

10 October 2022

Proposed amendment to commercial fishing regulations

Consultation paper 1

Estuary General Fishery - use of crew when hand gathering and handlining

Overview of activity

Hand gathering: Hand gathering is part of the Estuary General Fishery and permitted on ocean beaches and in 76 of the 140 or so estuaries in NSW (tidal waters only) subject to marine park, aquatic reserve, and fisheries spatial controls. 77 fishers are endorsed to hand pick or use hand implements to take Beachworm, Pipi, Cockle, Cuttlefish, Mussel, and Nipper. The quantity of Beachworm, Pipi, Cockle, and Nippers allowed to be taken is managed by quotas and the Total Allowable Catch (TAC) for these species is reviewed annually.

Handlining: Handlining is part of the Estuary General Fishery and permitted in 76 of the 140 or so estuaries in NSW (tidal waters only) subject to marine park, aquatic reserve, and fisheries spatial controls. 128 fishers are endorsed to use a handline, rod and line, set line or drift line. The main species taken is whaler shark. Catch in this sector may be managed by adjusting numbers of endorsements (or fishers) on a regional and as-needs basis or species-specific controls.

Current arrangement

Hand gathering: A fisher is not allowed to be assisted by an unlicensed (unendorsed) person.

Handlining: A fisher is not allowed to be assisted by an unlicensed (unendorsed) person.

These restrictions have been in place for decades to help limit total commercial catch prior to recent reductions in endorsement numbers (fishers) and the introduction of quotas.

Proposed change

That hand gathering and handlining endorsement holders may be assisted by one unlicensed person.

If the change is implemented, conditions would be regulated to ensure that endorsement holders and assistants are operating as intended, including:

- the assistant must be engaged in the same fishing activity as the endorsement holder
- the assistant must remain in the immediate vicinity of the endorsement holder while taking fish
- the endorsement holder must remain in possession of all fish taken until the fish are lawfully disposed (i.e., sold)

What is the problem being resolved?

In recent years, management of the Estuary General Fishery has changed with endorsement numbers reduced and quotas applied. Maintaining outdated controls that limit the ability of a fisher to be assisted imposes unnecessary restrictions that:

- Compromise safety (a fisher cannot have another person with them for company or safety)
- Limit succession planning (a fisher cannot train a new entrant to the industry)
- Limit operational efficiency
- Impose inconsistencies in the way different fisheries are managed (unlicensed crew are permitted for most other commercial activities)
- Impose a burden on fishers and government maintaining and complying with old and new rules

Outcomes

The proposed change would deliver the following outcomes and benefits:

- Safety, social, and wellbeing benefits
- Improved business efficiency and opportunity for business succession planning
- Improved consistency with arrangements in other NSW and interstate commercial fisheries
- Improved compliance rates as a fisher may lawfully be accompanied or assisted
- Redundant provisions removed, red tape reduced, and reduced burden on government
- No discernible impact on fisheries resources or the environment

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