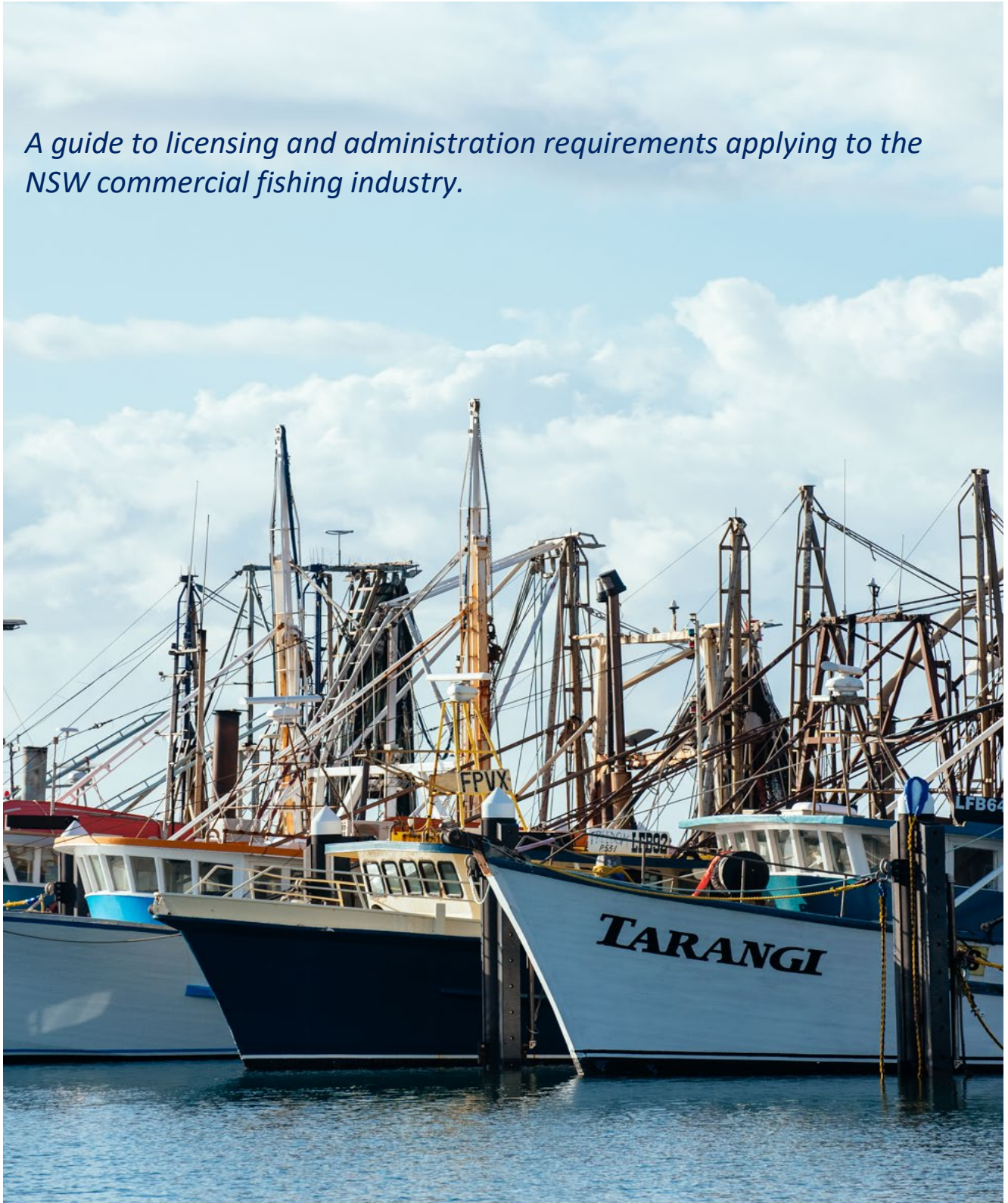


October 2023

NSW Commercial Fisheries Administration Guide

A guide to licensing and administration requirements applying to the NSW commercial fishing industry.



Contents

NSW Commercial Fisheries Administration Guide	i
1. Introduction	1
1.1 Purpose of this guide	1
1.2 Scope	1
1.3 Legislation relevant to commercial fishing in NSW	1
2. Overview of the NSW commercial fishing industry	1
2.1 Share management fisheries	4
2.2 Restricted fisheries	4
2.3 Permit based fisheries	4
2.4 Participating in commercial fishing	4
2.5 Commercial fishing requirements checklist	4
2.6 Concepts worth knowing when reading this guide	4
3. Commercial fishing licences	7
3.1 Who may hold a commercial fishing licence	7
3.2 Conditions of a commercial fishing licence	8
3.3 Applying for a commercial fishing licence	8
3.4 Renewing a commercial fishing licence	8
3.5 Suspension or cancellation of a commercial fishing licence	8
4. Commercial fishing endorsements	9
4.1 Fishing Business (endorsement) Cards	9
4.2 Nominating an endorsement holder	10
4.3 Conditions of endorsements	10
4.4 Suspension or cancellation of endorsements	11
4.5 Eligibility for endorsements in restricted fisheries	11
4.6 Eligibility for endorsements in share management fisheries	11
5 Fishing Businesses and components	14
5.1 What are shares?	14
5.2 Transferring components of a fishing business	15
5.3 Transfer rules - abalone and lobster shares	15
5.4 Transfer rules – sea urchin and turban shell restricted fishery endorsements	15
5.5 Transfer rules – inland restricted fishery endorsements	15
5.6 Transfer rules – all other fisheries	16
5.7 Maximum shareholdings	20
6 Share register	21
7 Mortgaging shares	21

8 Quota	21
8.1 Transferring quota	22
9 Boats used for commercial fishing	25
9.1 Boat marking requirements	26
9.2 Maximum boat lengths and 'exempt boats'	26
9.3 Special requirements for ocean trawl prawning	27
10 Management charges, community contributions and other fees	27
10.1 Annual invoicing and instalments	28
10.2 Contributing to the costs of management	28
10.3 Community contributions	28
10.4 FRDC research levy	28
10.5 Transaction based charges	28
11 Special approval for research or other purposes (orders and permits)	28
12 Reviewable decisions (section 126 of the Act)	29
13 Lost cards and changes to personal details	30
14 Companies	30
14.1 Deregistration as a company	30
14.2 Companies signing forms	30
15 FishOnline	30
15.1 FisherDirect	31
15.2 Registering to use FisherDirect	31
15.3 Registering a FisherDirect agent	32
15.4 FisherMobile	32
15.5 FishOnline Noticeboard – For Sale & Trade	33
16 Registration as a Fish Receiver	33
17 Application forms and fees	33
18 Contacts	34
18.1 Commercial Fisheries Customer Services	34
18.2 FishOnline Support	34
18.3 Catch Records	34
18.4 Commercial Fisheries Management	34
18.5 Fisheries Compliance	34
19 Common terms and abbreviations used in this guide	35
20 Appendices	37
Appendix A: Legislation applicable to commercial fisheries	37
Appendix B: Checklist of key commercial fishing requirements	38
Appendix C: Endorsements and the fishing activities they authorise	39

Appendix D: Regional boundaries for the Estuary General & Ocean Hauling fisheries	43
Appendix E: Endorsements and endorsement codes	44
Appendix F: Additional access in the Estuary General Fishery (endorsements)	47
Appendix G: Endorsement conditions	49
Appendix H: Share classes and what they are used for	54

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1. Introduction

1.1 Purpose of this guide

The NSW Commercial Fisheries Administration Guide (the Guide) details licensing and administration requirements applying to the NSW commercial fishing industry.

The Guide is general in nature and does not replace relevant legislation or departmental advice specific to individual circumstances.

The information in this Guide in no way limits the powers and decisions of the Department of Primary Industries (DPI) in its considerations of any matters placed before it.

1.2 Scope

This Guide focusses on commercial fishing licensing arrangements. It does not cover other matters relevant to commercial fishing in NSW such as:

- General fisheries rules (e.g., fish size limits, protected species, catch and effort reporting)
- Fishery specific rules (e.g., fishing gear, closures, quota management)
- Harvest Strategies
- NSW Marine Estate and Marine Parks
- Marine safety, vessel registration and other maritime requirements
- NSW Food Authority requirements
- Exporting fish and fish products

1.3 Legislation relevant to commercial fishing in NSW

The principal legislation governing management of the NSW commercial fishing industry is the *Fisheries Management Act 1994* (the Act) and the regulations under the Act.

Other legislation administered by local (council), other state and Commonwealth authorities may also apply. [Appendix A](#) details the legislation most relevant to the NSW commercial fishing industry.

Relevant legislation can be found on the [NSW Legislation website](#) or the [Australian Government Federal Register of Legislation](#).

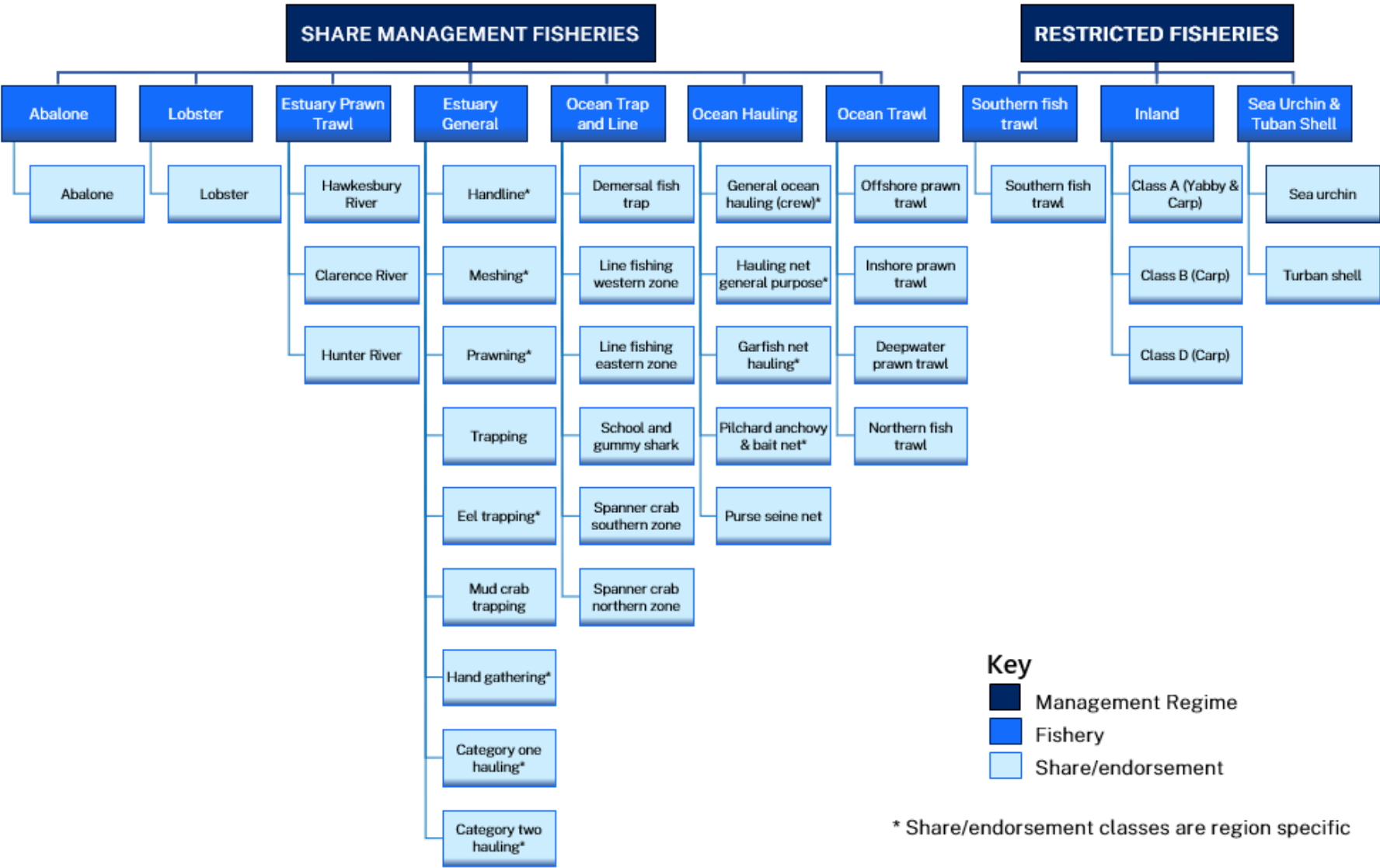
2. Overview of the NSW commercial fishing industry

The NSW wild harvest commercial fishing industry is a dynamic network of skilled businesses that includes commercial fishers, wholesalers, processors, and retailers working together to supply high quality seafood to NSW, interstate, and overseas markets.

The industry underpins the economy of many NSW coastal towns and contributes millions of dollars each year to programs to improve its environmental performance and social acceptance.

There are ten major commercial fisheries in NSW operating in inland, estuarine, and NSW ocean waters under two different management regimes, one known as share management fisheries and the other restricted fisheries (see Figure 1).

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



2.1 Share management fisheries

Some of the features of a share management fishery are:

- Shares are the tradeable fishing right
- A person may hold one or more classes of shares and one or more shares of each class
- Shares are used to determine one or more of the following:
 - eligibility for an endorsement authorising certain fishing activities
 - the quantity of catch or effort quota that the shareholder is issued for each fishing period
 - the quantity of gear (e.g., traps) that the shareholder may use
 - whether assistance (crew) may be used
- Shareholders pay a community contribution to access the State's fisheries resources
- Statutory compensation provisions may apply if a fishery or a part of a fishery is terminated

2.2 Restricted fisheries

Some of the features of a restricted fishery are:

- Endorsements are the tradeable fishing right (instead of shares)
- Endorsements are singular and cannot be divided
- There are no statutory compensation provisions if a fishery is terminated
- Endorsement holders are not required to pay a community contribution

A restricted fishery may be converted into a share management fishery subject to requirements set out in the Act, including consultation with relevant industry bodies.

2.3 Permit based fisheries

In a small number of cases, special approval is given under section 37 of the Act to authorise fishing activities for commercial gain, generally on a small scale or temporary basis ([see section 11](#)).

2.4 Participating in commercial fishing

Anyone seeking to enter the industry is strongly encouraged to seek independent business, legal and financial advice prior to making any commitments.

There are three ways in which a person may participate in commercial fishing:

1. As an owner operator of a commercial fishing business
2. As the nominated endorsement holder for a commercial fishing business owned by someone else
3. As an assistant (or crew member) for activities where this is permitted

2.5 Commercial fishing requirements checklist

A checklist of some of the key commercial fishing requirements is included in [Appendix B](#).

2.6 Concepts worth knowing when reading this guide

Understanding the following concepts fundamental to management of commercial fisheries in NSW will assist when reading this guide (see Figure 2). They include:

- Fishing businesses, including fishing rights (shares and restricted fishery endorsements)
- Commercial fishing licences, which authorise the taking of fish for sale
- Fishing business cards, including endorsements which authorise certain types of fishing

Figure 2: Fishing businesses, commercial fishing licences and fishing business cards

Fishing Business 100	
Estuary General Fishery	
Meshing region 2	125 shares
Prawning region 2	125 shares
Ocean Trawl Fishery	
Inshore prawn	50 shares
Offshore prawn	50 shares
Prawn effort quota	800 shares
Trawl whiting quota	140 shares
Tiger flathead quota	20 shares

Fishing Businesses

In basic terms, a fishing business is a container that include commercial fishing access rights (shares and/or restricted fishery endorsements). These are also known as components of a fishing business.

These access rights are tradeable, as a complete package (or business) or individually in certain circumstances.

A fishing business may be owned by and registered to an individual, a partnership, or a company. Restrictions on ownership may apply.

Taking fish for sale

To take fish for sale a person must:

- hold a Commercial Fishing Licence (right), and
- hold an endorsement authorising the commercial fishing activity concerned.

Endorsements are shown on a separate card known as a Fishing Business Card (below).

Eligibility for an endorsement is determined based on the components of the fishing business (above) operated by the fisher, as an owner-operator or as a 'nominated fisher'.

Quota (catch or effort) is required in some fisheries.

Boats and fishing gear do not need to be licensed or registered with DPI. Restrictions apply to boats and fishing gear used in most fisheries.



3. Commercial fishing licences

A commercial fishing licence is required to take fish for sale in NSW, subject to holding an endorsement or a permit that authorises the commercial fishing activity concerned.

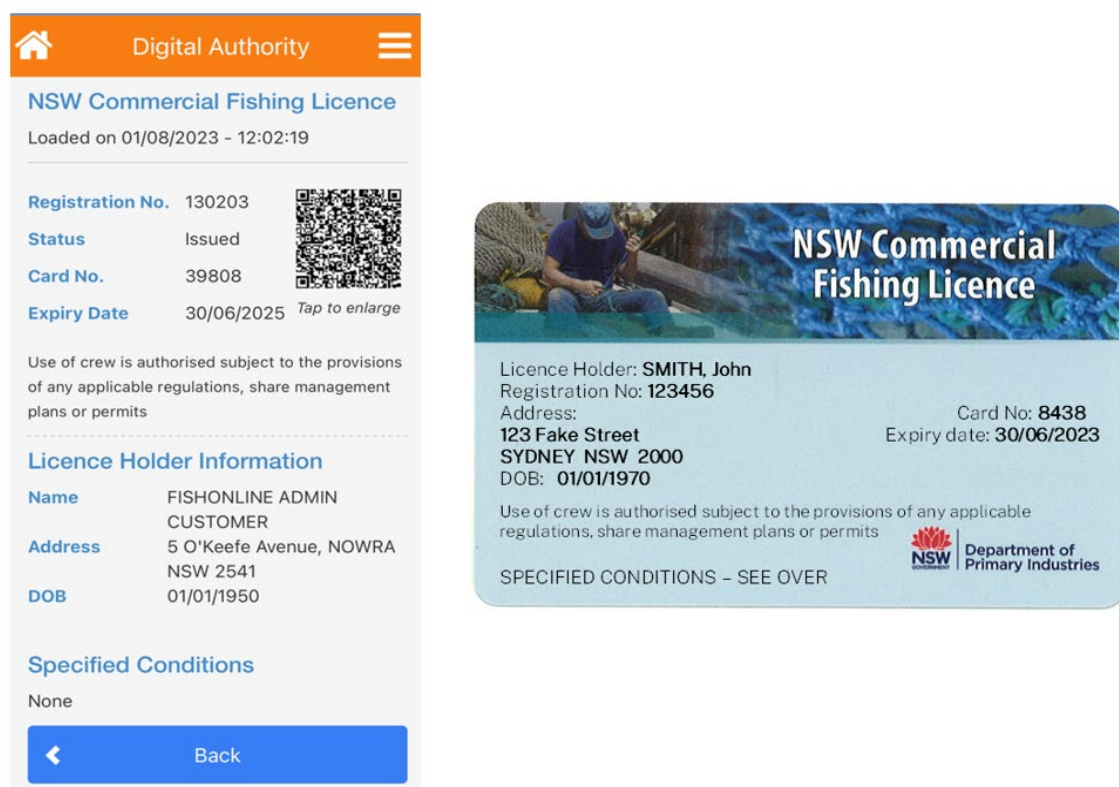
A commercial fishing licence is issued in the form of a plastic card or a digital authority accessible from a mobile device (Figure 3).

Commercial fishers have a choice of a 1-year, 5-year, or 10-year licence term. The fees for issue and renewal of a commercial fishing licence can be found in the Schedule of Commercial Fishing Fees and Charges on the DPI website ([see section 17](#)).

A commercial fishing licence must be always carried while engaged in fishing, including when searching, locating, aggregating, or taking fish, or when carrying fish from the place they were taken to the place where they are to be landed.

Administrative sanctions including licence suspension or cancellation may be considered where serious offences, such as assault on fisheries officials or illegal fishing, demonstrate that the licence holder does not have the capacity to appropriately engage in commercial fishing.

Figure 3: Commercial fishing licence in digital (left) and card (right) form



3.1 Who may hold a commercial fishing licence

A commercial fishing licence can only be issued to a natural person, not an entity such as a company or a partnership.

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

- owns a fishing business with shares in a share management fishery
- owns a fishing business with endorsements in a restricted fishery

- is nominated to operate a fishing business on behalf of a business owner
- is authorised by a permit or order to take fish for commercial purposes

3.2 Conditions of a commercial fishing licence

Commercial fishing licences are subject to conditions that are specified in the licence or set out in clause 111 of the Fisheries Management (General) Regulation 2019 (the General Regulation).

Commercial fishing licence conditions in regulation apply to all licence holders and relate to matters including the use of crew and assisting fisheries officers in the course of their duties. Conditions specified in a licence are specific to the licence holder.

Conditions may be added to a licence, or revoked or varied, from time to time, by notice in writing to the licence holder.

Licence holders must be aware of and comply with licence conditions. Legislated penalties and/or licence suspension or cancellation may result for contravening a condition of a fishing licence.

3.3 Applying for a commercial fishing licence

To apply for a commercial fishing licence a person must lodge an Application for a Commercial Fishing Licence form and pay the application fee ([see section 17](#)).

A commercial fishing licence may be refused on grounds set out in clause 110 of the General Regulation. Some of these grounds include having been convicted of fisheries related offences, making false or misleading statements in connection with an application, or not having the capacity to successfully engage in commercial fishing.

If the issue of a commercial fishing licence is refused, the application fee paid is not refunded.

3.4 Renewing a commercial fishing licence

A commercial fishing licence holder may renew their licence online in FisherDirect ([see section 15](#)), or by lodging an Application for Renewal of a Commercial Fishing Licence form and pay the application fee ([see section 17](#)).

A renewal application form is sent by mail before a current licence expires. FisherDirect users also receive notification on their home screen, under pending transactions.

If an application for renewal is received after expiry of the applicant's current licence, the application will be treated as an application for the issue of a commercial fishing licence, which has a higher application fee.

Renewal of a commercial fishing licence may be refused on grounds set out in clause 112 of the General Regulation, which are like the grounds for refusing the issue of a licence ([see section 3.3](#)).

If the renewal of a commercial fishing licence is refused, the application fee paid is not refunded.

3.5 Suspension or cancellation of a commercial fishing licence

Commercial fishing licences may be suspended or cancelled on grounds set out in clause 113 of the General Regulation, which are like the grounds for refusing the issue of a licence ([see section 3.3](#)).

If a licence is suspended or cancelled, application fees that have been paid are not refunded.

4. Commercial fishing endorsements

A commercial fishing licence does not authorise a person to take fish for sale in a fishery unless the licence held by the person is endorsed for the fishing activity concerned.

Endorsements and the activities they authorise are detailed in [Appendix C](#).

All endorsements in the Estuary General Fishery and some endorsements in the Ocean Hauling Fishery are regions specific. A map of relevant regions can be found in [Appendix D](#).

The endorsements for a fishing business are recorded on a separate Fishing Business Card or as a digital authority accessible from a mobile device ([see section 4.1](#)). This simplifies and expedites the process of changing the fisher who is authorised to take fish for sale ([see Section 4.2](#)).

Only one endorsement holder is permitted for each fishing business.

Administrative sanctions including endorsement suspension or cancellation may be considered where serious offences, such as assault on fisheries officials or illegal fishing, demonstrate that the licence holder does not have the capacity to appropriately engage in commercial fishing.

4.1 Fishing Business (endorsement) Cards

The endorsements for a fishing business are shown on a plastic Fishing Business Card or as a digital authority accessible from a mobile device (Figure 4).

Endorsements on a fishing business card are recorded using an endorsement code. Details of all endorsements and corresponding endorsement codes can be found in [Appendix E](#).

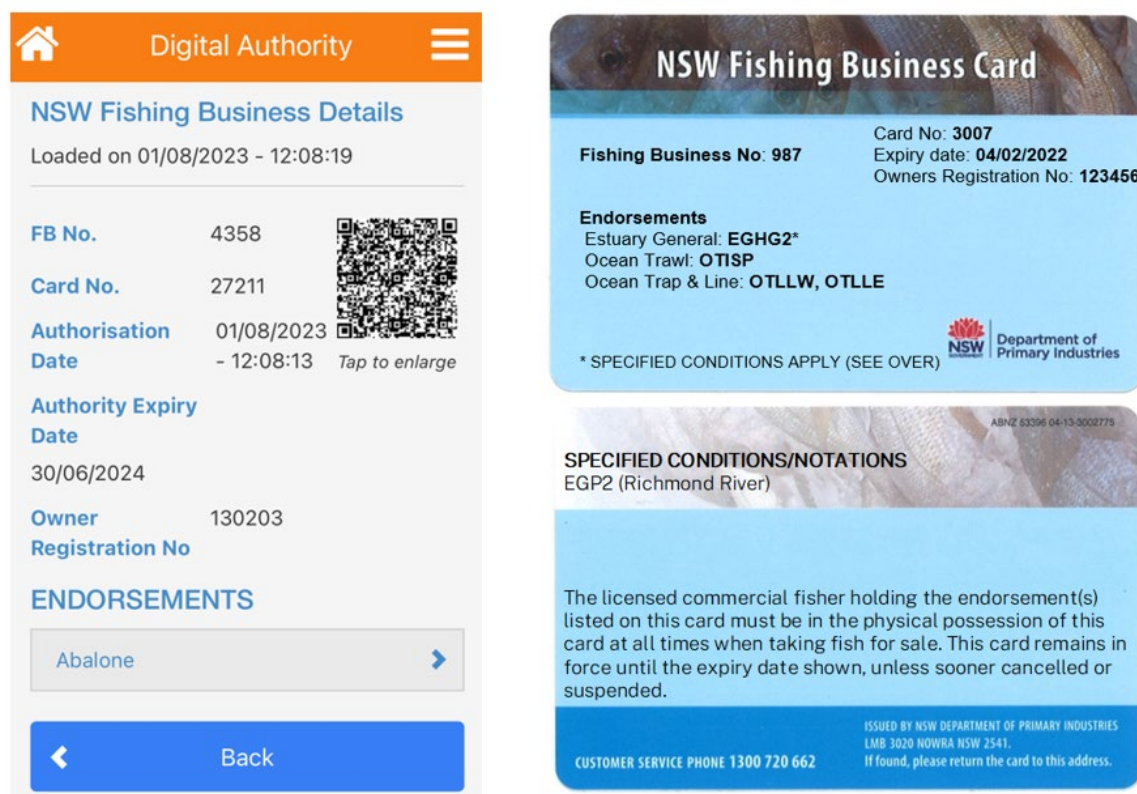
Estuary General Fishery endorsements that have an asterisk (“*”) authorise the fishing activity concerned in an estuary in an adjacent region also. Relevant estuaries and codes can be found in [Appendix F](#). If eligibility for the endorsement ceases, this additional access to an estuary in an adjacent region of the fishery is lost and is not reinstated even if more shares are acquired later.

Either the Fishing Business Card or digital authority must be always carried while engaged in fishing, including when searching, locating, aggregating, or taking fish, or when carrying fish from the place they were taken to the place where they are to be landed.

If the endorsements for a fishing business changes, including because of the following, a new fishing business determination is made, and a new fishing business card is issued with endorsements added or removed depending on the circumstances:

- the business owner becomes eligible for an endorsement or is no longer eligible for an endorsement, or
- an endorsement is cancelled or suspended for an offence against the Act or regulations.

Figure 4: Fishing Business Card in digital (left) and card (right) form



4.2 Nominating an endorsement holder

A fishing business owner may nominate another person to have their commercial fishing licence endorsed to exercise the endorsements held by the business owner.

Nominating a person to hold the endorsements for a fishing business is a two-step process, with the nomination taking effect immediately upon:

- the fishing business owner informing DPI who the nominated fisher is, and
- the nominee taking possession of the fishing business card or digital authority for the business.

A fishing business owner may inform DPI the nominated fisher for a fishing business, or revoke a nomination, either online using FisherDirect ([see section 15.1](#)) or by lodging an Application to Nominate and Revoke Nominations form ([see section 17](#)).

A nomination cannot be made within 12 hours of another nomination for the same fishing business. There is no cost for nominating or revoking an endorsement holder.

4.3 Conditions of endorsements

Endorsements are subject to conditions prescribed by regulation or specified in the endorsement. Conditions specified in an endorsement are indicated by an asterisk (“*”) on the front of the fishing business card alongside the endorsement, with the condition shown on the back of the card in abbreviated form.

[Appendix G](#) details endorsement conditions, condition codes, abbreviated conditions, and the full wording of each condition.

Conditions may be added to an endorsement, or revoked or varied, from time to time, by notice in writing to the endorsement holder.

Fishers must be aware of and comply with endorsement conditions. Legislated penalties and/or endorsement suspension or cancellation may result for contravening a condition of an endorsement.

4.4 Suspension or cancellation of endorsements

Endorsements may be suspended or cancelled on similar grounds to those for suspending or cancelling a commercial fishing licence. These grounds are in addition to the suspension or cancellation of an endorsement for breach of an endorsement condition. For further information on the grounds for suspending or cancelling an endorsement refer to:

- Abalone Fishery: Clause 12 of the Abalone Share Management Plan
- Lobster Fishery: Clause 12 of the Lobster Share Management Plan
- All other Share Management Fisheries: Clause 8 of the Supporting Plan
- Sea Urchin & Turban Shell Restricted Fishery: Clause 133 of the General Regulation
- Southern Fish Trawl Restricted Fishery: Clause 149 of the General Regulation
- Inland Restricted Fishery: Clause 163 of the General Regulation

A fishing business owner that has an endorsement suspended continues to accrue and be liable to pay any fees, charges or community contributions associated with the endorsement.

If an endorsement is cancelled, any fees or charges already paid in respect of that endorsement are not refunded.

4.5 Eligibility for endorsements in restricted fisheries

Eligibility for an endorsement in a restricted fishery is managed in a different way to eligibility for an endorsement in a share management fishery.

Eligibility for an endorsement in a restricted fishery was determined when the fishery first became a restricted fishery, and no new or additional endorsements are created. Relevantly,

- restricted fishery endorsements may be transferred in accordance with the fishing business transfer rules ([see section 5](#)), and
- under current arrangements, there are no restructure programs in place to increase or decrease the number of endorsements in each of the restricted fisheries in NSW.

4.6 Eligibility for endorsements in share management fisheries

Eligibility for an endorsement in a share management fishery is determined based on the number of shares in a fishing business and the minimum shareholding requirement relevant to that share class.

The classes of shares that are used to determine eligibility for an endorsement and the minimum shareholding requirements that apply are shown in Table 1.

For some share classes there are two minimum shareholding requirements that apply:

- a minimum shareholding that applies to ‘original entitlement holders’, and

- another minimum shareholding that applies in all other case including following the transfer of shares from the fishing business concerned.

An 'original entitlement holder' is a person who held shares of that class and was eligible for an endorsement upon full implementation of the fishery as a share management fishery.

Table 1: Minimum shareholding requirements for endorsements

Share class	Minimum shareholding	Minimum for original entitlement holder
Abalone	70	-
Lobster	55	12
Ocean Trap and Line		
Line fishing western zone	60	-
Line fishing eastern zone	40	-
Demersal fish trap	50	-
School and gummy shark	40	-
Spanner crab northern zone	40	5
Spanner crab southern zone	40	-
Ocean Trawl		
Inshore prawn	50	-
Offshore prawn	50	-
Deepwater prawn	25	-
Fish northern zone	50	-
Ocean Hauling		
Hauling net (general purpose) – region 1	80	-
Hauling net (general purpose) – regions 2, 4 & 6	50	-
Hauling net (general purpose) – region 3	120	-
Hauling net (general purpose) – region 5	70	-
Hauling net (general purpose) – region 7	160	-

Share class	Minimum shareholding	Minimum for original entitlement holder
General ocean hauling – all regions	40	1
Purse seine	40	1
Pilchard, anchovy and bait net (hauling) – regions 1, 3, 5 & 7	30	-
Pilchard, anchovy and bait net (hauling) – region 2	10	-
Pilchard, anchovy and bait net (hauling) – regions 4 & 6	20	-
Garfish net (hauling) – region 1	10	-
Garfish net (hauling) - regions 2, 3, 4, 5, 6 & 7	40	-
Estuary Prawn Trawl		
Clarence River	250	-
Hunter River	100	-
Hawkesbury River	200	-
Estuary General		
Meshing – all regions	125	-
Category one hauling – all regions	125	-
Category two hauling – all regions	125	-
Mud crab trapping – all regions	125	-
Trapping – all regions	125	-
Eel trapping – all regions	125	-
Prawning – regions 1, 2, 3, 4, 6 & 7	150	-
Prawning – region 5	125	-
Hand gathering – regions 1, 2, 3, 4, 6 and 7	125	1
Hand gathering – region 5	100	1
Handline	375	-

5 Fishing Businesses and components

In basic terms, a fishing business is a container that has components including:

- shares in a Share Management Fishery
- endorsements in a Restricted Fishery

DPI makes fishing business determinations on a needs basis. This involves identifying a fishing business and its components and allocating to each business a unique identification number.

Fishing business owners are issued with a fishing business determination certificate that specifies the owner of the business, the unique identification number allocated to the business and the components of the business.

Each time a component of a fishing business changes a new fishing business determination is made and a new fishing business determination certificate is issued.

With some exceptions, new fishing businesses are not created. The only exception is where a person acquires the following and does not already own a fishing business or requests the creation of a new fishing business:

- shares in the Abalone Fishery
- shares in the Lobster Fishery
- an Inland Restricted Fishery endorsement

A fishing business may be registered to an individual, a partnership, or a corporation.

A fishing business with shares cannot be registered to a trust or registered to or owned by:

- or on behalf of, or for the benefit of a foreign person or a substantially foreign-owned body
- a subsidiary of a foreign person or a foreign-owned body

A fishing business only exists when it has one or more components. If all shares and/or restricted fishery endorsements are transferred from the business, DPI will revoke the determination such that the fishing business no longer exists.

5.1 What are shares?

Shares are a statutory fishing right and each class is used in different ways, including to determine one or more of the following:

- eligibility for an endorsement
- the quantity of quota that the shareholder is issued for each fishing period
- the quantity of gear (e.g., traps) that the shareholder may use
- whether assistance (crew) may be used
- the number of nominations (or slips) a fisher may enter into a prawn ballot

[Appendix H](#) includes more information on what each class of share is used for.

5.2 Transferring components of a fishing business

Shares and restricted fishery endorsements are the transferable components of a fishing business.

Shares and restricted fishery endorsements may be transferred to another person as part of a complete fishing business or as individual components subject to the transfer complying with the fishing business transfer rules.

A dealing in a share does not have effect until it is registered in the Share Register.

Transferors (sellers) and transferees (buyers) are encouraged to:

- be familiar with the fishing business transfer rules
- seek independent legal, financial and other relevant advice before committing to a transfer
- wait for notice in writing of the outcome of the transfer before making a financial transaction

A fishing business owner may transfer the components of a fishing business online in FisherDirect (see [section 15.1](#)) or by lodging an Application for Approval of Transfer of Components of a Fishing Business form and paying the relevant fee.

There is no fee for a transfer that is initiated and completed online.

If a paper-based application is lodged and the transfer is refused, any application fees that have been paid are not refunded.

If a fishing business owner has quota and transfers (disposes) all shares or the restricted fisheries endorsement relevant to that quota, the quota must be transferred to a business owner who is eligible to hold that quota ([see section 8.1](#)).

5.3 Transfer rules - abalone and lobster shares

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).

If the shares are transferred to a person, partnership or corporation that does not already own an abalone or a lobster fishing business, a new fishing business of the relevant type will be created.

5.4 Transfer rules – sea urchin and turban shell restricted fishery endorsements

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

SUTS endorsements cannot be split from a SUTS fishing business and transferred separately.

SUTS endorsements may be transferred as a complete package to any person, partnership, or corporation (including a new entrant to the industry).

5.5 Transfer rules – inland restricted fishery endorsements

There are three types of endorsement in the Inland Restricted Fishery:

- Class A: Yabby and Carp endorsement
- Class B: Carp endorsement
- Class D: Carp endorsement (non transferable)

A class A or a class B endorsements may be split from an inland fishing business and transferred to any person, partnership, or corporation (including a new entrant to the industry).

Class D endorsements are not transferable.

If a class A or class B endorsement is split from an inland fishing business and transferred to someone else, a new inland fishing business will be created if the transferee (buyer):

- already owns an inland fishing business with the same endorsement, or
- does not already have an inland fishing business.

A new inland fishing business may also be created if a business owner holds multiple inland endorsements and requests a second fishing business, including so that the business owner can use one endorsement and at the same time nominate someone else to use the other endorsement.

5.6 Transfer rules – all other fisheries

The transfer rules below apply to the following fisheries:

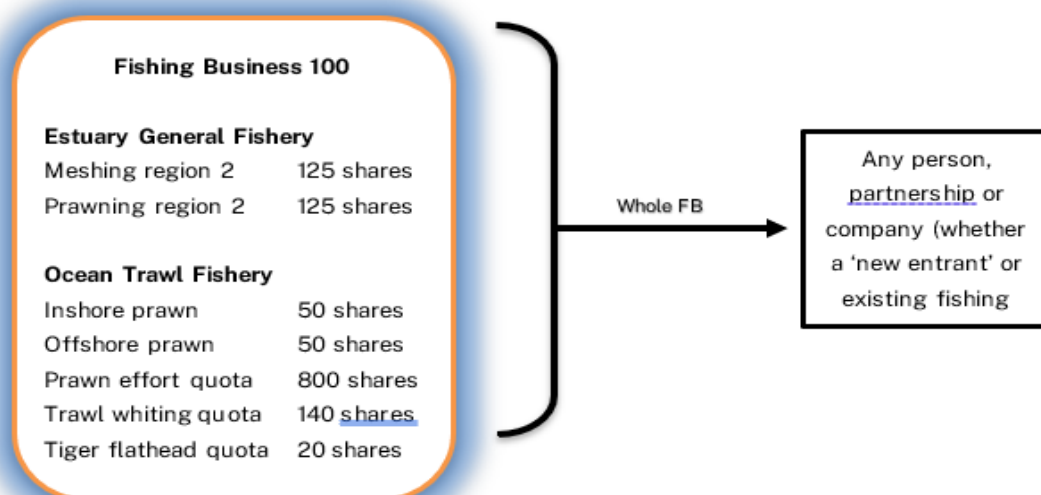
- Estuary General Share Management Fishery
- Estuary Prawn Trawl Share Management Fishery
- Ocean Hauling Share Management Fishery
- Ocean Trap and Line Share Management Fishery
- Ocean Trawl Share Management Fishery
- Southern Fish Trawl Restricted Fishery

The transfer rules are designed to ensure no increase in the total number of fishing businesses that may access the above fisheries, the total number of fishing businesses that may access each of these fisheries, and the total number of endorsements of each kind above that which existed on 5 February 2007 (which is when the first five fisheries above became share management fisheries).

5.6.1 Transferring all components as a complete package (including quota shares)

All components of a fishing business may be transferred as a complete package to any person, partnership, or corporation, including a new entrant to the industry (see Figure 5).

Figure 5: Transferring all components of a fishing business as a complete package

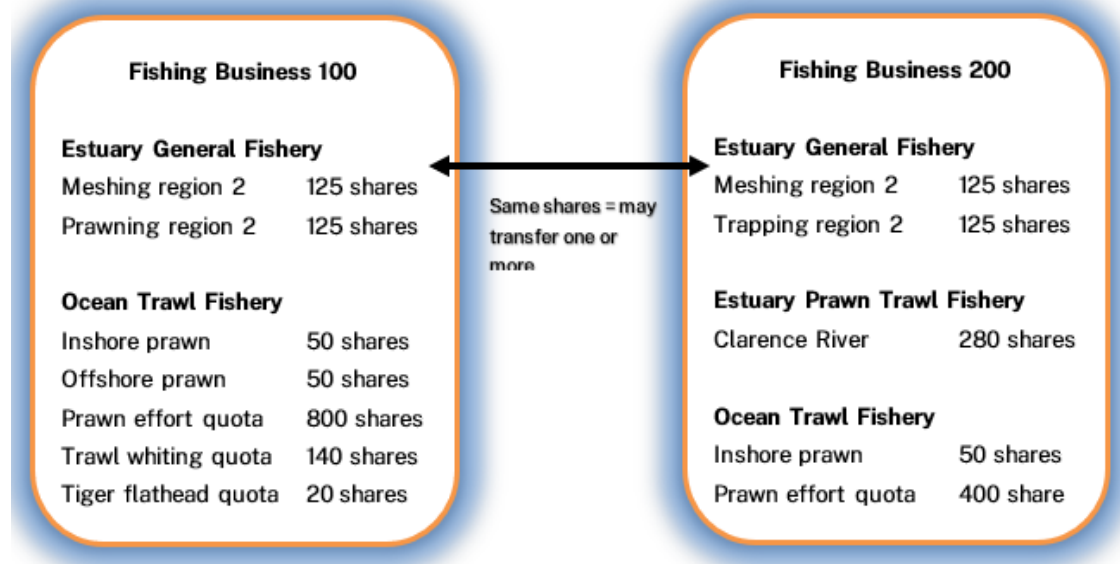


5.6.2 Transferring a component to a person who holds the same component

If the transferee (buyer) owns a business with shares of the same class, one or more shares of that class may be transferred to that person. Some owners use this to 'top up' their shareholding (see Figure 6).

In the case of a southern fish trawl endorsement, these cannot be transferred to a person who owns a fishing business that already has a southern fish trawl endorsement.

Figure 6: Transferring shares to a person holding shares of the same class

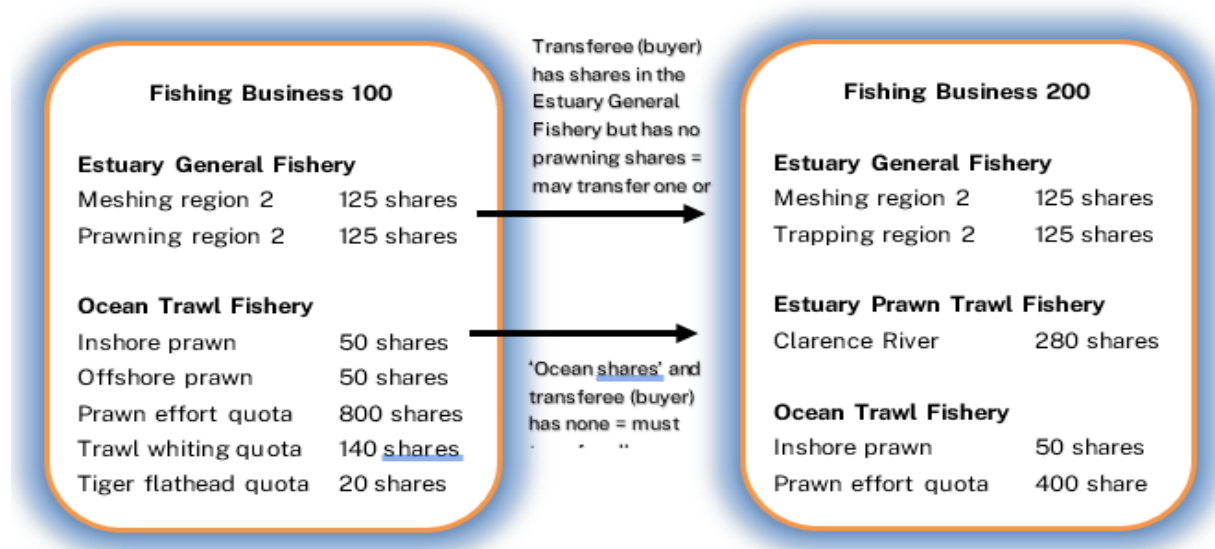


5.6.3 Transferring components to a person in the same fishery

If the transferee (buyer) owns a fishing business with components in the same fishery but not of the same class, there are several rules that may apply depending on the circumstances:

- (a) if the component is a southern fish trawl endorsement, it may be transferred to any person who holds shares in the Ocean Trawl Fishery (i.e., the Ocean Trawl Fishery and the Southern Fish Trawl Fishery are taken to be the same fishery for the purpose of these rules).
- (b) if the component is one of the following (known as ‘ocean shares’), all shares of the relevant class must be transferred to the transferee (buyer) as a complete package:
- any class of share in the ocean hauling fishery
 - any class of share in the ocean trawl fishery
 - ocean trap and line – spanner crab northern zone shares.
- (c) in any other case, one or more shares may be transferred to the transferee (see Figure 7).

Figure 7: Transferring shares to a person in the same fishery



5.6.4 Transferring components to a person not in the same fishery

If the transferee (buyer) owns a fishing business that does not have components in the same fishery, all components relevant to that fishery must be transferred as a complete package (see Figure 8).

If the component is a southern fish trawl endorsement and:

- (a) the transferee (buyer) owns a fishing business that does not have components in the Ocean Trawl Fishery, the southern fish trawl endorsement and any shares held in the Ocean Trawl Fishery must be transferred as a complete package (see Figure 9),
- (b) the transferee (buyer) owns a fishing business that includes components in the Ocean Trawl Fishery, the southern fish trawl endorsement may be split and transferred separate to any Ocean Trawl Fishery shares held (see Figure 10).

Figure 8: Transferring components to a person not in the same fishery

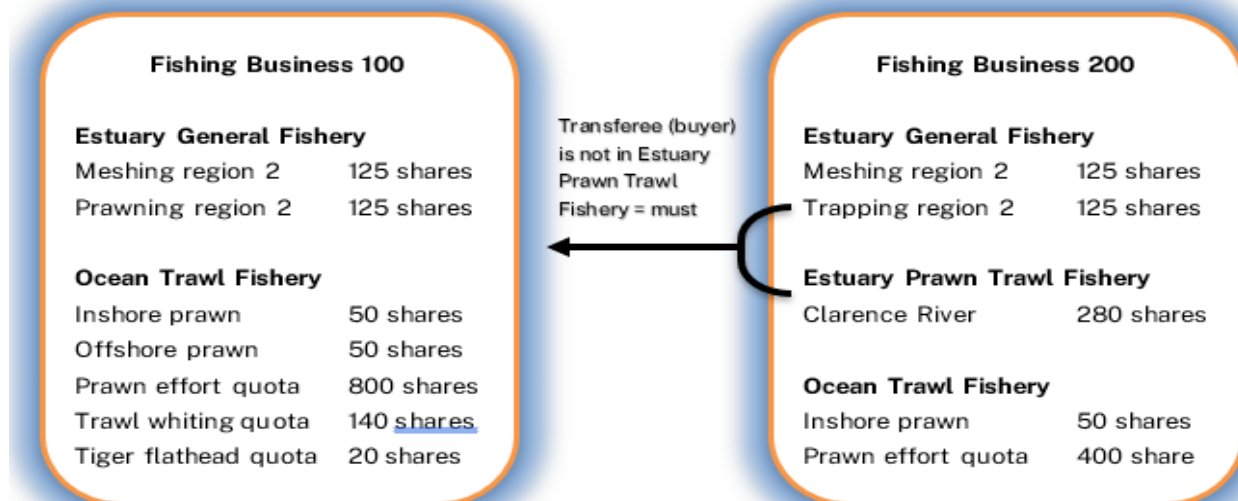


Figure 9: Transferring a SFT endorsement to a person not in the Ocean Trawl Fishery

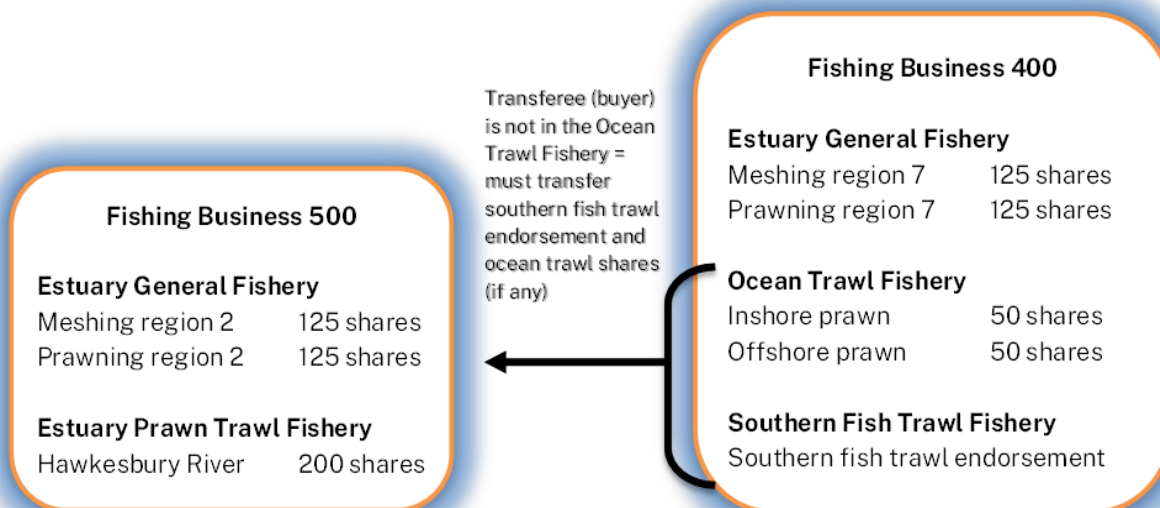
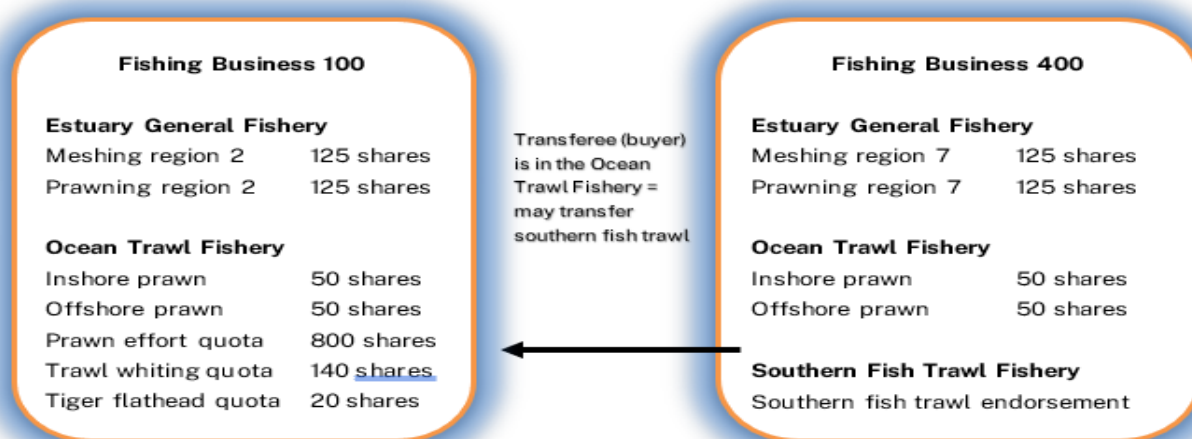


Figure 10: Transferring a SFT endorsement to a person who is in the Ocean Trawl Fishery

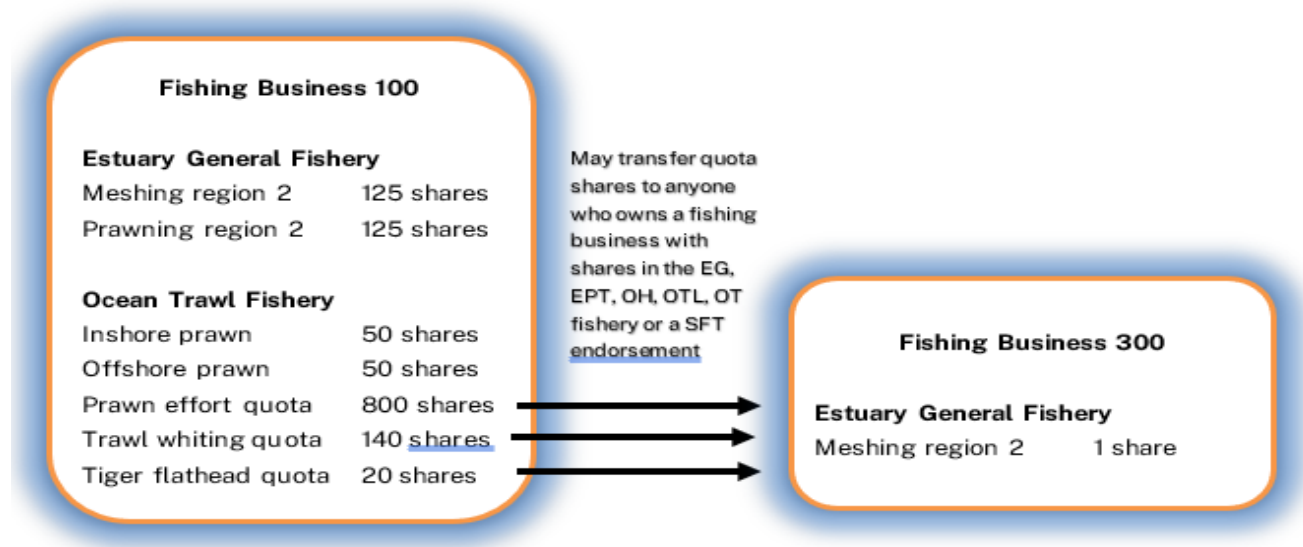


5.6.5 Transferring quota shares

One or more quota shares may be transferred to any person who owns a fishing business with one or more of the following (see Figure 11):

- a share in the Estuary General Fishery
- a share in the Estuary Prawn Trawl Fishery
- a share in the Ocean Hauling Fishery
- a share in the Ocean Trap and Line Fishery
- a share in the Ocean Trawl Fishery
- a Southern Fish Trawl endorsement

Figure 11: Transferring quota shares



5.6.6 Transfers for the purpose of surrender

Despite the rules above, a share or southern fish trawl endorsement may be transferred to anyone (including a person who does not own a fishing business) if the transfer is part of an arrangement for the share or endorsement to be surrendered to the Minister for cancellation.

5.7 Maximum shareholdings

A shareholder cannot hold more than the maximum shareholding for a fishery (see Table 2). Shares above a maximum shareholding cannot be issued to a person or recorded in the share register. In such cases the person may dispose the excess shares, or the shares must be cancelled.

Table 2: Maximum shareholdings

Fishery	Maximum shareholding
Abalone	210
Lobster	3,848

Fishery	Maximum shareholding
Ocean Trap and Line (except quota shares)	40% of the total number of shares in the fishery at the commencement of the Ocean Trap and Line Share Management Plan
Ocean Trawl (except quota shares)	40% of the total number of shares in the fishery at the commencement of the Ocean Trawl Share Management Plan
Ocean Hauling (except quota shares)	40% of the total number of shares in the fishery at the commencement of the Ocean Hauling Share Management Plan
Estuary Prawn Trawl	40% of the total number of shares in the fishery at the commencement of the Estuary Prawn Trawl Share Management Plan
Estuary General (except quota shares)	40% of the total number of shares in the fishery at the commencement of the Estuary General Share Management Plan

6 Share register

The share register is a record of shareholders, their shares, and any dealings in shares such as a transfer, transmission, conveyance, assignment, or mortgage of shares. The share register or an extract is available for inspection by any person, and in some cases a fee may apply.

Other avenues for accessing share related information include FisherDirect ([see section 15.1](#)) or the NSW DPI website. The level of information available in these cases is not as detailed as the information that may be available upon application to inspect the share register.

7 Mortgaging shares

A mortgage or other third-party interest in one or more shares of any class may be registered. Once a share is mortgaged or registered as having a third-party interest, it cannot be transferred or transmitted until the registered interest is discharged or released.

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 the relevant fee ([see section 17](#)).

8 Quota

Individually transferable quotas (ITQs) come in two forms:

- catch quota, which is the total quantity in kilograms of a species (or multiple species in the case of a 'basket quota') that may be taken in a fishing period, and

- effort quota, which is the total quantity of effort (e.g., days fishing) that may be expended in a fishing period.

A fishing period is a twelve month period during which the quota may be used.

Quota is issued to relevant shareholders at the beginning of each fishing period and cannot be carried forward to the next fishing period. Quota is issued to shareholders proportional to the number of relevant shares held.

Quota is a shareholders' allocation of a Total Allowable Catch (TAC) or Total Allowable Effort (TAE), which are re-determined from time to time, generally at the beginning of a fishing period.

If a TAC or TAE goes up or down, the quota issued to each shareholder at the beginning of the next fishing period will go up or down accordingly.

If a fishing business owner has quota and transfers (disposes) all shares or the restricted fisheries endorsement relevant to that quota, the quota must be transferred to a business owner who may hold that quota (see Table 3).

8.1 Transferring quota

Quota may be transferred independently of shares, but only to a person who may hold the quota and only during the fishing period to which the quota applies. Table 3 below shows:

- persons who may hold (or be transferred) quota of each kind, and
- person to whom quota is issued at the beginning of each fishing period (in bold).

A fishing business owner may transfer quota online in FisherDirect ([see section 15.1](#)) or by lodging an Application for Manual Transfer of Quota form and paying the relevant fee ([see section 17](#)).

There is no fee for online quota transfers.

A holder of lobster shares may not acquire by transfer more than twice the amount of the shareholder's initial quota for the fishing period.

Table 3: Persons who may hold (or be transferred) quota and persons to whom quota is issued at the beginning of each fishing period (in bold)

Quota	Holders of the following may hold (or be transferred) quota
Mud crab	Estuary General – handline shares – Regions 1-7 Estuary General – meshing shares – Regions 1-7 Estuary General – prawning shares – Regions 1-7 Estuary General – trapping shares – Regions 1-7 Estuary General – mud crab trapping shares – Regions 1-7 Estuary General – category one hauling shares – Regions 1-7 Estuary General – mud crab quota shares

Quota	Holders of the following may hold (or be transferred) quota
Blue swimmer crab	Estuary General – handline shares – Regions 1-7 Estuary General – meshing shares – Regions 1-7 Estuary General – prawning shares – Regions 1-7 Estuary General – trapping shares – Regions 1-7 Estuary General – mud crab trapping shares – Regions 1-7 Estuary General – category one hauling shares – Regions 1-7 Estuary General – blue swimmer crab quota shares
Eel	Estuary General – handline shares – Regions 1-7 Estuary General – meshing shares – Regions 1-7 Estuary General – prawning shares – Regions 1-7 Estuary General – eel trapping shares – Regions 1-7 Estuary General – category one hauling shares – Regions 1-7 Estuary General – eel quota shares
Beachworm	Estuary General – hand gathering shares – Regions 1-7 Estuary General – beachworm quota shares
Cockle	Estuary General – hand gathering shares – Regions 1-7 Estuary General – cockle quota shares
Ghost nipper	Estuary General – hand gathering shares – Regions 1-7 Estuary General – ghost nipper quota shares
Pipi	Estuary General – hand gathering shares – Regions 1-7 Estuary General – pipi quota shares
Estuary meshing (days)	Estuary General – meshing shares – Regions 1-7*
Estuary hauling cat 1 (days)	Estuary General – category one hauling shares – Regions 1-7*
Estuary hauling cat 2 (days)	Estuary General – category two hauling shares – Regions 1-7*
Eastern sea garfish	Ocean Hauling – garfish net (hauling) shares – Regions 1-7 Ocean Hauling – eastern sea garfish quota shares

Quota	Holders of the following may hold (or be transferred) quota
Australian sardine	Ocean Hauling – purse seine net shares Ocean Hauling – Australian sardine quota shares
Blue mackerel	Ocean Hauling – purse seine net shares Ocean Hauling – blue mackerel quota shares
Yellowtail scad	Ocean Hauling – purse seine net shares Ocean Hauling – yellowtail scad quota shares
Gemfish	Ocean Trap and Line – line fishing eastern zone shares Ocean Trap and Line – gemfish quota shares
Bass grouper	Ocean Trap and Line – line fishing eastern zone shares Ocean Trap and Line – bass grouper quota shares
Blue-eye trevalla	Ocean Trap and Line – line fishing eastern zone shares Ocean Trap and Line – blue-eye trevalla quota shares
Hapuku	Ocean Trap and Line – line fishing eastern zone shares Ocean Trap and Line – hapuku quota shares
Pink ling	Ocean Trap and Line – line fishing eastern zone shares Ocean Trap and Line – pink ling quota shares
Bigeye ocean perch	Ocean Trap and Line – line fishing eastern zone shares Ocean Trap and Line – line fishing western zone shares Ocean Trap and Line – demersal fish trap shares Ocean Trap and Line – bigeye ocean perch quota shares
Spanner crab	Ocean Trap and Line – spanner crab northern zone shares Ocean Trap and Line – spanner crab southern zone shares Ocean trap and Line – spanner crab quota shares
Bluespotted flathead	Ocean Trawl – inshore prawn shares Ocean Trawl – offshore prawn shares Ocean Trawl – fish northern zone shares Ocean Trawl – bluespotted flathead quota shares
Tiger flathead	Ocean Trawl – inshore prawn shares

Quota	Holders of the following may hold (or be transferred) quota
	Ocean Trawl - offshore prawn shares Ocean Trawl – fish northern zone shares Ocean Trawl – tiger flathead quota shares
Eastern school whiting & stout whiting	Ocean Trawl – inshore prawn shares Ocean Trawl – offshore prawn shares Ocean Trawl – fish northern zone shares Ocean Trawl – trawl whiting quota shares
Ocean trawl prawn effort	Ocean Trawl – inshore prawn shares Ocean Trawl – offshore prawn shares Ocean Trawl – prawn effort quota shares
Silver trevally	Ocean Trawl – inshore prawn shares Ocean Trawl – offshore prawn shares Ocean Trawl – fish northern zone shares Ocean Trawl – deepwater prawn shares Ocean Trawl – silver trevally quota shares
Gemfish	Ocean Trawl – fish trawl northern zone Ocean Trawl – gemfish quota shares
Abalone	Abalone shares
Lobster	Lobster shares
Red sea urchin	Sea urchin endorsement

*Effort quota in the Estuary General Fishery can only be transferred to a person who holds the same class of shares in the same region (e.g., meshing quota for region 2 may only be transferred to a person who holds meshing shares for region 2).

9 Boats used for commercial fishing

Boats used for commercial fishing in NSW do not need to be licensed by DPI, but they must be marked for identification purposes and comply with the maximum boat length relevant to the fishery or fishing activity concerned. Additional requirements apply to boats used for ocean trawl prawning (see [section 9.3](#)).

9.1 Boat marking requirements

Table 4 shows the boat marking requirements that apply to boats used for commercial fishing. All markings must consist of clearly visible letters in a colour that contrasts with that of the boat or dinghy and:

- for a boat longer than 7.5 metres and used in ocean waters, must be not less than 300 mm in height and 150 mm in width
- for any other boat, must be not less than 150mm in height
- for a dinghy, must be not less than 50mm in height

If a boat is not being used for commercial fishing, it must not display the letters “LFB”.

Table 4: Commercial fishing boat marking requirements

Commercial fishery	Boat marking requirement
All boats in all fisheries	The letters “LFB” must be displayed on both sides of the outside of the bow or wheelhouse of the boat
All dinghies* in all fisheries	The letter “D” must be displayed on both sides of the outside of the dinghy
Lobster	The letters “RL” must be displayed immediately before the letters “LFB” on both sides of the outside of the bow or wheelhouse of the boat
Abalone	The letter “A” followed by the home port initials of the boat must be displayed on both sides of the outside of the bow or wheelhouse of the boat – this applies in addition to the requirement to display the letters “LFB” as set out above

* A dinghy refers to a small boat carried on a boat being used for commercial fishing.

9.2 Maximum boat lengths and ‘exempt boats’

A boat must not be used if it exceeds the maximum boat length for the fishery or fishing activity concerned (see Table 5). The only exception is for a boat that is an ‘exempt boat’.

Table 5: Maximum boat lengths

Fishery or fishing activity	Maximum 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 any other net	20 metres
Ocean Trap and Line	20 metres
Ocean Trawl	20 metres
Southern Fish Trawl	20 metres

Boats that are exempt from a maximum boat length for a fishery or fishing activity are known as 'exempt boats' and they are identified on the DPI website.

A 3-year transition period applies until the 18 November 2025 during which a person entitled to an exempt boat may:

- transfer that entitlement to another person
- acquire a new exempt boat

Further information on exempt boats and the 3-year transition period can be found on the DPI website or by contacting Commercial Fisheries Business Services.

9.3 Special requirements for ocean trawl prawning

Effort quota applies in the inshore and offshore prawn trawl sector of the Ocean Trawl Fishery and under this scheme the quantity of quota that a business consumes for each 24-hour period is based on the size of the boat used.

Before a boat is used for ocean trawl prawning, the fishing business owner must lodge a Required Information for Boats Used for Ocean Trawl Pawning (effort quota) form so that the correct quantity of quota is deducted from the business each time the boat is used.

10 Management charges, community contributions and other fees

A range of fees, charges and contributions apply to help meet the costs of commercial fisheries management, research, administration, compliance, and consultation. A community contribution also applies to shareholders in return for access to community-owned fisheries resources.

Fees, charges, and contributions may be adjusted from time to time to reflect changes in the above costs and to keep pace with inflation.

Below is information on some of these charges. A full list of fees, charges, and contributions is available on the [DPI website](#) or by contacting Commercial Fisheries Customer Services.

10.1 Annual invoicing and instalments

Share management charges, restricted fishery contributions and community contributions (share management fisheries only) are invoiced to fishing business owners each financial year. These may be paid in full or by three instalment payments over the financial year.

Where full payment or instalment payments are not made by the due dates DPI will apply the provisions of any relevant debt recovery and administrative sanctions policies. This may result in a range of actions including suspension of endorsements and a freeze on quota transfers. If a fishing business owner is having difficulty meeting payment obligations, early contact should be made with Commercial Fisheries Customer Services to discuss any available options.

Any outstanding charges including instalment payments must be paid before a fishing business or components of a business (such as shares) can be transferred. DPI cannot redirect charges to another person.

10.2 Contributing to the costs of management

Shareholders and restricted fishery endorsement holders contribute towards the costs of management. In share management fisheries this is known as a management charge and in restricted fisheries it is known as a contribution.

Share management charges are based on the number and class of shares held in a fishing business and a fixed base charge per business also applies. Restricted fisheries contributions are based on holding an endorsement.

10.3 Community contributions

An annual community contribution applies to shareholders for the right to access a community owned resource. This is paid on a per fishing business basis. Where a fishing business contains a restricted fishery endorsement only (no shares) the community contribution does not apply.

10.4 FRDC research levy

A proportion of fishery management charges goes towards a research levy, which DPI passes on to the Fisheries Research and Development Corporation (FRDC). FRDC is a co-funded partnership between the Australian Government and the fishing industry which co-ordinates research priorities and funding for research to increase economic, social, and environmental benefits for Australian fishing and aquaculture and the wider community.

10.5 Transaction based charges

Some transactions requiring manual processing by DPI. These attract a fee-for-service transaction charge, such as transferring a restricted fishery endorsement, registering a dealing in shares, or a manual transfer of quota. Transacting online using FisherDirect is free.

11 Special approval for research or other purposes (orders and permits)

The Minister may approve the taking and possession of fish or marine vegetation of any kind or of a specified kind by issuing a permit to a person or making an order. An order is used to when granting special approval to more than one person.

Special approval to take and possess fish or marine vegetation is generally only granted to commercial fishing industry participants for the following reasons:

- to collect species for environmental assessment and monitoring
- to trial new commercial fishing gear
- for research purposes
- to authorise the use of certain fishing gear pending agreed changes to regulation

In a small number of cases, individuals are granted special approval to continue commercial fishing activities historically undertaken such as:

- taking eels from farm dams
- taking bait for tuna longlining in Commonwealth managed fisheries
- dredging for cockles in ocean waters

In the case of commercial fishing activities for which permits are required on an ongoing basis, permit holders are sent an application form approximately 6 weeks prior to the expiry date to apply for a new permit for a further period, generally 12 months.

Permits are subject to conditions and are not transferable and may be cancelled or suspended at any time by notice in writing to the holder of the permit.

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

For more information on the types of permits available in NSW commercial fisheries and requirements for environmental assessment or a Review of Environmental Factors, contact fisheries.permits@dpi.nsw.gov.au

12 Reviewable decisions (section 126 of the Act)

Some decisions made by DPI may be reviewed by the NSW Civil and Administrative Tribunal (NCAT). These are sometimes referred to as reviewable decisions.

Reviewable decisions include decisions relating to the issue, suspension, or cancellation of certain fishing authorities, including commercial fishing licences and endorsements on a commercial fishing licence.

Imposing a condition on certain fishing authorities (other than by regulation) is also a reviewable decision that may be reviewed by NCAT.

Prior to DPI making a reviewable decision that involves the suspension or cancellation of a commercial fishing licence or an endorsement on a commercial fishing licence, the licence holder (or business owner where relevant) is provided an opportunity to show cause in writing as to why the licence or endorsement should not be suspended or cancelled.

Before making an application to 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. A person who is not satisfied with the outcome of an 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 NCAT website.

13 Lost cards and changes to personal details

If a commercial fishing licence or a fishing business card has been lost, misplaced, damaged or stolen, a replacement card may be issued. To be issued a replacement card you can apply online in FisherDirect or lodge an Application for Replacement Authority form.

If a new commercial fishing licence or fishing business card is issued, the fishing business owner must return the old fishing business card to Commercial Fisheries Customer Services or destroy it.

Contact details such as an address and phone number can be amended or updated through FisherDirect (see section 15.1) or by lodging a written request to DPI.

14 Companies

14.1 Deregistration as a company

ASIC can deregister a company in certain circumstances, including upon application to deregister the company by the owner, a court, or a company liquidator.

If a company is deregistered, it ceases to exist as a legal entity and any property the company owned (which might include shares or restricted fishery endorsements) vests in ASIC.

A deregistered company cannot transfer (buy or sell) shares or other property.

Before transferring shares or other property from a company, undertaking a company search on ASIC's website to confirm the seller's company registration is current is strongly recommended.

14.2 Companies signing forms

Where an application involves a company, the full names of the company and the person authorised to act on behalf of the company must be provided and a current (within 1 month) company extract showing the Australian Securities and Investments Commission registration and the authorisation stipulating the person (with position indicated) who is authorised to sign documents on behalf of the company must accompany 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.

15 FishOnline

FishOnline is a secure web-based system that provides for online transactions including business-related transactions and catch and effort reporting.

FisherDirect and FisherMobile are self-service components of the FishOnline system.

15.1 FisherDirect

FisherDirect allows commercial fishing licence holders and fishing business owners (or their appointed agents) to:

- transfer shares and fishing businesses
- transfer quota
- view current quota balance(s)
- authorise and revoke nominated fishers
- post advertisements to, and review the FishOnline Noticeboard - For Sale and Trade
- pay fishing business charges and fees
- renew a commercial fishing licence
- lodge catch and effort reports (except for the Lobster Fishery)
- view fishing activity reports previously lodged
- request replacement commercial fishing licence/fishing business cards
- view recorded catches back to July 2009
- view nominated fisher history back to February 2007
- view fishing business endorsement history back to February 2007
- view licence details
- receive messages from DPI
- appoint and permission agents to act on your behalf
- update contact details

More information on the functions and use of FisherDirect including download instructions, user guides and video demonstrations can be found on the [DPI website](#). Assistance can also be obtained by contacting FishOnline Support ([see section 18.2](#)).

15.2 Registering to use FisherDirect

To register for FisherDirect, is it necessary to:

- be a natural person
- have a personal (and unique) email address
- agree to and accept the terms and conditions of use for FishOnline, and be
- the holder of a current NSW commercial fishing licence, the owner of a NSW fishing business, the holder of a 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 15.3](#)).

If an application to register does not meet the above requirements, DPI will contact the applicant and encourage the applicant to rectify any outstanding matters. If an application remains deficient and is not processed for failure to meet the above requirements, it will be returned to the applicant.

15.3 Registering a FisherDirect agent

Another person can be registered to access and operate FisherDirect on behalf of the licence holder and/or business owner as relevant. Such persons are referred to as an 'agent'.

DPI takes no responsibility for any action an agent takes while reporting or transacting on behalf of the licence holder and/or business owner. As such, licence holders and/or business owners proposing to register an agent need to be careful about their choice of agent, and what level of access they provide.

Anyone can be appointed as an agent, providing they:

- are a natural person
- have a personal (and unique) email address
- agree to be an appointed agent
- agree to and accept the terms and conditions of use for FishOnline
- register (if not already registered) for FisherDirect

To appoint an agent, it is necessary to complete a FisherDirect Agent Authorisation Application form. Agent's permissions can be removed and managed 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.

15.4 FisherMobile

FisherMobile is a secure mobile application (app) available for eligible mobile devices including iPhone, iPad and Android Phone/Tablet with the native browsers found on these devices (Safari and Google Chrome).

Third party browsers are not supported.

FisherMobile enables real time reporting of quota usage and other commercial fishing activities by endorsement holders. It allows users to access FishOnline via a mobile device to:

- lodge real time fishing reports (relevant to quota), including pre-fish, catch estimate (pre-land) and final catch (post-land) reports
- view real time quota balances
- submit catch and effort reports
- access digital authority details
- lodge threatened and protected species reports
- report lost and found gear

FisherMobile is only available to endorsement holders (that is, persons with a commercial fishing licence endorsed to take fish in a share management or restricted fishery). Agents of endorsement holders are not eligible to access FisherMobile.

To use FisherMobile it is necessary to download the app and complete a FisherMobile Account Application form. There is no application fee associated with this form or the app.

More information on the functions and use of FisherMobile including download instructions, user guides and video demonstrations can be found on the DPI website. Assistance can also be obtained by contacting FishOnline Support ([see section 18.2](#)).

15.5 FishOnline Noticeboard – For Sale & Trade

The FishOnline Noticeboard is an online platform to assist in the trading of NSW catch and effort quota, fishing businesses, shares, endorsements, equipment, and boats. The noticeboard can be found on the DPI website. A FisherDirect account is needed to advertise on the FishOnline Noticeboard.

16 Registration as a Fish Receiver

A person or company who buys or otherwise receives fish for resale or other commercial use, from a NSW commercial fishing licence holder, must be registered as a Class B registered fish receiver.

A commercial fishing licence holder may apply for registration as a Class A registered fish receiver. This registration allows the licence holder to sell their own catch directly to a person or company for resale or other commercial use (where the person or company does not hold a Class B registration).

A fish receiver registration is not required where:

- the fish received have previously been received by a registered fish receiver (first point of sale)
- the fish are received in the person's capacity as an employee or agent of another fish receiver
- the fish are received only for the purpose of transporting them on behalf of the owner of the fish
- the fish were taken in the inland restricted fishery by the holder of an endorsed licence
- the fish are oysters or aquaculture product

For more information on fish receiver registration requirements, including applications to register, applicable fees and reporting requirements, please contact Catch Records ([see section 18.3](#)).

17 Application forms and fees

Application forms and commercial fishing fee information are available on the [DPI website](#) or by contacting Commercial Fisheries Customer Services.

18 Contacts

18.1 Commercial Fisheries Customer Services

Commercial licensing, applications, and financial enquiries.

Phone: 1300 720 662

Fax: (02) 4424 7449

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

Post: Commercial Fisheries Customer Services
LMB 3020
Nowra, NSW 2541

18.2 FishOnline Support

Assistance with accessing and using FisherDirect and FisherMobile.

Phone: 1300 720 662

Fax: (02) 4424 7449

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

Post: FishOnline Support
LMB 3020
Nowra, NSW 2541

18.3 Catch Records

Catch and effort records, commercial fishing logbooks, quota transfer applications and registered fish receiver matters.

Phone: 1800 994 850

Fax: (02) 6391 4709

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

Post: Catch Records
PO Box 4157
Coffs Harbour Jetty, NSW 2450

18.4 Commercial Fisheries Management

Fishery related information and enquiries.

Phone: 1300 726 488

18.5 Fisheries Compliance

Local fisheries officers can provide information on rules and regulations, including local requirements.

Illegal fishing can be reported to the Fishers Watch Phonenumber on 1800 043 536

19 Common terms and abbreviations used in this guide

Act: means the *Fisheries Management Act 1994*

Component(s) of a fishing business: include shares in a share management fishery and restricted fishery endorsements.

Condition: includes a condition (limit or restriction) on a commercial fishing licence, an endorsement, or a permit.

Crew: a person not authorised by a commercial fishing licence with an appropriate endorsement to take fish for sale but who assists a licensed commercial fisher to take fish for sale.

DPI: the NSW Department of Primary Industries.

Endorsement: an authority on a commercial fishing licence authorising the holder of the licence to undertake certain commercial fishing activities.

Fishing authority: includes a commercial fishing licence, a permit, a share, an endorsement, or any other authority relating to fishing activities issued under the Act.

Fishing Business: a separate and identifiable fishing business which has a unique identifying number, with one or more components such as a share or a restricted fishery endorsement.

Fishing Business Card: a physical card or a digital authority accessible from a mobile device which is produced/issued by DPI and shows the endorsements held by a licensed commercial fisher.

Fishing Business Determination: a process that involves the Secretary or delegate determining a fishing business to be a separate and identifiable fishing business and the components of the fishing business.

Fishing Business Determination Certificate: a paper-based certificate showing the results of a Fishing Business Determination by the Secretary or delegate.

Fishing business transfer rules: means the rules that apply to the transfer of components of a fishing business as set out in Part 10 of the Fisheries Management (General) Regulation 2019.

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

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

LFB: letters required to be displayed on a boat used for commercial fishing (historically LFB referred to Licensed Fishing Boat).

Maximum shareholding: the maximum number of shares that may be held by a shareholder in a fishery.

Minimum shareholding: the minimum number of shares of a certain class that must be held to be eligible for an endorsement.

Order: a special approval authorising more than one person to take and possess fish or marine vegetation, issued under section 37 of the Act.

Permit: a special approval to take and possess fish or marine vegetation that is issued to an individual under section 37 of the Act.

Quota: is a share of a Total Allowable Catch (TAC) or Total Allowable Effort (TAE). Quota may be a total quantity (kg) of fish that may be taken or amount of effort (days) that may be expended by a licensed fisher in a fishing period.

Quota Share: provides an ongoing right to allocations of catch and effort quota for the relevant species. Quota is allocated to holders of species quota shares before the start of each new fishing period.

Restricted fishery: a fishery declared as a restricted fishery under Part 4 Division 3 of the Act, including the sea urchin and turban shell, inland, and southern fish trawl fisheries.

Shareholder: an individual, partnership or company who own shares in a share management fishery.

Shareholding: the shares held by a shareholder.

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

Share management plan: a regulation made under the Act that includes rules for a fishery, including rules that are enforceable.

Mortgage: an interest in a share by a third party other than the shareholder.

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

TAC and TAE: TAC means Total Allowable Catch and TAE means Total Allowable Effort.

Transferee: a person, partnership or company acquiring one or more components of a fishing business.

Transferor: a person, partnership or company disposing one or more components of a fishing business.

20 Appendices

Appendix A: Legislation applicable to commercial fisheries

Legislation applicable to the management and administration of commercial fishing in NSW:

- *Fisheries Management Act 1994*
- Fisheries Management (Abalone Share Management Plan) Regulation 2000
- Fisheries Management (Estuary General Share Management Plan) Regulation 2006
- Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006
- Fisheries Management (General) Regulation 2019
- Fisheries Management (Lobster Share Management Plan) Regulation 2000
- Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006
- Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006
- Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006
- Fisheries Management (Supporting Plan) Regulation 2006

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

- *Marine Estate Management Act 2014* and the regulations under this Act
- Environmental Planning and Assessment Act 1979 and the regulations under this Act
- Environmental Protection and Biodiversity Conservation Act 1999 and the regulation under this Act

The above legislation can be found at the [NSW Legislation website](#) or the [Australian Government Federal Register of Legislation](#).

Appendix B: Checklist of key commercial fishing requirements

The checklist below includes some of the key requirements that apply to commercial fishers operating in the NSW commercial fishing industry.

New entrants to the industry (and existing fishers) are encouraged to contact DPI for further information on these and other requirements ([see section 18](#) for contact information).

A commercial fisher must:

1. Hold a current commercial fishing licence and carry the licence (commercial fishing licence card or digital equivalent) when taking fish for sale ([see section 3](#)).
2. Hold an endorsement authorising the fishing activity concerned and carry the endorsement (fishing business card or digital equivalent) when taking fish for sale ([see section 4](#)).
3. Understand and comply with conditions that apply to the commercial fishing licence and endorsements held ([see sections 3.2 and 4.3](#)).
4. Ensure that any boat used is correctly identified (or marked) as a boat being used for commercial fishing ([see section 9.1](#)).
5. Use a boat that complies with the boat length restrictions for the fishery or activity concerned ([see section 9.2](#)).
6. If operating in the inshore or offshore prawn trawl sectors, lodge a Required Information for Boats Used for Ocean Trawl Prawning (effort quota) form so that the correct quantity of quota is deducted each time the boat is used ([see section 9.3](#)).
7. If undertaking an activity subject to effort quota, hold sufficient quota to cover the activity ([see section 8](#)).
8. If taking a species subject to quota, hold sufficient quota to cover catch of the species ([see section 8](#)).
9. Comply with any real-time [quota] reporting requirements that apply to the fishing activity or species taken.
10. Comply with mandatory reporting requirements including:
 - catch and effort logbook reporting
 - threatened species interaction reporting
 - lost or found fishing gear reporting
11. Comply with fish receiver ([see section 16](#)) and fish sale record keeping requirements.
12. Be familiar and comply with other legal requirements including:
 - where you may fish (e.g., marine parks, marine protected areas, fishing closures etc.)
 - when you may fish (e.g., seasonal closures, weekend closures etc.)
 - how you may take fish (e.g., gear requirements and restrictions etc.)
 - species you may or may not take (e.g., permitted species, protected species etc.)
 - limits applying to species taken (e.g., minimum legal lengths, commercial bag limits etc.)

Commercial fishers are also encouraged to report illegal or suspect fishing activity using the Fishers Watch Phonenumber on 1800 043 536.

Appendix C: Endorsements and the fishing activities they authorise

Endorsement	Fishing activity authorised
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)	
Handline	Take fish from estuarine waters as specified in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, within a region of the fishery specified in the endorsement using a handline, rod and line, set line or drift line.
Meshing	Take fish from estuarine waters as specified in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, within a region of the fishery specified in the endorsement using a meshing net or flathead net.
Prawning	Take prawns from estuarine waters as specified in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, within a region of the fishery specified in the endorsement 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) from estuarine waters as specified in the Fisheries Management (Estuary General Share Management Plan)

	Regulation 2006, within a region of the fishery specified in the endorsement using a fish trap.
Eel trapping	Take eels from estuarine waters as specified in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, within a region of the fishery specified in the endorsement using an eel trap.
Mud crab trapping	Take fish (other than eels) from estuarine waters as specified in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, within a region of the fishery specified in the endorsement using a crab trap.
Hand gathering	Take beachworm, pipi, cockle, cuttlefish, mussel and nippers from estuarine waters and ocean beaches as specified in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, within a region of the fishery specified in the endorsement by the method of hand picking.
Category one hauling	Take fish from estuarine waters as specified in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, within a region of the fishery specified in the endorsement 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 as specified in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006, within a region of the fishery specified in the endorsement 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 that are 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 that are east of the 183 metre (100 fathoms) depth contour.
Demersal fish trap	Take fish from ocean waters by means of a fish trap set or used on the sea bed.

School and gummy shark	Take school and gummy sharks using a set line from ocean waters south of a line drawn due east from the northern point of the entrance to Moruya River.
Spanner crab northern zone	Take spanner crabs using a spanner crab net from ocean waters that are north of a line drawn due east from the southern breakwall at Yamba.
Spanner crab southern zone	Take spanner crabs using a spanner crab net from ocean waters that are south of a line drawn due east from the southern breakwall at Yamba and north of Korogoro Point (Hat Head).

Ocean Hauling Fishery (# indicates endorsements are region specific)

General ocean hauling [#]	Assist another person who holds a Hauling net (general purpose), Garfish net (hauling) Pilchard, anchovy & bait net (hauling) endorsement take fish, but only if the region specified in that other endorsement is the same as the region specified in the general ocean hauling endorsement.
Hauling net (general purpose) [#]	Take fish using a hauling net (general purpose) in the region of the fishery specified in the endorsement.
Garfish net (hauling) [#]	Take fish using a garfish net (hauling) in the region of the fishery specified in the endorsement.
Pilchard, anchovy & bait net (hauling) [#]	Take fish using a pilchard, anchovy and bait net (hauling) in the region of the fishery specified in the endorsement.
Purse seine net	Take fish using a purse seine net in any region of the fishery.

Southern Fish Trawl Fishery

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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Ocean Trawl Fishery

Inshore prawn	Take fish using an otter trawl net (prawns) from inshore waters (inside 3 nautical miles) and to use a try net (prawns) to facilitate the taking of fish using the otter trawl net (prawns)
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Offshore prawn	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, and to use a try net (prawns) to facilitate the taking of fish using the otter trawl net (prawns).
Deepwater prawn	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, and to use a try net (prawns) to facilitate the taking of fish using the otter trawl net (prawns).
Fish northern zone	Take fish using an otter trawl net (fish) or a danish seine trawl net (fish) from ocean waters that are north of a line drawn due east from Barrenjoey Headland (latitude 33°35' south).

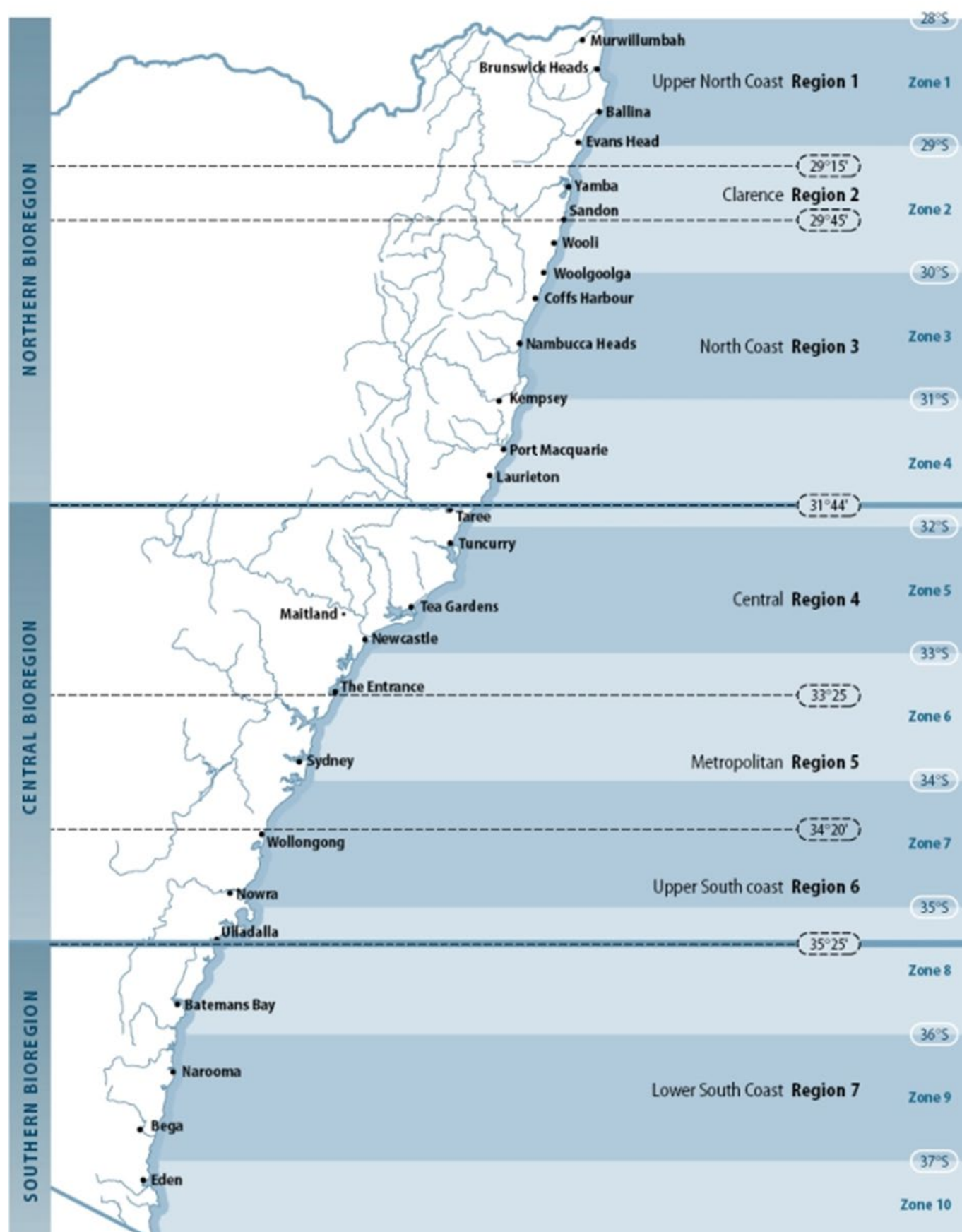
Sea Urchin and Turban Shell Fishery

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

Inland Fishery

Class A (Yabby & Carp)	Take yabbies and carp from inland waters.
Class B (Carp only)	Take carp from inland waters.
Class D (Carp only)	Take carp from inland waters (non-transferable endorsement).

Appendix D: Regional boundaries for the Estuary General & Ocean Hauling fisheries



Appendix E: Endorsements and endorsement codes

Endorsement code	Endorsement
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 the number of the region)	
EGHL#	Handline
EGM#	Meshing
EGP#	Prawning
EGT#	Trapping
EGET#	Eel trapping
EGMC#	Mud crab trapping
EGHG#	Hand gathering
EGC1H#	Category one hauling
EGC2H#	Category two hauling
Ocean Trap and 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 the number of the region)	
OHG#	General ocean hauling
OHGPN#	Hauling net (general purpose)
OHGN#	Garfish net (hauling)
OHPAB#	Pilchard, anchovy and bait net (hauling)
OHPS	Purse seine net
Southern Fish Trawl Fishery	
SFT	Southern fish trawl
Ocean Trawl Fishery	
OTISP	Inshore prawn
OTOSP	Offshore prawn
OTDP	Deepwater prawn
OTFN	Fish northern zone
Sea Urchin and Turban Shell Fishery	
SUTSSU	Sea Urchin
SUTSTS	Turban Shell
Inland Fishery	
INLAYC	Class A (Yabby & Carp)

INLBC	Class B (Carp only)
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INLDC	Class D (Carp only)
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Appendix F: Additional access in the Estuary General Fishery (endorsements)

Abbreviated 'additional access'	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.
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Appendix G: Endorsement conditions

Condition abbreviation	Condition ID	Condition code	Endorsement condition
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</p>

must be returned to the water immediately with the least possible injury.

Condition 3: It is a condition of your endorsement that you do not take carp with the assistance of more than one unlicensed crew member.

Inland Fishery –
Class D

2.01804

1804

Class D: Carp endorsement (Non - Transferable)

Condition 1: 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.

Condition 2: It is a condition of your endorsement that any native fish, Atlantic Salmon (*Salmo salar*), Brook Trout (*Salvelinus fontinalis*), Brown Trout (*salmo trutta*), Rainbow Trout (*Oncorhynchus mykiss*) 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.

Condition 3: It is a condition of your endorsement that you do not take carp with the assistance of more than one unlicensed crew member.

SUTS condition

2.01901

1901

SEA URCHIN AND TURBAN SHELL RESTRICTED FISHERY

The license holder shall:

- 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.
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- l. 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.

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.
- b. 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.

Appendix H: Share classes and what they are used for

Share class	Shares are used to determine access to...					
	Endorsements	Catch quota	Effort quota	Gear quota	Crew	Prawn ballots
Abalone						
Abalone	Y	Y				
Lobster						
Lobster	Y	Y				
Ocean Trap and Line						
Line fishing western zone	Y					
Line fishing eastern zone	Y			Y (hooks)		
Demersal fish trap	Y			Y (traps)		
School and gummy shark	Y					
Spanner crab northern zone	Y					
Spanner crab southern zone	Y					
Spanner crab quota		Y				
Bass grouper quota		Y				
Blue-eye trevalla quota		Y				
Gemfish quota		Y				
Hapuku quota		Y				
Pink ling quota		Y				

Share class	Shares are used to determine access to...					
	Endorsements	Catch quota	Effort quota	Gear quota	Crew	Prawn ballots
Bigeye ocean perch quota		Y				
Ocean Trawl						
Inshore prawn	Y					
Offshore prawn	Y					
Deepwater prawn	Y					
Fish northern zone	Y					
Tiger flathead quota		Y				
Bluespotted flathead quota		Y				
Trawl whiting quota		Y				
Silver trevally quota		Y				
Gemfish quota		Y				
Prawn effort quota			Y (days)			
Ocean Hauling						
Hauling net (general purpose)	Y					
General ocean hauling	Y				Y	
Purse seine	Y					
Pilchard, anchovy and bait net (hauling)	Y				Y	
Garfish net (hauling)	Y					
Eastern sea garfish quota		Y				

Share class	Shares are used to determine access to...					
	Endorsements	Catch quota	Effort quota	Gear quota	Crew	Prawn ballots
Australian sardine quota		Y				
Blue mackerel quota		Y				
Yellowtail scad quota		Y				
Estuary Prawn Trawl						
Clarence River	Y					
Hunter River	Y					
Hawkesbury River	Y					
Estuary General						
Meshing	Y		Y (days)		Y	
Category one hauling	Y		Y (days)			
Category two hauling	Y		Y (days)			
Mud crab trapping	Y			Y (traps)		
Trapping	Y			Y (traps)		
Eel trapping	Y			Y (traps)		
Prawning	Y				Y	Y
Hand gathering	Y					
Handline	Y					
Mud crab quota		Y				
Blue swimmer crab quota		Y				
Eel quota		Y				
Pipi quota		Y				
Beachworm quota		Y				

Share class	Shares are used to determine access to...					
	Endorsements	Catch quota	Effort quota	Gear quota	Crew	Prawn ballots
Cockle quota		Y				
Ghost nipper quota		Y				