

<b>TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 16 23-24 June 2015</b>
<b>MANAGEMENT TSPF Management Plan 2009 amendments</b>	<b>Agenda Item No. 4.3 For Discussion</b>

## RECOMMENDATION

**4.3.1** That the TSPMAC **DISCUSSES** the suggested amendments to the *TSPF Management Plan 2009*.

**4.3.2** That the TSPMAC **RECOMMENDS** that the suggested amendments to the management plan go ahead.

**4.3.3** That the TSPMAC **NOTES:**

- a. That amendments to the management plan will be made by a legislative drafter.
- b. A public comment period will be undertaken for the draft amendments along with a native title notification period before the TSPMAC is asked to make a recommendation to the PZJA.

## BACKGROUND

A number of simple amendments to the TSPF Management Plan 2009) are required to bring it up to date with the current management environment and amend some errors in the original Plan.

## DISCUSSION

The suggested amendments are detailed in Attachment 4.3A for TSPMAC discussion. This is not a review of the management plan. Only amendments that are required to fix errors and discrepancies are being made at this time

## FINANCIAL IMPLICATIONS

There will be costs associated with making the minor amendments and publishing the amended legislation on the Federal Register of Legislative Instruments. If the amendments stay minor the drafting can be undertaken in house at a lesser cost.

Section of the Act	Suggested changes	Reasoning
<b>1.1 Name of Plan</b>	This Plan is the <i>Torres Strait Prawn Fishery Management Plan 2008</i> <del>9</del> .	The wrong year was quoted in this section in the original Plan.
<b>3.2 TSPF boat licences</b>	<p>(1) A TSPF boat licence granted under subsection 19(2) of the Act allows the boat identified on the licence to be used for commercially fishing for prawn in the fishery in accordance with this Plan.</p> <p>(2) A licence expires on 25 February each year and may be renewed, as set out in section 24 of the Act.</p> <p><del>(3) The PZJA must ensure that no more than 61 TSPF boat licences are in force at any one time.</del></p> <p>(4) The PZJA must not allow a licence granted under section 19(2) of the Act to have an entry that authorises fishing in both the TSPF and the Torres Strait Tropical Rock Lobster fishery.</p> <p>(5) A TSPF boat licence may only be granted to an Australian citizen.</p>	Amend (3) to provide for the licence limit reducing each time a licence in the fishery expires. This will allow latent effort to naturally be removed from the fishery if licences expire/ are surrendered.
<b>3.5 TSPF Treaty Endorsements (4)</b>	<del>(4) A TSPF Treaty endorsement must not be granted for a boat longer than 20 metres.</del>	Delete this section. Although this is currently a rule (regulated through FMN 47) it should be moved in case the PZJA decide to change this 20m restriction (it has been discussed extensively over the past 4 years). If we decided to leave it in the plan and were to change FMI 47 in future, would the plan have to be amended?

<p><b>3.7 Variation of TSPF boat licence – nominated boat (5)</b></p>	<p><del>(5) A nominated boat must not be longer than 20 metres.</del></p>	<p>Delete this section. Although this is currently a rule (regulated through FMN 47) it should be moved in case the PZJA decide to change this 20m restriction (it has been discussed extensively over the past 4 years). If we decided to leave it in the plan and were to change FMI 47 in future, would the plan have to be amended?</p>
<p><b>4.2 Number and types of units</b></p>	<p>Leave (1) as is. Change (2) as follows: Units are divided as follows: (a) <u>maximum of</u> 6,867 Australian units; and (b) <u>maximum of</u> 2,333 PNG units.</p>	<p>The wording of this section needs to be changed to account for the loss of licences and units from the fishery.</p>
<p><b>4.3 Conversion of units into use entitlement (1) and (2)</b></p>	<p>(1) Before the start of each fishing season, the PZJA will determine the value of units for that season using the formula: (units / <u>total number of active units</u><del>9,200</del>) x TAE = use entitlement. <del>(2) Each unit is worth 1/9,200th of the TAE.</del></p>	<p>The wording of this section needs to be changed to account for the loss of licences and units from the fishery. Legal, is active unit the right term? Is this appropriate wording to allow units to leave the fishery the remaining operators to equally share the remaining use</p>

		entitlement each season?
<b>4.9 Temporary transfer of PNG units (1)</b>	<p>(3) For any PNG units remaining after all temporary transfers made under subsection (3), the PZJA <del>will</del><u>may</u> determine:</p> <p>(a) the method for temporarily transferring the PNG units to TSPF boat licence holders; and</p> <p>(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.</p>	The PZJA don't always allocate PNG units. This removes the requirement for them to.
<b>Part 5 – TSPF Licences and TSPF Treat endorsements subject to conditions</b>		
<b>5.1 Licence and endorsement conditions - general</b>	<p>-</p> <p>(1) It is a condition of a TSPF licence and a TSPF Treaty endorsement that the holder must:</p> <p>(a) comply with:</p> <p>(i) this Plan; and</p> <p>(ii) the Regulations that apply to the fishery; and</p> <p>(iii) all applicable provisions of the Act; and</p> <p>(iv) all determinations under Part 2; and</p> <p>(v) any conditions imposed on the TSPF licence or TSPF Treaty endorsement; and</p> <p>(vi) all instruments made under section 16 of the Act that apply to the fishery; and</p> <p>(b) ensure that each person acting under the holder's directions complies with this Plan and the legislation and</p>	Minor amendments made to update a few minor conditions.

	<p>other matters mentioned in paragraph (a); and</p> <p>(c) keep a logbook <del>of the type specified in the current fisheries logbook instrument as set out in section 5.2;</del> and</p> <p>(d) carry an observer, and the observer's safety and monitoring equipment, as set out in <del>regulations section 5.5,</del> if the PZJA asks the holder to do so; and</p> <p>(e) <del>fit a vessel monitoring system and operate a vessel monitoring system,</del> as required by section 5.6; and</p> <p>(f) minimise the impact of fishing operations on the marine environment, as set out in section 5.7; and</p> <p>(g) give the PZJA reasonable access to biological, economic or technical information, or biological samples that are available to the holder, if the PZJA asks the holder to do so; and</p> <p>(h) carry on board the nominated boat the TSPF boat licence or TSPF Treaty endorsement that refers to the boat.</p> <p>(2) It is a condition of a TSPF boat licence that the holder must not sell, or otherwise dispose of (other than solely for transportation or storage purposes preceding delivery to the holder of a fish receiver licence), prawn or by-product that the holder takes except to the holder of a fish receiver licence or a TSPF TPC licence.</p> <p>(3) It is a condition of a TSPF TPC licence that the holder must not sell, or otherwise dispose of (other than solely for transportation to the holder of a fish receiver licence), prawn or by-product that the holder takes except to the holder of a fish</p>	
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<p><b>5.2 Licence and endorsement conditions - logbooks</b></p>	<p>receiver licence.</p> <p><del><b>5.2 Licence and endorsement conditions – logbooks</b></del>  <del>The holder of a TSPF master fisherman’s licence or a Treaty endorsement operating a boat must ensure that the information required by the Logbook about fish taken and effort expended in the fishery is accurately and fully recorded in the Logbook, in accordance with the instructions for completing the Logbook.</del>  <del>NOTE: For determination of form of logbook, see the Regulations.</del></p>	<p>Remove this condition. Requirements are covered in the logbook instrument and logbook.</p>
	<p><del><b>5.6 Licence and endorsement conditions - vessel monitoring systems</b></del>  <del>(1) The holder of a TSPF boat licence or TSPF Treaty endorsement must have fitted to the boat a vessel monitoring system (<b>VMS</b>) that:</del>  <del>(a) is installed in accordance with guidelines approved and published by the PZJA; and</del>  <del>(b) has a satellite transceiver of a kind approved by the PZJA; and</del>  <del>(c) includes an automatic location communicator (ALC) of a kind approved by the PZJA.</del>  <del>NOTE: The guidelines are available on the PZJA website.</del>  <del>(2) Unless the PZJA agrees otherwise, the VMS must:</del>  <del>(a) be operated continuously; and</del>  <del>(b) be operated in accordance with the manufacturer’s operating instructions at all times.</del>  <del>(3) If the ALC is not operating or malfunctioning:</del>  <del>(a) the boat must not leave port until the ALC is</del></p>	<p>VMS licence condition changed with the implementation of the VMS guidelines, to simplify the condition.</p>

	<p>functioning;  <del>(b) if the boat has left port, the master must notify the PZJA and comply with any instructions given by the PZJA; and</del>  <del>(c) the master must give the PZJA manual position reports as and when requested by the PZJA.</del></p> <p><u>1. The licence holder must ensure that the Vessel Monitoring System on the nominated boat is operational (i.e. transmitting so the Protected Zone Joint Authority can receive the data) at all times.</u></p> <p><u>If the Vessel Monitoring System stops operating, the licence holder must:</u></p> <p><u>2.</u>  <u>(a) ensure that the Protected Zone Joint Authority is informed as soon as practicable after the licence holder becomes aware that the Vessel Monitoring System has stopped operating; and</u>  <u>(b) follow the directions of the Protected Zone Joint Authority.</u></p> <p><u>(Note: Guidelines on all technical requirements are published on the PZJA website).</u></p>	
<p><b>5.4 Licence conditions – Other obligations of licence</b></p>	<p>(3) It is a condition of a TSPF licence and TSPF Treaty endorsement that the holder does not <del>take, keep,</del> process, or carry any of the following in the fishery:</p>	<p>It is difficult not to ever take TRL. Amending the rule not to retain, which is</p>

<p><b>and endorsement holders</b></p>	<p>(a) shark or shark products; and                  (b) lobster or lobster products; and                  (c) live or dead pearl shell of any species.</p>	<p>the current practice, is more applicable.</p>
<p><b>5.8 Additional conditions for TSPF Treaty endorsements</b></p>	<p><del>(1) It is a condition of a TSPF Treaty endorsement that the holder does not fish for prawn, carry, or process and carry, prawn in the area described in Part 1(b) of Schedule 1 (known as the outside but near area of the fishery).</del>  <del>(2) It is a condition of a TSPF Treaty endorsement that, when the boat to which the endorsement relates is in an area of Australian jurisdiction, there is to be no contact with an Australian inhabitant or territory, except as authorised by this Plan.</del>  <del>(3) For subsection (2), “contact with an Australian inhabitant or territory” includes:</del>  <del>(a) boarding a boat at sea; and</del>  <del>(b) tying up with an Australian boat; and</del>  <del>(c) landing on an Australian island; and</del>  <del>(d) transferring a person or material from or to an Australian boat or territory.</del>  <del>(4) It is a condition of a TSPF Treaty endorsement that the holder:</del>  <del>(a) does not fish traditionally while in an area of Australian jurisdiction; and</del>  <del>(b) does not dispose of waste, by-product, fishing apparatus or any other material in an area of Australian jurisdiction; and</del>  <del>(c) anchors only in the area known as Bramble Cay or in another area specified in the endorsement.</del></p>	<p>Remove this from the plan because:</p> <ol style="list-style-type: none"> <li>1. PNG have never taken up the cross endorsement option in TSPF</li> <li>2. If they decide to fish we can still put conditions on their endorsement when issued.</li> <li>3. These conditions may be outdated by the time a boat may decide to seek cross endorsement.</li> </ol>



<p><b>6.3 (4) Notices</b></p>	<p>(4) A notice to the PZJA must be addressed to the-  <del>Manager, Licensing Section Unit, Queensland Department  of Primary Industries and Fisheries,</del> and delivered, posted  or sent by fax or e-mail to the office address, postal  address, fax number or e-mail address notified by the  PZJA on its website <u>or through current written  correspondence.</u></p>	<p>Update to ensure the Plan  does not restrict to a  certain agency within the  PZJA in case of changes  (AFMA is taking over  licensing). Seek legal  assistance for wording.</p>
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