr Gaddes advised that DPI&F were comfortable with the proposed membership and that members have been cut back to reduce costs. He also added that the revised membership is a core membership and that the TSSAC will be able to invite other persons as required.

Industry advised that under the revised TSSAC membership, they would prefer the industry member to be from the prawn fishery. However, if this is not possible they would like to have a representative of the prawn industry attend TSSAC meetings as an observer. It was agreed that this position should be put to the PZJA.

There was a discussion in regard to who the prawn industry representative should be. Mrs Millward felt the industry representative should be an “operational” person rather than a “watchdog”.

ACTION 24: Advise the PZJA that the prawn industry recommend that the industry position on TSSAC be filled by someone from the prawn industry and that if this is not possible that the prawn industry request that a representative from the prawn industry be able to attend the TSSAC as an observer. Responsibility – AFMA

There was also a brief discussion in regard to a Research Assessment Group (RAG) for the TSPF. Ms Huber felt that if the MAC is serious about stock assessment advice in the fishery, they would need a dedicated RAG. Industry representatives felt that a RAG for the TSPF would be too expensive.

11.2 Environmental Risk Assessment Update

Mr Snowdon spoke to this item and asked that the MAC review the items of the Level 1 assessment that received a consequence score of three or above.

The members agreed that clarification should be sought from the AFMA Environment Section as to why the items assigned a consequence score of four, received such a high score. The members were particularly interested in the impacts on Dugong and the translocation of species items.

The members also felt that advice should be sought on what the consequences are if the wrong rating is given in the level 1 assessment.

ACTION 25: Seek advice from the AFMA Environment Section in regard to the items given a level 4 categorisation and to query what the effect is if items are given the wrong rating in the level 1 assessment. Responsibility – AFMA

12. Other Business

12.1 Opportunity for visit to Spencer Gulf Fishery

Mr Snowdon spoke to this item, advising that the opportunity is still available for representatives to visit the Spencer Gulf in April 2007 to learn about the management arrangements in this fishery.

Mrs Millward advised that timing is an issue as appropriate people must be available to attend, to get the most value out of the trip. Mr Giddens commented that he thought the MAC was not currently looking at spatial management in the TSPF. The Chair commented that the current focus is to have more industry involvement in the management of the fishery and that implementing adaptive real time management, such as spatial management, will be a long term process and that the proposed trip was the first steps in this process.

Mrs Millward agreed to contact Samara from the Spencer Gulf Prawn Fishermen's Association to find out if there are other times available for TS operators to visit the Spencer Gulf fishery. TSPEHA will then nominate who is going to attend and advise the TSPMAC Executive Officer out-of-session accordingly.

ACTION 26: TSPEHA to advise the TSPMAC Executive Officer out-of-session of the timing and participation of the Spencer Gulf trip. Responsibility - TSPEHA

12.2 Bycatch reduction workshop

Ms Huber spoke to this item advising that a BRD workshop was held in November 2006, which over 60 people attended.

Mr Millward commented that although he attended part of the workshop, the timing had been unsuitable for TSPF and East Coast Otter Trawl Fishery operators. Mr Millward also commented that the workshop was very useful and that he learned a great deal at the workshop.

Ms Huber advised the members that the NPF paid for the workshop out of their research levies. Ms Huber suggested that perhaps additional workshops could be conducted in the ECOTF and TSPF closed seasons. Mr Gaddes expressed reservations over this if it was going to be run by management agencies instead of the experts that presented their findings at the workshop.

It was agreed that the FRDC should be approached to see if funding is available to run another two workshops, where the relevant experts could attend and provide their findings.

ACTION 27: Approach FRDC to see if funding is available to fund another two BRD workshops in Brisbane and Cairns. Responsibility - AFMA

12.3 Leasing in the TSPF

Mrs Millward advised that the issue of leasing in the TSPF was discussed at the recent TSPEHA annual general meeting and that the TSPEHA members voted unanimously that leasing not be permitted until the stock assessment has been completed. Mrs Millward added that the management arrangements should be allowed to settle before leasing is looked at.

The Chair commented that the Government agencies were struggling to understand why the industry was against leasing.

Mr Giddens added that in the ECOTF the value of days decreased substantially once leasing was introduced and that he was worried that the same thing may happen in the TSPF if leasing is permitted. Mr Giddens also felt that if leasing were permitted, there would be a large pulse of fishing at the start of the season.

Mrs Millward suggested that the members need to consider the responses to the leasing feedback form from the TSPF Update newsletter, once they are finalized. Mr Giddens requested that the response period for the feedback form be extended until the end of February. AFMA agreed to this request.

Mrs Millward advised that there are licences in “no boat” status with nights that are not being used. By not permitting leasing it is more likely that they will sell their nights and distort market forces. Mrs Millward added that when TSPEHA last met with the Minister they were given a commitment to a settlement period of time to review the effects of the changes that had been made in the fishery and to determine if additional days should be allocated in light of scientific advice.

The Chair suggested that the issue of leasing in the TSPF be reconsidered by the PZJA at its next meeting.

Licences

Mrs Millward advised that previous licenses had “quota units” listed as the term for describing the number of days allocated to each licence. Mrs Millward requested that the term on licences be “allocated fishing days” instead. Mr Gaddes agreed to look into this.

13. Dates for future meetings

It was agreed that TSPMAC 4 will be held on the 14th and 15th of June 2007.

Closing Comments

The Chair closed the meeting at 1800hrs, and thanked all participants for attending.

Mr Millward also thanked the Government agencies for postponing the TSPMAC 3 meeting (originally scheduled for 9 February) due to the flooding in the Innisfail and Cairns region.

Summary of Actions Arising

Table 1: Summary of Actions Arising from TSPMAC meeting of 17 February, 2007

	Action	Responsibility
1.	DAFF to provide advice on how 263 (“overbought”) days will be distributed.	DAFF
2.	AFMA to investigate whether there will be any closure problems, similar to the issue in regard to the Burke Island closure, in the fishery.	AFMA
3.	An additional column needs to be added to the action arising table, to show when the item was actioned.	AFMA
4.	2007 Handbook to be completed by 21 February 2007. Once completed copies are to be sent to the Northern Fisheries Centre and industry will distribute them. A CD version is to be included with the hard copies.	AFMA
5.	Compile, as time permits, a document detailing the relevant PZJA decisions in regard to the prawn fishery.	AFMA
6.	Investigate the cost of hiring an OLD approved drafter and the source of funding to draft the management plan.	AFMA
7.	The management plan working group is to meet via teleconference to discuss the final draft of the proposed management plan before it is forwarded for legislative drafting.	AFMA / Management Plan Working Group
8.	Mr Clive Turnbull to review the fishing power analysis as soon as possible.	Clive Turnbull
9.	Ms Huber to immediately contact DAFF and advise the Department of industry’s position. DAFF to advise the US of industry’s position in regard to the floatation requirements for TEDs.	Dorothea Huber & DAFF
10.	Government agencies to provide a history of the management costs and an explanation of the rising management costs with respect to the fleet reduction of 25% by TSPMAC 4.	AFMA / QDPI&F
11.	Industry to provide any further comments on the PNG conditions directly to DAFF.	Industry
12.	The relevant Australian Government agencies are to specify the conditions of re-entry into Australian waters after fishing in PNG waters and the conditions of endorsement. This information is to be relayed to industry via the TSP Handbook – 2007 and a letter to the endorsed operators.	DAFF to co- ordinate conditions and letter / AFMA to amend Handbook.
13.	DAFF to clarify what happens to PNG nights if licences are transferred and provide details of what happens if one of the seven nominated boats successful in the Expression of Interest process decides not to take up the PNG nights assigned to them.	DAFF
14.	AFMA and/or DAFF to check if research funds for the genetic testing of PNG prawns for the scientific submission is available.	AFMA/DAFF

15.	Ascertain if DAFF could co-ordinate the scientific submission that is to be put to AQIS.	DAFF
16.	Jenny Ovenden to be contacted to find out what form the samples need to be in and how soon she could run the genetic tests.	QDPI&F
17.	Clive Turnbull to be contacted to collect samples for the tests during his current survey.	QDPI&F
18.	Add Rob Giddens' contact details to the List of Contacts in the 2007 Prawn Handbook. Responsibility - AFMA	AFMA
19.	AFMA to seek an explanation from the observer program as to why only 6 shots were observed during the first two trips of the 2006 program.	AFMA
20.	Advise the observer program of the error in the heading in the last column of Table 2 in the 2006 report.	AFMA
21.	Seek advice from the AFMA Observer and Environment Sections as to what level of coverage is required in the TSPF.	AFMA
22.	Seek advice from the observer program as to whether different boats are being used each season.	AFMA
23.	AFMA to send the TSSAC revised Terms of Reference and proposed membership to TSPMAC members.	AFMA
24.	Advise the PZJA that the prawn industry recommend that the industry position on TSSAC be filled by someone from the prawn industry and that if this is not possible that the prawn industry request that a representative from the prawn industry be able to attend the TSSAC as an observer.	AFMA
25.	Seek advice from the AFMA Environment Section in regard to the items given a level 4 categorisation and to query what the effect is if items are given the wrong rating in the level 1 assessment.	AFMA
26.	TSPEHA to advise the TSPMAC Executive Officer out-of-session of the timing and participation of the Spencer Gulf trip.	TSPEHA
27.	Approach FRDC to see if funding is available to fund another two BRD workshops in Brisbane and Cairns.	AFMA

Table 2: Summary of ongoing and incomplete actions carried forward from previous minutes

No.	Action	Action Officer / Agency	Date item was added	Status
1.	Mr Turnbull to provide words on setting reference points to go into the draft management plan.	Clive Turnbull	TSPMAC 2 – 19&20 September 2006	To be provided to members once they have been received from Clive.
2.	AFMA to discuss with the OLDP the wording of Section 29(6), to ensure that the period of TAE amendment can be longer than two months in the event of an emergency situation that requires a longer period of amendment.	AFMA	TSPMAC 2 – 19&20 September 2006	Ongoing as part of management plan drafting
3.	<ul style="list-style-type: none"> AFMA to advise in the 2007 handbook that recreational 	AFMA	TSPMAC 2 – 19&20	This will be clarified prior to the 2007

	<p>fishing is allowed on vessels.</p> <ul style="list-style-type: none"> • AFMA is to advise/clarify this with compliance officers. 		September 2006	handbook being released and appropriate advice will be provided in the handbook
4.	DAFF to co-ordinate trip to Spencer Gulf and provide details of costings and funding available.	DAFF	TSPMAC 2 – 19&20 September 2006	Ongoing. See agenda item 12.1 of these minutes
5.	Draft a summary of the historic management arrangements in the Torres Prawn fishery.	QDPI&F / AFMA / DAFF	TSPMAC 1 – 13&14 June 2006	Ongoing. Commenced by AFMA but not yet completed.
6.	Undertake an audit of Fishery Management Notices and PZJA decisions for consideration during the drafting of the Management Plan.	DAFF / AFMA	TSPMAC 1 – 13&14 June 2006	Ongoing. Commenced by AFMA but not yet completed.
7.	That the working group formed to progress the management plan models certain scenarios for the rounding up or down of days and reports back to the MAC.	Shane Gaddes & Working Group	TSPMAC 1 – 13&14 June 2006	Ongoing. Commenced, but awaiting finalization of draft plan.
8.	That the consideration of a spatial management system be considered at a future MAC meeting. Consideration will be given to the revised stock assessment with a view to increasing the Total Allowable Effort in the fishery.	MAC	TSPMAC 1 – 13&14 June 2006	Ongoing
9.	Quarterly updates on the progress of the research plan are provided to the MAC.	Stephen Colquitt	TSPMAC 1 – 13&14 June 2006	Ongoing.
10.	<p>a) AFMA and DPI&F to liaise and jointly provide future budget information for comment prior to the budget being finalized.</p> <p>b) DPI&F managers to discuss QDPIF budget issues with Industry members</p>	<p>AFMA / DPI&F</p> <p>Shane Gaddes, Dan Currey, Jim Gillespie</p>	TSPMAC 1 – 13&14 June 2006	Ongoing.

Attachment 1: Management Plan Flow Chart

TORRES STRAIT PRAWN FISHERY

Development of Management Plan

Minimum Time Required	Order of Events to Progress Management Plan through to completion
4 Weeks	Make relevant changes to draft management plan as discussed by the Management Plan Working Group and the PZJA agency discussions of 5 and 6 February 2007.
3 Weeks	Circulate to TSPMAC members for out-of-session comment
12 Weeks	Drafting instructions for TSPF Management Plan provided to the Office of Legislative Drafting (OLD) with a request for a first draft to be completed prior to PZJA 21.
	PZJA 21 is due to be held in July 2007. The ability of OLD to complete a first draft by PZJA 21 will be dependant on OLD's priorities.
6 Weeks	<ul style="list-style-type: none"> • Undertake Office of Best Practice Regulation's Business Cost Calculator analysis, to determine if a RIS for the Management Plan is required; and • Preparation of Strategic Assessment Report (SAR) commences. The Draft <i>Terms of Reference</i> for the SAR released for public comment – 28 days minimum comment period.
	This would occur whilst the draft of the Management Plan is being completed by OLD.
4 Weeks	<ul style="list-style-type: none"> • TSPMAC to consider Plan (and RIS if required) and make relevant recommendations to the PZJA. • Environment Committee considers draft SAR. Necessary amendments addressed in consultation with Department of Environment and Water Resources (DEW).
	The aim is to have these steps completed at TSPMAC 4 and PZJA 21. If OLD are not able to deliver the Draft Management Plan in time for these meetings then out-of-session comment and approval from the TSPMAC and PZJA will be sought.
2 Weeks	PZJA approves Draft Management Plan and SAR for public release – necessary Plan

	amendments recommended to OLD.
5 Weeks	Public consultation phase for Plan and SAR – 30 day minimum <ul style="list-style-type: none"> • Address comments received on Plan. • Address comments received on SAR in consultation with DEW.
6 Weeks	PZJA endorses the Draft Management Plan for strategic assessment and submits the SAR with the final draft of the Management Plan to the Minister for the Environment. <p>PZJA endorsement will probably be sought out-of-session, but will depend on the timing of PZJA 22.</p>
4 Weeks	DEW recommendations on the SAR considered by the AFMA Environment Committee and the PZJA. <p>PZJA Chair writes to the DEW Minister accepting the SAR recommendations.</p>
4 Weeks	Management Plan and SAR tabled in Parliament, along with the Environment Minister's Declaration of Intent to accredit the Management Plan – common disallowance period.
2 Weeks	Management Plan DETERMINED by the Chair of the PZJA.
2 Weeks	Gazette notice published indicating that the Management Plan will come into effect and that the transitional arrangements will cease to have effect.
	Fishing commences under the Management Plan for a period of 5 years.
4 weeks	Review of the Fishery is undertaken, in accordance with the specifications in the Management Plan (4.5 years after commencement of the Plan).
2 Weeks	PZJA implements the outcomes of the Review.