

Section of the Act	Suggested changes	Reasoning
1.1 Name of Plan	This Plan is the <i>Torres Strait Prawn Fishery Management Plan 20089</i> .	The wrong year was quoted in this section in the original Plan.
2.3 Fishing season	<p>(1) Subject to subsection (2), the fishing season is the period from 6 pm on 1 March February to 6 am on 1 December local time in a year (the usual period).</p> <p>(2) The PZJA may <u>will</u> determine that the fishing season in a particular year is to be a period other than the usual period.</p> <p>(3) A determination under subsection (2) for a year must:</p> <p>(a) be made at least 2 weeks before the start of the fishing season or, if the determination is extending the fishing season, at least 2 weeks before the end of the fishing season; and</p> <p>(b) be published on the PZJA website and, if practicable, notified to all holders of TSPF licences and TSPF Treaty endorsements.</p>	The dates of the fishing season are determined through a 10 year determination now, for the period 1 February to 1 December each year. The “usual period” is no longer needed in the plan as a new Determination will be required either after the 10-year Determination expires or if the season dates are to be changed.
3.2 TSPF boat licences	<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>(3) The PZJA must ensure that no more than 61 TSPF boat licences are in force at any one time.</p> <p>(4) The PZJA must not allow a licence granted</p>	<p>Licence expiry dates are being moved to the licence conditions in order to ensure flexibility in expiry date changes when required (for example, if season dates change).</p> <p>Hard wiring in the management plan makes this very time-consuming and costly.</p>

	<p>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>	
<p>3.5 TSPF Treaty Endorsements (4)</p>	<p>(1) As set out in section 20 of the Act, a TSPF Treaty endorsement may be granted for commercial fishing for prawn in the fishery in accordance with this Plan.</p> <p>[NOTE: by section 36 of the Act, the Minister's powers concerning endorsements are exercisable by the PZJA.]</p> <p>(2) A TSPF Treaty endorsement may only be granted to the holder of a PNG licence that allows the identified boat to be used for prawn trawling.</p> <p>(3) The number of boats that may be granted a TSPF Treaty endorsement in a season will be decided in accordance with the Treaty.</p> <p>(4) A TSPF Treaty endorsement must not be granted for a boat longer than 20 metres.</p>	<p>This is a duplication of the 20 metre boat rule, which is regulated through FMN 47. Government try to avoid having any particular rule in multiple instruments as this can lead to inconsistencies. Therefore it does not need to nor should be in the Plan.</p>
<p>3.7 Variation of TSPF boat licence – nominated boat (5)</p>	<p>(1) The holder of a TSPF boat licence may nominate a boat for the licence.</p> <p>(2) As set out in section 25A of the Act, the holder of a TSPF boat licence may apply to the PZJA in the appropriate form for a different boat to be shown on the licence as a nominated boat for the licence.</p> <p>(3) The PZJA must:</p>	<p>As per above explanation.</p>

	<p>(a) for each nominated boat, enter in the Register the details required by the <i>Torres Strait Fisheries Regulations 1985</i> to be shown in the Register; and</p> <p>(b) give the licence holder an extract from the Register that:</p> <ul style="list-style-type: none">(i) shows the name and identification code of the boat nominated for the licence; and(ii) states the conditions to which the licence is subject; and(iii) is signed by the PZJA. <p>(4) The PZJA must not show a boat as a nominated boat on a TSPF boat licence if the boat is a nominated boat for another TSPF boat licence.</p> <p>(5) A nominated boat must not be longer than 20 metres.</p> <p>(6) In spite of subsection(5), a boat may be nominated for a TSPF boat licence if on the commencement date, and at all times since that date, that boat has been recorded on that TSPF boat licence, and the length of that boat has not been increased.</p> <p>[Note: an instrument under s16 of the Act may contain requirements about the measurement of a boat]</p>	
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<p>4.2 Number and types of units</p>	<p>(2) 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. One licence and associated of units left the fishery in 2015 – so the number is already less than 6867.</p>
<p>4.3 Conversion of units into use entitlement (1) and (2)</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</u> units allocated in the fishery 9,200) x TAE = use entitlement. (2) Each unit is worth 1/9,200th of the TAE. (3) The PZJA will not take a part of a fishing day into account in determining the use entitlement from the conversion of units allocated to the holder of a TSPF boat licence or a TSPF Treaty endorsement.</p>	<p>As per above explanation.</p>
<p>4.9 Temporary transfer of PNG units (1)</p>	<p>(3) For any PNG units remaining after all temporary transfers made under subsection (3), the PZJA will<u>may</u> 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.</p>	<p>The PZJA applies discretion in the decision whether to temporarily transfer PNG units to TSPF boat licence holders – if the units are not used by PNG. Therefore it is a not correct to say ‘will determine’.</p>

<p>4.10 Surrender of Australian units</p>	<p>(1) A holder of Australian units of fishing capacity may, by written notice to the PZJA apply without fee to surrender some or all of the units of fishing capacity held.</p> <p>(2) A holder of Australian units of fishing capacity will cease to hold those units where those units or the licence to which they associated are not renewed.</p>	<p>This is an entirely new provision to allow licence holders to surrender units should they wish to cease fishing in the fishery.</p>
<p>4.11 Cancellation of Australian units</p>	<p>The PZJA may, cancel some or all units of fishing capacity surrendered or ceased to be held.</p>	<p>This is an entirely new provision to allow units of fishing capacity to be cancelled if a levy is unpaid by a licence holder, or surrendered.</p> <p>the Plan makes provision for the expiry of licences, in line with the Act, but is silent in relation to cancellation of units of fishing capacity once a licence becomes expired. Yet, the Plan makes a specific link between holding a boat licence and the annual process of issuing the allocation of units of fishing capacity. Units of fishing capacity cannot be dealt with by the holder (fished or transferred) in the absence of them being associated with a boat licence – they are rendered unusable). If a licence expires and is not renewed, the Plan makes no provision for the units of fishing capacity to be cancelled. Similarly, if the holder surrendered a licence and associated units of fishing capacity, the licence would cease to exist but the units would simply “cease to be held”.</p>

		<p>The Act provides for a Plan to make provision for the suspension and cancellation of units of fishing capacity - S15A(6)(g). There is clarity in the Plan that the licence can only be renewed if levy is paid but this does not extend to units of fishing capacity. It is the intention with the amendment to apply the same action to units of fishing capacity – in that if the licence is not renewed by the payment of levy, the units of fishing capacity would be cancelled. Similarly, if the units are surrendered, they would be cancelled. Cancellation allows the levy to be redistributed among all remaining holders due to there being less units in the fishery, but importantly, the allowable effort (days) associated with those cancelled units is also redistributed to remaining holders.</p> <p>There is sensitivity around the concept of cancelling units, however, the consequences under which cancellation could take place are to be limited and defined in the Plan.</p>
<p>5.1 Licence and endorsement conditions - general</p>	<p>(1) It is a condition of a TSPF licence and a TSPF Treaty endorsement that the holder must: (a) comply with: (i) this Plan; and</p>	<p>Minor amendments made to simplify conditions 1(c), (d) and (e).</p> <p>Provisions 2 and 3 have also been removed because fish receiver licences do not exist in</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 other matters mentioned in paragraph (a); and</p> <p>(c) keep a logbook <u>of the type specified in the current fisheries logbook instrument as set out in section 5.2</u>; and</p> <p>(d) carry an observer, and the observer's safety and monitoring equipment, as set out in <u>regulations section 5.5</u>, if the PZJA asks the holder to do so; and</p> <p>(e) fit a vessel monitoring system and operate a vessel monitoring system, 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;</p>	<p>the TSPF. As such, these provisions are currently requiring something this is impossible for licence holders to comply with. Licenced fish receivers are only needed to verify catch in quota based fisheries.</p>
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	<p>and (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 receiver licence.</p>	
<p>5.2 Licence and endorsement conditions - logbooks</p>	<p>5.2 Licence and endorsement conditions -- logbooks</p> <p>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.</p> <p>NOTE: For determination of form of logbook, see the Regulations.</p>	<p>This condition is not needed as requirements are covered in the logbook instrument and logbook.</p>
<p>5.6 Licence and endorsement conditions - vessel monitoring</p>	<p>(1) The holder of a TSPF boat licence or TSPF Treaty endorsement must</p>	<p>VMS licence condition changed with the implementation of the VMS guidelines, to</p>

<p>systems</p>	<p><u>ensure that the vessel monitoring system (VMS) on the nominated boat is operational (i.e. transmitting so the PZJA can receive data) at all times.</u></p> <p>have fitted to the boat a vessel monitoring system (VMS) that:</p> <p>(a) is installed in accordance with guidelines approved and published by the PZJA; and</p> <p>(b) has a satellite transceiver of a kind approved by the PZJA; and</p> <p>(c) includes an automatic location communicator (ALC) of a kind approved by the PZJA.</p> <p>NOTE: The guidelines are available on the PZJA website.</p> <p>(2) Unless the PZJA agrees otherwise, the VMS must:</p> <p>(a) be operated continuously; and</p> <p>(b) be operated in accordance with the manufacturer's operating instructions at all times.</p> <p>(3) If the <u>ALC-VMS</u> is not operating or malfunctioning <u>the TSPF boat licence or TSPF Treaty endorsement holder must:</u></p> <p>(a) <u>ensure the PZJA is informed as soon as practicable after the holder becomes aware the VMS has ceased operating; and</u></p> <p>b) follow the directions of the PZJA.</p> <p>_boat must not leave port until the ALC is functioning;</p> <p>(b) if the boat has left port, the master must notify the PZJA and comply with</p>	<p>simplify the condition.</p>
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	<p>any instructions given by the PZJA; and (c) the master must give the PZJA manual position reports as and when requested by the PZJA.</p>	
<p>6.3 (4) Notices</p>	<p>(4) A notice to the PZJA must be addressed to the Manager, PZJA Licensing Delegate, Queensland Department of Primary Industries and Fisheries, 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>AFMA is now the licensing delegate – no longer Queensland – but to allow flexibility – this change uses the generic PZJA address.</p>