

Fact Sheet – 1 December 2017

Compliance – Commercial fishing

November 2017

From 1 December 2017, new rules will apply to commercial fishing in NSW. This fact sheet provides the information you need to understand how DPI Fisheries Compliance will enforce the new rules.

1. Compliance framework

Our compliance framework has been developed with input from key commercial fishing representative groups and seeks to achieve outcomes of an 'informed and compliant' commercial fishing industry in NSW, protecting the integrity of commercial fisheries and ensuring equity for all participants. The department will provide education, assistance, direction and other interventions to help industry achieve this.

Those who do not make reasonable efforts to comply, or choose to not comply, can expect to be treated as an illegal fisher (e.g. liable to seizure of boats, fishing gear and equipment and fish, along with potential prosecution and large fines).

2. Implementation phases

The compliance response to the changes in commercial fisheries rules will be delivered in three phases:

1. **Advisory:** (1 December 2017 – 28 February 2018) focusing on education, assistance, directions and warnings.
2. **Enforcement:** after the advisory phase, focusing on strict enforcement of the rules.
3. **Maturity:** focusing on strict enforcement of the rules with additional measures to expel repeat offenders from the industry under a Penalty Demerit Scheme¹

Note: Fisheries Compliance may move to enforcement at any time if there is a need to do this. This may be exercised on individual fishers or

across all of industry in response to any flagrant non-compliance or defiance of the new fisheries management framework.

3. Minimum shareholdings, effort quota and catch quota

You must hold the minimum shareholding relevant to the fishery you're participating in and have an endorsement to be able to fish commercially. You must also have available species quota (kilos) and effort quota (days).

Any person found fishing without the required access or quota, or attempting to manipulate or evade quota systems will be treated as an illegal fisher.

4. FisherMobile

Strict provisions around effort, catch and quota reporting will come into force on 1 December 2017. It is a requirement for fishers to comply with these new reporting rules using the FisherMobile app on a mobile device.

Fisheries officers will be able to confirm fishers have made the required reports in the field, before, during or after inspections are done.

Any person found not reporting or managing catch as required will be treated as an illegal fisher.

5. Crew arrangements

New rules for some crewing arrangements come into force on 1 December 2017. Fishers must effectively manage their crew, including unendorsed crew, and legally dispose (sell) of catch taken with assistance of that crew.

Any person found operating outside of the required crewing arrangements will be treated as an illegal fisher.

¹ Subject to NSW Government approval.

6. Gear marking

New rules for some gear marking come into force on 1 December 2017. Fishers are expected to mark their gear in accordance with the new rules.

Any person found operating or setting gear not marked as required will be treated as an illegal fisher and any unattended gear not marked as required will be treated as illegal fishing gear and will be seized.

7. Size limit for Blue Swimmer Crabs

From 1 December 2017 Blue Swimmer Crabs must have a carapace length 6.5cm or greater. Fishers (and their crews) are expected to manage their crab catches according to the new size limit.

Any person found possessing or selling prohibited size Blue Swimmer Crabs will be treated as an illegal fisher and any prohibited size catch will be seized.

8. Holding pens

New rules for holding pens come into force on 1 December 2017. Fisheries officers will inspect holding pens where appropriate. Fishers must comply with the marking and size requirements of holding pens.

Any person found operating a holding pen other than in accordance with the rules will be treated as an illegal fisher and any holding pen and catch will be seized.

9. Gear limits

New rules for gear limits (e.g. crab trap, fish trap, eel trap, spanner crab dillies, hooks) come into force on 1 December 2017. The number of shares you hold will determine how many gear types and number you can use.

Any person found operating more gear than they are lawfully entitled to use will be treated as an illegal fisher. Unattended gear deemed in excess of a shareholding will be treated as illegal fishing gear and will be seized.

10. Catch limits/trip limits/exclusions

From 1 December 2017 some species will have a daily catch or possession limit or trip limit depending on the fishery. Other species will be excluded from certain fishing operations and fishers may not take or be in possession of species for which they do not hold appropriate access and quota.

Any person found in contravention of the limits will be treated as an illegal fisher.

11. Quality inspections

Quality Inspections are used to monitor compliance across all NSW commercial fisheries. These inspections assess all fishers against the same standard and may allow for fewer (or more) inspections on a fisher depending on their level of compliance with the new rules.

Fishers should be aware that Fisheries Officers (and NSW Police) may stop them to inspect catches after landing. These inspections may take more time than fishers are currently used to and we ask that you be patient and assist officers where requested.

12. Compliance operations

Fisheries officers will be conducting numerous intelligence-led operations to detect and deter illegal fishing practices. These operations follow risk-based compliance methodologies and will include audits and monitoring of high risk activities. You may be required to produce certain documents as a result of these operations.

13. Existing rules

This guide provides information on the new rules. You must be aware of all of the existing rules that still apply to your fishery. For information on existing commercial fishing rules, contact your local fisheries office (www.dpi.nsw.gov.au/contact-us/contact-a-dpi-fisheries-officer).

14. Report illegal fishing

Any suspected illegal fishing activity should be reported to Fishers Watch on 1800 043 536 or online at www.dpi.nsw.gov.au/fishing/compliance.

Note: We appreciate the new rule changes could cause some fishers to feel uncertain or anxious and we are here to help. However, any individual who threatens, assaults or abuses a Fisheries Officer will be immediately referred to NSW Police and faces severe penalties.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 2017). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

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