



Department of
Primary Industries

CODE OF PRACTICE

NSW Lobster Fishery





About this Code

The management framework and mandatory requirements for the NSW Lobster Share Management Fishery are established in the *Fisheries Management Act 1994*, the *Fisheries Management (General) Regulation 2019*, the *Fisheries Management (Supporting Plan) Regulation 2006* and the *Fisheries Management (Lobster Share Management Plan) Regulation 2000* (the Plan).

Fishers are also required to comply with a range of other Local, State and Commonwealth statutory requirements. The *NSW Lobster Fishery Management Strategy* (Lobster FMS) provides stated objectives and management responses against which performance of the fishery is monitored.

In addition to mandatory requirements, many commercial fishers have expressed their commitment to take on greater responsibility and accountability to support best practices for sustainable fisheries management.

This *Code of Practice for the NSW Lobster Fishery* (the Code) summarises the broad principles under which fishers operate in the NSW Lobster Fishery. The Code is a joint initiative of industry and the Department of Primary Industries.

The Code was established in February 2008 and will be reviewed every five years in consultation with the Lobster Industry Working Group.

Commitment

As a person participating in the NSW Lobster Fishery I will:

General

1. Be familiar with and comply with relevant legislation and this Code
2. Be aware of any changes to the Code or regulations applicable to the fishery and keep a current copy and any supplements in my vehicle or boat
3. Report any instances of illegal fishing to the Fishers Watch Hotline on 1800 043 536 or my local DPI Fisheries Office
4. Ensure fishing operations are conducted according to best practice to ensure safety for fishers and the public

5. Use the shortest rope possible for the head gear to minimise risk of entanglement by marine life or other vessels
6. Use any implement necessary to ensure crew safety when sorting catch (such as large tongs), but not implements (such as a spike or club) that could pierce or otherwise injure any fish or animal taken in the catch
7. Respect the public amenity of boat ramps by avoiding cleaning fish and gear in their vicinity and ensuring that access for other users is not unduly restricted
8. Be aware of Indigenous culture in my area and respect the customs of the local Indigenous people
9. Be pro-active, cooperate and assist with investigations relating to:
 - Identification and mapping of significant habitat and areas of environmental sensitivity
 - Gear modifications for bycatch reduction
 - Sustaining fish stocks
 - Minimising interactions with threatened and protected species
 - Efficiency of fishing gear and operations
 - Reduction in 'ghost fishing' by use of appropriate material
 - Any other relevant research programs
10. Comply with the by-laws and regulations of relevant Marine Parks, local Councils, the National Parks and Wildlife Service, NSW Food Authority, NSW Roads and Maritime Services, and any codes for fishers prepared by these organisations that are supported by the Lobster Industry Working Group
11. Be courteous and cooperative with any public official or member of the community
12. Record and provide accurate data to assist robust assessment of the fishery
13. Keep financial records for my fishing operation and contribute to any economic assessment conducted to investigate and support industry viability

Maximising catch quality

14. Comply with requirements and advice of the NSW Food Authority for the handling of fish and effective icing and storage to maximise the quality of product and minimise food safety hazards
15. Provide appropriate storage conditions onboard my vessel and in onshore storage facilities to maximise the health and quality of lobsters and other catch
16. Ensure that all fish landed for sale are marketed in an appropriate and authorised manner



Minimising environmental impacts

17. Conduct fishing operations, and maintain fishing boats and vehicles, in a manner that minimises emissions and water pollution
18. Record and report loss and recovery of any fishing gear
19. Inform the relevant authority of any pollution incident or significant environmental impact
20. Minimise noise associated with fishing operations
21. Retain and responsibly dispose of tag tails and any litter or derelict fishing gear
22. Use bait from responsible sources and keep records of bait purchased
23. Regularly clean buoys to minimise risks of sea turtles or other animals feeding on growth and to ensure buoy markings are clearly identified

Bycatch from Lobster Operations

24. Ensure the immediate release of any bycatch including prohibited size or female lobsters carrying ova to minimise stress and potential discard mortality
25. Discourage the use of prohibited size 'callers' (rock lobsters left in or placed in traps when set to attract other rock lobsters)
26. Adopt slow lifting rates for traps to reduce pressure trauma and maximise survival of bycatch
27. Conduct fishing operations in areas, at times, and in a manner, that minimises levels of bycatch

Threatened and Protected Species

28. Be familiar with the list of, and methods of identifying, threatened and protected species, populations and ecological communities that might be encountered during fishing operations

29. Conduct fishing operations in areas, at times, and in a manner that minimises the potential for any interaction with threatened and protected species, populations and ecological communities
30. Report the location, date and time of any interaction with, or sighting of, individuals of marine threatened and protected species, populations and ecological communities or any interactions with threatened or protected sea birds through logbook or online systems
31. Return any captured individual of a threatened or protected species, population or ecological community to the water with the least possible harm

Inshore Lobster Operations

32. Conduct fishing operations in a way that minimises disturbance to nesting and feeding sites of migratory and resident shorebirds

Marine Pest and Disease

33. Adhere to management programs and operating practices designed to prevent the introduction and translocation of marine pests and diseases

Minimising gear interactions and entanglement risks

34. Conduct my operations to minimise risk of interference and entanglement of whales and other animals. Further information is available in *Avoiding and mitigating risk of interactions and entanglement of whales and other animals*



Avoiding and mitigating risk of interactions & entanglement of whales & other animals

Interactions between whales and other animals and commercial fishing activities occasionally occur, and commercial fishers can take actions to reduce risks to animals, safety and fishing operations.

Whales and migration

Whale populations in or traversing NSW waters have generally been increasing, with significant increase in Humpback whale numbers. This increases likelihood of sightings and interactions with commercial fishers and fishing gear.

Other species such as Southern Right Whales have low population levels and it is important to reduce risks to recovery.

Whales can be identified by their blow pattern, surfacing and diving profiles, and by other characteristics such as breaching, tail and pectoral slapping. Information on key and common species is provided in this Code to assist identification and reporting.

<p>Southern right whale - <i>Eubalaena australis</i></p>	<p>National: Endangered</p>	<p>Baleen whale</p>
<p>Identifying features Max: 17 m 70 tons</p>		
<p>Humpback whale - <i>Megaptera novaeangliae</i></p>	<p>National: Vulnerable</p>	<p>Baleen whale</p>
<p>Identifying features Max: 18 m 40 tons</p>		

Figure 1 Key whale species with interaction risk

Whale migrations along the NSW coast normally start with the northbound migration around late March to early April, peaking around July.

The southern migration normally starts around August to November, peaking around October.

Groups of young males typically lead the migration while pregnant cows and cow-calf pairs bring up the rear. Adult breeding animals form the bulk of the migration in the middle stages.

During these times it is especially important to be aware of whale presence and to minimise potential interaction and entanglement risks.

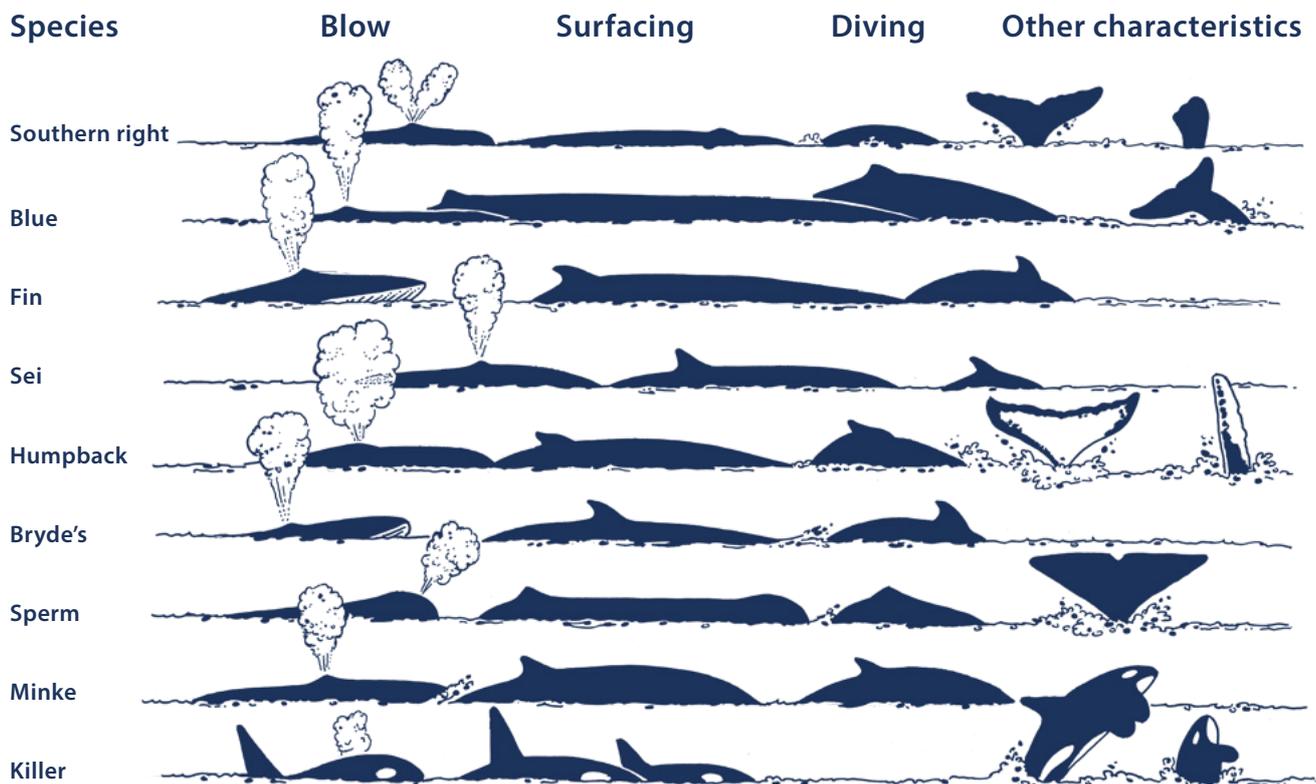


Figure 2 Identifying common whale species. Image credit: © Tony Pyrzakowski

Other animals

Measures to reduce risks of whale entanglement provided in this Code will also reduce the risk of entanglement with other animals.

It is important to regularly clean fishing gear to reduce risks to turtles or other animals that may become entangled whilst trying to feed from overgrown ropes and head gear.

If you sight an entangled whale or other animal

If an entangled whale, turtle or other cetacean is sighted:

1. Do not attempt to disentangle any cetacean yourself
2. Report the sighting to the National Parks and Wildlife response team on 1300 072 757
3. Standby to help locate and assist if requested and conditions permit

RESPONDING TO AN ENTANGLED WHALE

Keep a safe distance. Do not try to disentangle. Call the NPWS response team on:

1300 072 757

Standby to help locate and assist if requested



Reducing risk

Commercial fishers must maintain appropriate approach distances where whales or dolphins are present to avoid disturbance and potential negative interactions.

Most entanglements identified in NSW are attributed to unidentified or non-lobster fishery sources, however entanglements associated with commercial lobster gear have also been identified.

Commercial fishers can play an important role in reducing risk, and in identifying and reporting entanglements with fishing gear or other ropes or ocean debris.

Use of an appropriate mix of the following best practice methods is recommended to reduce risks of entanglement:

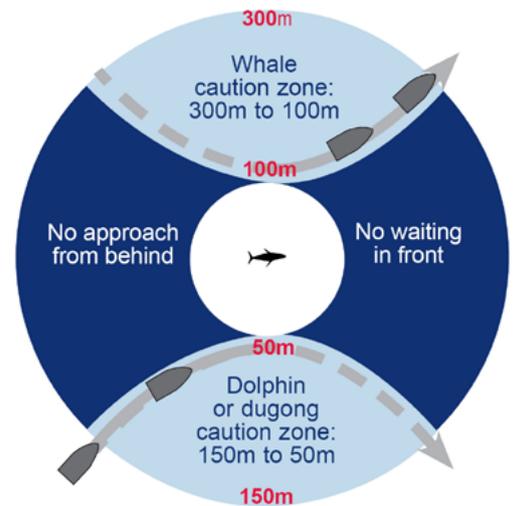


Figure 3 Approach distances
(Image credit: ©NSW/DPIE)

Measure	Outcome
Maintain records of fishing locations	<p>Keeping good records of setting locations will help you identify if gear may have had an entanglement or interaction</p> <p>This will also allow you to retrieve lost traps by grapple</p>
Maintain clear headgear markings	<p>Clear markings will help analysis of entanglement data and investigation of further measures to reduce risk</p>
<p>Reduce rope length in the water:</p> <ul style="list-style-type: none"> • Use the minimum number of traps required to take your quota • Regularly check traps and remove traps when your quota has been taken • Use a practical rope length for fishing depth, or 'dogbone' rope to reduce potential slack 	<p>Reducing rope length in the water, especially during migration periods, is a key mitigation measure to reduce entanglement risk</p>

Measure

Outcome

Reduce rope time in the water column:

- Use Acoustic release, Galvanic time release or Programmable timers where practical, including for traps set for longer durations
- Use a sub-surface rope marked with an approved tag or block to retrieve traps where practical

Reducing rope length and time in the water column, especially during migration periods, is a key mitigation measure to reduce entanglement risk

Maintain knot-free trap ropes

Ropes without knots or other obstructions are less likely to entangle

Set gear appropriately

Where local conditions permit, avoid setting traps in areas or during periods likely to have higher whale presence

Where possible, avoid setting traps in clumps to reduce entanglement risk

Communicate

Communicating with fellow fishers about sightings and observed migration patterns will help industry reduce risk

Reporting entanglements to the response hotline as soon as possible will ensure response teams have the best possible chance of successfully disentangling whales

Reporting interactions through DPI reporting systems will help analysis of interaction and entanglement risks

Collect any abandoned, lost or cut off traps, rope, fishing gear or other debris

Keeping a clean environment will reduce risk to whales and other animals

Investigate and assist

Investigating new technologies that may reduce entanglement risk, and assisting research or trial of new technologies will help reduce future risks

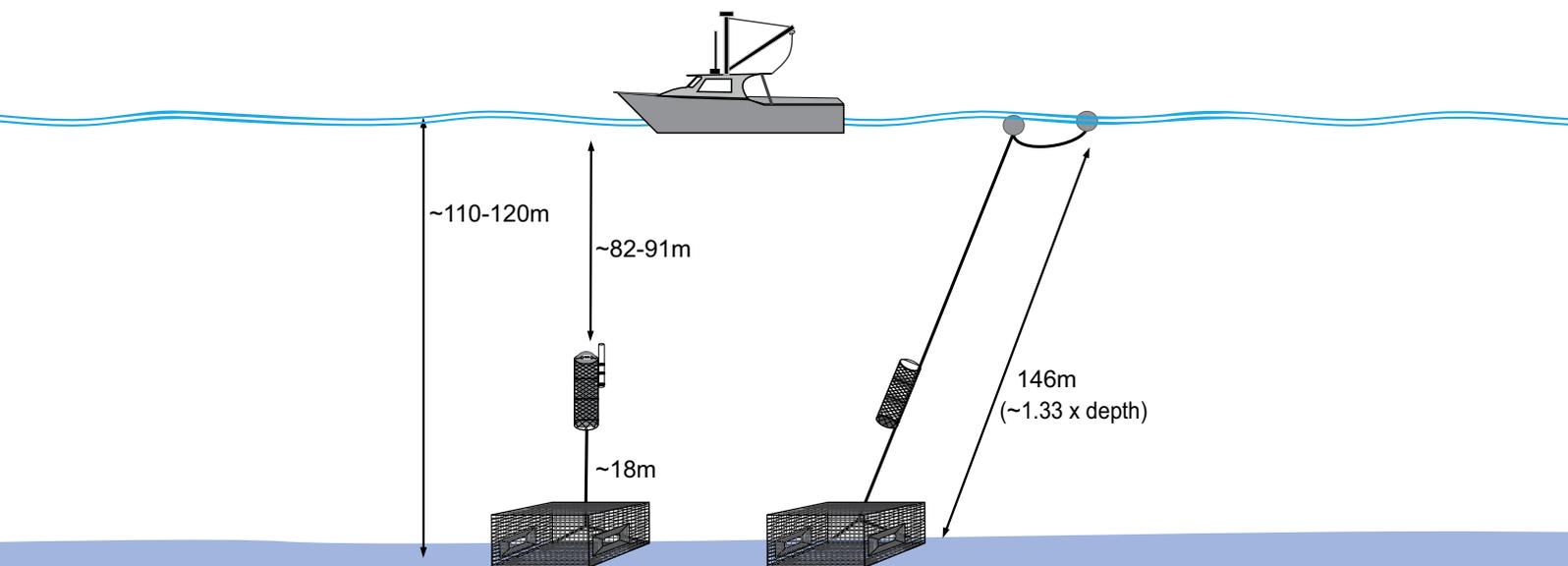


Figure 4 Example time release gear configuration