



Department of
Primary Industries

NSW Commercial Fisheries Administration Guide

NSW Commercial Wild Harvest Fishing Industry

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NSW Commercial Fisheries Administration Guide

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More information

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1. Introduction

1.1 Purpose of this guide

The NSW Commercial Fisheries Administration Guide (the guide) summarises the administrative arrangements for commercial fisheries in NSW and has been developed for people who operate in the NSW commercial fishing industry and anyone else who has an interest in the way it is managed.

In particular, the guide aims to explain licensing requirements for commercial fishing activities in NSW and the processes relevant to important administrative transactions.

Due to the complex nature of the NSW commercial fishing arrangements it is impossible to produce a simple guide that is guaranteed to fully explain all aspects. The law and policies are also subject to change, so anyone who wishes to fully understand all elements of the current arrangements must not rely solely on this guide.

It should also be noted that various aspects of commercial fishing activity in NSW are subject to legislative requirements administered and enforced by other agencies such as Roads and Maritime Services, NSW Food Authority and the Marine Parks Authority NSW. This guide does not deal with these issues and as such it is important that you consult with all potentially relevant agencies for a full understanding of any additional requirements that may apply.

1.2 Relevant legislation

The following legislation governs commercial fishing activity in NSW:

- *Fisheries Management Act 1994* (the Act)
- Fisheries Management (General) Regulation 2010 (the General Regulation)
- Fisheries Management (Supporting Plan) Regulation 2006 (the Supporting Plan)
- Fisheries Management (Estuary General Share Management Plan) Regulation 2006 (the Estuary General Share Management Plan)
- Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006 (the Ocean Trap and Line Share Management Plan)
- Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006 (the Ocean Hauling Share Management Plan)
- Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006 (the Ocean Trawl Share Management Plan)
- Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006 (the Estuary Prawn Trawl Share Management Plan)
- Fisheries Management (Lobster Share Management Plan) Regulation 2000 (the Lobster Share Management Plan)
- Fisheries Management (Abalone Share Management Plan) Regulation 2000 (the Abalone Share Management Plan)

Other legislation relevant to commercial fishing includes (but is not limited to):

- *Marine Estate Management Act 2014*
- Marine Estate Management Regulation 2009
- Marine Estate Management (Management Rules) Regulation 1999

The above legislation can be found at the NSW Government's legislation website: www.legislation.nsw.gov.au.

1.3 Scope

This guide sets out the administrative arrangements applying to the following commercial fisheries:

- NSW Share Management Fisheries
 - Abalone
 - Lobster
 - Estuary Prawn Trawl
 - Estuary General
 - Ocean Trap and Line
 - Ocean Hauling
 - Ocean Trawl
- NSW Restricted Fisheries
 - Southern Fish Trawl
 - Sea Urchin and Turban Shell
 - Inland

This guide also applies to the issue of permits for commercial fishing activities within, and in some cases outside, the commercial fisheries above.

This guide does not apply to the NSW charter boat or aquaculture industries or permits issued for scientific collection, aquarium collection, aquaculture purposes, the taking of marine vegetation or Aboriginal cultural fishing.

2. Overview of the NSW commercial fishing industry

Commercial fishing in inland, estuarine and NSW coastal waters (inside 3 nautical miles) is managed by the NSW Government in accordance with the *Fisheries Management Act 1994* (the Act).

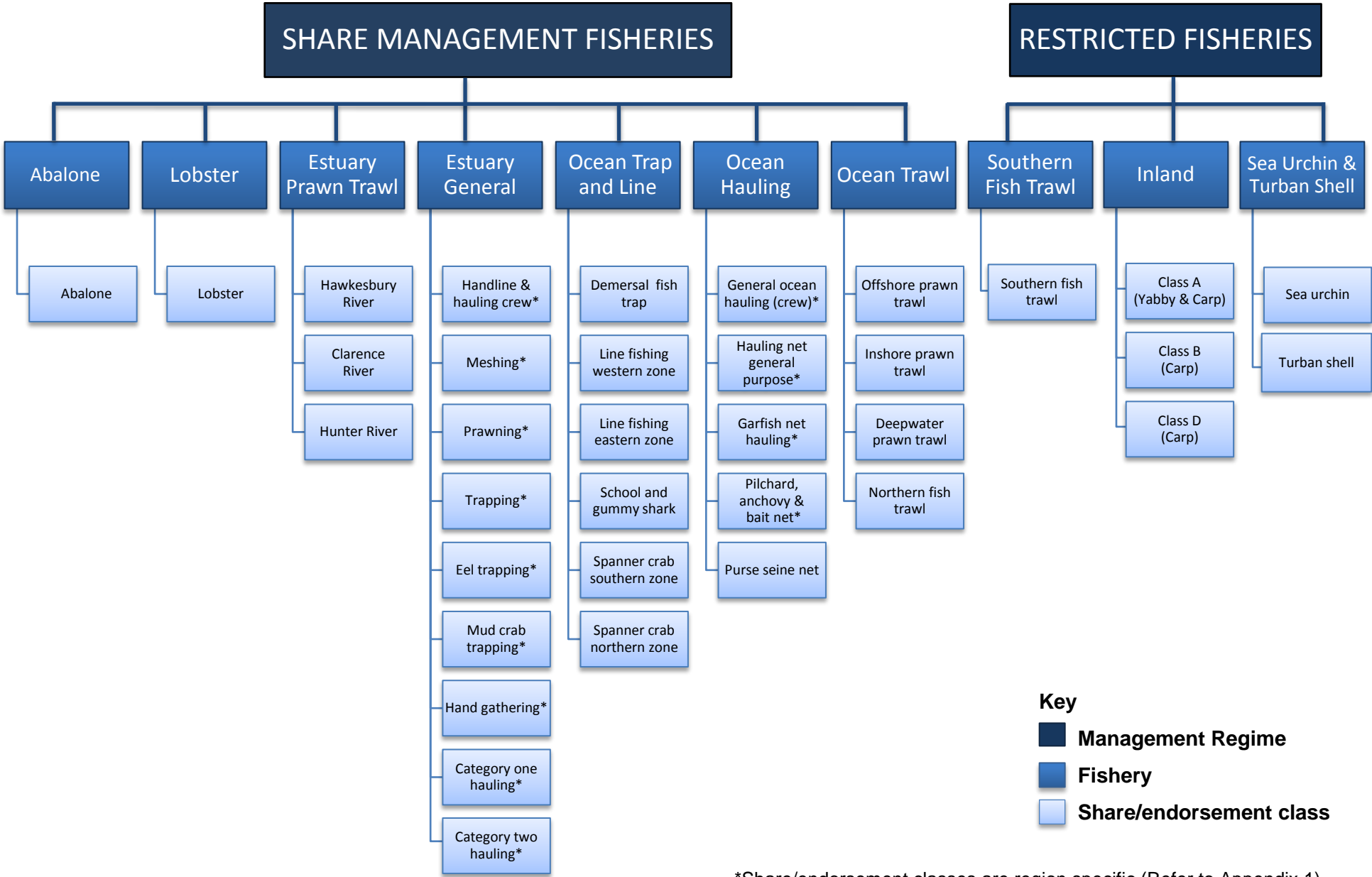
The NSW Government also manages some commercial fishing activities in offshore waters (outside 3 nautical miles) pursuant to an arrangement with the Commonwealth known as the Offshore Constitutional Settlement.

The Act provides the framework for management of the commercial fishing industry and seeks to ensure promotion of a viable commercial fishing industry with the objective to conserve, develop and share the State fishery resource for the benefit of present and future generations.

The NSW wild harvest commercial fishing industry is comprised of ten major fisheries managed under two different management regimes; 'Share Management Fisheries' and 'Restricted Fisheries' (Figure 1).

As specified in Part 1 of Schedule 1 of the Act there are seven fisheries in the NSW Share Management Fisheries (category 1); Estuary General, Ocean Hauling, Estuary Prawn Trawl, Ocean Trap and Line, Ocean Trawl, Lobster and Abalone fisheries. Different share classes exist within the share managed fisheries (Figure 1) which give rise to endorsements if a fishing business holds enough shares in a given share class to meet the minimum requirements (see Section 4.5). In the Estuary General and Ocean Haul fisheries share classes are specific to a region (Appendix 1)

Figure 1: Management regimes, fisheries and share/endorsement classes in NSW



Key
 ■ Management Regime
 ■ Fishery
 ■ Share/endorsement class

*Share/endorsement classes are region specific (Refer to Appendix 1)

The Share Management Fisheries regime provides fishers with a more secure fishing right than is available under the Restricted Fisheries regime. Shares in a category 1 Share Management Fishery are issued for a 10-year period and are automatically renewed. If a Share Management Fishery is omitted from Schedule 1 of the Act all shares in the fishery are cancelled and shareholders are entitled to compensation. Shareholders must pay a community contribution to receive access right to a Share Management Fishery.

NSW Restricted Fisheries are declared under Part 9 of the General Regulation and include the Inland, Sea Urchin and Turban Shell, and Southern Fish Trawl fisheries. A Restricted Fishery may be terminated, without compensation, by revoking its declaration. Fishers are not required to pay a community contribution for their right to access a Restricted Fishery but must pay an annual contribution towards the cost of managing the fishery.

All commercial fishers, regardless of whether operating in a Share Management Fishery or a Restricted Fishery, must hold a current commercial fishing licence with an endorsement that authorises the holder to undertake certain fishing activities. The boats that commercial fishers use must also be licensed.

A permit may also be issued to a person under Section 37 of the Act to authorise some activities. Permits are generally issued for a period of 12 months and are not transferable. In some cases an environmental assessment (also known as a 'Review of Environmental Factors' or 'Environmental Impact Statement') is required before a permit can be issued.

Over the past decade significant changes have been made to the NSW commercial fishing licensing arrangements. Fundamental to these changes has been a move away from using licensing controls as the only means to manage fishing effort coupled with increased administrative efficiency and greater flexibility for fishing business owners and fishers into the future (e.g. more flexible share and endorsement transfer rules).

FishOnline, an online web-based self-service system, has been recently introduced to further improve efficiency of licensing arrangements applicable to the NSW commercial fisheries.

2.1 How to enter the NSW commercial fishing industry

The NSW Government welcomes new entrants to the NSW commercial fishing industry. New entrants are encouraged to seek independent legal and financial advice prior to making any financial commitments.

Matters for consideration before entering the commercial fishing industry are covered in, but not limited to, the rules applying to the fisheries that you wish to participate in. For further information on the rules applying to a fishery refer to the DPI commercial fishing website (www.dpi.nsw.gov.au/fisheries/commercial/fisheries) or contact the manager for the fishery concerned. You should check for any commercial fishing closures at: www.dpi.nsw.gov.au/fisheries/info/closures. You should also check relevant legislation (see Section 1.2) and consider any legislative requirements under other Acts administered by other state and federal agencies.

There are three ways in which you may enter the NSW commercial fishing industry:

1. Transfer an existing fishing business with appropriate fishing authorities and operate your own business
2. Become the nominated endorsement holder for a fishing business owned by another person and work on behalf of that person
3. Work as a crew member for a licensed fisher in a fishery where crew are permitted

New entrants to the commercial fishing industry are not required to undertake specific training or complete courses, however, before being issued with an authority all new entrants must meet

with their local fisheries officers to undergo an informal induction. It is important to note that specific courses and or qualifications may be required under other legislation or by other departments (e.g. a boat driver licence, food safety courses and accreditation etc.).

2.2 Commercial fishing requirements

Licensed fishers operating in the NSW commercial wild harvest fishing industry must:

1. hold a current commercial fishing licence
2. be endorsed by a relevant permit or be nominated as the endorsed fisher on a fishing business with appropriate available endorsements for the activities being undertaken, and
3. if using a vessel, hold a current fishing boat licence for the licensed fishing boat being used

A 'check list' of commercial fishing requirements is included in Appendix 2 to inform new entrants and remind long-term commercial fishers of important licensing, operational and reporting requirements.

3. Commercial fishing licence

A current commercial fishing licence (CFL) is required to take fish for sale from NSW waters. Commercial fishing licences are issued to individuals in the form of a plastic card (Figure 2) which must be carried at all times while engaging in commercial fishing activities, which includes searching for fish, the locating, aggregating or taking of fish and carrying fish from the place they were taken to the place where they are to be landed.

All commercial fishing licences have a common expiry date of 30 June and are renewable on an annual basis. Commercial fishing licences are subject to application and/or renewal fees.

A commercial fishing licence is only issued to an individual and is not transferable. A commercial fishing licence cannot be issued to a partnership or company.

Each commercial fishing licence holder is given a unique registration number which appears on the top right hand side of the commercial fishing licence card. An individual's registration number is not transferable.

A commercial fishing licence does not authorise the holder to engage in a particular commercial fishing activity unless the holder of the licence is also authorised by an endorsement or a permit to undertake the activity (e.g. using a meshing net in the Estuary General Fishery).

Significant penalties may apply if taking or assisting in the taking of fish for sale without a suitably endorsed commercial fishing licence.

Decisions related to commercial fishing licences are subject to review internally and by the NSW Civil and Administrative Tribunal (NCAT) (see Section 17).

3.1 Eligibility for a commercial fishing licence

A person is eligible for a Class 1 commercial fishing licence if the person:

- owns a fishing business with shares in a Share Managed Fishery
- owns a fishing business with a Restricted Fishery endorsement
- has applied, or is in the process of applying, to be a nominated and/or eligible fisher
- has applied, or is in the process of applying, for a permit under section 37 of the Act to undertake certain commercial fishing activities

Figure 2: Commercial fishing licence (CFL) card



3.2 Conditions of a commercial fishing licence

Commercial fishing licences are subject to conditions prescribed by regulation or specified in the licence.

Prescribed licence conditions are set out in clause 129 of the General Regulation and generally relate to the use of crew and assisting fisheries officers in the course of their duties (e.g. inspecting gear and catch).

Conditions may also be added to individual fishers' licences from time to time (or revoked or varied) by notice in writing to the holder of the licence. Conditions appear on licences in abbreviated form followed by a 'condition code' in brackets e.g. CBMP Exclusion (3.00101). Appendix 3 includes a register of condition codes and the full wording of the corresponding condition. If your licence has a condition code/abbreviation that does not appear in the register please contact DPI for the full wording of the condition. It is the licence holders' responsibility to be aware of and comply with any conditions applicable to their licence, whether prescribed in regulation or appearing on the licence itself. Significant penalties may apply for contravention of a condition of a commercial fishing licence.

3.3 Applying for a commercial fishing licence

To apply for a commercial fishing licence you must lodge a completed "Application for a Commercial Fishing Licence" form and pay an application fee. To request an application form contact Fisheries Business Services (see Section 18.1). Alternatively, application forms and a list of fees and charges are available on the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Application forms will not be processed if:

- the application is not on an approved form
- the applicant is not eligible for a Class 1 licence
- the application form has not been completed in full or filled out correctly
- the application form is not accompanied by any fees due and payable
- the applicant is involved with DPI in a professional sense and the Minister's prior approval to be issued a commercial fishing licence has not been obtained

Under the above circumstances DPI will contact the applicant to advise of outstanding matters that need to be rectified.

If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded.

A commercial fishing licence may also be refused on grounds set out in the General Regulation, including:

- for fishing related offences in Australia or New Zealand
- offences under the *Marine Estate Management Act 2014* (or subordinate legislation eg. Marine Estate Management (Management Rules) Regulation 1999)
- theft of fish or fishing gear
- prior cancellation or suspension of a licence
- prior forfeiture of shares in a Share Management Fishery
- failure to pay a fee or contribution due and payable in connection with a licence
- making a statement in connection with the application that is, in the opinion of the Minister, false or misleading in a material particular
- if the applicant has not demonstrated capacity or any qualifications necessary for the individual to successfully engage in commercial fishing

If the issue of a commercial fishing licence is refused on grounds provided for by the General Regulation any application fees that may have been paid are not refunded and any application fees not paid upon application are invoiced to the applicant.

3.4 Renewing a commercial fishing licence

Commercial fishing licences are renewable as from 1 July each year.

A renewal application form is sent to all commercial fishing licence holders approximately six weeks before their licence expires and must be completed and submitted to DPI by the date specified in the form.

Application fees for renewal of a commercial fishing licence are invoiced as part of the annual invoicing process and forwarded to the licence holder.

Application forms will not be processed if:

- the application form has not been completed in full or filled out correctly
- the applicant is no longer eligible for a Class 1 licence
- the application form is not submitted to DPI by the date specified in the form

Under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters. If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded and a licence is not issued.

If an application for renewal of a commercial fishing licence is received after the expiry date of the applicant's current licence, the application is treated as an application for issue of a commercial fishing licence and subject to the fees payable for issue of a licence.

Renewal of a commercial fishing licence may be refused on grounds similar to the ground for refusing to issue a licence (see Section 3.3). For further information on the grounds for refusing to renew a commercial fishing licence refer to clause 130 of the General Regulation.

If the renewal of a commercial fishing licence is refused on grounds provided for by the General Regulation, any application fees that may have been paid are not refunded and any application fees not paid upon application are invoiced to the applicant.

3.5 Suspension or cancellation of a commercial fishing licence

Commercial fishing licences may be suspended or cancelled on grounds similar to the grounds for refusing to issue a commercial fishing licence (see Section 3.3). For further information on the grounds for suspending or cancelling a commercial fishing licence refer to clause 131 of the General Regulation.

Prior to any suspension or cancellation the licence holder is provided an opportunity to show cause, in writing, as to why their licence should not be suspended or cancelled. If no written response is received from the licence holder, the commercial fishing licence is automatically suspended or cancelled.

If a licence is suspended:

- The licence holder is asked to return the licence to DPI for the term of the suspension
- If the licence holder is registered as an 'eligible fisher' for the purpose of becoming the nominated endorsement holder for a fishing business, the licence holder is de-registered (cancelled) as an 'eligible fisher'. If the person is to be re-registered following the suspension, the fishing business owner must apply for the person to be re-registered
- If the licence holder has been nominated to hold the endorsements for a fishing business, the nomination is revoked. If the person is to be re-nominated following the suspension, the fishing business owner must apply for the person to be re-nominated

If a licence is cancelled:

- The licence holder is asked to return the licence to DPI
- If the licence holder is registered as an 'eligible fisher' for the purpose of becoming the nominated endorsement holder for a fishing business, the licence holder is de-registered (cancelled) as an 'eligible fisher'. If the person is to be re-registered following the suspension, the fishing business owner must apply for the person to be re-registered
- If the licence holder has been nominated to hold the endorsements for a fishing business, the nomination is revoked. If the person is to be re-nominated following the suspension, the fishing business owner must apply for the person to be re-nominated
- If the former licence holder wishes to become re-licensed they must apply for issue of a new licence and are subject to the fees payable for issue of a new licence
- Application fees that have been paid are not refunded

Any person whose licence has been suspended or cancelled may nominate another licensed commercial fisher to be endorsed with respect of any fishing businesses that the licence holder may own.

3.6 Handing in or surrendering a commercial fishing licence

Commercial fishing licences may be handed in or surrendered at any time.

Given that the fee payable for issue or renewal of a commercial fishing licence, despite the option to pay in instalments, is an 'application fee', any fees that may have been paid are not refunded and any fees that are outstanding remain payable.

If a licence holder who has handed in or surrendered their licence decides to go fishing again in the same financial year, a new commercial fishing licence will be issued to the applicant at no additional cost.

4. Fishing Businesses

A fishing business may be registered to a person, partnership or corporation subject to the following:

- A fishing business with shares cannot be registered to a trust
- A fishing business with shares cannot be owned by, on behalf of or for the benefit of a foreign person or a body corporate that has a substantial foreign ownership (or a subsidiary of a foreign person or foreign owned body)

Fishing businesses generally consist of one or more of the following components, which are also recognised under the Act as 'NSW fishing authorities':

- Shares
- Share Management Fishery endorsements
- Restricted Fishery endorsements

The components of a fishing business are notified to the fishing business owners in a document known as a Fishing Business Determination Certificate. Each time the components of a fishing business change, for example because shares are transferred to or from the business, a new Fishing Business Determination Certificate is issued.

It is important to note that a fishing business is only active when shares or endorsements are retained in the business. As soon as all shares or Restricted Fisheries endorsements are transferred from the business the fishing business dissolves; a new fishing business will not be issued in its place.

4.1 Types of fishing businesses in NSW

Fishing effort in the NSW commercial fishing industry is managed first and foremost by limiting the number of commercial fishing businesses in NSW.

There are five different types of fishing businesses in the NSW commercial fishing industry. They include; Abalone fishing businesses, Lobster fishing businesses, Sea Urchin and Turban Shell fishing businesses, Inland fishing businesses and Share Management Fishery fishing business (which may also contain Southern Fish Trawl Restricted Fishery endorsements) (Figure 3).

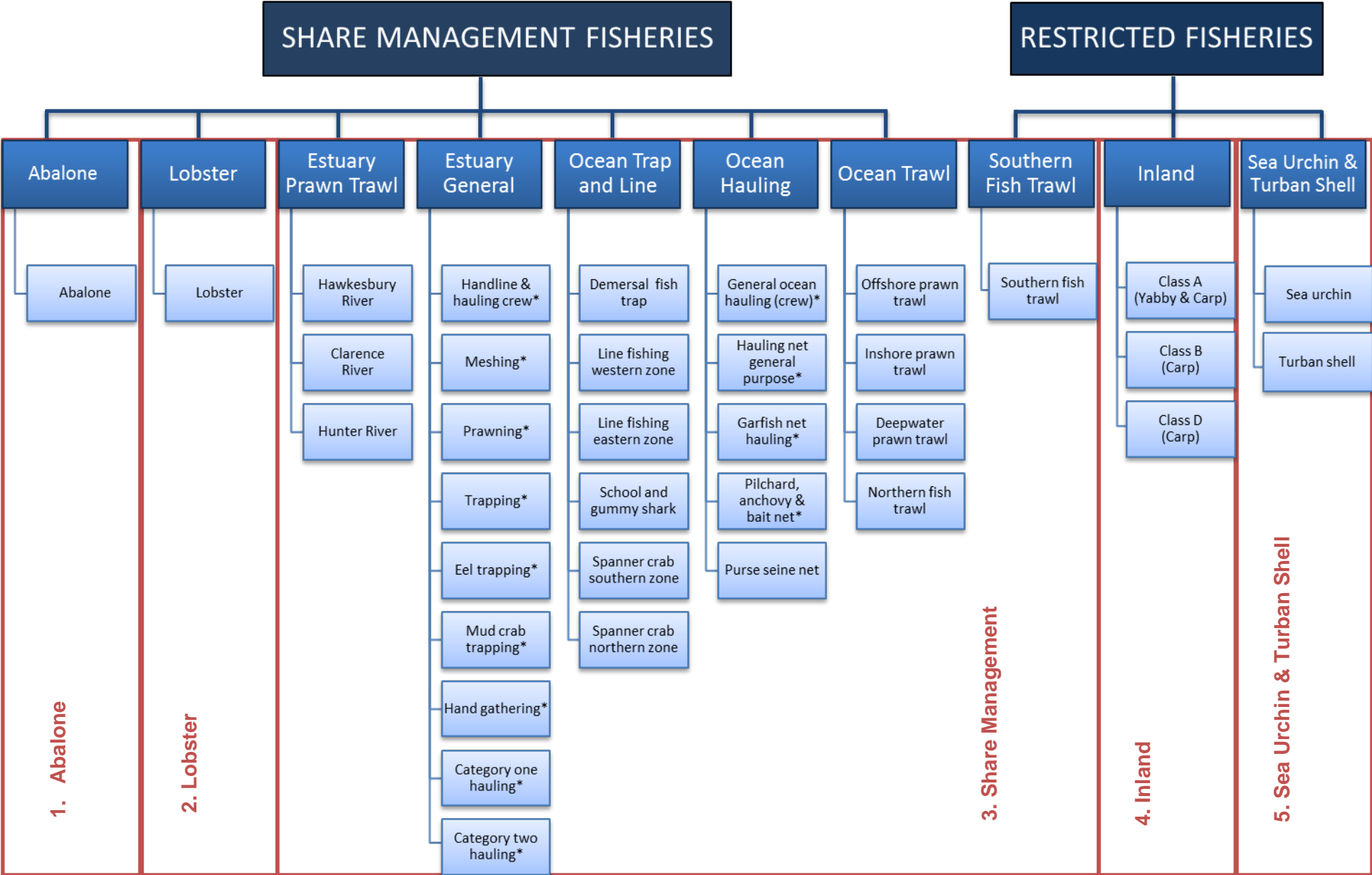
No new fishing businesses are created except in the case of an Abalone or Lobster business. Creating new Abalone and Lobster businesses has no bearing on total catch because abalone and lobster are subject to total catch limits (or quota). A person, partnership or corporation may have registered only one Abalone or Lobster fishing business.

4.2 Sourcing a NSW fishing business or components of a fishing business

Fishing business owners generally advertise fishing businesses or components of a fishing business for sale or lease through notices posted at Fishermen's Co-operatives, bait and tackle shops, local newspapers, private companies or through marine brokers.

DPI has also established a FishOnline noticeboard to provide a location for buyers and sellers to interact (see Section 14). The site provides online advertising of commercial fishing businesses, commercial fishing shares and commercial fishing gear for sale or wanted to buy. The address for the site is: www.dpi.nsw.gov.au/fisheries/commercial/fishonline/fishonline-noticeboard.

Figure 3: Five types of fishing businesses in NSW



*Share/endorsement classes are region specific (Refer to Appendix 1)

4.3 Transferring a fishing business or the components of a fishing business

Shares and Restricted Fisheries endorsements are the transferable components of a fishing business. They may be transferred to another person as part of a complete fishing business or individually subject to the transfer complying with the Fishing Business Transfer Rules.

Applicants should ensure they are familiar with the Fishing Business Transfer Rules prior to submitting an application to transfer a fishing business or the components of a fishing business.

Transferors and transferees should also seek independent legal or other relevant advice before making any financial commitment to transfer a fishing business or the components of a fishing business.

A transfer is not complete until the transfer has been approved by DPI and recorded in the Share Register in the case of a transaction that involves shares. Applicants are encouraged not to make firm financial commitments until they have been formally notified in writing of the outcome of their application.

To transfer a fishing business or the components of a fishing business to another person you must lodge a completed "Application for Approval of Transfer of Components of a Fishing Business" form and pay the relevant fees. In the case of an application to transfer Restricted Fishery endorsements an application fee is payable, however, in the case of an application to transfer one or more shares the fee payable is for the registration of the transaction in the Share Register. To request an application form contact Fisheries Business Services (see Section 18.1). Application forms can also be downloaded from the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Applications must be completed in full and signed on every page by both the transferor and transferee. Where the application involves a company or partnership, all applicants must sign where requested. For a company, a company extract (not more than 1 month old) must be submitted with the application. Where a company extract authorises a person or persons to act on behalf of the company only the signature of the authorised person(s) is required.

A transfer application form will not be processed if:

- The application is not on an approved form
- The application form has not been completed in full or filled out correctly
- The application is not signed on every page by both the transferor and the transferee
- The application is not accompanied by any fees due and payable
- The application is not accompanied by a company extract, certificate of probate or letter of administration where applicable
- Stamp duty for the market value of the shares being purchased has not been paid, or the amount paid is incorrect (relevant to share transfers only)
- The transferee is involved with DPI in a professional sense and the Minister's prior approval has not been obtained

Under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters.

If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded.

An application to transfer a fishing business or the components of a fishing business may be refused on grounds provided for by the General Regulation or in the case of the Abalone and

Lobster shares the grounds set out in the Abalone and Lobster Share Management Plans respectively.

Except in the case of an endorsement in the Inland Restricted Fishery, if a transfer is refused the endorsement/shareholder may request a review the decision within 30 days after notice of the decision is given.

If the transfer of a restricted fishery endorsement is refused on grounds provided for by the General Regulation, any application fees that may have been paid are not refunded.

If the transfer of a share is refused on grounds provided for by the General Regulation, any application fees that may have been paid are refunded. This is because the fees payable are for the subsequent registering of the share transaction in the share register rather than an application fee for transfer of the authority.

Some additional points to note with respect to transferring shares and or endorsements include:

- If a transferee (the purchaser) owns more than one fishing business the transferee must identify the business to which the transfer applies within the transfer application. The shares or endorsement will then, subject to satisfying the transfer rules, become part of that business
- The transfer of shares to a trust is not permitted under the Act
- A 'share transmittance', as mentioned in the Act and regulations, is the transfer of shares in accordance with the provisions of a Will or where a Grant of Probate or Grant of Administration has been approved by a Court
- Stamp duty is payable, in accordance with the *Duties Act 1997*, for any transaction that transfers, transmits, mortgages or otherwise creates an interest in a share in a share management fishery. The transferee must contact the OSR directly to confirm the stamp duty payable and pay the stamp duty prior to submitting a transfer application to DPI
- Where stamp duty is not payable, the transferee must provide written advice from the OSR to confirm duty is not payable
- Where stamp duty is paid and an application for transfer is refused or withdrawn, it is the transferee's responsibility to pursue refund of any stamp duty paid
- The additional access to specified estuaries and or beaches in adjacent regions authorised by some Estuary General endorsements (see Section 7.3.1) is 'transferable' to another business owner only if:
 - All shares of the relevant class are transferred as a complete package (or alternatively the number of shares transferred is equivalent to or greater than the minimum shareholding in place at the time)
 - The transfer otherwise complies with the Fishing Business Transfer Rules
- Permits held by some Estuary General shareholders authorising additional access to specified estuaries and or beaches up to 75km into an adjacent region are not 'transferable' under any circumstances
- Endorsement conditions that restrict a small number of hand gathering endorsement holders to the taking of certain species only (i.e. beachworms and cuttlefish only or beachworms, cuttlefish and nippers only), are applied to the transferee upon transfer of the complete package of 125 hand gathering shares. If the package of 125 shares is split and transferred to one or more other shareholders, the endorsement condition is removed

4.4 Fishing Business Transfer Rules

Fisheries Business Transfer Rules are detailed in Part 6 of the General Regulation.

The rules governing the transfer of NSW fishing authorities are different for the five different types of fishing businesses.

It is important to note that a fishing business is only active when shares or endorsements are retained in the business. As soon as all shares or Restricted Fisheries endorsements are transferred from the business the fishing business dissolves; a new fishing business will not be issued in its place.

4.4.1 Transfer rules applying to Abalone and Lobster fishing businesses

A fishing business with abalone or lobster shares may be transferred as a complete fishing business to any person, partnership or corporation (including a 'new entrant' to the industry) subject to:

- The foreign ownership restrictions previously outlined
- The person, partnership or corporation not already having an Abalone or Lobster fishing business registered in the same name

A fishing business with abalone or lobster shares cannot be amalgamated with any other fishing business.

One or more abalone or lobster shares may be split from an Abalone or Lobster fishing business and transferred to any person, partnership or corporation (including a 'new entrant' to the industry) subject to the two restrictions above. If the transfer is to a person, partnership or corporation who already holds a fishing business with shares of the same class, the shares are transferred into that fishing business. However, if the shares are transferred to a person, partnership or corporation that does not own a fishing business of the same type (i.e. an abalone or a lobster business) a new fishing business will be created.

If a complete fishing business is transferred or if a shareholder transfers their last abalone or lobster share to another fishing business owner, any quota held by the shareholder must be transferred to the new business owner or some other person who holds shares of the same class (i.e. quota cannot be held by a person who does not own a fishing business with the corresponding shares).

4.4.2 Transfer rules applying to Sea Urchin and Turban Shell fishing businesses

Sea Urchin and Turban Shell (SUTS) fishing businesses generally have two endorsements, a sea urchin endorsement and a turban shell endorsement.

A SUTS fishing business may be transferred to any person, partnership or corporation, regardless of whether that person, partnership or corporation is a 'new entrant' to the industry or already owns a SUTS fishing business or some other type of fishing business.

If transferred to a person who already owns a fishing business, the SUTS fishing business remains a separate fishing business (i.e. SUTS fishing businesses cannot be amalgamated with any other business).

Sea urchin and turban shell endorsements cannot be split from a SUTS fishing business and transferred unless the transfer is part of an arrangement for the endorsement to be surrendered to the Minister for cancellation.

If a SUTS fishing business is transferred to another person, partnership or corporation, any red urchin quota held by the business owner must also be transferred to the new business owner or some other person who owns a SUTS fishing business (i.e. quota cannot be held by a person who does not own a fishing business with the corresponding endorsement).

4.4.3 Transfer rules applying to Inland fishing businesses

Inland fishing businesses generally have one endorsement, a class A (yabby and carp) endorsement, a class B (carp only) endorsement or a class D (carp only).

Class D endorsements are non-transferrable.

An Inland fishing business with a class A (yabby and carp) or class B (carp) endorsement may be transferred to any person, partnership or corporation, regardless of whether that entity is a 'new entrant' to the industry or already owns a fishing business, subject to the following:

- All components of the fishing business are transferred to that person, partnership or company, or the transfer is part of an arrangement for the endorsement to be surrendered to the Minister for cancellation
- The transfer will not result in the transferee holding both a Class A and Class B endorsement
- If the transfer is to an entity who already owns a fishing business with a class D endorsement, the class D endorsement is cancelled and the associated fishing businesses is dissolved
- If the transfer is to an entity who owns a fishing business of a different type (e.g. a lobster fishing business), the inland fishing business remains a separate fishing business (i.e. inland fishing businesses cannot be amalgamated with any other type of fishing business).

4.4.4 Transfer rules applying to all other fishing businesses

The transfer rules outlined below apply to the following sectors of the NSW commercial fishing industry:

- Estuary General Share Management Fishery
- Estuary Prawn Trawl Share Management Fishery
- Ocean Hauling Share Management Fishery
- Ocean Trap and Line Share Management Fishery
- Ocean Trawl Share Management Fishery
- Southern Fish Trawl Restricted Fishery

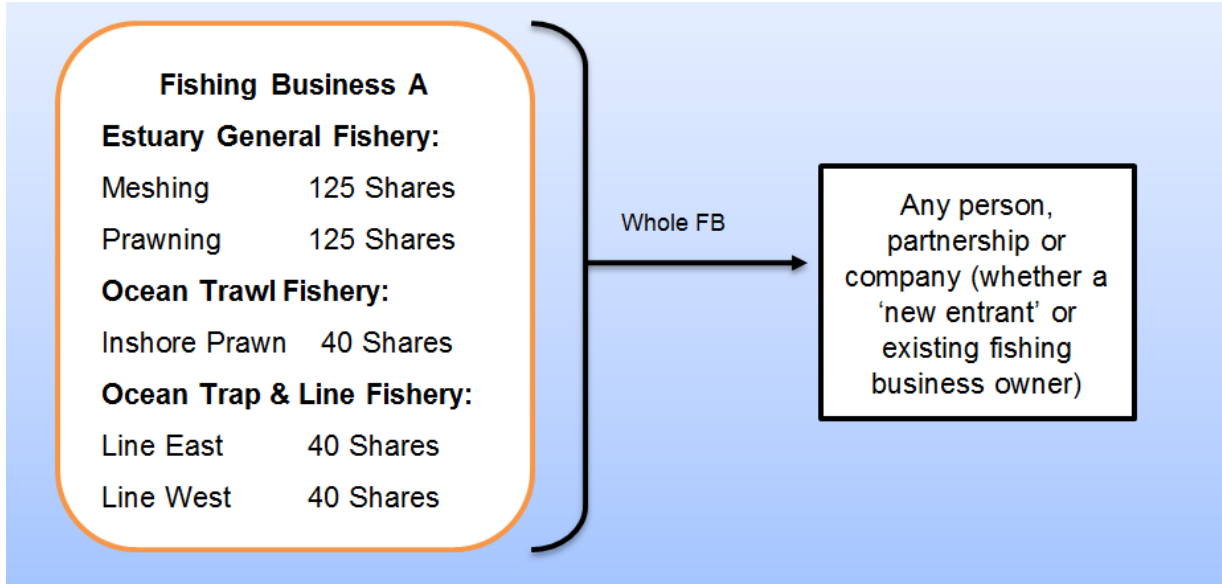
These rules cover the transfer of endorsements in the Southern Fish Trawl Restricted Fishery because the Southern Fish Trawl Restricted Fishery has historically been managed as part of the broader Ocean Trawl Fishery and some fishing businesses have both shares and a southern fish trawl endorsement. When applying these rules to southern fish trawl endorsements, simply consider the southern fish trawl endorsement to be a package of shares in the Ocean Trawl Fishery. The only difference is that the southern fish trawl endorsement cannot be split up like a package of shares.

These transfer rules were developed, having regard to the minimum shareholdings that apply to each class of share, in such a way that there can be no increase in the total number of fishing businesses in the industry, businesses in each fishery or endorsements of any given kind.

Rule 1: A share or a southern fish trawl endorsement may be transferred to any person, partnership or corporation, organisation or other entity (e.g. a conservation or recreational fishing group) if the transfer is part of an arrangement for the share (or southern fish trawl endorsement) to be surrendered to the Minister for cancellation.

Rule 2: A whole fishing business may be transferred to any person, partnership or corporation, regardless of whether that person, partnership or corporation is a 'new entrant' to the fishing industry or already owns a fishing business however the fishing business remains a separate identifiable fishing business.

Figure 4: Example of transfer rule 2



Rule 3: Components of a fishing business (i.e. shares or a southern fish trawl endorsement) can only be transferred to an existing fishing business if:

- The existing fishing business already holds shares in that share class, or
- The existing fishing business already holds shares in that fishery if transferring non-ocean shares*, or
- The existing fishing business already holds shares in that fishery and all shares of that share class are being transferred, or
- All shares of the fishery are being transferred if the existing fishing business does not already hold shares in that fishery

*Non-ocean shares include:

- All Estuary General share classes (all share class codes starting with 60)
- All Estuary Prawn Trawl share classes (all share class codes starting with 70)
- Ocean Trap and Line West, Line East, school/gummy shark, demersal trap and spanner crab southern (share class codes 302010, 303010, 304010, 301010, 306010).

Ocean shares include:

- All Ocean Trawl share classes (all share class codes starting with 10)
- All Ocean Hauling share classes (all share class codes starting with 40)
- Ocean Trap and Line spanner crab north (share class code 305010)

Below are examples of each of the share transfer rules which apply to the transfer of components of a fishing business as detailed in section 4.4.4.

Figure 5: Example of transfer rule 3a

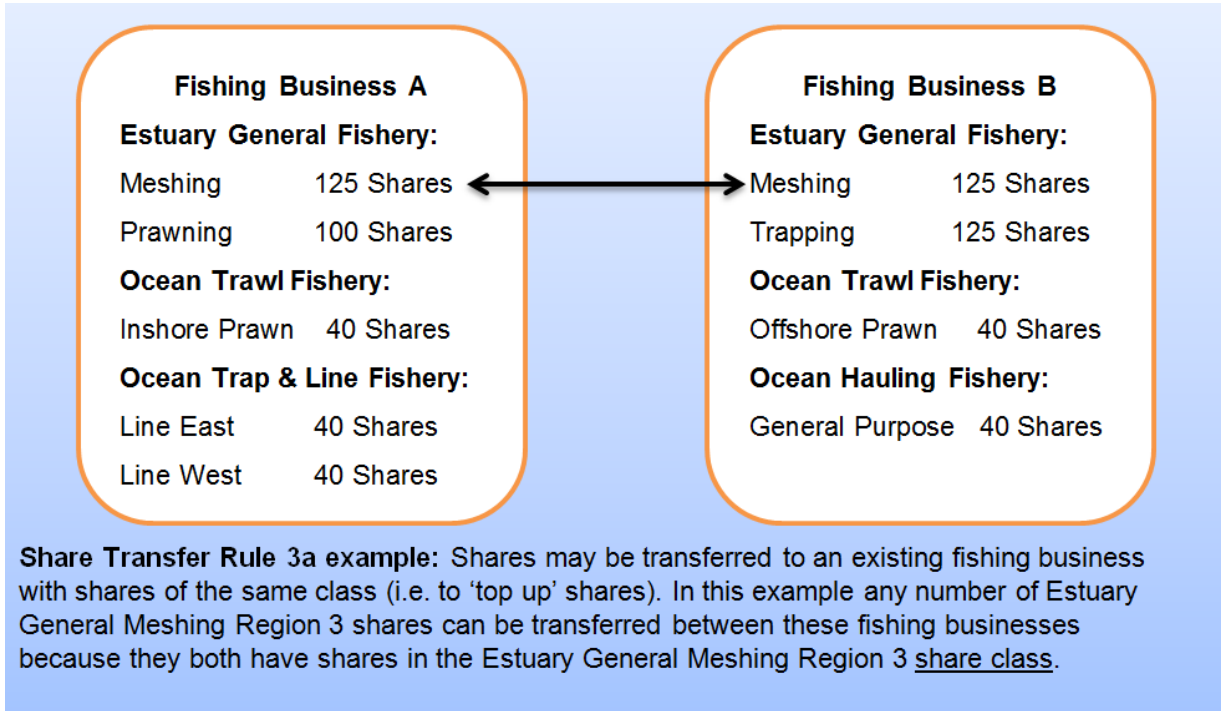


Figure 6: Example of transfer rule 3b

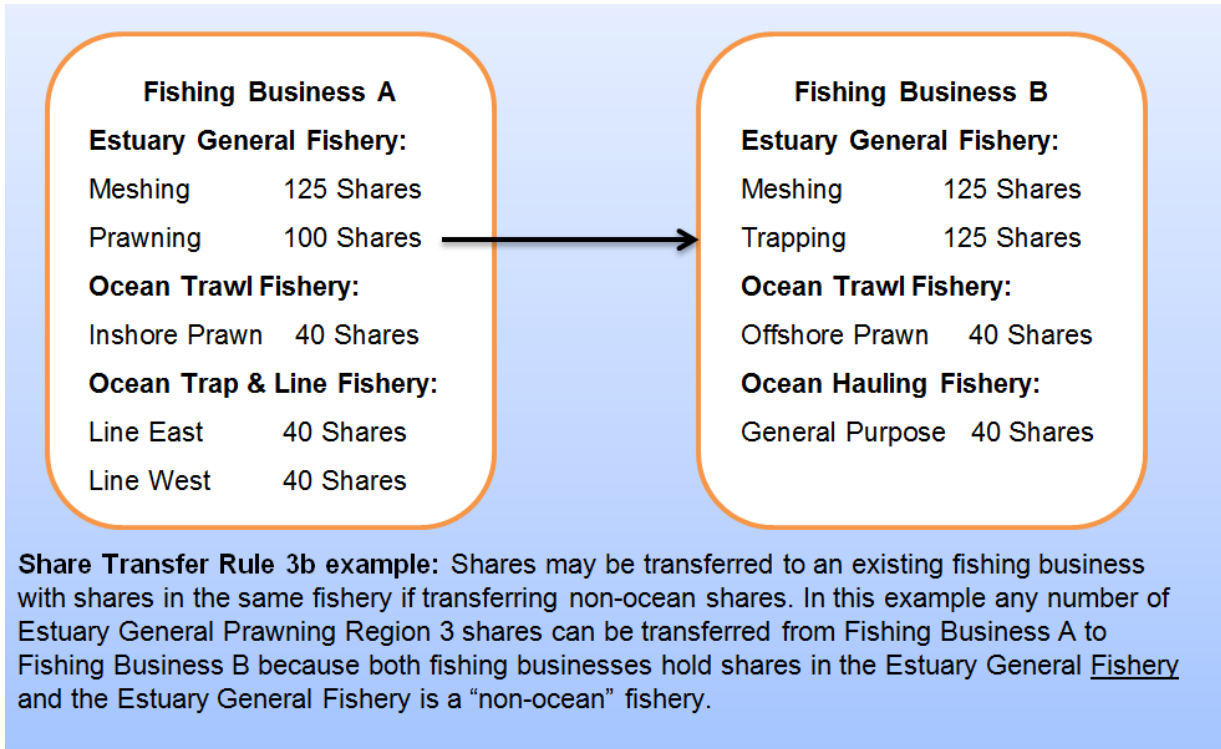


Figure 7: Example of transfer rule 3c

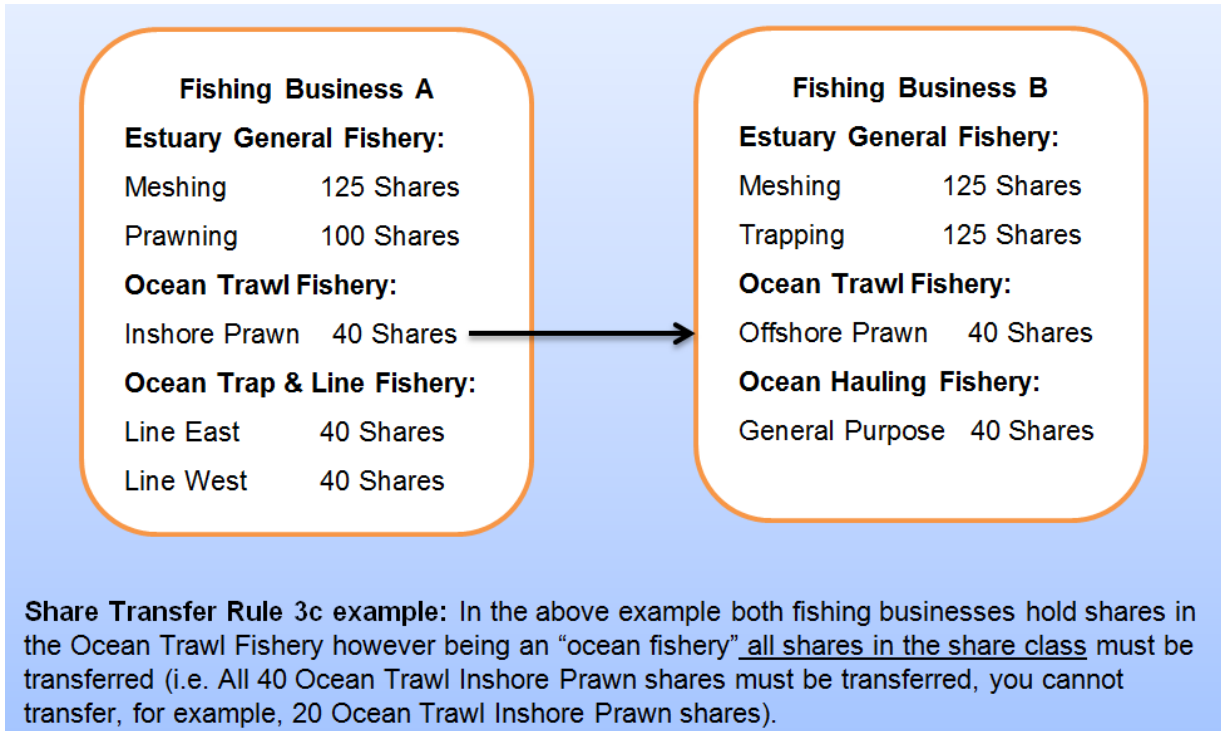
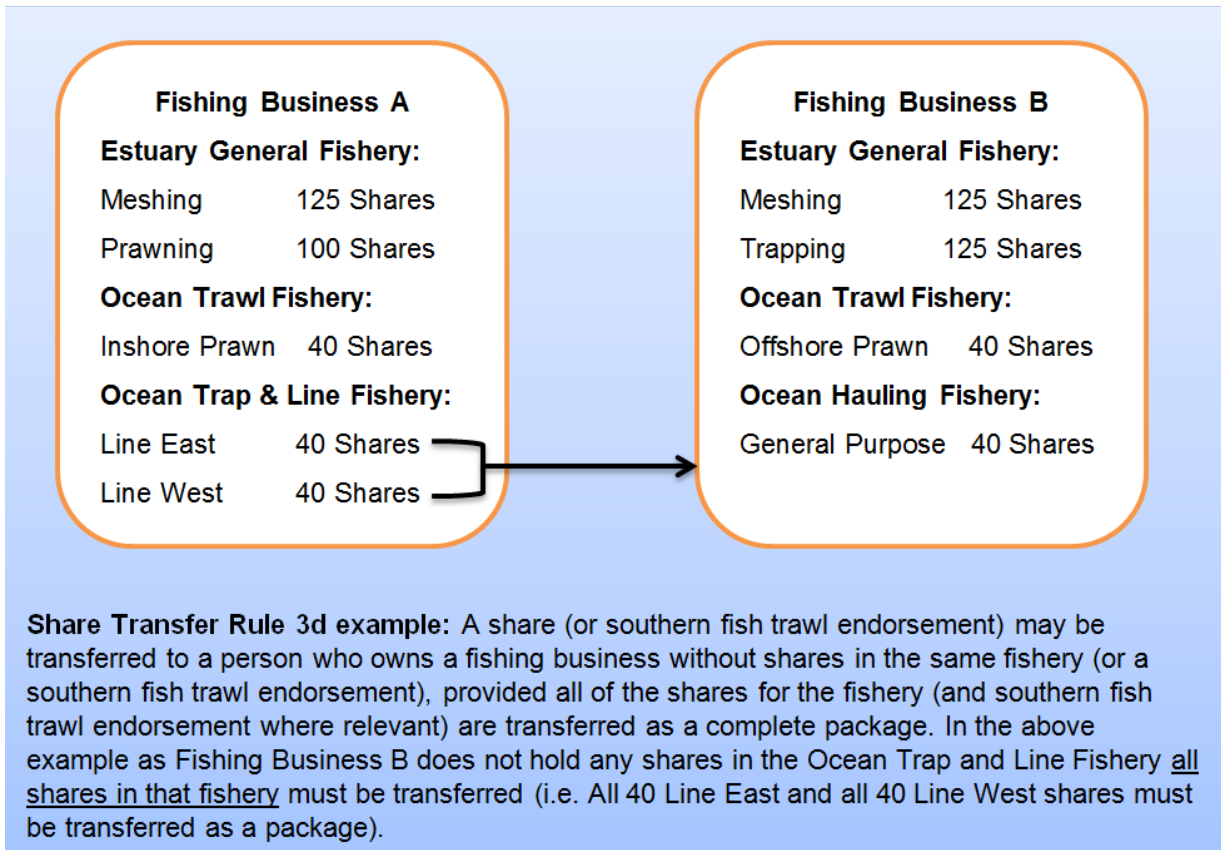


Figure 8: Example of transfer rule 3d



4.5 Minimum shareholdings

Minimum shareholdings apply to all classes of share in each share management fishery and are used to determine if the shareholder (or a nominated fisher operating on behalf of the shareholder) is eligible for an endorsement of the corresponding type.

Minimum shareholdings are actively used in some fisheries to promote adjustment (i.e. the removal of surplus endorsements) for improved viability and resource sustainability.

In most share management fisheries there is more than one minimum shareholding that applies to each class of share. For example, in some fisheries:

- Fishers who held a restricted fisheries endorsement immediately before the fishery became a Share Management Fishery are recognised under the Act as 'original entitlement holders' and are subject to very low minimum shareholdings, in many cases 1 share, consistent with a Government commitment that no commercial fisher would lose endorsements upon introduction of Share Management Fisheries.
- Different minimum shareholdings are applied to shareholders upon transfer, assignment, forfeiture, surrender or cancellation of shares. These minimum shareholdings aim to promote autonomous adjustment in such a way that they do not impact 'original entitlement holders' until such time as they choose to dispose of one or more shares of the relevant share class.
- In the Ocean Trawl Fishery, another minimum shareholding applies that must be satisfied by a set date for shareholders to remain eligible for endorsements. These minimum shareholdings are used to promote increased rates of adjustment.
- Minimum shareholdings are applied at the fishing business level. In other words, shareholders may not rely on the shares allocated to two or more separate fishing businesses to satisfy a minimum shareholding.
- Minimum shareholdings are subject to change from time to time. The minimum shareholdings applicable as at 1 May 2015 are set out in Table 1.

Table 1: Minimum shareholdings (as at 1 May 2015)

Share class or endorsement	Minimum shareholding	
	Original entitlement holders	Applied upon transfer, assignment, forfeiture, surrender or cancellation
Lobster Fishery		
Lobster	12	55
Abalone Fishery		
Abalone	70	70
Estuary Prawn Trawl Fishery		
Clarence River	1	150
Hunter River	1	100
Hawkesbury River	1	150

Estuary General Fishery		
Handline and hauling crew (all regions)	1	125
Meshing (all regions)	1	125
Trapping (all regions)	1	125
Eel trapping (all regions)	1	125
Mud crab trapping (all regions)	1	125
Hand gathering (Region 5)	1	100
Hand gathering (Region 1,2,3,4,6,7)	1	125
Category one hauling (all regions)	1	125
Category two hauling (all regions)	1	125
Ocean Trap & Line Fishery		
Line fishing western zone	40	40
Line fishing eastern zone	40	40
Demersal fish trap	40	40
School and gummy shark	40	40
Spanner crab northern zone	1	40
Spanner crab southern zone	1	40
Ocean Hauling Fishery		
General ocean hauling (all regions)	1	40
Hauling net (general purpose) (all regions)	1	40
Garfish net (hauling) (Regions 1, 2)	1	10
Garfish net (hauling) (Region 3,4,5,6,7)	1	40
Pilchard anchovy & bait net (hauling) (all regions)	1	30
Purse seine net	1	40
Ocean Trawl		
Offshore prawn	40	40
Inshore prawn	40	40
Deepwater prawn	20	20
Fish (northern zone)	40	40

4.6 Maximum shareholdings

Maximum shareholdings apply in all Share Management Fisheries as detailed in Table 2. If a transfer results in the transferee exceeding a maximum shareholding for a fishery the excess shares cannot be issued to the transferee and cannot be recorded in the share register. In such cases the transferee may dispose of the excess shares in accordance with the Act and Regulations (e.g. the Fishing Business Transfer Rules) or the shares are cancelled.

Table 2: Maximum shareholding applicable to Share Managed Fisheries

Fishery	Maximum shareholding
Estuary General	40% of the total number of shares in the fishery at the commencement of the Share Management Plan
Estuary Prawn Trawl	40% of the total number of shares in the fishery at the commencement of the Share Management Plan
Ocean Hauling	40% of the total number of shares in the fishery at the commencement of the Share Management Plan
Ocean Trap and Line	40% of the total number of shares in the fishery at the commencement of the Share Management Plan
Ocean Trawl	40% of the total number of shares in the fishery at the commencement of the Share Management Plan
Abalone	210 abalone shares
Lobster	350 lobster shares

5. Mortgaging shares

A mortgage or other third party interest in shares may be registered in respect of one, some or all shares held by a shareholder. Once a share is mortgaged or registered as having a third party interest, it may not be transferred or transmitted until the registered interest is discharged (i.e. paid out) or released (permission given by the mortgagee for the transaction). To register or release an interest in shares the shareholder or mortgagee must lodge an “Application to Register, Release or Discharge a Mortgage/Interest over Shares” form and pay an application fee. To request an application form contact Fisheries Business Services (see Section 17.1). Application forms can also be downloaded from the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Stamp duty is payable, in accordance with the *Duties Act 1997*, for any transaction that mortgages or otherwise creates an interest in a share in a share management fishery. You must contact the Office of State Revenue (OSR) directly to confirm the stamp duty payable and pay the stamp duty prior to submitting an application to register a mortgage or interest in shares.

6. Share register

The share register contains a record of shareholders, the shares that they hold and any share related transactions such as transfers, mortgages or other such interests. The share register (or an extract from the share register) is available for inspection by any interested person. To obtain

an extract from the share register a written request must be lodged with DPI detailing the information sought and be accompanied by an application fee. Persons interested in obtaining an extract from the share register may contact DPI on 1300 720 662 for advice on the application fee payable. Alternatively, upon application DPI will contact you to let you know how much the application fee will be.

7. Commercial fishery endorsements

An endorsement on a commercial fishing licence authorises the holder of the licence to engage in a particular commercial fishing activity (e.g. using a meshing net in the Estuary General Fishery).

Significant penalties may apply if in possession of commercial fishing gear or engaging in commercial fishing activities without an appropriate endorsement.

Pursuant to Section 126 of the Act, decisions to suspend or cancel commercial fishery endorsements or to impose an endorsement condition (other than those prescribed in regulation) are subject to review internally and by the NSW Civil and Administrative Tribunal (NCAT) (see Section 17).

7.1 Types of endorsements

There are 113 different endorsements across all Share Management and Restricted Fisheries. The endorsements and the authority conferred by each are set out in Appendix 5.

7.2 Fishing business (endorsement) cards

Endorsements are issued in the form of a plastic card (Figure 9) which must be carried, along with a current commercial fishing licence, at all times while engaging in commercial fishing activities, which includes searching for fish, the locating, aggregating or taking of fish and carrying fish from the place they were taken to the place where they are to be landed, or possessing commercial fishing gear in, on, or adjacent to waters.

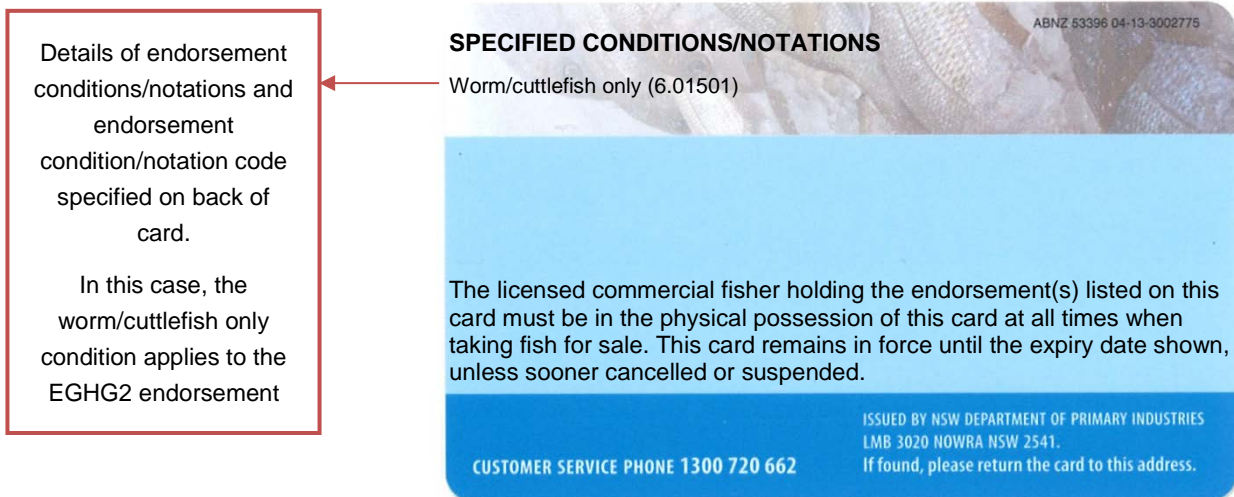
Each endorsement is recorded in abbreviated form. Appendix 4 includes a register of endorsement codes and corresponding endorsements.

It is the fishing business owner's responsibility to know where the fishing business card is at all times and that it is used in accordance with the Act and Regulations.

Figure 9: Front and back view of Fishing Business Card



BACK OF CARD



7.3 Conditions of endorsements

Endorsements are subject to conditions prescribed by regulation or specified in the endorsement. Prescribed endorsement conditions are set out in the General Regulation and or relevant Share Management Plan.

Endorsement conditions are denoted by an asterisk (i.e. “*”) on the front of the fishing business card. The conditions specified in endorsements appear on the back of the fishing business card in the form of a code followed by the abbreviated condition (e.g. (2.00101)) Lake Wooloweyah only). Appendix 6 includes a register of condition codes, abbreviated conditions and the full wording of each corresponding condition. If your fishing business card has an endorsement condition code/abbreviation that does not appear in the register please contact DPI for the full wording of the condition.

Conditions may be added to individual fishers’ endorsements from time to time by notice in writing to the holder of the endorsed licence. Similarly, existing conditions may be revoked or varied by notice in writing to the holder of the licence.

It is the licence holders’ responsibility to be aware of and comply with any conditions applicable to their endorsements, whether prescribed in regulation or specified in the endorsement itself (i.e. on the back of the fishing business card). Significant penalties may apply for contravention of a condition of an endorsement.

7.3.1 Estuary General endorsements that authorise access into adjacent regions

Endorsements in the Estuary General Fishery may also authorise access to estuaries, and beaches in the case of hand gathering, in adjacent regions of the fishery. For example, a prawning endorsement for Region 2 of the Estuary General Fishery may also authorise the holder to use prawning nets in the Richmond River, which is located in Region 1.

If an endorsement authorises access to an estuary or beach in an adjacent region, the endorsement on the front of the fishing business card is followed by an asterisk (i.e. “*”) and the additional estuary or beach where that activity may be undertaken is specified on the back of the fishing business card under the heading “Specified conditions/notations” (Figure 9).

WARNING: It is important for holders of such an endorsement to note that if at any stage they become ineligible for the endorsement (e.g. because the minimum shareholding is not satisfied) the additional access conferred by the endorsement is lost forever and is not re-instated even if more shares are acquired at a later date.

Appendix 5 includes a register of abbreviated 'additional access' endorsement codes and the authority conferred by each.

7.3.2 Concessional zoning permits in the Estuary General Fishery

Some fishers in the Estuary General Fishery hold permits that authorise access to specified estuaries and or ocean beaches up to 75km into an adjacent region of the Estuary General Fishery. This privileged access applies only in respect of activities that the person was endorsed to undertake when zoning was introduced to the fishery in August 2002.

Fishing business owners originally issued one of these permits need not continually hold such a permit and may continue to re-apply for the permit provided the person still owns the same fishing business that was the basis of the person's eligibility for the permit.

Concessional zoning permits are issued to the owner of the fishing business only. They are not issued to any other person, including persons nominated to hold the endorsement for such a business.

WARNING: Concessional zoning permits are not 'transferable' in any way shape or form.

7.4 Suspension or cancellation of endorsements

Commercial fishing endorsements may be suspended or cancelled on grounds similar to the grounds for suspending or cancelling a commercial fishing licence. For further information on the grounds for suspending or cancelling an endorsement refer to:

- Lobster Fishery: Clause 12 of the Lobster Share Management Plan
- Abalone Fishery: Clause 12 of the Abalone Share Management Plan
- All other Share Management Fisheries: Clause 8 of the Supporting Plan
- Sea Urchin & Turban Shell Restricted Fishery: Clause 161 of the General Regulation
- Southern Fish Trawl Restricted Fishery: Clause 173 of the General Regulation
- Inland Restricted Fishery: Clause 188 of the General Regulation

Prior to any suspension or cancellation the owner of the fishing business and or the endorsement holder is provided an opportunity to show cause, in writing, as to why the endorsement should not be suspended or cancelled. If no written response is received, the endorsement is automatically suspended or cancelled.

If an endorsement is suspended:

- The fishing business owner is asked to return the fishing business card to DPI so that the suspended endorsement may be removed from the card (or the card destroyed if all endorsements are suspended)
- The business owner continues to accrue any fees, charges or community contributions payable in respect of the endorsement and those fees, charges and community contributions become due and payable just as they would if the endorsement was not suspended

If an endorsement is cancelled the licence holder is asked to return the fishing business card to DPI so that the cancelled endorsement may be removed from the card (or the card revoked if all endorsements are cancelled).

8. Fishing Boat Licences

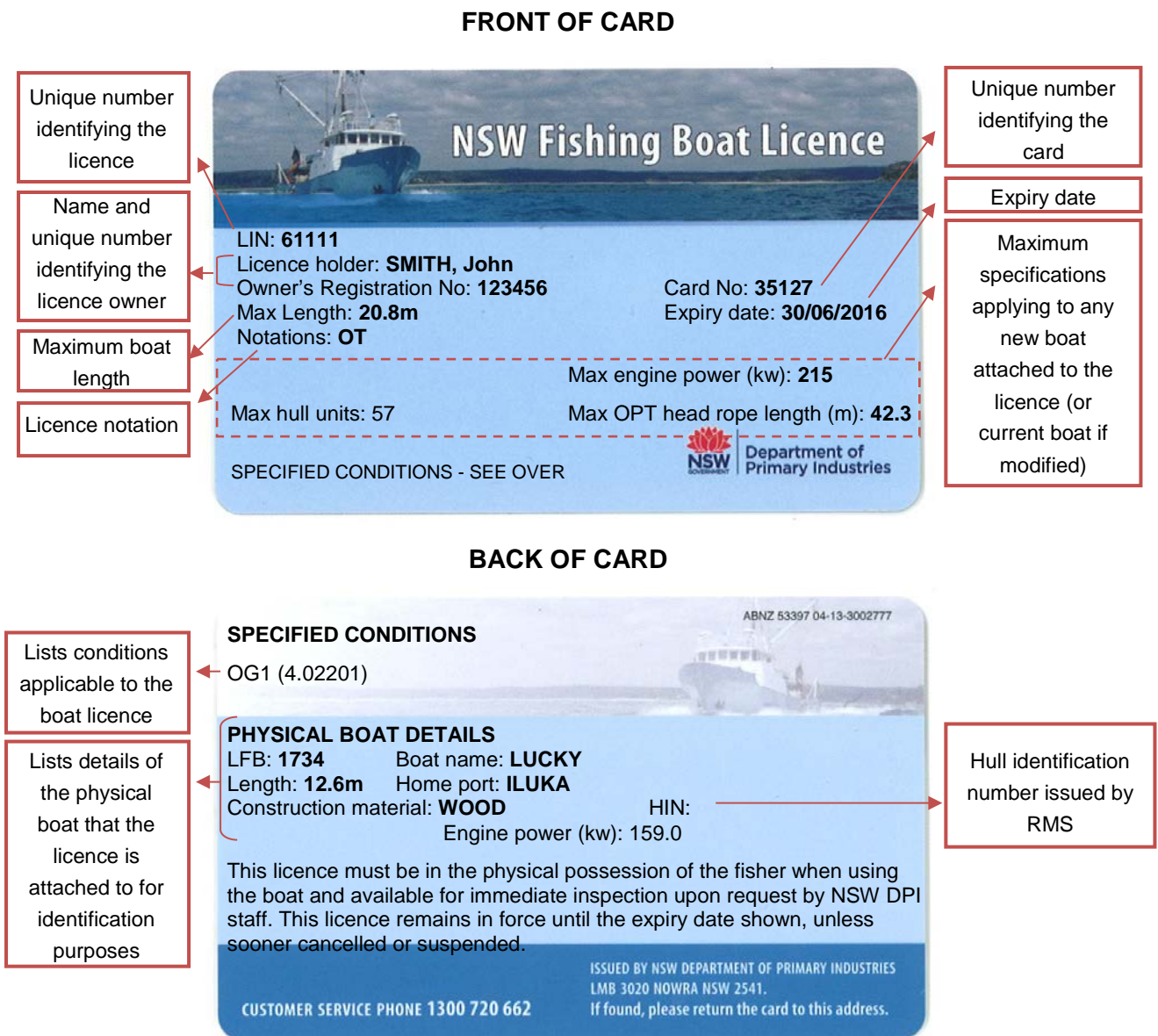
Pursuant to Section 126 of the Act, certain decisions related to a Fishing Boat Licence are subject to review internally and by the NSW Civil and Administrative Tribunal (NCAT) (see Section 17).

8.1 Boats required to be licensed

All boats used for commercial fishing must be licensed. Physical boats are not taken to be licensed (even if allocated an LFB number) unless a current commercial fishing boat licence has been issued for the boat.

Commercial fishing boat licences may be issued to an individual, partnership or company and are issued in the form of a plastic card (Figure 10) which must be carried at all times while the boat is being used for commercial fishing activities, including the locating, aggregating or taking fish and carrying fish from the place they were taken to the place where they are to be landed, or where commercial fishing gear is being carried. Each commercial fishing boat licence is given a unique Licence Identification Number (LIN) and is transferable.

Figure 10: Front and back view of Fishing Boat Licence



A licensed fishing boat is allocated a unique Licence Fishing Boat number (LFB number). The LFB number remains with that particular boat for the life of the boat.

All commercial fishing boat licences have a common expiry date of 30 June and are renewable on an annual basis. Commercial fishing boat licences are subject to application or renewal fees.

A commercial fishing boat licence may be used by any commercial fisher, regardless of who owns the licence.

A commercial fishing boat licence may also be used in any fishery, subject to any conditions set out on the boat licence or relevant Share Management Plans (or General Regulation in the case of a Restricted Fishery). Of particular importance are the maximum boat capacity restrictions, which are explained in Section 8.6.

Significant penalties may apply for taking fish for sale from a boat that is not licensed.

Commercial fishing boats must also be registered with Roads & Maritime Services (RMS). For further information on RMS requirements visit the RMS website: www.rms.nsw.gov.au.

Boats with licences from other jurisdictions (which are not licensed in NSW) are permitted to land product in NSW ports under the boat licence issued by that other jurisdiction and do not require a NSW commercial fishing boat licence.

Persons transiting NSW waters and unlawfully in possession of fishing gear under the Act, whether licensed in NSW or licensed under another jurisdiction and landing product in NSW, may require the written authority of a fisheries officer to be in possession of such gear. For information on whether you require a written authority for transporting particular types of fishing gear through NSW waters, please contact a Fisheries Office.

8.2 Conditions of commercial fishing boat licences

Commercial fishing boat licences are subject to conditions prescribed by regulation or specified in the licence.

Prescribed licence conditions are set out in clause 138 of the General Regulation and generally relate to displaying LFB numbers on the boat, the use of crew, complying with the Act and Regulations and not modifying components of a boat that are restricted without prior approval (e.g. length, hull units or engine power, etc.).

Conditions may also be added to boat licences from time to time (or revoked or varied) by notice in writing to the holder of the licence.

Conditions appear on boat licences in abbreviated form followed by a 'condition code' in brackets (e.g. Offshore only (4.01501)). Appendix 8 includes a register of condition codes, abbreviated conditions and the full wording of each corresponding condition. If your boat licence has a condition code/abbreviation that does not appear in the register please contact DPI for the full wording of the condition if required.

It is the licence holder's responsibility to be aware of and comply with any conditions applicable to the licence for a boat that the skipper is using, whether prescribed in regulation or appearing on the boat licence itself. Significant penalties may apply for contravention of a condition of a commercial fishing boat licence.

8.3 Displaying LFB numbers on boats

The letters "LFB" followed immediately by the fishing boat number allocated to the boat by DPI (collectively referred to as the LFB number) must be displayed on both sides of the bow of the boat or the outside of both sides of the wheelhouse. LFB numbers must be at least 150mm in height unless the boat is over 7.5m long and is used in ocean waters, in which case the minimum height is 300mm and minimum width 150mm.

Note that the letters “RL” must be displayed before the letters “LFB” if the boat is being used in the Lobster Fishery and the letter “A” and the initials of the home port must be displayed before the letters “LFB” if the boat is being used in the Abalone Fishery.

8.4 Boat length restrictions for each fishery

It is important that commercial fishers are mindful of the maximum boat length restrictions that apply to the use of boats in certain fisheries. Under current arrangements a boat may only be used in a fishery if:

- Its length, as set out on the back of the licence for the boat, does not exceed the ‘maximum boat length’ for the fishery concerned (refer to Table 3)
- The boat licence has an exemption code for the fishery on the front of the licence alongside the word “Notations”, indicating that the licence and boat are exempt from the ‘maximum boat length’ restrictions applying to the fishery (refer to Table 3)

Maximum boat length restrictions do not apply in the Lobster and Abalone Share Management Fisheries or the Inland and Sea Urchin and Turban Shell Restricted Fisheries.

Using a boat that is longer than permitted for a fishery constitutes breach of an endorsement condition and significant penalties may apply.

Table 3: Maximum boat lengths and exemption codes

Fishery	Maximum boat length	Exemption code
Estuary General	10 metres	EG
Estuary Prawn Trawl	10 metres	EPT
Ocean Hauling (if using a general purpose haul net)	6 metres	Not applicable
Ocean Hauling (if not using a general purpose haul net)	20 metres	OH
Ocean Trap and Line	16 metres	OTL
Ocean Trawl	20 metres	OT

8.4.1 Boats upgraded under the ‘tuna longline upgrade policy’

There are a small number of boats historically upgraded in length under what was commonly referred to as the ‘tuna longline upgrade policy’.

This policy no longer applies. However, the holder of a licence previously upgraded under this policy maintains the privilege of a longer boat, subject to:

- The holder continuing to hold a Commonwealth tuna longline fishing authority
- Not increasing fishing effort or catch in NSW waters, consistent with the arrangements that applied under the former tuna longline upgrade policy

The holder of a licence upgraded under this former policy may replace their boat with a boat that is no greater in length than the boat it replaces.

8.5 Special requirements for the Offshore Prawn Trawl sector

Boats used in the offshore prawn trawl sector of the Ocean Trawl Fishery must be attached to a fishing boat licence with maximum units, engine power and head rope length.

Using a boat in the offshore prawn trawl sector of the Ocean Trawl Fishery that does not have maximum units on the licence constitutes breach of an endorsement condition and significant penalties may apply.

8.6 Applying for a fishing boat licence

To apply for issue of a commercial fishing boat licence you must lodge a completed “Application for Issue of a Fishing Boat Licence” form and pay an application fee. To request an application form contact Fisheries Business Services (see Section 18.1). Alternatively, application forms and a list of fees and charges are available on the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Application forms will not be processed if:

- the application is not on an approved form
- the application form has not been completed in full or filled out correctly
- the application form is not accompanied by any fees due and payable
- the applicant is involved with DPI in a professional sense and the Minister’s prior approval to be issued a commercial fishing boat licence has not been obtained

Under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters.

If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded.

The issue of a commercial fishing boat licence may be refused on grounds set out in the General Regulation, including:

- failing to provide information required in connection with the application (such as identifying particulars for the boat)
- making a statement in connection with the application that is, in the opinion of the Minister, false or misleading in a material particular
- prior suspension or cancellation of a commercial fishing boat licence held by the applicant
- failure to pay any fee or contribution due and payable in connection with the licence

If the issue of a commercial fishing boat licence is refused on grounds provided for by the General Regulation, any application fees that may have been paid are not refunded. If fees were not paid upon application they will be invoiced to the applicant.

8.6.1 New licences for use in Abalone, Lobster, Inland and SUTS fisheries

New boat licences may be issued for a boat if the boat is to be used in the Abalone, Lobster, Inland, or Sea Urchin and Turban Shell fisheries only. Upon issue of a new boat licence for use in one of these fisheries, a condition will be added to the licence restricting its use to one or more of these fisheries.

8.6.2 Freeze on the issue of boat licences in all other fisheries

In all other fisheries a freeze on the issue of new boat licences has applied since 1984 and continues to apply today. To acquire a boat licence for use in one of these other fisheries you must transfer an existing fishing boat licence from another person (see Section 8.7).

The only variation to this applies in respect of a boat licence that was issued as at 5 February 2007 (or a boat licence that replaced a boat licence that was issued as at 5 February 2007) that has since expired. In such cases and upon application, a new licence may be reissued to the person who was the holder of the licence at the time the licence expired.

8.7 Transferring a fishing boat licence

Fishing boat licences may be transferred to any person, company or partnership, whether or not the owner of a fishing business. Fishing boat licences may also be transferred separate to the components of a fishing business with or without a physical boat attached to the licence.

To transfer a fishing boat licence the licence holder must lodge a completed 'Application for transfer of a Fishing Boat Licence' and pay an application fee. To request an application form contact Fisheries Business Services (see Section 18.1). Alternatively, application forms and a list of fees and charges are available on the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Application forms will not be processed if:

- the application is not on an approved form
- the application form has not been completed in full or filled out correctly
- the application form is not accompanied by any fees due and payable
- the applicant is involved with DPI in a professional sense and the Minister's prior approval to be issued a commercial fishing boat licence has not been obtained

Under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters.

If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded.

The transfer of a fishing boat licence may be refused on the same grounds as the grounds for refusal to issue a fishing boat licence (see Section 8.6).

If the transfer of a commercial fishing licence is refused on grounds provided for by the General Regulation, any application fees that may have been paid are not refunded. If fees were not paid upon application they will be invoiced to the applicant.

8.8 Attaching a boat to a commercial fishing boat licence

To attach a new boat to a licence the licence holder must lodge a completed "Application to Change Identifying Particulars on a Fishing Boat Licence" form. There is no fee for changing the identifying particulars on a fishing boat licence. To request an application contact Fisheries Business Services (see Section 18.1). Application forms can also be downloaded from the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Upon application to replace a boat, the following is required so that DPI can assess whether the replacement boat complies with the maximum boat specifications set out on the front of the boat licence:

- **Requirement for boat licences with 'offshore prawn trawl units'**

The length, depth and breadth of the boat determined in accordance with the Uniform Shipping Laws (USL) Code and appearing on the most recent survey certificate for the boat. If the boat is not in survey or the most recent survey certificate does not contain the required information, the length, depth and breadth of the boat must be measured by an authorised marine surveyor in accordance with the USL code and confirmed in writing. The length, depth and breadth is used to determine if the replacement boat complies with the maximum length appearing on the front of the boat licence and the maximum hull units calculated as follows:

$$\text{Hull units} = (\text{Length} \times \text{Breadth} \times \text{Depth} \times 0.6) / 2.83$$

DPI also requires information to substantiate the maximum continuous or “A” brake kilowatt rating for the engine published by the manufacturer of the engine, or in the case of an engine that has been de-rated, the maximum power rating of the engine must be confirmed in writing by a qualified diesel mechanic.

- **Requirements for all other boat licences**

The length of the boat determined in accordance with the USL Code and appearing on the most recent survey certificate for the boat. If the boat is not in survey or the most recent survey certificate does not contain the required information, the length must be measured by an authorised marine surveyor in accordance with the USL code and confirmed in writing.

Application forms will not be processed if:

- the application form has not been completed in full or filled out correctly
- the applicant fails to provide information required in connection with the application (such as information or evidence of any identifying particulars for the boat)

Under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters.

If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant.

A boat replacement (i.e. changing or inserting new identifying particulars on a boat licence) may also be refused on grounds set out in the General Regulation, including:

- failure to provide information required in connection with the application (such as information or evidence of any identifying particulars for the boat)
- the boat not complying with the maximum boat specifications set out on the front of the licence
- the applicant has transferred their right to the fishing boat licence

8.9 Modifying a commercial fishing boat

A licensed commercial fishing boat may be modified provided the modifications do not result in the boat no longer complying with the maximum boat specifications set out on the front of the commercial fishing boat licence.

If a boat is modified and no longer complies with the maximum boat specifications set out on the front of the boat licence, the licence may be cancelled or suspended. In most cases the licence will be suspended until such time as the boat is modified or replaced with another boat that complies with the maximum boat specifications.

If a boat is modified and the modifications result in a change to the identifying particulars for the boat appearing on the back of the fishing boat licence, the holder of the licence must lodge a completed “Application to Change Identifying Particulars on a Fishing Boat Licence” form. To request an application form contact Fisheries Business Services (see Section 18.1).

Alternatively, application forms are available on the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms. There is no fee for changing the identifying particulars on a fishing boat licence.

Application forms will not be processed if:

- the application form has not been completed in full or filled out correctly
- the applicant fails to provide information required in connection with the application (such as information or evidence of any identifying particulars for the boat)

- under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters

If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant.

A boat modification (i.e. changing or inserting new identifying particulars on a boat licence) may be refused on grounds set out in the General Regulation, including:

- failure to provide information required in connection with the application (such as information or evidence of any identifying particulars for the boat)
- the boat not complying with the maximum boat specifications set out on the front of the licence
- the applicant has transferred their right to the fishing boat licence

8.10 Voluntary suspension of a fishing boat licence (abeyance or “no boat”)

If a commercial fishing boat is disposed of, destroyed or lost at sea, the holder of the licence must notify the Minister, in writing, of that occurrence within 30 days.

If a boat has been disposed, destroyed or lost at sea etc. and has not been replaced by a new boat, the holder of a fishing boat licence may request that the licence be temporarily suspended. This is also known as ‘voluntary suspension’ of a fishing boat licence or placing the boat into ‘abeyance’.

When a fishing boat licence is voluntarily suspended, a licence card is issued but no boat particulars appear on the back of the licence card. Boat licence renewal fees remain payable while the boat licence is in voluntary suspension.

Boat licences in voluntary suspension may also be transferred to another person.

To voluntarily suspend a boat licence the licence holder must lodge a completed “Application to Change Identifying Particulars on a Fishing Boat Licence” form. There is no fee for changing the identifying particulars on a fishing boat licence. To request an application contact Fisheries Business Services (see Section 18.1). Application forms can also be downloaded from the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

8.11 Renewing a commercial fishing boat licence

Commercial fishing boat licences are renewable as from 1 July each year.

A renewal application form is sent to all boat licence holders approximately six weeks before their licence expires and must be completed and submitted to DPI by the date specified in the form.

Application fees for renewal of a commercial fishing boat licence are invoiced as part of the annual invoicing process and forwarded to the licence holder.

If a boat is not attached to the licence when the fees payable are calculated (1 July each year), the renewal fee is calculated on the basis of the length of the boat last attached to the licence.

Application forms will not be processed if:

- the application form has not been completed in full or filled out correctly
- the applicant has transferred the boat licence to another person

Under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters. If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded.

If an application for renewal of a commercial fishing boat licence is received after the expiry date of the licence, the application is treated as an application for the issue of a commercial fishing boat licence and subject to the legislative provisions and fees payable for issue of a licence.

If a licence holder indicates on the renewal application form that they do not wish to renew the licence, the fishing boat licence will lapse on expiry.

Renewal of a commercial fishing boat licence may be refused on grounds set out in the General Regulation, including:

- if the application is received after the date the licence expires
- the boat does not comply with the maximum boat specifications set out on the front of the licence
- the holder has contravened a condition of the licence
- failure to provide information required in connection with the application (such as identifying particulars for the boat)
- making a statement in connection with the application that is, in the opinion of the Minister, false or misleading in a material particular
- failure to pay any fee due and payable in connection with the licence

If the renewal of a commercial fishing boat licence is refused on grounds provided for by the General Regulation, any application fees that may have been paid are not refunded. If fees were not paid upon application they will be invoiced to the applicant.

8.12 Cancellation or suspension of a fishing boat licence

Commercial fishing boat licences may be suspended or cancelled if:

- any fee due and payable in connection with a licence has not been paid
- the applicant has made a statement in connection with the application that is, in the opinion of the Minister, false or misleading in a material particular
- the boat does not comply with the maximum boat specifications set out on the front of the boat licence
- the holder has contravened a condition of the licence
- the boat has been seized
- the holder of the licence has transferred their right to the licence

Prior to any suspension or cancellation the holder of the licence is provided an opportunity to show cause, in writing, as to why the licence should not be suspended or cancelled. If no written response is received, the licence is automatically suspended or cancelled.

If a licence is suspended:

- the licence holder is asked to return the licence to DPI
- the licence holder continues to accrue any fees or charges payable in respect of the licence and those fees and charges become due and payable just as they would if the licence was not suspended

If a licence is cancelled:

- the licence holder is asked to return the licence to DPI
- any application fees that have been paid are not refunded

9. Crew and taking fish with the assistance of others

The use of crew on board boats and taking fish with the assistance of others is prohibited in some fisheries. Table 4 sets out the arrangements that apply in each fishery. For further information on the use of crew or taking fish with the assistance of others refer to the relevant share management plan at www.legislation.nsw.gov.au.

Table 4: Restrictions on the use of crew in each fishery

Fishery	Limitation
Estuary General	<p>Licensed fishers in the Estuary General Fishery are not permitted to take fish with the assistance of any person* other than with another appropriately endorsed fisher.</p> <p>In this fishery assisting in the taking of fish includes:</p> <ul style="list-style-type: none"> • being aboard a boat • removing fish from fishing gear or boats • stowing or assisting in stowing fishing gear while in, on or adjacent to the waters of the fishery • operating or assisting in the operation of the fishing gear • while in, on or adjacent to the waters of the fishery, operating any motor vehicle or other device (such as a torch or light) to assist in the taking of fish in the fishery • while in, on or adjacent to the waters of the fishery, placing any fish into a container or other receptacle, or into a boat or motor vehicle, being used in connection with the taking of the fish in the fishery <p><i>*Except for the taking fish using a seine net (prawns) from a boat (i.e. Not from the shore)</i></p>
Estuary Prawn Trawl	No restrictions
Ocean Hauling	<p>Licensed fishers in the Ocean Hauling Fishery are not permitted to take fish with the assistance of any person, other than with another appropriately endorsed fisher*</p> <p><i>*Except for the taking fish using a seine net from a boat (i.e. Not from the shore)</i></p>
Ocean Trap & Line	Maximum of three persons who do not hold the same type of endorsement to take fish as the endorsement holder
Ocean Trawl	No restrictions
Abalone	No restrictions
Lobster	No restrictions

Inland	Maximum of one person who does not hold the same type of endorsement to take fish as the endorsement holder
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Significant penalties may apply to licensed fishers unlawfully using crew or receiving assistance in the taking of fish for sale. Penalties also apply to the person acting as crew or providing the assistance.

Having said this, crew may be allowed in the Estuary General fishery in certain circumstances with the prior consent of a fisheries officer. For example fisheries officers may allow prospective new entrants on board boats to observe activities.

10. Nominating an endorsement holder

The owner of a fishing business may nominate another person to hold the endorsements for the fishing business and work the business on the owner's behalf.

The person nominated as the endorsed fisher on a fishing business holds all available endorsements held in that business.

A person may be nominated to hold the endorsements for more than one fishing business except in the case of fishing businesses with Abalone or Lobster endorsements. A person is not permitted to be nominated in respect of two or more Abalone fishing businesses or two or more Lobster businesses at the same time.

If the fishing business owner is a person (i.e. an individual) they will automatically be nominated as the endorsed fisher if the fishing business has available endorsements.

In the case of a fishing business owned by a partnership or company there is no automatic nomination process. The person working the business needs to be nominated by the fishing business owner(s) as the endorsement holder for the business.

Nominating a person to hold the endorsements for a fishing business is a two-step process:

Step 1: Registering 'eligible fishers'

The first step involves registering potential nominees against your fishing business so that you may call upon them at short notice to work your business. Fishers registered against your fishing businesses are referred to as 'eligible fishers'.

To register (or cancel) an 'eligible fisher' the owner of the fishing business must lodge a completed "Application to Register or Cancel Eligible Fishers or Nominate and Revoke Nominations" form. There is no fee for registering or removing eligible fishers. To request an application form contact Fisheries Business Services (see Section 18.1). Alternatively, application forms are available on the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Important things to note when registering an eligible fisher are:

- Eligible fishers must hold a current class 1 commercial fishing licence
- You may register as many 'eligible fishers' against a fishing business as you wish
- A person may be registered against more than one fishing business (including fishing businesses with Abalone or Lobster endorsements)
- All overdue fees and charges payable owing in relation to the fishing business to which the eligible fisher is to be registered must be paid in full
- Upon registering (or cancelling) an eligible fisher, DPI will forward the fishing business owner an updated list of the eligible fishers registered against the fishing business

- Being registered as an eligible fisher does not by itself authorise a person to take fish for sale (refer to Step 2 on next page)
- **Step 2: Nominating an endorsement holder**

The second step involves nominating the eligible fisher to hold the endorsements for a fishing business. The nomination process can be done at any time of the day or night.

To nominate an 'eligible fisher' to hold the endorsements for a fishing business the owner of the fishing business must lodge a completed "Application to Register or Cancel Eligible Fishers or Nominate and Revoke Nominations" form and give the nominated fisher the current Fishing Business Card for the fishing business.

Important points to note when nominating an endorsement holder are:

- The person must be registered against the fishing business as an 'eligible fisher'
- There is only one nominated fisher for a fishing business at any given time
- If a person is to be nominated in respect of a fishing business with an Abalone or a Lobster endorsement the person cannot already be nominated in respect of another business with the same endorsement
- The nominated fisher will hold all of the endorsements for the fishing business
- The nominated fisher must be in possession of the fishing business card (and a commercial fishing licence and a boat licence if using a boat) when taking fish for sale

The nomination takes effect as soon as the two steps above are complete. A nomination has effect for a minimum 48 hour period, meaning that another eligible fisher cannot be nominated on that fishing business until at least 48 hours after the previous nomination.

Nominated fishers need to be aware of and comply with any rules that apply when taking fish for sale. Significant penalties may apply if in possession of commercial fishing gear or engaging in commercial fishing activities without an appropriate endorsement or if otherwise operating unlawfully.

11. Quota

Currently three species taken in NSW wild harvest commercial fisheries are controlled through a quota management system. They are abalone, lobster and red urchin. A Total Allowable Commercial Catch (TACC) is set each year for those species.

Shareholders, or endorsement holders in the case of red urchin, are issued quota annually. Quota allocated to each lobster or abalone fishing business is proportional to the number of shares held in that business.

The department is also in the process of introducing a quota management system for Spanner Crabs taken by fishers with Ocean Trap and Line Spanner Crab (Northern Zone) endorsements. It is expected that this quota system will commence 1 July 2015.

11.1 Quota transfers

Quota may be transferred to another fishing business which holds the same class of shares, or in the case of red urchin a Sea Urchin and Turban Shell endorsement.

The amount of abalone or lobster quota that may be transferred to a shareholder is limited to twice the shareholder's initial quota allocation for the fishing period. Such restrictions do not apply to red urchin.

For further information on the transfer of quota refer to the Abalone or Lobster Share Management Plans, or the General Regulation in the case of the Sea Urchin and Turban Shell Restricted Fishery.

To transfer quota you must lodge a completed “Application to Transfer Quota” form and pay an application fee. To request an application contact Fisheries Business Services (see Section 18.1). Alternatively, application forms can be downloaded from the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

12. Fees, charges and community contributions

A range of fees and charges are payable by commercial fishers and fishing business owners. They include application fees for certain transactions (e.g. application or renewal of a commercial fishing licence), research levies, management charges and community contributions.

Community contributions: An annual community contribution is payable by shareholders in respect of each fishing business that the shareholder owns. The community contribution is a monetary contribution to the NSW public for the right to access the fishery under the share management fishery framework. A community contribution is not payable for access to a Restricted Fishery.

Management charges: Annual management charges are payable by fishing business owners, whether a Share Management Fishery or a Restricted Fishery. Management charges recover part of the cost of managing NSW commercial fishing.

FRDC research levy: A research levy is payable by fishing business owners. The research levy contributes towards fisheries related research priorities Australia wide. The Fisheries Research and Development Corporation (FRDC) is a co-funded partnership between the Australian Government and the fishing industry which co-ordinates research priorities and funding for research. For further information on the FRDC refer to the FRDC website at www.frdc.com.au.

You can contact Fisheries Business Services to obtain information on current fees and charges (see Section 18.1). A comprehensive list of fees and charges payable by commercial fishers is also available on the DPI commercial fishing licensing website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Most fees and charges are payable on an annual basis and are subject to CPI. Invoices are raised based on fishing business and fishing endorsements held as at 30 June each year. Fees and charges invoiced may be paid in instalments (currently three instalments each financial year) and if an instalment is not paid by the due date the entire invoice amount becomes due and payable.

Payment remains due and payable regardless of whether you transfer your fishing business or fishing authorities or surrender your licences at any stage during the relevant financial year. DPI cannot redirect fees and charges to another person regardless of whether they may have purchased your fishing business (or parts thereof) or particular NSW fishing authorities (e.g. shares, boat licences, etc.). As such full payment of the annual fees and charges is required if transferring a fishing boat, or a fishing business with all of its components.

13. Change of personal details & lost cards

Should you wish to change any personal information held by DPI, you must make a written request to DPI. If the change relates to a partnership, all partners must sign the request. For a company, a company extract (no more than 1 month old) that specifies the person or persons authorised to act on behalf of the company must be submitted with the request.

Alternatively, if you have a FishOnline account and/or are the authorised agent for that account you can amend personal details using the self-service system (see Section 14).

If a fishing authority, including a commercial fishing licence, fishing boat licence, fishing business card or a section 37 permit, has been lost, misplaced, damaged or stolen, a replacement authority may be issued. To be issued a replacement authority you must lodge a completed “Application for Replacement Authority” form. To request an application form contact Fisheries Business Services (see Section 18.1). Application forms are also available on the DPI website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms

14. FishOnline

FishOnline is a web based system for administering commercially related fishing activity. The system is used for all business related transactions and catch and effort reporting.

FishOnline system includes self-service functions for customers to access a range of services online. FisherDirect and FisherMobile are self-service components of the FishOnline system which are being progressively rolled out with functionality growing over time.

14.1 FisherDirect

FisherDirect is an online system available for use by fishing business owners, fishers, fishing boat licence owners and their appointed agents. FisherDirect allows users ‘direct’ access to a range of online services associated with:

- catch and effort reporting
- appointment of agents
- posting of advertisements on the for sale and trade notice board

FisherDirect also allows users to access their financial account information, including the ability to view and pay invoices online using a credit card through a secure gateway.

To apply for a FisherDirect account you must complete a “FisherDirect Account Application Form”. There is no application fee associated with this form. To request an application form contact FishOnline Support (see Section 18.2). Application forms are also available on the DPI website: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms

The following criteria must be met to register for FisherDirect:

- you are a natural person
- you have a personal and unique email address
- you agree and accept the terms and conditions of use for FishOnline,
- you are:
 - the holder of a current NSW commercial fishing licence, and/or
 - the holder of a current NSW commercial fishing boat licence, and/or
 - the owner of a current NSW fishing business, and/or
 - the holder of a NSW section 37 permit authorising commercial fishing activities, and/or
 - an appointed agent acting on behalf of one, or more of the above holders (see Section 14.1.2)

If an application does not meet the above criteria DPI will contact the applicant and encourage the applicant to rectify any outstanding matters. If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant.

14.1.2 Registering a FisherDirect agent

You can register another person (referred to as an “agent”) to access and operate FisherDirect on your behalf.

You are responsible for choosing your agent and anything they do for you online, so it is important that you are careful about who you appoint as an agent and what level of access you provide them. The department takes no responsibility for any action your agent does while transacting online on your behalf.

Anyone can be appointed as an agent, providing they have a FisherDirect account (see Section 14.1). In order to be eligible to appoint an agent you must be either:

- the holder of a current NSW commercial fishing licence, or
- the holder of a current NSW commercial fishing boat licence, or
- the owner of a current NSW fishing business, or
- the holder of a NSW section 37 permit authorising commercial fishing activities

You must also agree and accept the terms and conditions of use for FishOnline, including those concerning agents.

To appoint an agent you must complete a “FisherDirect Agent Authorisation Application Form”. You can remove and manage your agent’s permissions at any time online through FisherDirect. Changes made online through FisherDirect will take effect immediately. Alternatively you can complete a “FisherDirect Revoke and Vary Agent Permission Form”.

There is no application fee associated with forms to authorise/revoke an agent or to manage the agent’s permissions. To request an application form contact FishOnline Support (see Section 18.2). Application forms are also available on the DPI website:

www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms

14.2 FisherMobile

FisherMobile is a secure mobile application available to eligible mobile devices including iPhone, iPad (iOS 5.0+) and Android Phone/Tablet (4+) with the native browsers found on these devices.

With the exception of Chrome and Safari, third party browsers (i.e. downloaded) are not supported.

FisherMobile allows user to access FishOnline via a compatible smart phone or iPad/tablet device to:

- lodge catch and effort reports for non-quota based fishing activities
- lodge threatened and protected species reports
- report lost and found gear
- access quota balance information

FisherMobile is only available to authorised fishers. Agents of authorised fishers are not eligible to access FisherMobile.

To use FisherMobile you must download the application onto your device and complete a “FisherMobile Account Application Form”. There is no application fee associated with this form or application. To request an application form contact FishOnline Support (see Section 18.2). Application forms are also available on the DPI website:

www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms

15. Permits

A permit may be issued to a person or a specified class of person to authorise the taking and possession of fish or marine vegetation for various purposes as set out in the Act and regulations.

A permit does not authorise the holder to take fish for sale. To take fish for sale a class 1 commercial fishing licence is required.

The number and types of permits issued to commercial fishers are limited to a small number of fishing activities historically undertaken (i.e. prior to the introduction of Restricted Fisheries in 1997) by particular individuals. Examples of such activities include taking eels from farm dams, taking bait for tuna long lining in commonwealth managed fisheries or dredging for cockles in Jervis Bay. Permits are also sometimes issued to commercial fishers for research purposes and the use of particular gear pending agreed changes to the Act or regulations.

For more information on the types of permits available in NSW commercial fisheries contact Fisheries Business Service (see Section 18.1) or refer to the Fishery Management Strategy for the fishery concerned on the DPI website: www.dpi.nsw.gov.au/fisheries/commercial/fisheries

Permits are generally issued for a maximum 12 month period (with an expiry date of 30 June) and are not transferable. A permit may also be cancelled or suspended at any time by notice in writing to the holder of the permit.

Permits are also subject to conditions prescribed by regulation or specified in the permit. Such conditions are generally used to restrict the activities authorised by the permit. Significant penalties may apply for taking or possession fish or marine vegetation in contravention of a condition of a permit.

In some cases an environmental assessment (or 'Review of Environmental Factors') will be required before a permit application will be considered. For further information on preparing an environmental assessment please refer to the "Guidelines for Environmental Assessment of Fishing Related Activities" on the DPI website:

<http://www.dpi.nsw.gov.au/fisheries/commercial/ea>.

The issue of a permit does not imply or guarantee any future rights to undertake the activity authorised by the permit or that a further permit will be issued.

15.1 Applying for a permit

Application for a permit will not be processed if:

- the application is not on an approved form
- the application form has not been completed in full or filled out correctly
- the application form is not accompanied by any fees payable
- the application is not accompanied by an environmental assessment (or 'Review of Environmental Factors') where necessary

Under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters. If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded.

The power to issue permits is limited in the case of potential harm to threatened species, populations or ecological communities or threat to critical habitat. In the case of commercial fishing activities for which permits are required on an ongoing basis, permit holders are sent an application form approximately six weeks prior to the expiry date for a new permit for a further 12 months.

16. Applications for variation to current policy

In most cases licensing and other important rules are set out in the Act and regulations. Unless the Act or regulations provide the Minister or DPI with discretion, those rules are binding and cannot be varied. In some other cases such rules are applied as a matter of policy.

An application for a variation to current policy may be made by any person at any time. Such applications are assessed on their merits. Where a variation to policy is likely to result in increased fishing effort in a fishery or may otherwise adversely affect a fishery, DPI may consult relevant industry advisory bodies for advice on the proposal before any decisions are made. This process generally takes some time.

Below are some examples of variations to current policy:

- Upon application “unpowered” boat licences may be changed to “powered” so that the licence holder can put a motor on or in the boat attached to the licence or replace the unpowered boat with a powered boat.
- Upon application maximum boat specifications for the offshore prawn trawl sector of the Ocean Trawl Fishery (i.e. maximum engine power, hull units and head rope length) may be temporarily removed from a boat licence to enable a boat replacement and use of the boat in a fishery other than the offshore prawn trawl sector of the Ocean Trawl Fishery.
- Given the very restrictive boat capacity restrictions that apply to boats used in the offshore prawn trawl sector of the Ocean Trawl Fishery, the Ocean Trawl Management Advisory Committee has developed a set of interim guidelines that provide for the surrender of shares in return for additional engine power or hull units. Applications for variation to policy under these guidelines are referred, confidentially and with all personal details removed, to the Ocean Trawl Management Advisory Committee for advice before any decisions are made.

17. Review process

Before making an application to the NSW Civil and Administrative Tribunal (NCAT) for a review of a ‘reviewable decision’, a written request should be made to DPI for an internal review of the decision within 28 days of being notified of the decision.

As specified in section 126 of the Act ‘reviewable decisions’ include those concerning the issue, suspension or cancellation of an authority as well as decisions to impose a condition on a authority (other than those prescribed by regulation).

A person who is not satisfied with the outcome of the internal review may then apply to the NCAT for a review of the decision. For further information regarding the NCAT review process refer to the NSW Lawlink website (www.justice.nsw.gov.au) or phone DPI on 1300 720 662.

18. Contacts

18.1 Fisheries Business Services

For commercial and charter fishing licensing enquiries (including applications and financial enquiries) contact Fisheries Business Services via:

Post: Fisheries Business Services

LMB 3020

Nowra, NSW 2541

Phone: 1300 720 662

Fax: (02) 4424 7449

Email: fisheries.businessservices@dpi.nsw.gov.au

18.2 FishOnline Support

For assistance with accessing and using FisherDirect and FisherMobile contact FishOnline Support via:

Post: FishOnline Support

LMB 3020

Nowra, NSW 2541

Phone: 1300 720 662

Fax: (02) 4424 7449

Email: fishonline.support@dpi.nsw.gov.au

18.3 Catch Records

For catch and effort records, commercial and charter fishing logbooks, quota transfer applications and fish receiver matters contact Catch Records via:

Post: Catch Records

PO Box 4157

Coffs Harbour Jetty, NSW 2450

Phone: (02) 6648 3927 for quota enquiries or (02) 6648 3921 for general enquiries

Fax: (02) 6391 4709

Email: catch.records@dpi.nsw.gov.au

18.4 Fisheries Management

Table 5: Fisheries Management contact details

Fishery	Phone
Abalone Fishery	(02) 6652 0983
Estuary General Fishery	(02) 6691 9685
Estuary Prawn Trawl Fishery	(02) 6691 9674
Inland Restricted Fishery	(02) 6652 0919
Lobster Fishery	(02) 6652 0919
Ocean Hauling Fishery	(02) 6691 9674
Ocean Trap and Line Fishery	(02) 9435 4680
Ocean Trawl Fishery	(02) 6691 9685
Sea Urchin and Turban Snail	(02) 6652 0919

19. Acronyms used in this Guide

CFL: Commercial Fishing Licence

CPI: Consumer Price Index

DPI: Department of Primary Industries

FB (or FBNO): Fishing Business (or Fishing Business Number)

FBL: Fishing Boat Licence

FRDC: Fisheries Research and Development Corporation

HIN: Hull Identification Number

LFB: Licensed Fishing Boat

LIN: Licence Identification Number

NCAT: NSW Civil and Administrative Tribunal

NSW: New South Wales

OSR: Office of State Revenue

RMS: Roads and Maritime Services

TACC: Total Allowable Commercial Catch

USL: Uniform Shipping Laws

20. Terms used in this Guide

Act: means the *Fisheries Management Act 1994*.

Component of a fishing business: includes shares in a share management fishery and/or restricted fishery endorsement.

Condition: means a condition of a commercial fishing licence, boat licence or an endorsement and includes conditions prescribed by regulation or appearing in abbreviated form on a licence or fishing business card in the case of a condition of an endorsement.

Eligible fisher: A holder of a current class 1 commercial fishing licence who has been registered by the fishing business owner as a potential nominated fisher for the fishing business.

Endorsement: An authority on a commercial fishing licence authorising the holder of the licence to use specific gear for the taking of specific species from specific waters.

Fishing boat licence: A licence issued under Division 2 of Part 4 of the Act, authorising a boat to be used in the taking fish for sale from waters which the Act applies.

Fishing boat licence transfer: The transfer of a fishing boat licence from one owner to a new owner in accordance with legislation.

Fishing Business: A separate and identifiable fishing operation which has a unique identifying number generally consisting of one or more components, such as shares or restricted fishery endorsements.

Fishing Business Card: A physical card produced/issued by NSW DPI and used as the mechanism to record all available endorsements of a fishing business.

Fishing Business Determination: A process which identifies the owner of a fishing business along with other particulars relating to components of the fishing business. These components include all shareholdings and/or restricted fisheries endorsements held by the fishing business. The determination is issued to fishing business owners on a certificate based form.

Fishing Business owner: The owner of a business the components of which may include endorsement(s) in a restricted fishery and/or shares in a share management fishery.

Fishing Business transfer: The transfer of components of a fishing business, either share(s), restricted fishery endorsements, whether the whole fishing business or not, from one owner to a new owner in accordance with legislation with those components being determined to be owned by another owner.

Fishing closure: The prohibition of the taking of fish, or a specified class of fish from any waters or specified waters.

HIN: A 14 digit number determined by the Roads and Maritime Services which uniquely identifies the hull, similar to a car body serial number. This number is recorded with the physical boat details of the boat attached to the fishing boat licence and is found on the reverse side of a fishing boat licence.

Internal review: A review process available to a person not satisfied with an administrative decision made by NSW DPI where that decision is reviewable by the NSW Civil and Administrative Tribunal (NCAT).

LFB number: The licensed fishing boat number is the unique number allocated to and displayed on commercial fishing boats in NSW, prefixed with the letters RLLFB, ALFB or LFB for the rock lobster, abalone or all other fisheries respectively. This number is allocated to a physical boat and remains for the life of the boat.

LIN: A five digit licence identification number found on the front side of a fishing boat licence.

Maximum boat specifications: The maximum specifications of a physical boat which may be attached to a particular fishing boat licence, includes maximum length, maximum hull units and maximum engine power.

Maximum shareholding: The maximum number of shares of a certain share class allowed to be held by a shareholder. Maximum shareholdings are specified in the relevant share management plans.

Minimum shareholding: The minimum number of shares of a certain share class required to be held by a shareholder before an endorsement may be available to the fishing business owner or a person nominated by the fishing business owner to take fish on their behalf. Minimum shareholdings are specified in the relevant share management plans.

NCAT (NSW Civil and Administrative Tribunal): An independent Tribunal available to a person not satisfied with an administrative decision made by NSW DPI.

Nominated fisher: The fisher selected from a fishing business's list of eligible fishers by the fishing business owner to hold the endorsement(s) for the fishing business.

Notation: An exemption code identifier found on some fishing boat licences to identify those boats which may be used in a particular fishery even though they are longer than the maximum boat length allowed for the fishery, allocated based on historical participation of the boat in the fishery prior to share management plan implementation.

NSW fishing authority: A fishing authority issued or given under the Act, including a licence, share or endorsement etc.

Permit: An authority to fish issued under section 37 of the Act to a person to take fish or other marine vegetation for research, aquaculture or aquarium purposes or any other purpose prescribed by the Regulation or any other purpose approved by the Minister.

Physical boat details: The identifying specifications of the physical boat attached to a particular fishing boat licence, includes name of boat, identifying number of the boat, hull identifying

number of the boat, hull units, engine power, boats name and boats port. Physical boat details are found on the reverse side of the fishing boat licence card.

Quota: The quantity of a certain species of fish that may be taken for sale by or on behalf of an entitlement holder/shareholder during any specified period.

Restricted fishery: A fishery declared pursuant to Part 4 Division 3 of the Act. Restricted fisheries include: sea urchin and turban shell fishery, inland fishery and southern fish trawl fishery.

Revocation (of a nomination): The removal of the authorised fisher to hold the endorsements associated with a fishing business by either the fishing business owner, nominated fisher or the Director-General.

Share extract: An extract from the Share Register following a request for information.

Share forfeiture: The removal of shares from a shareholder following an offence against the Act or Regulations.

Share forfeiture offence: An offence against the Act or Regulations which may result in the forfeiture of shares or the allocation of demerit points against a shareholder.

Shareholder: An individual person, corporation or two or more persons/corporations who own a share in a share management fishery.

Shareholding: The share(s) held by a shareholder which may give rise to an endorsement subject to fishery specific rules.

Share management fishery: A fishery specified in schedule 1 of the Act to be declared as a Share management fishery. Specified fisheries include: estuary general fishery, ocean hauling fishery, ocean trap and line fishery, ocean trawl fishery, estuary prawn trawl fishery, abalone fishery and lobster fishery.

Share management plans: A management plan for a particular fishery made under the Act which outlines things such as the objectives of the plan, description of the fishery, minimum and maximum shareholdings, endorsement conditions, species that may be taken, areas and time of operation, general requirements and other miscellaneous matters.

Share mortgage: An interest in a share by a party other than the shareholder.

Share Register: A register available to the public containing those details as prescribed under section 90 of the Act.

Share surrender: When a shareholder transfers their shares to the Minister for surrender.

Share transmittance: The transfer of shares from a deceased estate in accordance with the provisions of a Will or Grant of Probate or Letters of Administration.

Share transfer: The absolute and perpetual conveyance of the whole of the interest in a share.

Stamp duty: A fee payable to the Office of State Revenue for any transaction that transfers, assigns, transmits, mortgages or otherwise creates an interest in a share in a share management fishery.

Supporting Plan: Refers to the Fisheries Management (Supporting Plan) Regulation 2006.

Transferee: A person, company or two or more persons/companies purchasing a fishing business or any components of.

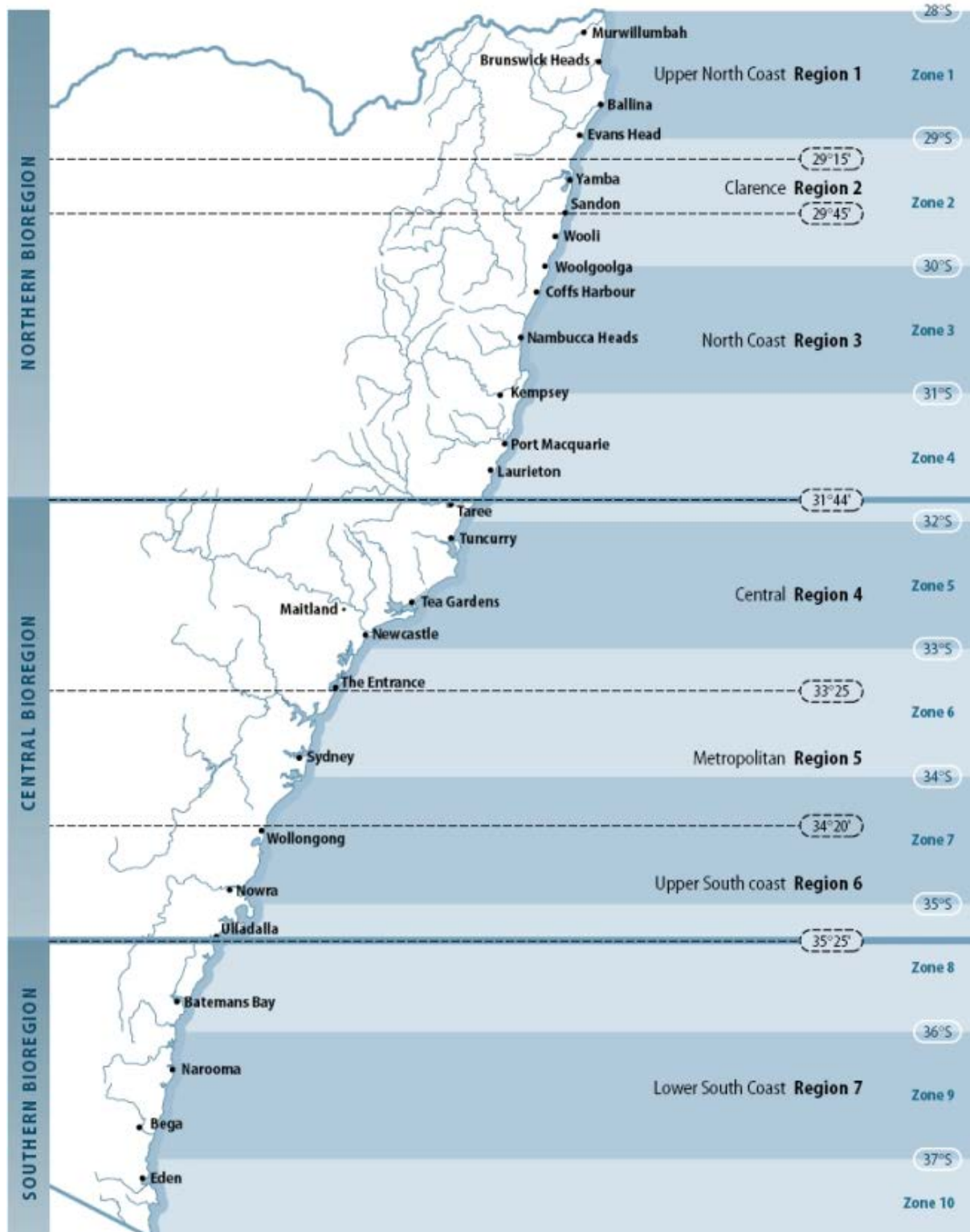
Transferor: A person, company or two or more persons/companies selling a fishing business or components of.

Unlicensed crew: A person without a commercial fishing licence who assists a licensed commercial fisher in accordance with the Regulations.

Voluntary suspension of boat licence: The removal of the physical boat details from a fishing boat licence at the request of the licence holder.

Appendix

Appendix 1: Regional boundaries for the Estuary General and Ocean Haul fisheries



Appendix 2: 'Check list' of commercial fishing requirements

To take fish for sale in NSW waters:

1. Check any conditions that may apply to your commercial fishing licence (on the licence itself or in regulation) and carry your commercial fishing licence at all times when fishing or landing catch.
2. Check with DPI that you are recorded as the endorsement holder for the business that you intend to operate, check any conditions that may apply to the endorsements you hold (on the fishing business card or in regulation) and carry the fishing business card at all times when fishing or landing catch.
3. Check any conditions that may apply to your commercial fishing boat licence (on the licence itself or in regulation) and carry the fishing boat licence at all times when fishing or landing catch from the boat.
4. Check that the licensed fishing boat that you are using:
 - a. Complies with the maximum boat length restrictions that apply to the fishery that the boat is being used in or has an exemption code for the fishery concerned (on the front of the licence); and,
 - b. Has "maximum hull units", "maximum engine power" and a "maximum head rope length" appearing on the front of the boat licence if the boat is to be used in the offshore prawn trawl sector of the Ocean Trawl Fishery; and,
 - c. Has the appropriate boat marking (LFB numbers etc.) clearly displayed in accordance with legal requirements.
5. Check for any Marine Parks, Marine Protected Areas, Aquatic Reserves and or Recreational Fishing Havens in the waters you intend to fish.
6. Check for any fishing closures or other prohibitions on commercial fishing activity applying to the activity and or waters that you intend to fish.
7. Make any pre-fishing reports that may be required (e.g. report your intention to use unlicensed crew in the Abalone fishery or your intention to fish in a zone subject to differential abalone size limits).
8. Make any pre-landing reports that may be required (e.g. abalone transshipping or hanging reporting to local fisheries officers).
9. Complete your catch and effort logbooks as required by regulation or set out in the logbook. Refer to the DPI website for detailed information on current catch and effort reporting requirements.
10. Complete a Threatened Species Interaction Reporting Form every time you have an interaction with (or sight) a threatened or protected species.
11. Complete a Lost/Found Fishing Gear report as appropriate.
12. Ensure that a record of fish sales is made and any required labelling as necessary for compliance with the legislation and the National Docketing System upon landing.
13. Report illegal or suspect fishing activity to the nearest Fisheries Office or use the Fishers Watch Phonenumber on 1800 043 536.
14. Check with the fisheries managers and local fisheries officer for any other necessary requirements.

Appendix 3: Register of endorsements (and codes)

Note: the number in the endorsement codes for endorsements in the Estuary General and Ocean Hauling fisheries (circled below) reflects the region of the fishery that the endorsement is for. E.g. the number “1” relates to Region 1 of the fishery. Refer to Appendix 1 for a map of the regions.

Endorsement code	Endorsement description
Abalone Fishery	
AB	Abalone
Lobster Fishery	
LOB	Lobster
Estuary Prawn Trawl Fishery	
EPTCR	Clarence River
EPTHUR	Hunter River
EPTHAR	Hawkesbury River
Estuary General Fishery (# indicates endorsements are region specific – refer to Appendix 1)	
EGHHC#	Handline & hauling crew
EGM#	Meshing
EGP#	Prawning
EGT#	Trapping
EGET#	Eel trapping
EGMC#	Mud crab trap
EGHG#	Hand gathering
EGC1H#	Category one hauling
EGC2H#	Category two hauling
Ocean Trap & Line Fishery	
OTLLW	Line fishing western zone
OTLLE	Line fishing eastern zone

OTLD	Demersal fish trap
OTLSG	School and gummy shark
OTLSCN	Spanner crab northern zone
OTLSCS	Spanner crab southern zone
Ocean Hauling Fishery (# indicates endorsements are region specific – refer to Appendix 1)	
OHG#	General ocean hauling
OHGPN#	Hauling net (general purpose)
OHGN#	Garfish net (hauling)
OHPAB#	Pilchard, anchovy & baitfish (hauling)
OHPS	Purse seine net
Ocean Trawl Fishery	
OTOSP	Offshore prawn trawl
OTISP	Inshore prawn trawl
OTDP	Deepwater prawn trawl
OTFN	Fish (northern zone)
SFT	Southern fish trawl
Sea Urchin & Turban Shell (SUTS) Fishery	
SUTSSU	Sea Urchin
SUTSTS	Turban Shell
Inland Fishery	
INLAYC	Class A (Yabby & Carp)
INLBC	Class B (Carp only)
INLDC	Class D (Carp only)

Appendix 4: Endorsements and the activities that they authorise

Endorsement	Authority
Abalone Fishery	
Abalone	Take abalone
Lobster Fishery	
Lobster	Take rock lobster
Estuary Prawn Trawl Fishery	
Clarence River	Take fish using an otter trawl net (prawns) from the waters of the Clarence River, including Lake Wooloweyah.
Hunter River	Take fish using an otter trawl net (prawns) from the waters of the Hunter River.
Hawkesbury River	Take fish using an otter trawl net (prawns) from the waters of the Hawkesbury River.
Estuary General Fishery (all endorsements are region specific – refer to Appendix 1)	
Handline & hauling crew	Take fish from estuarine waters using a handline, rod and line, set line or drift line or by assisting another commercial fisher who holds a category one or category two hauling endorsement (using hauling methods only).
Meshing	Take fish from estuarine waters using a meshing net or flathead net.
Prawning	Take prawns from estuarine waters using a prawn net (hauling), prawn net (set pocket), prawn running net, seine net (prawns), hand-hauled prawn net, push or scissors net (prawns), or dip or scoop net (prawns).
Trapping	Take fish (other than eels and mud crabs) from estuarine waters using a fish trap or hoop or lift net.
Eel trapping	Take eels from estuarine waters using an eel trap.
Mud crab trap	Take mud crabs from estuarine waters using a crab trap or hoop or lift net.
Hand gathering	Take beachworm, pipi, cockle, cuttlefish, mussel and nippers from estuarine waters and ocean beaches by the method of hand picking.
Category one hauling	Take fish from estuarine waters using a hauling net (general purpose), trumpeter whiting net (hauling), pilchard, anchovy and bait net (hauling), garfish net (hauling), garfish net (bullringing) or bait net.
Category two hauling	Take fish from the estuarine waters using a garfish net (hauling), garfish net (bullringing) or bait net.

Ocean Trap & Line Fishery

Line fishing western zone	Take fish using a handline, rod (or pole) and line, set line or drift line from ocean waters west of the 183 metre (100 fathoms) depth contour.
Line fishing eastern zone	Take fish using a handline, rod (or pole) and line, set line or drift line from ocean waters east of the 183 metre (100 fathoms) depth contour.
Demersal fish trap	Take fish from ocean waters using a fish trap set on the sea bed.
School and gummy shark	Take school and gummy sharks using a set line from ocean waters south of the entrance to Moruya River.
Spanner crab northern zone	Take spanner crabs using a spanner crab net from ocean waters north of the southern breakwall at Yamba.
Spanner crab southern zone	Take spanner crabs using a spanner crab net from ocean waters south of the southern breakwall at Yamba and north of Korogoro Point (Hat Head).

Ocean Hauling Fishery (# indicates endorsements are region specific – refer to Appendix 1)

General ocean hauling [#]	Assist another person who holds a hauling net (general purpose), garfish net (hauling) Pilchard or anchovy & bait net (hauling) endorsement take fish.
Hauling net (general purpose) [#]	Take fish using a hauling net (general purpose).
Garfish net (hauling) [#]	Take fish using a garfish net (hauling).
Pilchard, anchovy & baitfish (hauling) [#]	Take fish using a pilchard, anchovy and bait net (hauling).
Purse seine net	Take fish using a purse seine net.

Ocean Trawl Fishery

Offshore prawn trawl	Take fish using an otter trawl net (prawns) from offshore waters (outside 3 nautical miles) that are west of the 280 metre (150 fathom) depth contour.
Inshore prawn trawl	Take fish using an otter trawl net (prawns) from inshore waters (inside 3 nautical miles).
Deepwater prawn trawl	Take fish using an otter trawl net (prawns) from offshore waters (outside 3 nautical miles) that are east of the 280 metre (150 fathom) depth contour.
Fish (northern zone)	Take fish using an otter trawl net (fish) or a danish seine trawl net (fish) from ocean waters north of Barrenjoey Headland (latitude 33°35' south).

Southern fish trawl	Take fish (other than prawns) using an otter trawl net (fish) or a danish seine trawl net (fish) from ocean waters inside 3 nautical miles and south of Barrenjoey Headland.
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Sea Urchin & Turban Shell (SUTS) Fishery

Sea Urchin	Take sea urchin.
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Turban Shell	Take turban shell.
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Inland Fishery

Class A (Yabby & Carp)	Take yabbies and carp from inland waters.
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Class B (Carp only)	Take carp from inland waters.
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Class D (Carp only)	Take carp from inland waters (non-transferable endorsement).
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Appendix 5: Register of endorsement conditions

Condition abbreviation	Condition ID	Condition code	Endorsement condition
Lake Wooloweyah only	2.00101	0101	The endorsement only authorises trawling for prawns within the whole of the waters of Lake Wooloweyah.
Worm/cuttlefish only	6.01501	1501	The endorsement authorises the taking of beachworm and cuttlefish only by the method of hand picking.
Worm/cuttlefish/nipper only	6.01601	1601	The endorsement authorises the taking of beachworm, cuttlefish and nipper (yabby) only by the method of hand picking.
Inland Fishery – Class A	2.01802	1802	<p>Class A: Yabby and carp endorsement (Transferable)</p> <p>Yabbies</p> <p><u>Condition 1:</u> It is a condition of your endorsement that you do not set any net or trap for a period exceeding 48 hours.</p> <p>Carp</p> <p><u>Condition 2:</u> It is a condition of your endorsement that you notify your nearest District Fisheries Office at least 48 hours prior to taking or attempting to take any carp. This notification is to include the date, time and location of the proposed activity.</p> <p><u>Condition 3:</u> It is a condition of your endorsement that any native fish, Atlantic Salmon (<i>Salmo salar</i>), Brook Trout (<i>Salvelinus fontinalis</i>), Brown Trout (<i>Salmo trutta</i>), Rainbow Trout (<i>Oncorhynchus mykiss</i>) or any other animal other than carp caught while taking or attempting to take carp must not be retained and must be returned to the water immediately with the least possible injury.</p> <p>General</p> <p><u>Condition 4:</u> It is a condition of your endorsement that you do not take carp with the assistance of more than one unlicensed crew member.</p>

Inland Fishery – Class B	2.01803	1803	<p>Class B: Carp endorsement (Transferable)</p> <p><u>Condition 1:</u> It is a condition of your endorsement that you notify your nearest District Fisheries Officer at least 48 hours prior to taking or attempting to take any carp. This notification is to include the date, time and location of the proposed activity.</p> <p><u>Condition 2:</u> It is a condition of your endorsement that any native fish, Atlantic Salmon (<i>Salmo salar</i>), Brook Trout (<i>Salvelinus fontinalis</i>), Brown Trout (<i>salmo trutta</i>), Rainbow Trout (<i>Oncorhynchus mykiss</i>) or any other animal other than carp caught while taking or attempting to take carp must not be retained and must be returned to the water immediately with the least possible injury.</p> <p><u>Condition 3:</u> It is a condition of your endorsement that you do not take carp with the assistance of more than one unlicensed crew member.</p>
Inland Fishery – Class D	2.01804	1804	<p>Class D: Carp endorsement (Non - Transferable)</p> <p><u>Condition 1:</u> It is a condition of your endorsement that you notify your nearest District Fisheries Officer at least 48 hours prior to taking or attempting to take any carp. This notification is to include the date, time and location of the proposed activity.</p> <p><u>Condition 2:</u> It is a condition of your endorsement that any native fish, Atlantic Salmon (<i>Salmo salar</i>), Brook Trout (<i>Salvelinus fontinalis</i>), Brown Trout (<i>salmo trutta</i>), Rainbow Trout (<i>Oncorhynchus mykiss</i>) or any other animal other than carp caught while taking or attempting to take carp must not be retained and must be returned to the water immediately with the least possible injury.</p> <p><u>Condition 3:</u> It is a condition of your endorsement that you do not take carp with the assistance of more than one unlicensed crew member.</p>
SUTS condition	2.01901	1901	<p>SEA URCHIN AND TURBAN SHELL RESTRICTED FISHERY</p> <p>The license holder shall:</p> <ol style="list-style-type: none"> a. Not on any day undertake any fishing activity unless he/she has contacted the local fisheries office prior to leaving port and reported his/her intended fishing location that day and from which boat ramp the boat will be launched.

- b. Carry a suitable measuring device when in possession of, or when attempting to take turban shell, to facilitate compliance with the prescribed minimum size.
- c. Upon returning to port, contact the local fisheries office to inform them of the location and time of landing and approximate catch.
- d. The license holder shall not permit any abalone endorsement holder to operate from an LFB being used by the license holder, unless the license holder is also endorsed in the abalone fishery.
- e. Not use an unlicensed crew member in a boat being used by the endorsement holder for the taking of sea urchins or turban shell, except to operate the boat or other equipment on the boat.

Note: an unlicensed crew member is not authorised to take sea urchin or turban shell from the fishery on the endorsement holder's behalf.

- f. Not, within the waters to which this Act applies, or on or in any waters adjacent thereto, transfer sea urchin or turban shell from one boat to another boat.
- g. Not on any day undertake any fishing activity unless a DPI Sea Urchin and Turban Shell Fishery Catch and Effort Report for that day is in his/her possession.
- h. On each day that fishing activity under the endorsement is conducted, complete and submit within 24 hours of the end of the day one or more DPI Sea Urchin and Turban Shell Fishery Daily Catch and Effort Records as issued to the fishing business owner by NSW Department of Primary Industries for that activity according to these conditions and the instructions issued with the catch and effort record forms.
- i. Upon landing red urchin, Fishing Business identifying information and Part A of the DPI Sea Urchin and Turban Shell Fishery Daily Catch and Effort Record must be completed for the red urchin catch before the catch leaves more than 50m from the point of landing at the shore.
- j. Not loan, give or make available in any fashion to any other person/s DPI Sea Urchin and Turban Shell Fishery Daily Catch and Effort Records issued to his/her possession.
- k. At all times keep DPI Sea Urchin and Turban Shell Fishery Daily Catch and Effort

Records in a safe place.

- I. In the event of any DPI Sea Urchin and Turban Shell Fishery Daily Catch and Effort Record books or used DPI Sea Urchin and Turban Shell Fishery Daily Catch and Effort Records being stolen, lost, destroyed or damaged, immediately notify the Director-General in writing.
- m. Ensure that completed daily DPI Sea Urchin and Turban Shell Fishery Daily Catch and Effort Records are returned to DPI within 24 hours of the weight of the catch being validated.
- n. Not on any day be in possession of any sea urchin or turban shell after such sea urchin or turban shell have been landed in NSW unless these sea urchin or turban shell are accompanied by a DPI Sea Urchin and Turban Shell Fishery Daily Catch and Effort Record completed in the required form.
- o. Comply with DPI research requirements for daily recording of information for research purposes, as arranged with DPI Researchers.
- p. Not, while using any apparatus to facilitate breathing underwater, or while such equipment is on any vessel, take or attempt to take rock lobster by any method, nor have any rock lobster in his/her possession.
- q. Not, while using any apparatus to facilitate breathing underwater, or while such equipment is on any vessel, take or attempt to take abalone by any method, nor have abalone in his/her possession, unless endorsed in the abalone share management fishery.
- r. At all times comply with the requirements of the *Fisheries Management Act 1994* and the Regulations made under the act and abide by any instruction relating to the operation of this endorsement, given by an officer of NSW DPI.
- s. Not exercise the right to take sea urchin or turban shell for commercial purposes until the conditions of the license have been read and understood.

Abalone condition 2.02001 2001

ABALONE SHARE MANAGEMENT FISHERY.

The licence holder shall :

- a. Unless otherwise endorsed to do so the endorsement holder must not, while using any apparatus to facilitate breathing underwater take any fish other than abalone or be in possession of any such fish while in possession of any such apparatus in, on or adjacent to any waters or while such apparatus is in, on or attached to any boat being used by the endorsement holder.
- b. Not have in his/her possession any prohibited size abalone in or on any water other than 10 prohibited size abalone which may be in possession on the licensed fishing boat while abalone diving operations are underway. All undersized abalone must be returned to the seabed by hand before the end of diving day.
- c. Abalone shall not be taken under this endorsement unless the licence is current and all fees due and payable in respect of the endorsement, including any management charge and community contribution payable in relation to any shares in the abalone fishery under which the endorsement is granted, have been paid.
- d. Abalone shall not be taken under the endorsement of this licence until the licence holder has read and understood the Fisheries Management (Abalone Share Management Plan) Regulation 2000.

Lobster condition 2.02101 2101

LOBSTER SHARE MANAGEMENT FISHERY.

The licence holder shall:

- a. Forward to the DPI Director General, with a written explanation, any rock lobster tags found. This includes any tags that have been previously reported lost or stolen if they are found.

Not allow any licensed fishing boat used in connection with rock lobster fishing operations to be used other than by the holder of a rock lobster fishing endorsement.

Spanner Crab North
Condition 2.03001 30011

Pre-Land Fishing Activity Reporting

It is a condition of a spanner crab northern zone endorsement that the holder of the endorsement must use the Real Time Reporting System and report the following information to the Department at least 30 minutes prior to landing spanner crabs:

- (a) The registration number of the endorsement holder;

- (b) The date on which the report is being made;
- (c) The number of the fishing business used to take spanner crabs on that trip;
- (d) The estimated number of containers or other receptacles on board the boat that contain spanner crabs taken that trip; and
- (e) The estimated weight of spanner crabs taken that trip.

In this endorsement condition:

Department means the New South Wales Department of Primary Industries, an office within the Department of Trade and Investment, Regional Infrastructure and Services.

Real Time Reporting System means the New South Wales Department of Primary Industries' system (FisherMobile) that enables the submission of fishing activity reports by oral communication or electronic transmission.

Spanner crab northern zone endorsement has the same meaning as in clause 5 of the Appendix to the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*.

Spanner Crab North
Condition

2.03002

3002

Post-Land Fishing Activity Report

It is a condition of a spanner crab northern zone endorsement that the holder of the endorsement must, within 3 hours of submitting the report referred to in condition number 2.03001 "SCN – Pre-Land Fishing Activity Reporting" or prior to moving any spanner crabs from the state of New South Wales, whichever occurs first, use the Real Time Reporting System and report the following information to the Department:

- (a) The weight of spanner crabs taken that trip; and
- (b) The location where those spanner crabs have been landed.

In this endorsement condition:

Department means the New South Wales Department of Primary Industries, an office within the Department of Trade and Investment, Regional Infrastructure and Services.

Real Time Reporting System means the New South Wales Department of Primary Industries' system (FisherMobile) that enables the submission of fishing activity reports by oral communication or electronic transmission.

Spanner crab northern zone endorsement has the same meaning as in clause 5 of the

Appendix to the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*.

Spanner Crab North
Condition

2.03003

3003

Post-Land Spanner Crab Possession

It is a condition of a spanner crab northern zone endorsement that the holder of the endorsement must remain in possession of all spanner crabs taken each trip until the report referred to in condition number 2.03002 "SCN - Post-Land Fishing Activity Reporting" has been submitted.

In this endorsement condition:

Spanner crab northern zone endorsement has the same meaning as in clause 5 of the Appendix to the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*.

Spanner Crab South
Condition

2.04001

4001

Landing Restriction

It is a condition of a spanner crab southern zone endorsement that the holder of the endorsement must not land any spanner crabs north of a line drawn due east from the southern breakwall at Yamba.

In this endorsement condition:

Spanner crab southern zone endorsement has the same meaning as in clause 5 of the Appendix to the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*.

Appendix 6: Register of 'additional access' endorsements

Abbreviated 'additional access' endorsement	Notation ID	Notation Code	Authority
Richmond River	6.00201	201	The endorsement also authorises fishing activity within the whole of the waters of the Richmond River.
Clarence River	6.00301	301	The endorsement also authorises fishing activity within the whole of the waters of the Clarence River.
Macleay River	6.00401	401	The endorsement also authorises fishing activity within the whole of the waters of the Macleay River.
Tuggerah Lakes	6.00501	501	The endorsement also authorises fishing activity within the whole of the waters of Tuggerah Lakes.
Myall/Port Stephens/ Karuah River	6.00601	601	The endorsement also authorises fishing activity within the whole of the waters of Myall Lakes, Port Stephens and Karuah River.
Hawkesbury River	6.00701	701	The endorsement also authorises fishing activity within the whole of the waters of the Hawkesbury River.
Port Hacking	6.00801	801	The endorsement also authorises fishing activity within the whole of the waters of Port Hacking.
Shoalhaven/Crookhaven River/JB	6.00901	901	The endorsement also authorises fishing activity within the whole of the waters of the Shoalhaven and Crookhaven Rivers and Jervis Bay.
Jervis Bay	6.01001	1001	The endorsement also authorises fishing activity within the whole of the waters of Jervis Bay.
Beaches ocean zone 1	2.01101	1101	The endorsement also authorises fishing activity on ocean beaches within the area of the region that is defined by Ocean Zone 1.
Beaches ocean zone 4	6.01201	1201	The endorsement also authorises fishing activity on ocean beaches within the area of the region that is defined by Ocean Zone 4.
Crowdy Bay Beach	6.01301	1301	The endorsement also authorises fishing activity on Crowdy Bay Beach.

Appendix 7: Register of boat licence conditions

Condition abbreviation	Code	Boat licence condition
Bait Commonwealth	4.00101	Tuna Bait Commonwealth – This boat shall not be used to take or attempt to take fish for sale from NSW waters. This boat is authorised to take baitfish from NSW waters for the purpose of taking tuna under the Commonwealth tuna longline and tuna pole fishery permit. The boat must undertake all bait collection in accordance with conditions of a permit issued by DPI under Section 37 of the <i>Fisheries Management Act 1994</i> for this purpose.
Bait State	4.00201	Tuna Boat State - This boat is authorised to take baitfish from NSW waters for the purpose of taking tuna. The boat must undertake all bait collection in accordance with conditions of a permit issued under Section 37 of the <i>Fisheries Management Act 1994</i> for this purpose.
Land Only X	4.00301	The boat shall not be used to land fish unless the letter X is displayed not less than 150mm in height as a suffix to the LFB number displayed on the boat.
Inshore purse/sam. haul only	4.00401	The boat shall not be used to take fish in inshore waters other than by the methods of purse seining and salmon hauling.
Inshore purse/line only	4.00501	The boat shall not be used to take fish in inshore waters other than by the use of purse seine nets or lines.
Tuna upgrade	4.00601	<ol style="list-style-type: none"> 1. This boat is not authorised to take fish for sale from State waters in quantities that would constitute an increase in effort or catch in any NSW Fishery. 2. This boat shall not be used on any day to undertake any fishing activity in New South Wales waters unless the licence holder has contacted the local Fisheries Office prior to leaving port and reported his/her intended fishing location that day and to which port the boat will be returning. At least 30 minutes prior to returning to port, contact must be made with the local fisheries office to inform a Fisheries Officer of the location and time of landing and approximate catch. 3. This boat shall not be used to undertake any fishing activity in State waters whilst the vessel has on board catches of fish taken outside NSW waters. 4. All catches taken in State waters must be landed before conducting fishing activities outside State waters or any waters adjacent thereto.

Purse seine	4.00701	<p>This vessel is authorised to be used to take fish for sale only in accordance with the following catch limit: The catch from all NSW waters taken using the vessel, is not to exceed 107 tonnes in a calendar year, except as follows;</p> <p>The catch from a single fishing action (i.e. deployment of a net) commenced prior to the above limit being reached, may result in the 107 tonne limit being exceeded by up to 5 percent.</p>
Inland waters only	4.00801	The boat shall not be used to take fish from tidal waters.
Ab/turban/urchin only	4.00901	The boat shall not be used to take fish from waters to which the Act applies or to land fish, other than abalone, sea urchin and turban shell.
LHI only	4.01001	The boat is not authorised to take fish for sale other than in New South Wales waters surrounding Lord Howe Island and Balls Pyramid or to land fish for sale in New South Wales other than Lord Howe Island.
Abalone only	4.01101	The boat shall not be used to take or land fish for sale other than abalone.
Offshore spanner crab only	4.01201	The boat shall not be used to take or attempt to take fish for sale in ocean waters more than three nautical miles from the coastal baseline other than spanner crabs.
NSW carrier only	4.01301	The boat shall be used only for handling, carrying and landing fish taken by the licence holder in ocean waters. The boat shall not be used to take fish or to carry nets or any other gear for the taking of fish. This licence is not transferable.
Offshore only no snapper	4.01401	The boat shall not be used to take or land fish unless the letter X is displayed not less than 150mm in height as a suffix to the LFB number displayed on the boat. The boat is authorised to be used to take fish in offshore waters, being waters located over three miles seawards from the baseline of the territorial sea. The boat shall not be used to take or land snapper. The boat shall not be used to take or attempt to take fish for sale in any other New South Wales waters or fishery under New South Wales jurisdiction.
Offshore only	4.01501	The boat shall not be used to take or land fish unless the letter X is displayed not less than 150mm in height as a suffix to the LFB number displayed on the boat. The boat is authorised to be used to take fish in offshore waters, being waters located over three miles seawards from the baseline of the territorial sea. The boat shall not be used to take or attempt to take fish for sale in any other New South Wales waters.

Urchin/turban only	4.01601	The boat shall not be used to take fish from waters to which the Act applies or to land fish, other than sea urchin and turban shell.
Lobster only	4.01701	The boat shall not be used to take fish from waters to which the <i>Fisheries Management Act 1994</i> applies or to land fish other than fish lawfully taken in the Lobster Share Management Fishery.
Not to trawl 1	4.01801	The boat must not be used to trawl for prawn or fish in the Ocean Trawl - inshore prawn, offshore prawn, northern fish trawl or Estuary Prawn Trawl - Clarence River fisheries or to land prawns or fish taken by the method otter trawl net (prawn) or otter trawl net (fish), notwithstanding the Ocean Trawl - Offshore Prawn and Estuary Prawn Trawl - Clarence River endorsements.
Not to trawl 2	4.01901	This boat is not authorised to use an otter trawl net (prawns) to take fish from any of the following waters: (i) inshore waters, (ii) offshore waters, (iii) the waters of Coffs Harbour and Jervis Bay.
Not to trawl 3	4.02001	This licensed fishing boat is prohibited from being engaged in commercial fishing activity authorised by an Ocean Trawl - Offshore Prawn endorsement.
Not to trawl 4	4.02101	The boat to which this licence relates is prohibited from being engaged in commercial fishing activities pursuant to Ocean Trawl - Inshore Prawn, Deepwater Prawn and Fish Northern Zone endorsements and Southern Fish Trawl endorsements.
OG1	4.02201	FISHING CLOSURE NOTIFICATION OG1 – OFFSHORE COMMERCIAL FISHING. The boat may be used to take fish in ocean waters more than three nautical miles from the baselines of the territorial sea.
Tuna Bait Net Boat	4.02301	This boat may only be used as a net boat to assist in the taking of baitfish from NSW waters for the purpose of taking tuna under an appropriate Commonwealth permit. The net boat must not be transferred separately from the licensed fishing boat to which this net boat was originally licensed to assist (the primary vessel). The boat must undertake all bait collection in accordance with conditions of a permit issued by NSW DPI under Section 37 of the <i>Fisheries Management Act 1994</i> for this purpose to the operator of the primary vessel and/or the operator of the net boat. This boat is not eligible for any length upgrade.