

<b>TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 7 2 December, 2008</b>
<b>OTHER BUSINESS Out-of-session TSPMAC decisions</b>	Agenda Item No. 5.1 <b>FOR DECISION</b>

## **RECOMMENDATIONS**

6.1.1 The TSPMAC **AGREES** to adopt the minutes of the out of session teleconference TSPMAC held on 12 August 2008; and

6.1.2 The TSPMAC **CONFIRMS** the following out-of-session decisions made as decisions of the TSPMAC.

## **FINANCE**

### ***FY 08/09 TSPF Budget***

1.1 The TSPMAC **AGREED** that as industry members were not present, there was no need to re-present the budget paper during the teleconference, as the paper and recommendations remained unchanged from those presented at the TSPMAC No. 6 meeting and, due to TSPMAC industry members' absence at TSPMAC No. 6, the paper had been added to the teleconference agenda for their information.

## **MANAGEMENT**

2.3 The TSPMAC **AGREED** that responses will be sent to all stakeholders who made comment during and immediately after the public comment period.

2.5 The TSPMAC **RECOMMENDED** that the PZJA **NOTE** that all members of the TSPMAC, with the exception of the four industry members who did not participated in discussions, **ENDORSED** the Draft Torres Strait Prawn Fishery Management Plan.

<b>TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 7 2 December, 2008</b>
<b>OTHER BUSINESS Dates for future meetings</b>	Agenda Item No. 5.3 <b>FOR DISSCUSSION</b>

## **RECOMMENDATIONS**

That the Torres Strait Prawn MAC DISCUSS the date for the next meeting of the TSPMAC.

## **DISCUSSION**

AFMA suggests that the meeting be held in Cairns on 17 and 18 February 2008.



**Australian Government**  
**Australian Fisheries Management Authority**



**Queensland  
Government**



**TORRES STRAIT  
PZJA  
PROTECTED ZONE  
JOINT AUTHORITY**



# **Torres Strait Prawn Management Advisory Committee (TSPMAC)**

**DRAFT MINUTES  
TSPMAC  
OUT OF SESSION  
MEETING  
12 AUGUST 2008**

**TELECONFERENCE**

**CHAIR: Mr. Jim Gillespie**



**TORRES STRAIT PRAWN  
MANAGEMENT ADVISORY COMMITTEE OUT OF SESSION  
TELECONFERENCE  
12 August 2008  
Commencing at 9:30 am**

**Preliminaries – Chairs opening remarks/Adoption of Agenda/Apologies**

**AGENDA**

- 1 2008/09 TSPF cost share budget**
- 2 Draft Torres Strait Prawn Management Plan 2008**

**Important information regarding phoning in to the teleconference**

AFMA uses a teleconference system which requires all attendees to phone into the conference, rather than the moderator phoning out. As a consequence, please follow the below instructions to phone into the meeting on 13 August:

1. Phone **1300 301 346**
2. you will be prompted to enter the following passcode: **915851**
1. you will then be prompted to say your name and then be connected to the teleconference

If you have any questions regarding this process, please don't hesitate to contact the TSPMAC executive officer, Lisa Cocking on 02 6225 5451.

The following members, permanent observers and observers were in attendance at the OOS TSPMAC meeting.

<b>Members</b>	<b>Permanent observers</b>
Chair – Mr Jim Gillespie	DAFF – Brendan Nerdal
QDPI&F – Mr Shane Gaddes	
QDPI&F – Mr Andrew Thwaites	
QB&FP – Lyndon Peddell	
AFMA – Dr David Wilson	<b>Observers</b>
AFMA – Mr Malcolm Southwell	Ms Yvonne Zunic – AFMA
EO – Ms Lisa Cocking	Ms Justine Cain – DAFF
Research – Mr Clive Turnbull QDPI&F	Ms Fiona Hill
TSRA - Steve Hall	
CFG – Francis Pearson	

**DECISION RECORD**  
**TSPMAC TELECONFERENCE 12-AUGUST-2008**

**PRELIMINARIES**

0.1 The TSPMAC **NOTED** that:

- (a) Industry members of the TSPMAC did not attend the meeting. Regrettably, this is the second TSPMAC meeting in a row where all industry members were absent;
- (b) Industry members had contacted the Chair prior to the meeting and advised him that they would not be participating in TSPMAC meetings until the PZJA Standing Committee had responded to their request for a high level officer meeting;
- (c) Industry members had requested a leave of absence from the meeting and that the Chair had not granted a leave of absence as the meeting was specifically organised to seek input from industry on their concerns over the Draft Torres Strait Prawn Fishery Management Plan so that these could be provided to the PZJA for consideration;
- (d) Industry members had advised the Chair before the meeting that they had 15 pages of comments on the Draft Plan, however these would not be provided until a response from the PZJA Standing Committee had been received;
- (e) this is the second TSPMAC meeting where members, including industry, were invited to provide additional comment on the Draft Torres Strait Prawn Management Plan following the end of the public comment period that ran from June 2 to July 2, 2008; and
- (f) the decision by TSPMAC industry members not to attend the TSPMAC Teleconference is detrimental to the desired collaborative management approach for the fishery.

**FINANCE**

***FY 08/09 TSPF Budget***

1.1 The TSPMAC **AGREED** that as industry members were not present, there was no need to re-present the budget paper during the teleconference, as the paper and recommendations remained unchanged from those presented at the TSPMAC No. 6 meeting and, due to TSPMAC industry members' absence at TSPMAC No. 6, the paper had been added to the teleconference agenda for their information.

## **MANAGEMENT**

### ***Draft TSPF Management Plan 2008***

2.1 The TSPMAC **NOTED** that:

- (a) the PZJA agreed at PZJA 22 (22.3.1.2) to implement the Torres Strait Prawn Fishery Management Plan before 1 March 2009;
- (b) following the Draft Torres Strait Prawn Fishery Management Plan public comment period (June 2 to July 2, 2008) the draft Plan has been revised to take into account comments received; and
- (c) the Draft TSPF Management Plan will be provided to the PZJA Standing Committee at its next meeting for consideration and endorsement, taking into account the views of Industry received to date;
- (d) the PZJA Standing Committee is likely to meet in the week of 18 August and that the issue of meeting with the industry members is on the agenda, as detailed in the recommendations from TSPMAC No. 6.

2.3 The TSPMAC **AGREED** that responses will be sent to all stakeholders who made comment during and immediately after the public comment period.

2.4 The TSPMAC **RECOMMENDED** that the PZJA **NOTE** that:

- (a) the Torres Strait Prawn Entitlement Holders' Association did not provide comment on the Draft Torres Strait Prawn Fishery Management Plan during the public comment period;
- (b) the Torres Strait Prawn Entitlement Holders' Association provided a two page document outlining general concerns and comments on the Draft Torres Strait Prawn Fishery Management Plan on 8 July 2008, and that, in the two page cover letter, additional comments are referred to, but have not been received by any PZJA agency, despite seven emailed requests for the comments to be forwarded to AFMA; and
- (c) no objections were received from TSPF boat licence holders or other stakeholders regarding the Draft Torres Strait Prawn Fishery Management Plan during the public comment period that ran from June 2 to July 2, 2008.

2.5 The TSPMAC **RECOMMENDED** that the PZJA **NOTE** that all members of the TSPMAC, with the exception of the four industry members who did not participated in discussions, **ENDORSED** the Draft Torres Strait Prawn Fishery Management Plan.

## **PRELIMINARIES**

### **Welcome**

Mr Jim Gillespie, the TSPMAC Chair opened the meeting at 9:35am, welcomed everyone to the meeting and thanked members and observers for being in attendance.

### **Apologies**

The executive officer noted the apology from Mr Rob Giddens who could not be in attendance at the meeting as he is currently at sea.

The Chair commented that he had been in contact with TSPMAC non-traditional inhabitant (industry) representative Mrs Rosmary Millward regarding industry's request for a leave of absence from the TSPMAC process. He informed members present in the teleconference that TSPMAC Industry members had indicated to him that industry had decided that they will not be participating in the TSPMAC process until the PZJA Standing Committee made a decision regarding industry's request for a face to face meeting with high level PZJA officers, as noted in the TSPMAC No. 6 decision record. He also commented that Mrs Millward again reiterated her concern with a number of outstanding issues including unitisation of the fishery and the use of the term granting, versus renewing licenses and any issues that may arise with Native title rights. The Chair informed the meeting that he had refused to grant a leave of absence to TSPMAC industry members as he felt it would be counter productive, considering the Out of Session meeting had been set up to gain TSPMAC, including industry members, endorsement or further comments on the Draft TSPF Management Plan, especially given Industry's decision not to attend the previous TSPMAC meeting.

The TSPMAC noted Industry members of the TSPMAC did not attend the meeting. Regrettably, this is the second TSPMAC meeting in a row where all industry members were absent.

The Chair recommended that AFMA follow up on the recommendation made by TSPMAC members at TSPMAC No. 6, for the PZJA Standing Committee to consider a face to face meeting with industry members and to inform TSPMAC industry members of the progress of this request.

***Action:** DAFF to provide the TSPMAC Executive Officer with information regarding the date and time of the next standing committee meeting as soon as it is scheduled*

***Action:** TSPMAC Executive Officer to inform TSPMAC industry members of the date of the next PZJA Standing Committee meeting where their request for a face to face meeting with the PZJA Standing Committee will be considered.*

***Action:** Mr Thwaites to follow up on industry member's request for a face to face meeting with the PZJA Standing Committee with Mr Grant Hall.*

## **1. 2008/09 Torres Strait Prawn Fishery Cost Share budget**

Dr David Wilson discussed the first agenda item relating to the TSPF 2008/09 budget and acknowledged that the budget had been added to the agenda for information of TSPMAC industry members due to their non-attendance at the TSPMAC No. 6 meeting on July 10-11, 2008, where the budget was initially presented. The TSPMAC agreed that there was no need to go over the budget again as no changes had been made and industry were again not in attendance.

## **2. Draft Torres Strait Prawn Fishery Management Plan 2008**

Dr Wilson explained that the aim of this agenda item was for the TSPMAC to review the final Draft TSPF Management Plan provided and endorse its contents as appropriate. In cases where members do not agree with a part or all of the Plan, such instances will be documented and provided to the PZJA for consideration.

He commented that no further changes had been made to the Draft TSPF Management Plan since its discussion at TSPMAC No. 6, where members agreed to the changes presented. The changes presented were a summary of all comments received during the public comment period that ran from June 2 to July 2, 2008.

Dr Wilson then proceeded to run through the comments received from Mrs Rosmary Millward regarding the Draft TSPF Management Plan, received by AFMA on July 8<sup>th</sup>, 2008 as a two page cover letter. He read the comments verbatim to TSPMAC members and responded to each accordingly. The concerns of industry received in the letter dated July 8<sup>th</sup>, 2008 are as follows:

*Generally, our concerns fall into four major areas:*

- 1. drafting inconsistencies/inaccuracies throughout the document eg usual period vs fishing season;*
- 2. legal actions and/or arrangements proposed by the draft that we believe are inconsistent with the current legal status of the Fishery and the Industry eg GRANTING rather than RENEWING licences, units vs effort units as allocated fishing days etc;*
- 3. inclusion of proposed management arrangements that Industry nor the MAC have not been advised of nor supported in the context in which they have been included in the Draft eg East of Warrior Closure, 10 days moon closures but without the additional return of effort units (allocated fishing days) as consistently discussed and proposed by Industry and*
- 4. general drafting errors that need correction.*

Responses to each were provided as follows:

1. The legislative drafter and AFMA legal have reviewed and cleared the draft Plan, including the use of the terms “usual period” and “fishing season”.
2. Similarly, the legislative drafter and AFMA legal are satisfied that the use of the terms “granting” and “renewing” licences throughout the draft Plan is consistent with the *Torres Strait Fisheries Act 1984* (the Act). Granting of licences is described in section 19 of the Act, while Renewal of licenses is described in section 24 of the Act.



In addition, the provision of “unit of fishing capacity” is provide for in section 15A(6) of the Act. The legislative drafter and AFMA legal have cleared the use of the terms “units” and “units of fishing capacity” as being consistent with the Act.

3. The Draft Torres Strait Prawn Management Plan does not include any reference to “East of Warrior Closure”, nor a “10 days moon closures”.
4. In regard to “general drafting errors”, the legislative drafter and AFMA legal have thoroughly reviewed the Draft Torres Strait Prawn Fishery Management Plan and consider it to be consist with the Act.

He commented that all of these comments had been considered by the AFMA legal section and the Plan’s drafter. It was considered that no further changes were required.

Dr Wilson acknowledged the Chair’s earlier comment that Mrs Rosemary Millward had indicated to the Chair on August 11<sup>th</sup>, 2008, that Mrs Millward claimed to have written around 15 pages of comments on the Draft Plan, which would not be provided to PZJA agencies until TSPMAC industry’s request for a meeting with Standing Committee had been addressed. Dr. Wilson added that AFMA had requested comments from TSPMAC Industry members several times during the public comment period, and seven times subsequent to the closure of the comment period on 2 July, 2008. No comments have yet been received.

CFG representative Mr Francis Pearson questioned the concerns raised by industry regarding granting and renewal of licenses and asked why there may be issues with native title. Dr Wilson advised that industry were concerned that licenses are granted then renewed annually, and industry were concerned about how potential native title claims would impact on their licences. Both Dr Wilson and Mr Gaddes commented that PZJA agencies were obligated to follow the TSF Act as it currently stands when drafting the management plan.

Mr Gaddes discussed the letter sent from QDPI&F to AFMA which commented on the draft plan, and requested clarification on how the National Competition Policy (NCP) affected the lack of external leasing in the draft Plan. Dr Wilson commented that the AFMA legal section have reviewed the policy and have indicated that the implementation of the PZJA’s agreed policy of internal leasing will not be a problem with the NCP provided the PZJA move towards external leasing in the next few years.

Mr Brendan Nerdal of DAFF questioned whether the PZJA are likely to endorse the Plan if TSPF industry members are not behind it. Dr Wilson indicated that to date, TSPEHA members are the only TSPF industry members who have expressed objections to the Draft Plan and that no objections have been received by any other TSPF boat licence holders or other stakeholders during the public comment period that ran from June 2 to July 2, 2008. The degree to which the TSPEHA represented the entire TSPF industry is currently uncertain.

The Chair thanked members, permanent observers and observers for being in attendance at the meeting.

The meeting was closed at 10:05am.