

Regulations to support redefinition proposals

March 2017

Background

The *Fisheries Management Act 1994* (the Act) will soon provide for 'redefinition proposals'. Redefinition proposals may involve changes to the description of a share management fishery, the amalgamation of two or more share classes or the replacement of share classes with one or more new or existing share classes. Before a redefinition proposal can be implemented:

- the Minister must give public notice of the redefinition proposal
- the Minister must invite shareholders affected by the proposal to vote on the proposal via a poll
- the proposal must receive 'majority support' from affected shareholders.

Before the redefinition proposal provisions can be commenced, supporting regulations outlining the details need to be developed.

Industry input

Your feedback on the following will help the NSW Government develop the regulations needed to support the redefinition proposal provisions.

Issue 1: Defining 'majority support'

The question of whether a redefinition proposal has majority support is to be determined in accordance with the regulations. Do you have any views on how 'majority support' should be determined?

Issue 2: Shareholders who fail to vote

The regulations may provide that shareholders who fail to vote in a poll are to be disregarded when determining whether a redefinition proposal has majority support. Do you have any views on how shareholders who fail to vote should be treated when determining if a redefinition proposal has majority support?

Issue 3: Weighting votes based on shareholdings

The regulations may provide for the weighting of votes based on the number of shares held by a shareholder affected by a redefinition proposal. Do you have any views on whether votes should be weighted based on shareholdings and if so, how they should be weighted?

Issue 4: Conduct of polls

The regulations may make further provision for or with respect to how a poll of shareholders affected by a redefinition proposal is conducted. Do you have any views on how such a poll should be conducted?

More information

Commercial Fisheries Business Adjustment Hotline 1300 726 488.

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Transfer rules for new species shares

March 2017

Background

The NSW Government has approved the implementation of catch quotas for select species. In all cases, a new class of species share will be created and allocated. The new species shares will enable shareholders to grow or downsize their operation (or quota) by buying or selling species shares from anywhere in the State. Holding species shares will give the owner a permanent and ongoing right to quota year after year. The new species shares to be allocated in 2017 are:

- Mud crab
- Blue swimmer crab
- Eel
- · Eastern sea garfish
- Spanner crab

Other species shares to be allocated in 2018 are:

- Pipi
- Beachworm
- Cockle
- Nipper
- Bass groper
- Blue-eye trevalla
- Gemfish
- Hapuku
- Pink ling
- Bigeye, ocean reef and orange perch combined
- Sardine
- Blue mackerel
- Yellowtail scad
- Tiger flathead
- Bluespotted flathead
- Silver trevally
- Eastern school and stout whiting combined

Industry input

Your feedback on the following will help the Government determine the new transfer rules for the new species shares. When providing feedback, please be clear about the share classes you are referring to.

There are options for the state-wide transfer of new species [quota] shares:

Option 1:

Allow transfer of the new species shares to any person, as applies in the NSW Abalone and Lobster fisheries. Under this option, if the buyer does not own a fishing business, DPI would create one (for administrative purposes only).

Option 2:

Restrict transfer of the new species shares to owners of an existing NSW fishing business (other than a Lobster, Abalone, Sea Urchin and Turban Shell or Inland fishing business).

Things to consider

- Capping commercial catches directly through catch quotas means that there should be no need to use 'licensing controls' such as share transfer rules to indirectly manage catch. In other fisheries where catch is capped, such as the NSW Rock Lobster and Abalone fisheries, shares may be transferred to any person, as per Option 1.
- The NSW Government is committed to reducing red-tape. Simple rules such as those that apply to the NSW Rock Lobster and Abalone fisheries, as per Option 1, minimises red tape and would help to keep management costs down by reducing the need for complex regulation, policy, procedures and information and advisory material.
- Option 1 would require enhancements to FishOnline at some cost to industry. Option 2 would not require any enhancements to FishOnline.
- As the new management regimes evolve, opportunity to streamline management will increase. Future streamlining may include the removal of fishing businesses and the current share transfer rules as a management tool.

More information



Transfer rules for new catch and effort quotas

March 2017

Background

The NSW Government has approved that fishers will be able to transfer catch and effort quota. Transferring quota is an important feature of quota management. It enables fishers to increase or decrease their quota holding during a season. Unlike shares, which give a permanent and ongoing right to quota year after year, quota can only be transferred during the relevant 'fishing period' or season. Some fishers refer to this as *leasing* quota.

Before quota management can be introduced, regulations governing the transfer of quota need to be developed. The new catch and effort quotas requiring regulations in 2017 are:

- Mud crab
- Blue swimmer crab
- Eel
- Eastern sea garfish
- Spanner crab
- Estuary General meshing days
- Estuary General category 1 hauling days
- Estuary General category 2 hauling days

Other catch and effort quotas to commence late in 2018 are:

- Pipi
- Beachworm
- Cockle
- Nipper
- Bass groper
- Blue-eye trevalla
- Gemfish
- Hapuku
- Pink ling
- Bigeye, ocean reef and orange perch combined
- Sardine
- Blue mackerel
- Yellowtail scad
- Tiger flathead
- Bluespotted flathead
- Silver trevally
- Eastern school and stout whiting combined

Your feedback on the following will help the NSW Government determine the new transfer rules for catch and effort quotas. When providing feedback, please be clear about the quota (or corresponding share class) you are referring to.

Industry input

It is proposed that only the following be allowed to hold the relevant quota, holders of:

- (i) the relevant new species shares, or
- (ii) a share class that is subject to quota.

Example 1 relating to catch quota (which is state-wide):

Mud crab quota may transfer between the holders of:

- (i) the new mud crab species shares, or
- (ii) Estuary General share classes in which the taking of mud crabs is subject to catch quota.

Example 2 relating to effort shares (which are region specific):

Meshing day quota for region 2 may only transfer between the holders of Estuary General - region 2 meshing shares.

More information



Criteria for the allocation of new effort shares in the Ocean Prawn Trawl fishery

March 2017

Background

The NSW Government has approved a day regime for the inshore and offshore prawn trawl sectors of the NSW Ocean Trawl Fishery, including the allocation of a new class of effort share. The new effort shares will be allocated to eligible fishers based on the number of shares held (inshore and offshore prawn trawl) and the capacity (hull units) of licensed fishing boats owned. Important issues to resolve for the allocation of the new effort shares include:

- A 'snapshot date' for applying the new share allocation criteria
- Identifying the licensed fishing boat owned and used by each shareholder for prawn trawling
- Determining the hull units to use to allocate the new effort shares

Further information on the day regime and the steps involved can be found in the "Public Consultation Paper: Reform options for the NSW Ocean Trawl Fishery" available on the NSW DPI website.

Industry input

Your feedback on the following will help the Government develop the criteria for the allocation of new effort shares.

Issue 1: Determining the 'snapshot date'

The regulation (or public notice) that establishes the criteria for the allocation of the new effort shares will need to specify the date on which the criteria is applied. For the purpose of this paper, that date is referred to as the 'snapshot date'.

Given that many fishers are currently transferring shares and others are waiting for the subsidised share trading market, it is proposed that the snapshot date be set sometime after the market. Some fishers may also be considering buying new boat licences (with extra hull units) from others who may be leaving the industry.

Options for the snapshot date include:

- Around mid 2017, immediately after the market
- Around mid 2018, when the criteria is applied, in preparation for the new day regime

Issue 2: Identifying the licensed fishing boat owned and used

When allocating the new effort shares, DPI will need to ask eligible shareholders: Which licensed fishing boat do you own and use (or will use) in connection with each of the inshore/offshore prawn trawl fishing businesses that you own? In most cases identifying and confirming the relevant boat will be easy, however, in others it may not.

Your feedback on the following will help the Government identify the boat or licence to take the hull units from for the purpose of allocating the new effort shares.

Criteria 1: The boat must be a NSW licensed commercial fishing boat

Criteria 2: The boat must be registered to the shareholder (or FB owner) concerned

Criteria 3: The same boat (or licence) cannot be used to allocate effort shares to more than one business

Attachment 1 outlines some of the more unique circumstances that may exist and explains how the draft criteria above would apply. It is provided to stimulate thought and constructive feedback.

Issue 3: Determining the hull units to use to allocate 'effort shares'

Once the licensed fishing boat that is used (or will be used) for prawn trawling has been identified, the hull units used to allocate the new effort shares need to be identified. Following are the three scenarios that require consideration.

Scenario 1. Offshore prawn trawlers

Licensed fishing boats used in the offshore prawn trawl fishery were unitised many years ago, and under current arrangements the hull units are recorded on the licence for the boat as 'maximum hull units'. The majority of boats in the inshore/offshore prawn trawl fishery fall into this category. In such cases, it is proposed that the 'maximum hull units' recorded on the licence will be used.

Scenario 2. Offshore prawn trawl units 'temporarily surrendered'

A small number of offshore prawn trawl shareholders (~5) have 'temporarily surrendered' the offshore prawn trawl units allocated to their licences for approval to upgrade their boats for use in other fisheries¹. Removal of the units means that the upgraded boat cannot currently be used in the offshore prawn trawl sector. In such cases, it is proposed that the 'maximum hull units' that were surrendered will be used.

When the new day regime commences these upgraded boats will re-acquire access to the offshore prawn trawl sector. Any increase in hull units would be offset through a reduction in the number of days that the boat may be used. This is because:

- Under the new regime boats under 20 metres will not need to be licensed. As such there will be no mechanism to exclude particular boats from the offshore prawn trawl sector.
- The new regime automatically takes into account any increase in hull capacity. It does this by deducting quota units each time a boat goes to sea based on the hull units of the boat that is used.

Scenario 3. Inshore only prawn trawlers

There is a small number of relatively smaller trawlers that are occasionally used in the inshore prawn trawl sector only, that have not historically been unitised. In some cases these boats are also used in the Estuary Prawn Trawl Fishery. In such cases, it will be necessary to calculate the hull units of these boats.

Attachment 1 explains how the approaches above would apply. It is provided to stimulate thought and constructive feedback.

Alternate approach: Offshore units 'temporarily surrendered'

DPI seeks your view on an alternate approach to scenario 2 above that involves using the hull units of the *upgraded boat* (instead of the original hull units) to allocate the new effort shares. This approach has been put to DPI on the basis that those who have temporarily surrendered units should be treated the same as the *inshore only prawn trawlers* referred to above.

Standard hull unit formulae (for information only)

The standard hull unit formulae is: length x breadth x depth x 0.6 / 2.83, where the length, depth and breadth of the boat are measured in accordance with the Uniform Shipping Laws Code and specified in a survey certificate for the boat.

More information

¹ In these other fisheries, including trap and line, fish trawl, deepwater prawn trawl, boat capacity is managed by restricting the length of the boat. Hull capacity and engine power is not restricted.

² NSW Department of Primary Industries, March 2017

Attachment 1

Issue 2: Identifying the boat used (or to be used) by shareholders

Scenario	Application of criteria
Shareholder owns one prawn trawl businesses and multiple licensed fishing boats	Shareholder identifies the boat used (or to be used) in connection with the business
Shareholder owns multiple prawn trawl businesses and multiple licensed fishing boats	Shareholder identifies the boat used (or to be used) in connection with each business
Shareholder owns multiple prawn trawl business and one licensed fishing boat	Shareholder identifies the business that the boat is used in connection with
	Note: The other businesses would be allocated effort shares based on their existing shares only (i.e. no hull units). This would result in these businesses being allocated so few effort shares that they would be precluded from participating in the fishery until additional effort shares (or quota) are acquired.

Issue 3: Determining the hull units to use to allocate 'effort shares'

Scenario	Application of criteria
Shareholder has attached a boat licence with offshore prawn trawl units to a smaller hull unit boat	The 'maximum hull units' on the boat licence are used to allocate the new effort shares
Shareholder temporarily surrendered the offshore prawn trawl units to upgrade for fishing in another sector	The 'maximum hull units' that were temporarily surrendered are used to allocate the new effort shares
	Note: when the new day regime commences the upgraded boat would be permitted to access the offshore prawn trawl sector but the increase in boat capacity would be offset through reduced days fishing. This occurs because the effort shares would be based on the former 'smaller' boat and under the new regime larger boats consume effort quota at a greater rate.

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Additional dillies - Spanner crab north

March 2017

Background

In 2015 catch quota commenced in the northern spanner crab sector of the Ocean Trap and Line Fishery, and the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006* was amended to authorise the use of up to 30 spanner crab dillies (nets) regardless of the presence of crew.

Given that the fishery is quota managed, shareholders in the northern zone have recently expressed interest in increasing the maximum number of dillies to 40 (regardless of the presence of crew) to promote improved viability.

Industry input

Your feedback is welcomed on increasing the maximum number of dillies permitted in the northern zone from 30 to 40.

More information

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Crew in the Estuary General fishery

March 2017

Background

As part of the Business Adjustment Program (BAP) the NSW Government approved the use of unendorsed crew in some sectors of the Estuary General fishery. A permit was issued expediting the changes, which now need to be moved into regulation.

As part of this consultation, the Department is also seeking your views on two new issues. One relates to the requirement for crew to hold a commercial fishing licence and the other relates to assistance when using traps in the Estuary General fishery.

Industry input

Your feedback on the following will help the Government develop the regulations needed. When providing feedback, please be clear about the share class or method you are referring to.

Category one and two hauling: use of crew

It is proposed that the following apply to the use of crew by category one and two hauling endorsement holders:

- 1. No limit on the number of people that may assist the endorsement holder
- 2. The endorsement holder must be engaged in the same fishing activity at the same time as a person that is assisting the endorsement holder
- 3. The endorsement holder must remain in the presence of the person(s) they are being assisted by
- 4. The endorsement holder must remain in possession of all fish until the fish are lawfully disposed
- 5. The endorsement holder must not use more than one net.

Prawning: use of crew

An endorsement holder for a fishing business that holds at least 250 prawning shares will be able to use crew. It is proposed to apply the following conditions to the use of crew by prawning endorsement holders:

- 1. The endorsement holder must not be assisted by more than one other person
- 2. The endorsement holder must be engaged in the same fishing activity at the same time as the person that is assisting the endorsement holder
- 3. The endorsement holder must remain in the presence of the person they are being assisted by
- 4. The endorsement holder must remain in possession of all fish until the fish are lawfully disposed
- 5. The endorsement holder must not be in possession of more than one net.

Meshing: use of crew

An endorsement holder for a fishing business that holds at least 250 meshing shares will be able to use crew. It is proposed to apply the following conditions to the use of crew by meshing endorsement holders:

- 1. The endorsement holder must not be assisted by more than one other person
- 2. The endorsement holder must be engaged in the same fishing activity at the same time as the person that is assisting the endorsement holder
- The endorsement holder must remain in the presence of, and in the same boat as, the person they are being assisted by
- 4. The endorsement holder must remain in possession of all fish until the fish are lawfully disposed.

Use of crew when fish trapping, mud crab trapping and eel trapping

The use of crew when trapping for fish, mud crabs and eels was not announced as part of the BAP. Since the announcement, interest has been expressed in the use of crew to promote viability and on the basis that catch and effort will be capped.

It is proposed to authorise the use of crew when trapping for fish, mud crabs and eels and that the following apply to the use of crew:

- 1. No limit on the number of people that may assist the endorsement holder
- 2. The endorsement holder must be engaged in the same fishing activity at the same time as the person that is assisting the endorsement holder
- 3. The endorsement holder must remain in the presence of, and in the same boat as, the person(s) they are being assisted by
- 4. The endorsement holder must remain in possession of all fish until the fish are lawfully disposed.

Requirement for crew to hold a commercial fishing licence

The permit arrangements approved by the Government for the netting activities above included a requirement for crew to hold a commercial fishing licence. This was premised on commercial fishing licences being an effective measure for limiting and managing who may work in the NSW commercial fishing industry.

Consideration is now being given to whether requiring crew to hold a commercial fishing licence delivers the benefits originally conceived.

Your feedback is welcomed on not requiring crew in the Estuary General fishery to hold a commercial fishing licence. The benefits of such an approach may include:

- Consistency with the crewing arrangements in most other commercial fisheries in NSW
- Reduced regulatory burden (or 'red-tape') on industry
- Reduced cost to industry
- Reduced administration
- Opportunity to acquire assistance at short notice
- Opportunity for shareholders to determine how best to run their own business to optimise profit

A benefit of requiring crew to hold a commercial fishing licence may be that it could be cancelled as a consequence of illegal fishing activity. However, there are other legal avenues that could be pursued to prevent individuals from participating in the NSW commercial fishing industry.

More information



Net length for general purpose hauling nets in the Ocean Hauling fishery

March 2017

Background

The NSW Government has approved removing the requirement for most nets used in NSW commercial fisheries to be registered. In the case of general purpose hauling nets used in the Ocean Hauling Fishery, the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006* does not include a maximum headline length for nets used between 1 August and 28 February the following year.

As a consequence of removing the requirement to register nets, a maximum net length needs to be included in the regulation for the period 1 August to 28 February the following year.

Industry input

Your feedback on the proposal below will help the Government determine the preferred way forward.

Proposal

It is proposed to apply a maximum net length of 400 metres to general purpose hauling nets used in the Ocean Hauling Fishery from 1 August to 28 February the following year.

More information

Commercial Fisheries Business Adjustment Hotline 1300 726 488.

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Deterring unlawful participation in prawn ballots

March 2017

Background

Some commercial fishers have been conducting their own prawn ballots since 2010. One issue that has impacted others doing the same relates to unlawful participation in a ballot.

Historically, local Fisheries Officers used departmental records to check that participants are licensed and held an appropriate endorsement. Difficulty has arisen due to the privacy restrictions that prevent the Department providing information relating to fishers to those managing the ballots.

Industry input

Your feedback on the proposal below will help the Government determine the preferred way forward.

Proposed approach

It is proposed that an offence be created that makes it unlawful for a person to participate in a prawn ballot if the person does not hold a prawning endorsement for the waters concerned. Any defence provision under section 37 of the *Fisheries Management Act 1994* remains.

Detection of potential offences by local Fisheries Officers would be done upon receipt of the results of a ballot.

Offences would be dealt with by way of standard compliance methodology which may result in verbal caution and education, written caution, on-the-spot fine or prosecution. As with all enforcement action, Departmental policy would guide the course of action taken. In addition, the offender will likely lose their ability to use a net at any prawn site during the relevant fishing period.

More information

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Crew in the Ocean Hauling fishery

March 2017

Background

As part of the Business Adjustment Program Ocean Hauling - hauling net (general purpose) and general shares will be linked to the use of unendorsed crew. Before the share linkage can commence, supporting regulations outlining the details need to be developed.

Industry input

Your feedback on the following will help the Government develop the regulations needed. When providing feedback, please be clear about the share class you are referring to and include the reasons for your view.

Ocean hauling - hauling net (general purpose)

For all regions it is proposed that endorsement holders will be allowed to use one unendorsed crew for each additional 40 hauling net (general purpose) shares held above 40 hauling net (general purpose) shares. A shareholding less than 80 shares does not allow the use of any unendorsed crew. To be eligible for an endorsement from December 2017, fishers must meet the new minimum shareholding requirements.

The table below lists hauling net (general purpose) shareholdings and the corresponding number of unendorsed crew that will be allowed to be used.

Region		Shareh	olding and (num	ber of unendorse	d crew)	
All	80 – 119 (1)	120 – 159 (2)	160 – 199 (3)	200 – 239 (4)	240 – 279 (5)	280 – 319 (6)

Ocean hauling - general

In addition to the above and for all regions, it is proposed that hauling net (general purpose) and pilchard, anchovy and bait net endorsement holders that hold a certain number of general shares will be allowed to use unendorsed crew. Specifically, one unendorsed crew person will be allowed to be used for the first 100 general shares held and an additional unendorsed crew person for each additional 40 general shares held above 100 general shares. A shareholding less than 100 shares does not allow the use of any unendorsed crew.

The table below lists shareholdings and the corresponding number of unendorsed crew that will be allowed to be used.

Region		Shareh	olding and (numl	ber of unendorse	d crew)	
All	100 – 139 (1)	140 – 179 (2)	180 – 219 (3)	220 – 259 (4)	260 – 299 (5)	300 – 339 (6)

Hauling net (general purpose), pilchard, anchovy and bait net and garfish net (hauling) - conditions

It is proposed to apply the following conditions to the use of crew by hauling net (general purpose), pilchard, anchovy and bait net and garfish net (hauling) endorsement holders:

- 1. The endorsement holder must be engaged in the same fishing activity at the same time as an unendorsed person that is assisting the endorsement holder.
- 2. The endorsement holder must remain in the presence of the person they are being assisted by.
- 3. The endorsement holder must remain in attendance and possession of all fish until the fish are lawfully disposed.
- 4. The endorsement holder must not use more than one net at anytime.

Given that Garfish net (hauling) will be primarily managed by catch quota, it is proposed that no limit will apply on the number of people that may assist the endorsement holder.

Requirement for crew to hold a commercial fishing licence

The interim unendorsed crew arrangements approved by the Government, implemented by way of permits, include a requirement for crew to hold a commercial fishing licence. This was premised on commercial fishing licences being an effective measure for limiting and managing who may work in the NSW commercial fishing industry.

Consideration is now being given to whether requiring crew to hold a commercial fishing licence delivers the benefits originally believed.

Your feedback on not requiring crew in the Ocean Hauling Fishery to hold a commercial fishing licence is welcomed. The benefits of such an approach may include:

- Consistency with the crewing arrangements in most other commercial fisheries in NSW
- Reduced regulatory burden (or 'red-tape') on industry
- Reduced cost to industry
- Reduced administration
- Opportunity to acquire assistance at short notice
- Opportunity for shareholders to determine how best to run their own business to optimise profit

A benefit of requiring crew to hold a commercial fishing licence may be that it could be cancelled as a consequence of illegal fishing activity. There are legal avenues that can be used to prevent individuals from participating in the NSW commercial fishing industry.

More information



Managing catches of quota species in nonquota fisheries

March 2017

Background

The introduction of catch quotas in the Estuary General, Ocean Hauling and Ocean Trap and Line fisheries requires new arrangements to be introduced in other fisheries that may take these species. Managing the taking (and possession) of quota species in other fisheries will help to maintain the integrity of the quota regimes and protect the value of fisher's shares.

If the taking of a species in a share class is not subject to catch quota, it is proposed that a daily and possession limit will apply or the taking of the species will be prohibited.

A daily and possession limit is proposed for share classes that have reported taking the species on a reasonable number of occasions since the introduction of the new catch and effort logbook in 2009. These catches may have been targeted or incidental. The quantities proposed cover the vast majority of events where the taking of the species has been reported.

A prohibition on the taking of the species is proposed to apply to share classes where there has been nil or negligible catch of the species reported by that share class since the introduction of the new catch and effort logbook in 2009. For some share classes a prohibition on the taking of the species currently exists.

Industry input

Your feedback on the following proposals will help with the development of new regulations. When providing feedback, please be clear about the share class and species you are referring to and include the reasons for your view.

Blue swimmer crab

An Estuary General fishery endorsement holder that takes blue swimmer crabs in the Estuary General fishery will be required to hold quota to cover the quantity of blue swimmer crabs they take.

Holders of the following endorsements will be subject to a 25 kg daily take and possession limit of blue swimmer crabs.

- Ocean Trawl fish northern zone
- Ocean Trawl inshore prawn
- Ocean Trawl offshore prawn
- Southern Fish Trawl
- Estuary Prawn Trawl Hawkesbury River
- Ocean Trap and Line demersal fish trap

The taking of blue swimmer crabs by any other endorsement holder in any other fishery will be prohibited.

Long and shortfin river eel

An Estuary General fishery endorsement holder that takes longfin or shortfin river eels in the Estuary General fishery will be required to hold quota to cover the quantity of longfin or shortfin river eels they take.

The taking of longfin and shortfin river eels by any endorsement holder in any other fishery will be prohibited.

Mud crab

An Estuary General fishery endorsement holder that takes mud crabs in the Estuary General fishery will be required to hold quota to cover the quantity of mud crabs they take.

The taking of mud crabs by any other endorsement holder in any other fishery will be prohibited.

Spanner crab

The current daily and possession limits will continue to apply to all Ocean Trawl fishery endorsement holders.

The taking of spanner crabs by any other endorsement holder in any other fishery will be prohibited.

Eastern sea garfish

Ocean Trap and Line - line west endorsement holders will be subject to a 20 fish daily limit of eastern sea garfish.

The taking of eastern sea garfish by any other endorsement holder in any other fishery, other than the Estuary General fishery, will be prohibited.

The vast majority of eastern sea garfish taken in the Estuary General fishery is reported as being taken by category one hauling - region 4 endorsement holders from the waters of Port Stephens. Rather than implement arrangements such as daily and possession limits that may not be suitable for this species, it may be best to consider the implementation of a fully transferable catch quota scheme that applies across both the Estuary General and Ocean Hauling fisheries. An Independent Allocation Panel could be used to provide advice to the NSW Government on the allocation of eastern sea garfish quota shares to fishers in the Estuary General fishery.

Pending consideration of the above, it is proposed to prohibit holders of Ocean Hauling garfish net (hauling) endorsements fishing for eastern sea garfish in the ocean and estuary on the same date.

More information



Marking requirements for commercial fishing boats

March 2017

Background

The NSW Government has approved that boat licences for boats under specific lengths will no longer be required when used in certain share classes.

Proposal

Boats that are not licensed with NSW DPI

It is proposed that boats used to take fish for sale will need to display on the outside of both sides of the bow of the boat or on the outside of both sides of the wheelhouse of the boat in clearly visible letters and figures (in a colour that contrasts with that of the background) the letters "LFB", in addition to any Roads and Maritime Services marking requirements.

Boats that are licensed with NSW DPI

It is proposed that there be no changes to the marking requirements for boats that are licensed with NSW DPI. This includes boats that are:

- Required to be licensed
- Licensed because the owner has chosen to keep the boat licensed even though not required.

Boats in this category will need to continue to have two numbers displayed, the LFB number issued by NSW DPI and the boat registration number issued by Roads and Maritime Services.

Removing additional licensing requirements

Removing the requirement for boats to be licensed in the share classes in the table below was not announced as part of the Business Adjustment Program. The Department seek your feedback on removing the requirement for boats shorter than the lengths in the table below to be licensed.

Fishery	Share class	Length (metres)
Estuary General Hand gathering - all regions		10
Ocean Hauling	Pilchard, anchovy and bait net (hauling) - all regions	20

More information

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Marking requirements for commercial set fishing gear

March 2017

Background

To support implementation of the Business Adjustment Program it is proposed to change the requirements that apply to the marking of commercial set fishing gear. The changes are proposed for the following reasons and will be implemented from December 2017:

- Consistent marking will assist with understanding and reduce non-compliance
- Consistent marking will simplify legislation and information and advisory material
- Consistent marking across gear types may reduce cost and inconvenience for fishers
- Requiring a "gear code" will minimise the need for DPI fisheries officers to lift gear to identify it
- Requiring holding pens (or keeper bags) to be marked will assist the integrity of any quotas that may
 apply, and will reduce the incidence of DPI fisheries officers seizing penned catch on the basis that it
 may have been taken illegally or is destined for the black market
- Requiring gear to be marked with FB numbers will enable DPI fisheries officers to enforce new gear quotas (e.g. trap numbers), which will apply on a FB by FB basis for all relevant gear
- The outcome-based approach to ropes [floating on the surface] provides opportunity for fishers to be innovative to suit their needs or circumstances

The proposed requirements are *minimum* requirements. They do not prevent fishers using larger buoys to reduce the risk of losing gear or interaction with other stakeholders including commercial fishers in other fisheries.

Proposal

It is proposed to apply the marking requirements for each of the gear types detailed in the table below.

Fishery	Gear type	Marking requirements	Gear code
Estuary General Ocean Trap & Line	Crab trap	The same as above with the exception that rather than a 10 cm buoy, both ends of the set net must be marked on the surface	С
	Fish trap		F
	Eel trap		Е
	Set line		S
	Drift line		D
	Fish trap		F
	Spanner crab net		С
	Set line		S
	Drift line		D
Estuary General	Meshing net		М
	Flathead net	by a white buoy that has a diameter above the water of not less than 30 cm (except in the Clarence River and Hawkesbury River where one of the two buoys may have a diameter above the water of not less than 15 cm).	F

It is proposed that the following marking requirements will apply to any holding pen or container used to hold live fish in the Estuary General fishery. The holding pen must:

- Be sealed (i.e. no entrances) so that the species being held cannot get in or out
- Display the Fishing Business number followed by the letter P in clearly visible figures at least 5 cm in height

More information



Minimum crew numbers - Estuary General and Ocean Hauling fisheries

March 2017

Background

As part of the Business Adjustment Program, some Estuary General and Ocean Hauling fishery endorsement holders will be able to use unendorsed crew to assist them in their fishing operations. As a consequence of these changes the rules regarding the minimum number of <u>endorsement holders</u> required to (i) operate certain nets and (ii) hold priority (or shot), need to be reviewed.

Industry input

Your feedback on the following proposals will help the Government develop the regulations needed. When providing feedback, please be clear about the share class and gear type you are referring to.

Estuary General fishery

The table below lists the current rules that govern the minimum number of endorsement holders that are required to operate certain net types and the minimum number of endorsement holders required to hold priority (or shot) in the Estuary General fishery. It is proposed to <u>remove these current rules</u> so that fishers can make their own decisions.

Gear type	Current rule
Hauling net (general purpose)	At least 2 endorsement holders must operate the net.
Prawn running net - Lake Illawarra	For priority, a Fisheries Officer may determine that more than 2 endorsement holders must operate the net.
Trumpeter whiting net (hauling)	
Garfish net (bullringing)	
Garfish net (hauling)	
Prawn net (hauling) - all waters	For priority, a Fisheries Officer may determine that more than 1 endorsement holder must operate the net.
Prawn net (set pocket)	Shashoment holds. Mast operate the hot.
Prawn running net - except Lake Illawarra	
Seine net (prawns)	

Ocean Hauling fishery

The table below lists the current rules that govern the minimum number of endorsement holders that are required to operate certain net types and hold priority (or shot) in the Ocean Hauling fishery.

It is proposed to <u>remove these current rules</u> so that fishers can make their own decisions. The Government has already announced that the requirement that 2 endorsement holders must operate a garfish net (hauling) will be removed.

Gear type	Current rule
Hauling net (general purpose)	At least 2 endorsement holders must operate the net.
Pilchard, anchovy & bait net (hauling)	For priority, the minimum number of endorsement holders is 4 and a Fisheries Officer may determine that the minimum number of
Garfish net (hauling)	endorsement holders is greater than 4.

More information

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Real time quota reporting - Estuary General

March 2017

Background

The introduction of catch and effort quotas in the Estuary General fishery requires new quota monitoring arrangements to be introduced. A cost effective and efficient way of monitoring quota usage in real time is for fishers to use a smart phone. A secure mobile App called *FisherMobile* has been developed to enable the reporting of fishing activity by fishers using smart phones and tablets/iPads.

Requiring reports to be made by fishers in real time assists to maintain the integrity of the quota management regime and protect the value of fisher's shares. It will also provide for real time quota balances in FishOnline.

Industry input

Your feedback on the following arrangements that are proposed to apply for each share class will help with the development of the regulations needed to support the changes. When providing feedback, you are encouraged to include the reasons for your view.

Effort quota (days) - What to report

A day will be a 24 hour period from the time a *FisherMobile* pre-fish report is made. Once a report is made, one day is deducted from the fishing business' quota of days. For example, a *FisherMobile* pre-fish report made at 4pm Monday covers the fisher for fishing activity until 4pm Tuesday. Fishers can be flexible with their fishing operations during this period.

The FisherMobile pre-fish report will require an endorsement holder to report the following information:

- 1. The registration number of the endorsement holder;
- 2. The date on which the report is being made;
- 3. The number of the fishing business being used; and
- 4. The fishing activity (i.e. endorsement being used).

Effort quota (days) - When to report

The Government has already added an additional 10% to the Interim Total Commercial Access Levels of days to better account for days on the water when fishing does not occur.

It is proposed that a meshing endorsement holder make a *FisherMobile* pre-fish report prior to being on the water in possession of a meshing or flathead net.

It is proposed that a category one hauling endorsement holder must make a *FisherMobile* pre-fish report prior to being on the water in possession of a trumpeter whiting net (hauling), pilchard, anchovy and bait net (hauling), garfish net (hauling), garfish net (bullringing) or bait net.

It is proposed that a category one hauling endorsement holder must make a *FisherMobile* pre-fish report prior to using a hauling net (general purpose).

It is proposed that a category two hauling endorsement holder must make a *FisherMobile* pre-fish report prior to being on the water in possession of a garfish net (hauling), garfish net (bullringing) or bait net.

Catch quota - mud crabs, blue swimmer crabs, and eels

An Estuary General fishery endorsement holder that takes a quota managed fish will be required to hold catch quota to cover that catch. The unit of quota will be kilograms of fish taken. Once a *FisherMobile*

post-land report is made, the weight of fish taken will be deducted from the fishing business' quota of kilograms.

An endorsement holder will be required to remain in attendance and possession of all quota managed fish until a *FisherMobile* post-land report is made. The *FisherMobile* post-land report will be required to be made prior to leaving the waters of the fishery, prior to moving more than 25 metres from the point of landing, within 30 minutes of landing and prior to transferring any quota managed fish into another boat, vehicle, holding pen or premise, whichever occurs first. The point of landing is the place where the quota managed fish are brought ashore.

Prior to making a *FisherMobile* post-land report, the quota managed fish may only be removed from the boat for the purposes of weighing the fish.

The FisherMobile post-land report will require an endorsement holder to report the following information:

- The registration number of the endorsement holder;
- 2. The number of the fishing business being used;
- 3. The fishing activity (i.e. the quota species taken);
- 4. The total weight of each quota species taken on that trip; and
- 5. The landing location (you can select your current location).

For fishers that are interested in learning more about *FisherMobile* there is a range of information, including video demonstrations about how spanner crab fishers currently use *FisherMobile* on their phones, on the DPI website at www.dpi.nsw.gov.au/fishing/commercial/fishonline/fishermobile.

More information



Real time quota reporting - Ocean Hauling garfish

March 2017

Background

The introduction of catch quota in the Ocean Hauling garfish fishery requires new quota monitoring arrangements to be introduced. A cost effective and efficient way of monitoring quota usage in real time is for fishers to use a smart phone. A secure mobile App called *FisherMobile* has been developed to enable the reporting of fishing activity by fishers using smart phones and tablets/iPads.

Requiring reports to be made by fishers in real time assists to maintain the integrity of the quota management regime and protect the value of fisher's shares. It will also provide for real time quota balances in FishOnline.

Industry input

Your feedback on the following arrangements that are proposed to apply to the Ocean Hauling garfish net share classes will help with the development of the regulations needed to support the changes. When providing feedback, you are encouraged to include the reasons for your view.

Catch quota - eastern sea garfish

An Ocean Hauling garfish net endorsement holder that takes garfish will be required to hold quota to cover that catch. The unit of quota will be kilograms of fish taken.

An Ocean Hauling garfish net endorsement holder will not be able to fish for eastern sea garfish in the ocean and estuary on the same date.

An endorsement holder will be required to make a *FisherMobile* pre-land report prior to leaving the waters of the fishery, prior to moving more than 25 metres from the point of landing, within 30 minutes of landing and prior to transferring any garfish into another boat, vehicle or premise, whichever occurs first. The point of landing is the place where the garfish are brought ashore.

The FisherMobile pre-land report will require an endorsement holder to report the following information:

- 1. The registration number of the endorsement holder;
- The date on which the report is being made;
- 3. The number of the fishing business being used;
- 4. The fishing activity (i.e. eastern sea garfish); and
- 5. The estimated weight of eastern sea garfish taken on that trip.

An endorsement holder will be required to remain in attendance and possession of all garfish until a postland *FisherMobile* report is made.

An endorsement holder will be required to make a *FisherMobile* post-land report within 3 hours of making a *FisherMobile* pre-land report.

The FisherMobile post-land report will require an endorsement holder to report the following information:

- 1. The registration number of the endorsement holder;
- 2. The number of the fishing business being used;
- 3. The total weight of eastern sea garfish taken on that trip; and

4. The landing location (you can select your current location).

Once a FisherMobile post-land report is made, the weight of fish taken will be deducted from the fishing business' quota of kilograms.

For fishers that are interested in learning more about FisherMobile there is a range of information, including video demonstrations about how spanner crab fishers currently use FisherMobile on their phones, on the DPI website at www.dpi.nsw.gov.au/fishing/commercial/fishonline/fishermobile.

More information



Real time quota reporting - Spanner crab

March 2017

Background

Real time quota reporting was introduced in the Ocean Trap and Line spanner crab northern zone fishery in 2015. A cost effective and efficient way of monitoring quota usage in real time is for fishers to use a smart phone. The secure mobile App called *FisherMobile* has been used by fishers to report fishing activity by using smart phones and tablets/iPads.

The merging of the northern and southern zones into a single catch quota managed fishery requires new quota monitoring arrangements to be introduced for the southern zone share class. It also provides the opportunity to refine the arrangements that currently apply in the northern zone.

Requiring reports to be made by fishers in real time assists to maintain the integrity of the quota management regime and protect the value of fisher's shares. It will also provide for real time quota balances in FishOnline.

Industry input

Your feedback on the following arrangements that are proposed to apply to both the spanner crab northern and southern zone share classes will help with the development of the regulations needed to support the changes. When providing feedback, you are encouraged to include the reasons for your view.

Catch quota - spanner crab

A spanner crab endorsement holder that takes spanner crab will be required to hold catch quota to cover that catch. The unit of quota will be kilograms of fish taken.

An endorsement holder will be required to make a *FisherMobile* pre-land report prior to moving more than 25 metres from the point of landing, within 30 minutes of landing and prior to transferring any spanner crab into another boat, vehicle or premise, whichever occurs first. The point of landing is the place where the spanner crab are brought ashore.

The *FisherMobile* pre-land report will require an endorsement holder to report the following information:

- 1. The registration number of the endorsement holder;
- 2. The date on which the report is being made;
- 3. The number of the fishing business being used;
- 4. The fishing activity (i.e. spanner crab); and
- 5. The estimated total weight of spanner crab taken on that trip.

An endorsement holder will be required to remain in attendance and possession of all spanner crab until a post-land *FisherMobile* report is made.

An endorsement holder will be required to make a *FisherMobile* post-land report within 3 hours of making a *FisherMobile* pre-land report or prior to moving any spanner crab from the state of New South Wales, whichever occurs first.

The FisherMobile post-land report will require an endorsement holder to report the following information:

- 1. The registration number of the endorsement holder;
- 2. The number of the fishing business being used;
- 3. The total weight of spanner crab taken on that trip; and
- The landing location (you can select your current location).

Once a FisherMobile post-land report is made, the weight of spanner crab taken will be deducted from the fishing business' quota of kilograms.

For fishers that are interested in learning more about FisherMobile, there is a range of information, including video demonstrations about how spanner crab northern zone fishers currently use FisherMobile on their phones, on the DPI website at www.dpi.nsw.gov.au/fishing/commercial/fishonline/fishermobile.

More information



INDUSTRY CONSULTATION

Real time quota reporting – Lobster

April 2017

Background

A secure mobile App called *FisherMobile* has been developed to enable the reporting of fishing activity and quota usage by fishers using smart phones and tablets/iPads.

Requiring reports to be made by fishers in real time assists to maintain the integrity of the quota management regime and protect the value of fisher's shares. Also, it is more efficient than the existing paper-based quota reporting arrangements. The implementation of real time reporting will make other online services (e.g. real time quota balances and online quota transfers) available to fishing business owners.

It is proposed to implement real time reporting in the Lobster fishery in December 2017, at the same time that it is introduced in the new quota managed fisheries under the Business Adjustment Program.

Industry input

Your feedback on the following arrangements that are proposed to apply will help with the development of the regulations needed to support the changes. When providing feedback, you are encouraged to include the reasons for your view.

Fisher nomination rules

Under current arrangements, a person may not be nominated on more than one lobster fishing business at one time. If a lobster shareholder is nominated on another lobster business, the shares of the owner do not confer an entitlement to take fish.

To provide consistent arrangements across all share management fisheries, and to promote flexible business operations, it is proposed to allow an individual to be able to be nominated on more than one lobster fishing business at any one time.

Restrictions on nominations have supported the existing share forfeiture and demerit provisions. Existing provisions are being reviewed as part of the development of the new demerit point and administrative sanctions scheme that will apply to all share management fisheries. The new scheme will support appropriate administrative sanctions where offenders may be nominated in more than one fishery or on more than one business.

Catch quota – eastern rock lobster

An endorsement holder will be required to submit a *FisherMobile* pre-land report prior to moving more than 25 metres from the point of landing and prior to transferring any eastern rock lobsters into another boat, vehicle or premises, whichever occurs first. The point of landing is the place where the lobsters are brought ashore.

The FisherMobile pre-land report will require an endorsement holder to report the following information:

- 1. The registration number of the endorsement holder;
- The date on which the report is being made;
- 3. The number of the fishing business being used:
- The number of individual lobsters;

- 5. Tag usage; and
- 6. The estimated weight of lobsters taken on that trip.

An endorsement holder will be required to submit a FisherMobile post-land report within 2 hours of submitting a FisherMobile pre-land report. An endorsement holder will be required to remain in attendance and possession of all lobsters until a FisherMobile post-land report is made.

The FisherMobile post-land report will require an endorsement holder to report the following information:

- 1. The registration number of the endorsement holder:
- 2. The date on which the report is being made;
- 3. The number of the fishing business being used; and
- 4. The weight of lobsters taken on that trip.

Once a FisherMobile post-land report is made, the weight of lobsters taken is deducted from the fishing business' quota of kilograms.

An endorsement holder will be required to submit a catch and effort report within 48 hours of submitting a FisherMobile post-land report. The catch and effort report may be done online or using the catch and effort logbook.

The catch and effort report will require an endorsement holder to report the following information:

- 1. Event information:
- 2. Trap information;3. Penning and onshore storage information;
- 4. Catch and by-product information; and
- 5. Disposal information.

Do you have any views on these proposals?

Submissions may be made via:

Email: nicholas.giles@dpi.nsw.gov.au Phone: 02 6652 0919 or 0419 185 540

Submissions close Monday 24 April 2017

For fishers that are interested in learning more about *FisherMobile*, there is a range of information, including video demonstrations about how spanner crab fishers currently use FisherMobile on their phones, on the DPI website at www.dpi.nsw.gov.au/fishing/commercial/fishonline/fishermobile.

More information

Nicholas Giles, Fisheries Manager Commercial 02 6652 0919 or 0419 185 540

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INDUSTRY CONSULTATION

Real time quota reporting – Abalone

April 2017

Background

A secure mobile App called *FisherMobile* has been developed to enable the reporting of fishing activity and quota usage by fishers using smart phones and tablets/iPads.

Requiring reports to be made by fishers in real time assists to maintain the integrity of the quota management regime and protect the value of fisher's shares. Also, it is more efficient than the existing paper-based quota reporting arrangements. The implementation of real time reporting will make other online services (e.g. real time quota balances and online quota transfers) available to fishing business owners.

It is proposed to implement real time reporting in the Abalone Fishery in December 2017, at the same time that it is introduced in the new quota managed fisheries under the Business Adjustment Program.

Industry input

Your feedback on the following arrangements that are proposed to apply will help with the development of the regulations needed to support the changes. When providing feedback, you are encouraged to include the reasons for your view.

Fisher nomination rules

Under current arrangements, a person may not be nominated on more than one abalone fishing business at one time. If an abalone shareholder is nominated on another abalone business, the shares of the owner do not confer an entitlement to take fish.

To provide consistent arrangements across all share management fisheries, and to promote flexible business operations, it is proposed to allow an individual to be able to be nominated on more than one abalone fishing business at any one time.

Restrictions on nominations have supported the existing share forfeiture and demerit provisions. Existing provisions are being reviewed as part of the development of the new demerit point and administrative sanctions scheme that will apply to all share management fisheries. The new scheme will support appropriate administrative sanctions where offenders may be nominated in more than one fishery or on more than one business.

Catch quota - Abalone

Online reporting arrangements will be very similar to existing logbook reporting requirements. Some reporting information will auto-fill from your registered details or previously submitted reports.

An endorsement holder will be required to submit a *FisherMobile* post-land report within 50 meters and less than 30 minutes from the point of landing.

The FisherMobile post-land report will require an endorsement holder to report the following information:

1. The registration number of the endorsement holder;

- 2. The date on which the report is being made;
- 3. The number of the fishing business being used;
- 4. The landing location;
- 5. The weight of abalone taken on that trip; and
- 6. Hanging details.

Once a FisherMobile post-land report is made, the weight of abalone taken is deducted from the fishing business' quota of kilograms.

Catch and effort reports may be made online or using paper based logbooks, within 24 hours of completing the post-land report. Catch and effort reports will require the endorsement holder to report the following information:

- 1. Event information;
- 2. Catch information;
- 3. Disposal information; and
- 4. Hanging information.

Do you have any views on these proposals?

Submissions may be made via:

Email: fiona.mckinnon@dpi.nsw.gov.au Phone: 02 6652 0983 or 0408 485 184

Submissions close Monday 24 April 2017

For fishers that are interested in learning more about *FisherMobile*, there is a range of information, including video demonstrations about how spanner crab fishers currently use FisherMobile on their phones, on the DPI website at www.dpi.nsw.gov.au/fishing/commercial/fishonline/fishermobile.

More information

Fiona McKinnon, Senior Fisheries Manager Commercial 02 6652 0983 or 0408 485 184

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INDUSTRY CONSULTATION

Real time quota reporting – Red Urchin

April 2017

Background

A secure mobile App called *FisherMobile* has been developed to enable the reporting of fishing activity and quota usage by fishers using smart phones and tablets/iPads.

Requiring reports to be made by fishers in real time assists to maintain the integrity of the quota management regime and protect the value of fisher's shares. Also, it is more efficient than the existing paper-based quota reporting arrangements. The implementation of real time reporting will make other online services (e.g. real time quota balances and online quota transfers) available to fishing business owners.

It is proposed to implement real time reporting in the Sea Urchin and Turban Shell fishery in December 2017, at the same time that it is introduced in the new quota managed fisheries under the Business Adjustment Program.

Industry input

Your feedback on the following arrangements that are proposed to apply will help with the development of the regulations needed to support the changes. When providing feedback, you are encouraged to include the reasons for your view.

Catch quota – Red urchin

An endorsement holder will be required to submit a *FisherMobile* pre-fish report prior to leaving port. The *FisherMobile* pre-fish report will require an endorsement holder to report the following information:

- 1. The registration number of the endorsement holder;
- 2. The date on which the report is being made;
- 3. The number of the fishing business being used;
- 4. The number of the LFB being used; and
- 5. The landing location.

An endorsement holder will be required to submit a *FisherMobile* post-land report prior to moving more than 50 metres from the point of landing and prior to transferring any red urchin into another boat, vehicle or premises, whichever occurs first. An endorsement holder will be required to remain in attendance and possession of all red urchin until a *FisherMobile* post-land report is made.

The point of landing is the place where the red urchin are brought ashore.

The FisherMobile post-land report will require an endorsement holder to report the following information:

- 1. The registration number of the endorsement holder:
- 2. The date on which the report is being made;
- 3. The number of the fishing business being used; and
- 4. The weight of red urchin taken on that trip.

Once a *FisherMobile* post-land report is made, the weight of red urchin taken is deducted from the fishing business' quota of kilograms.

An endorsement holder will be required to submit a catch and effort report within 24 hours of submitting a FisherMobile post-land report. The catch and effort report may be done online or using the catch and effort logbook.

The catch and effort report will require an endorsement holder to report the following information:

- 1. Event information;
- 2. Catch information (including non-quota species catch); and
- 3. Disposal information.

Hanging catch

The current logbook structure does not specifically cater for hanging of urchin product; however arrangements have been established for a small number of fishers to provide for hanging.

The real time reporting structure does not provide for hanging of urchin product, and these arrangements will not be able to be continued in the online reporting environment. However, the capacity for hanging of product may be developed if there is industry support.

Do you have any views on these proposals?

Submissions may be made via:

Email: nicholas.giles@dpi.nsw.gov.au Phone: 02 6652 0919 or 0419 185 540

Submissions close Monday 24 April 2017

For fishers that are interested in learning more about *FisherMobile*, there is a range of information, including video demonstrations about how spanner crab fishers currently use FisherMobile on their phones, on the DPI website at www.dpi.nsw.gov.au/fishing/commercial/fishonline/fishermobile.

More information

Nicholas Giles, Fisheries Manager Commercial 02 6652 0919 or 0419 185 540

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