

18 November 2022

## Fact Sheet

### Boats used for commercial fishing in NSW

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#### Boats not required to be licensed

Boats used for commercial fishing in NSW do not need to be licensed by NSW DPI Fisheries.

Commercial fishing boats used in other jurisdictions and transiting NSW waters also do not need to be licensed under NSW fisheries legislation.

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#### Boat marking requirements (all boats other than *exempt boats*)

A boat used for commercial fishing must display the letters “LFB” on both sides of the outside of the bow or wheelhouse.

This marking must consist of clearly visible letters and figures that are of a colour that contrasts with that of the boat or dinghy and that are:

- (a) in the case of a boat that is more than 7.5 metres long and is used in ocean waters — not less than 300 mm in height and 150 mm in width
- (b) in the case of any other boat — not less than 150 mm in height

In the case of a tender or dinghy carried on a boat used for commercial fishing, the letter “D” must be displayed on both sides of the outside of the dinghy that is not less than 50 mm in height.

If the boat that you own or use displays an identifying number (LFB number), that number is no longer needed and should be removed (unless you are using an *exempt boat* – see below).

Unique Vessel Identifiers (UVI) issued by the Australian Maritime Safety Authority (AMSA) should be displayed as required by AMSA law.

If a boat is not being used for commercial fishing, it is an offence for the owner to cause or permit the letters “LFB” to be displayed on the boat or for a person to use a boat that displays these letters.

Boat marking requirements for *exempt boats* are outlined below.

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#### Maximum boat lengths

A maximum boat length applies to some commercial fishing activities. These are shown below.

The length of a boat is the measured length of the boat specified in the most recent certificate of survey for the boat.

Commercial Fishery (or fishing activity)	Maximum boat length
Estuary General	16 metres
Estuary Prawn Trawl (Clarence and Hunter Rivers)	16 metres

Estuary Prawn Trawl (Hawkesbury River)	12 metres
Ocean Hauling, if using a hauling net (general purpose)	6 metres
Ocean Hauling, if using a net other than a hauling net (general purpose)	20 metres
Ocean Trap and Line	20 metres
Ocean Trawl	20 metres
Southern Fish Trawl	20 metres

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## Exempt boats and marking requirements for exempt boats

Some boats are exempt from the maximum boat length that applies to a fishery (or fishing activity). These boats are known as 'exempt boats' and they are identified in a list on the NSW DPI website.

An exempt boat must display either the unique vessel identifier (UVI) for the boat issued by the Australian Maritime Safety Authority or the identifying number (LFB number) issued by DPI.

If an identifying number (LFB number) is displayed, it must be displayed:

- (a) on both sides of the outside of the bow or wheelhouse
- (b) following the letters "LFB"
- (c) using letters and figures that are clearly visible, in a colour that contrasts with the boat, and at least 300mm high and 150mm wide.

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## Three-year transition period for exempt boats

A 3-year transition period applies during which:

- (a) A person entitled to an exempt boat may transfer that entitlement to another person, catering for those who were holding a boat licence for future sale.
- (b) A person entitled to an exempt boat may acquire a new boat, catering for those without a boat or buying or building a new boat.

The 3-year transition period ends 18 November 2025.

After the 3-year transition period, an entitlement to an exempt boat cannot be transferred, there will be no new exempt boats, and an exempt boat cannot be replaced with a new exempt boat.

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## Transfer of an entitlement to an exempt boat during 3-year transition period

On commencement of the new arrangements in 2022, DPI wrote to relevant boat licence holders confirming their entitlement to an exempt boat and the maximum length of any such boat.

During the 3-year transition period, a person with an entitlement to an exempt boat may transfer that entitlement to another person, and so on.

If a person transfers an entitlement to an exempt boat, the transferee (buyer) is entitled to an exempt boat and the transferor (seller) is no longer entitled to an exempt boat.

The transfer of an entitlement to an exempt boat is a matter between the parties concerned – you do not need to apply to DPI or inform DPI at the time of the transfer.

Anyone acquiring an entitlement to an exempt boat is encouraged to obtain from the transferor (the seller) evidence sufficient to demonstrate that the entitlement to an exempt boat has been transferred – refer “New or replacement exempt boats during the 3-year transition period” below.

Anyone transferring an entitlement to an exempt boat is encouraged to seek their own independent legal advice before making any financial or other commitments.

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## New or replacement exempt boats during the 3-year transition period

During the 3-year transition period, a person who has an entitlement to an exempt boat may acquire an exempt boat or replace an exempt boat.

### Maximum length of new or replacement boat

A new or replacement exempt boat must not be longer in length than the maximum length that was permitted on commencement of the 3-year transition period – as advised in writing to the person who was entitled to an exempt boat at that time.

### Information required

A new or replacement boat becomes an exempt boat if the holder of the entitlement to an exempt boat provides the following to the Secretary (DPI) during the 3-year transition period:

- (a) the name of the boat
- (b) the unique vessel identifier (UVI) for the boat issued by the Australian Maritime Safety Authority (AMSA)
- (c) the most recent certificate of survey for the boat

If you were transferred an entitlement to an exempt boat from another person, you must also provide evidence sufficient to demonstrate that you were transferred that entitlement to an exempt boat.

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## Extension to the 3-year transition period

The Secretary (DPI) may extend the 3-year transition period only if satisfied that exceptional circumstances exist.

A request for an extension must be made in writing to the Secretary and be accompanied by evidence substantiating:

- (a) the period of the delay
- (b) the cause of the delay
- (c) how the delay was beyond the applicant’s control
- (d) the steps taken by the applicant to mitigate the delay

If an extension to the 3-year transition period is granted, the period of the extension may be limited to the period of the delay that was outside the control of the person entitled to an exempt boat.

Delayed transfer of an entitlement to an exempt boat may not be considered a delay beyond the applicant’s control.

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## Phasing-out exempt boats

After the 3-year transition period, an exempt boat that is no longer fit for commercial use cannot be replaced with another exempt boat (it is phased-out).

Any new boat that is used from then onwards must comply with the maximum boat length for the fishery or fishing activity concerned.

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## Other rules and regulations

This Fact Sheet does not cover all rules that apply to commercial fishing in NSW.

For information on other rules that apply to commercial fishing in NSW, refer to the NSW DPI website or contact DPI.

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## More information

For more information, please call Commercial Fisheries Customer Services on 1300 720 662

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