NSW Commercial Fisheries Administration Guide

NSW Commercial Fishing Industry
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1. Introduction

1.1 Purpose of this guide
The NSW Commercial Fisheries Administration Guide (the guide) summarises the administrative arrangements for commercial fisheries in NSW and aims to assist people who operate in the NSW commercial fishing industry. The guide is a summary of the licensing requirements that apply to commercial fishing activities in NSW and relevant administrative processes.

It should also be noted that various aspects of commercial fishing activity in NSW are subject to legislative requirements administered and enforced by other agencies such as Australian Maritime Safety Authority, NSW Food Authority and the Marine Parks Authority NSW. This guide does not deal with these issues and as such, it is important that you consult with all potentially relevant agencies for a full understanding of any additional requirements that may apply.

1.2 Relevant legislation
The following legislation governs commercial fishing activity in NSW:

- **Fisheries Management Act 1994** (the Act)
- **Fisheries Management (Abalone Share Management Plan) Regulation 2000** (the Abalone Share Management Plan)
- **Fisheries Management (Estuary General Share Management Plan) Regulation 2006** (the Estuary General Share Management Plan)
- **Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006** (the Estuary Prawn Trawl Share Management Plan)
- **Fisheries Management (General) Regulation 2010** (the General Regulation)
- **Fisheries Management (Lobster Share Management Plan) Regulation 2000** (the Lobster Share Management Plan)
- **Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006** (the Ocean Hauling Share Management Plan)
- **Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006** (the Ocean Trap and Line Share Management Plan)
- **Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006** (the Ocean Trawl Share Management Plan)
- **Fisheries Management (Supporting Plan) Regulation 2006** (the Supporting Plan)

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

- **Marine Estate Management Act 2014**
- **Marine Estate Management Regulation 2017**
- **Marine Estate Management (Management Rules) Regulation 1999**

1.3 Scope
This guide sets out the administrative arrangements applying to the following commercial fisheries:

- **NSW Share Management Fisheries**
  - Abalone
  - Lobster
  - Estuary Prawn Trawl
  - Estuary General
  - Ocean Trap and Line
  - Ocean Hauling
  - Ocean Trawl

- **NSW Restricted Fisheries**
  - Southern Fish Trawl
  - Sea Urchin and Turban Shell
  - Inland

This guide also applies to the issue of permits for commercial fishing activities within, and in some cases outside, the commercial fisheries above.

This guide does not apply to the NSW charter boat or aquaculture industries or permits issued for scientific collection, aquarium collection, aquaculture purposes, the taking of marine vegetation or Aboriginal cultural fishing.

2. Overview of the NSW commercial fishing industry
Commercial fishing in inland, estuarine and NSW coastal waters (inside 3 nautical miles) is managed by the NSW Government in accordance with the Act.

The NSW Government also manages some commercial fishing activities in offshore waters (outside 3 nautical miles) pursuant to an arrangement with the Commonwealth known as the Offshore Constitutional Settlement.

The Act provides the framework for management of the commercial fishing industry and seeks to ensure promotion of a viable commercial fishing industry with the objective to conserve, develop and share the State fishery resource for the benefit of present and future generations.

The NSW commercial fishing industry is comprised of ten major fisheries managed under two different management regimes; Share Management Fisheries and Restricted Fisheries (Figure 1).

As specified in Part 1 of Schedule 1 of the Act there are seven Share Management Fisheries in NSW; Estuary General, Ocean Hauling, Estuary Prawn Trawl, Ocean Trap and Line, Ocean Trawl, Lobster and Abalone. Different share classes exist within each share managed fishery which give rise to endorsements if a fishing business holds enough shares in a given share class to meet the minimum shareholding requirement (see Section 4.2). In the Estuary General and Ocean Haul fisheries share classes are specific to a region (Appendix 1).
Figure 1: Management regimes, fisheries and share/endorsement classes in NSW

SHARE MANAGEMENT FISHERIES

- Abalone
- Lobster
- Estuary Prawn Trawl
- Estuary General
- Ocean Trap and Line
- Ocean Hauling
- Ocean Trawl

- Abalone
- Lobster
- Hawkesbury River
- Clarence River
- Hunter River
- Handline *
- Meshing *
- Prawning *
- Trapping *
- Eel trapping *
- Mud crab trapping *
- Hand gathering *
- Category one hauling *
- Category two hauling *
- Demersal fish trap
- Line fishing western zone
- Line fishing eastern zone
- School and gummy shark
- Spanner crab
- General ocean hauling (crew)*
- Hauling net general purpose*
- Garfish net hauling *
- Pilchard, anchovy & bait net *
- Purse seine net

RESTRICTED FISHERIES

- Southern Fish Trawl
- Inland
- Sea Urchin & Turban Shell
- Southern fish trawl
- Class A (Yabby & Carp)
- Class B (Carp)
- Class D (Carp)
- Sea urchin
- Turban shell

Key

- Management Regime
- Fishery
- Share/endorsement class

*Share/endorsement classes are region specific (Refer to Appendix 1)
Shares in a Share Management Fishery are issued for a 10-year period and are automatically renewed. If a Share Management Fishery is omitted from Schedule 1 of the Act all shares in the fishery are cancelled and shareholders are entitled to compensation. Shareholders must pay a community contribution for their right of access to a Share Management Fishery in addition to paying an annual management charges, (see Section 11 page 34).

NSW Restricted Fisheries are declared under Part 9 of the General Regulation. A Restricted Fishery may be terminated, without compensation, by revoking its declaration. Fishers are not required to pay a community contribution for their right to access a Restricted Fishery. They are required to pay an annual contribution towards the cost of managing the fishery.

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 can be taken or amount of effort that can be used (e.g. the number of days that can be worked). The number of shares (or endorsements for restricted fisheries) held determines how much quota is allocated to the shareholder (or endorsement holder) at the start of each fishing period (normally one year). If a TAC or TAE goes up, the amount of quota will also go up, and vice versa.

2.1 Participation in the NSW commercial fishing industry

The NSW Government welcomes participation in the NSW commercial fishing industry. Those seeking to enter the industry are 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 the NSW commercial fishing industry:

1. Purchase an existing fishing business with relevant fishing authorities and operate your own business;
2. Become an endorsement holder by nomination on a fishing business owned by another person and work that fishing business; or
3. Work as a crew member for an endorsement holder in fishing operations where the use of crew is permitted.

As a commercial fisher and fishing business owner or nominated fisher you are required to hold a NSW Food Authority Licence to handle wild caught seafood, whether the handling occurs on board a boat or otherwise. For more information or assistance please contact NSW Food Authority’s Licensing unit on 1300 552 406 or go the Authority’s website at http://www.foodauthority.nsw.gov.au/industry/seafood

As of 1 July 2018 the Australian Marine Safety Authority (AMSA) provides services regarding operation of domestic commercial vessels, in addition to services and requirements by the Department of Primary Industries. Refer to the following link to AMSA for more details www.amsa.gov.au/vessels-operators/domestic-commercial-vessels

2.2 Commercial fishing requirements

Licensed fishers operating in the NSW commercial wild harvest fishing industry must:

1. carry a current commercial fishing licence
2. hold an appropriate endorsement (or in some cases permit) to authorise the activities being undertaken
3. if operating in a quota managed fishery, must hold appropriate species quota (kilos) or effort quota (days) for the activity being undertaken and,
4. if operating under an endorsement which requires a commercial fishing boat licence, must carry the current fishing boat licence card and use a boat that meets the requirements of the licence
A ‘check list’ of commercial fishing requirements is included in Appendix 2 to inform fishers of important licensing, operational and reporting requirements.

3. Commercial fishing licence

A current commercial fishing licence (CFL) is required to take fish for sale from NSW waters. Commercial fishing licences are issued to individuals in the form of a plastic card (Figure 2) or a digital authority (Figure 2a) accessible from a mobile device. Each commercial fishing licence holder is issued with a unique and non-transferable registration number.

A commercial fishing licence must be carried at all times while engaging in commercial fishing activities, including:

- searching for fish
- locating, aggregating or taking fish and,
- carrying fish from the place they were taken to the place where they are to be landed.

A commercial fishing licence:

- expires on 30 June each year and is renewable on an annual basis
- is issued to an individual and is not transferable
- cannot be issued to a partnership or company
- is subject to an application and/or renewal fee and,
- does not authorise the holder to engage in a particular activity unless the holder of the licence has an endorsement or a permit to undertake the activity.

3.1 Eligibility for a commercial fishing licence

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

- owns a fishing business with shares in a Share Managed Fishery
- owns a fishing business with a Restricted Fishery endorsement
- is proposed to be nominated on a fishing business to fish on behalf of the owner
- has applied, or is in the process of applying, for a permit under section 37 of the Act to undertake certain commercial fishing activities

Figure 2: Commercial fishing licence (CFL) card
3.2 Conditions of a commercial fishing licence

Commercial fishing licences are subject to conditions prescribed by regulation or specified in the licence. Prescribed licence conditions are set out in clause 129 of the General Regulation and generally relate to the use of crew and assisting fisheries officers in the course of their duties.

Conditions may also be added to an individual’s licence from time to time (or revoked or varied) by notice in writing to the holder of the licence. Conditions appear on licences in abbreviated form followed by a condition code in brackets. Appendix 3 is a register of endorsement conditions and corresponding condition codes. It is the responsibility of the licence holder to be aware of and comply with any conditions applicable to their licence. Penalties may apply for contravention of a condition of a commercial fishing licence.

3.3 Applying for a commercial fishing licence

Applicants for a commercial fishing licence must lodge a completed Application for a Commercial Fishing Licence form with DPI and pay an application fee. Application forms and a list of fees and charges are available at: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms.

Application forms will not be processed if:

- the application is not on an approved form
- the applicant is not eligible for a licence
- the application form has not been completed in full or filled out correctly
- the application form is not accompanied by any fees due and payable
- the applicant is involved with DPI in a professional sense and the Minister’s prior approval to be issued a commercial fishing licence has not been obtained

A commercial fishing licence may also be refused on grounds set out in the General Regulation, including:

- for fishing related offences in Australia or New Zealand
- offences under the Marine Estate Management Act 2014 (or subordinate legislation eg. Marine Estate Management (Management Rules) Regulation 1999)
- theft of fish or fishing gear
• prior cancellation or suspension of a licence
• prior forfeiture of shares in a Share Management Fishery
• failure to pay a fee or contribution due and payable in connection with a licence
• making a statement in connection with the application that is, in the opinion of the Minister, false or misleading in a material particular or
• if the applicant has not demonstrated capacity or any qualifications necessary for the individual to successfully engage in commercial fishing.

If the issue of a commercial fishing licence is refused on grounds provided for by the General Regulation any application fees that may have been paid are not refunded and any application fees not paid upon application are invoiced to the applicant.

3.4 Renewing a commercial fishing licence
Commercial fishing licences are renewable from 1 July each year. FisherDirect account holders have the option to renew their licences online. Online account holders will see their licence renewals as pending transactions on the home screen, and can simply follow links to complete transactions, or the application form that is sent to a commercial fishing licence holder prior to the expiry date can be completed and returned to Fisheries Business Services by the date specified in the form.

All licence renewal fees must be paid in full at the time of renewal.

A renewal application form will not be processed if:
• the application form has not been completed in full or filled out correctly
• the applicant is no longer eligible for a licence
• the application form is not submitted to Fisheries Business Services by the date specified in the form

If an application for renewal of a commercial fishing licence is received after the expiry date of the applicant’s current licence, the application will be treated as an application for issue of a commercial fishing licence and subject to the fees payable for issue of a licence.

Renewal of a commercial fishing licence may be refused on grounds similar to the ground for refusing to issue a licence (see clause 130 of the General Regulation for details).

3.5 Suspension or cancellation of a commercial fishing licence
Commercial fishing licences may be suspended or cancelled on grounds similar to the grounds for refusing to issue a commercial fishing licence (see clause 131 of the General Regulation for details). Prior to any suspension or cancellation the licence holder is provided an opportunity to show cause in writing as to why their licence should not be suspended or cancelled. If no written response is received from the licence holder, the commercial fishing licence is suspended or cancelled.

If a licence is suspended or cancelled:
• any nomination of the licence holder to hold the endorsements for a fishing business is revoked and
• the licence holder is required to return the plastic licence card to Fisheries Business Services

If a licence is cancelled, application fees that have been paid are not refunded. Further, if the former licence holder wishes to become re-licensed they must apply for issue of a new licence and pay the fee for the application of a new licence.
3.6 Surrendering a commercial fishing licence

Commercial fishing licences may be surrendered at any time. The application fee for the surrendered licence is not refunded and any fee that is outstanding remains payable.

If a licence holder who has surrendered their licence wants to continue fishing in the same financial year, a new commercial fishing licence can be issued upon application at no additional cost.

4. Fishing Businesses

A fishing business is a uniquely numbered repository for commercial fishing entitlements. Fishing businesses consist of components (fishery shares) which:

- determine eligibility for endorsements
- determine eligibility for catch or effort quota for certain share classes
- give rise to catch or effort quota for use under an endorsement
- include endorsement(s) in a Share Management Fishery
- include endorsement(s) in a Restricted Fishery

Components of a fishing business are detailed in the Fishing Business Determination Certificate. Each time a component of a fishing business changes a new Fishing Business Determination Certificate is issued.

A fishing business may be registered to a person, partnership or corporation. A person, partnership or corporation may only register one Abalone or Lobster fishing business.

A fishing business with shares cannot be:

- registered to a trust or,
- owned by, on behalf of or for the benefit of a foreign person or a body corporate that has a substantial foreign ownership (or a subsidiary of a foreign person or foreign owned body).

A fishing business only exists when shares or endorsements are held in the business. If all shares or Restricted Fishery endorsements are transferred from a business the fishing business ceases to exist. With the exception of Abalone and Lobster fishing businesses, no new fishing businesses are created.

4.1 Fishery shares

There are different types of shares that exist in the Share Management Fisheries and Restricted Fisheries in NSW. We refer to these as access shares and quota shares:

1. Access shares - authorise the taking of fish using certain methods or regions (e.g. Estuary Prawn Trawl – Hunter River shares). If all existing access shares are transferred off a fishing business or a business loses its endorsements, the business cannot fish, even if it holds quota shares and/or quota. However, if a business holds an endorsement but no catch quota, it can still fish, but cannot retain the species subject to quota. Minimum shareholdings apply to all share classes that give rise to access shares.

2. Quota shares – do not give shareholders an endorsement to fish. They are shares that allow the fishing business to be allocated annual quota and provide an ongoing right to catch and effort quota for the relevant species. Before each fishing period (generally annually, with commencement dependent on the quota), catch and/or effort quota is allocated to owners of quota shares, in proportion to the number of quota shares held in a fishing business.
4.2 Minimum shareholdings

To be eligible for an endorsement or to be able to nominate a fisher to operate on behalf of the shareholder, the number of shares in a fishing business must meet the relevant minimum requirements.

For some share classes an *original entitlement holder* exemption allows shareholders who held shares and an endorsement immediately before commencement of the Share Management Plan for the fishery to maintain an endorsement. The endorsement is available until any of the shares are transferred out of the fishing business. If any shares are transferred out, the minimum shareholding applies.

<table>
<thead>
<tr>
<th>Share class</th>
<th>Minimum shareholding</th>
<th>Original entitlement holder</th>
<th>Upon transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lobster</td>
<td></td>
<td>12</td>
<td>55</td>
</tr>
<tr>
<td>Abalone</td>
<td></td>
<td>-</td>
<td>70</td>
</tr>
<tr>
<td><strong>Estuary General</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meshing – all regions</td>
<td></td>
<td>-</td>
<td>125</td>
</tr>
<tr>
<td>Category one hauling – all regions</td>
<td></td>
<td>-</td>
<td>125</td>
</tr>
<tr>
<td>Category two hauling – all regions</td>
<td></td>
<td>-</td>
<td>125</td>
</tr>
<tr>
<td>Mud crab trapping – all regions</td>
<td></td>
<td>-</td>
<td>125</td>
</tr>
<tr>
<td>Trapping – all regions</td>
<td></td>
<td>-</td>
<td>125</td>
</tr>
<tr>
<td>Eel trapping – all regions</td>
<td></td>
<td>-</td>
<td>125</td>
</tr>
<tr>
<td>Prawning – regions 1, 2, 3, 4, 6 and 7</td>
<td></td>
<td>-</td>
<td>150</td>
</tr>
<tr>
<td>Prawning – region 5</td>
<td></td>
<td>-</td>
<td>125</td>
</tr>
<tr>
<td>Hand gathering – regions 1, 2, 3, 4, 6 and 7</td>
<td></td>
<td>1</td>
<td>125</td>
</tr>
<tr>
<td>Hand gathering – region 5</td>
<td></td>
<td>-</td>
<td>100</td>
</tr>
<tr>
<td>Handline</td>
<td></td>
<td>-</td>
<td>375</td>
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<tr>
<td><strong>Estuary Prawn Trawl</strong></td>
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<tr>
<td>Clarence River</td>
<td></td>
<td>-</td>
<td>250</td>
</tr>
<tr>
<td>Hunter River</td>
<td></td>
<td>-</td>
<td>100</td>
</tr>
<tr>
<td>Hawkesbury River</td>
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### Ocean Trap and Line

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zone</th>
<th>Minimum Shareholding</th>
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<tbody>
<tr>
<td>Line fishing western zone</td>
<td>-</td>
<td>60</td>
</tr>
<tr>
<td>Line fishing eastern zone</td>
<td>-</td>
<td>40</td>
</tr>
<tr>
<td>Demersal fish trap</td>
<td>-</td>
<td>50</td>
</tr>
<tr>
<td>School and gummy shark</td>
<td>-</td>
<td>40</td>
</tr>
<tr>
<td>Spanner crab northern zone</td>
<td>5</td>
<td>40</td>
</tr>
<tr>
<td>Spanner crab southern zone</td>
<td>-</td>
<td>40</td>
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### Ocean Trawl

<table>
<thead>
<tr>
<th>Activity</th>
<th>Region</th>
<th>Minimum Shareholding</th>
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<tbody>
<tr>
<td>Inshore prawn</td>
<td>-</td>
<td>50</td>
</tr>
<tr>
<td>Offshore prawn</td>
<td>-</td>
<td>50</td>
</tr>
<tr>
<td>Deepwater prawn</td>
<td>-</td>
<td>25</td>
</tr>
<tr>
<td>Fish northern zone</td>
<td>-</td>
<td>50</td>
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</table>

### Ocean Hauling

<table>
<thead>
<tr>
<th>Activity</th>
<th>Region</th>
<th>Minimum Shareholding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hauling net (general purpose) – region 1</td>
<td>-</td>
<td>80</td>
</tr>
<tr>
<td>Hauling net (general purpose) – regions 2, 4 and 6</td>
<td>-</td>
<td>50</td>
</tr>
<tr>
<td>Hauling net (general purpose) – region 3</td>
<td>-</td>
<td>120</td>
</tr>
<tr>
<td>Hauling net (general purpose) – region 5</td>
<td>-</td>
<td>70</td>
</tr>
<tr>
<td>Hauling net (general purpose) – region 7</td>
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<td>160</td>
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<tr>
<td>General ocean hauling – all regions</td>
<td>1</td>
<td>40</td>
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<tr>
<td>Purse seine</td>
<td>1</td>
<td>40</td>
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<td>Pilchard, anchovy and bait net (hauling) – regions 1, 3, 5 and 7</td>
<td>-</td>
<td>30</td>
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<td>10</td>
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<td>Pilchard, anchovy and bait net (hauling) – regions 4 and 6</td>
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<td>20</td>
</tr>
<tr>
<td>Garfish net (hauling) – region 1</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>Garfish net (hauling) – regions 2, 3, 4, 5, 6 and 7</td>
<td>-</td>
<td>40</td>
</tr>
</tbody>
</table>

There are no minimum shareholding requirements for any class of quota share.
4.3 Maximum shareholdings

Maximum shareholdings apply in all Share Management Fisheries. If a transfer would result in a shareholder exceeding a maximum shareholding for a fishery the excess shares cannot be issued to the transferee and cannot be recorded in the share register. In such cases the transferee may dispose of the excess shares in accordance with the Act and Regulations (i.e. the Fishing Business Transfer Rules) or the shares are cancelled.

Table 2: Maximum shareholdings

<table>
<thead>
<tr>
<th>Fishery</th>
<th>Maximum shareholding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estuary General</td>
<td>40% of the total number of shares in the fishery at the commencement of the Share Management Plan</td>
</tr>
<tr>
<td>Estuary Prawn Trawl</td>
<td>40% of the total number of shares in the fishery at the commencement of the Share Management Plan</td>
</tr>
<tr>
<td>Ocean Hauling</td>
<td>40% of the total number of shares in the fishery at the commencement of the Share Management Plan</td>
</tr>
<tr>
<td>Ocean Trap and Line</td>
<td>40% of the total number of shares in the fishery at the commencement of the Share Management Plan</td>
</tr>
<tr>
<td>Ocean Trawl</td>
<td>40% of the total number of shares in the fishery at the commencement of the Share Management Plan</td>
</tr>
<tr>
<td>Abalone</td>
<td>210 abalone shares</td>
</tr>
<tr>
<td>Lobster</td>
<td>350 lobster shares</td>
</tr>
</tbody>
</table>

5. Commercial fishery endorsements

An endorsement on a fishing business authorises the holder of the fishing business licence to engage in a specific commercial fishing activity (e.g. using a meshing net in the Estuary General Fishery). Penalties may apply if a person is in possession of commercial fishing gear or engaging in commercial fishing activities without an appropriate endorsement.

5.1 Types of endorsements

There are 113 different endorsements across all Share Management and Restricted Fisheries. The endorsements and the authority conferred by each are set out in Appendix 4.

5.2 Fishing Business Endorsement Authorities

Endorsements are listed on a plastic fishing business card (Figure 3) or digital authority (Figure 3a) which is accessible from a mobile device. A fishing business card or digital authority must be carried at all times while engaging in commercial fishing activity.

Each endorsement is recorded as an endorsement code. Appendix 3 details the endorsements and corresponding endorsement codes.
Figure 3: Front and back view of Fishing Business Card

**FRONT OF CARD**

- **Fishing business number**: 987
- **Endorsements**
  - Estuary General: EGHG2*
  - Ocean Trawl: OTISP
  - Ocean Trap & Line: OTLLW, OTLLE

* SPECIFIED CONDITIONS APPLY (SEE OVER)

- **Card No**: 3007
- **Expiry date**: 04/02/2022
- **Owners Registration No**: 123456
- **Unique number identifying the FB owner**: 123456
- **Asterisk indicating that an endorsement condition applies**

**BACK OF CARD**

**SPECIFIED CONDITIONS/NOTATIONS**

- **Worm/cuttlefish only (6.01501)**

The licensed commercial fisher holding the endorsement(s) listed on this card must be in the physical possession of this card at all times when taking fish for sale. This card remains in force until the expiry date shown, unless sooner cancelled or suspended.

* ISSUED BY NSW DEPARTMENT OF PRIMARY INDUSTRIES
  LMB 1020 NOWRA NSW 2541.
  CUSTOMER SERVICE PHONE 1300 720 662
  If found, please return the card to this address.
5.3 Conditions of endorsements

Endorsements are subject to conditions prescribed by regulation or specified in the endorsement. Prescribed endorsement conditions are set out in the General Regulation and Share Management Plans.

Endorsement conditions are denoted by an asterisk “*” on the front of the fishing business card. The conditions specified in endorsements appear on the back of the fishing business card in the form of the abbreviated condition followed by a code (e.g. Lake Wooloweyah only (2.00101)). Appendix 5 details the name of the endorsement conditions, condition codes, abbreviated conditions and the full wording of each corresponding condition.

A condition may be added to an endorsement at any time by notice in writing to the endorsement holder. Existing conditions may be revoked or varied by notice in writing to the endorsement holder.

It is the endorsement holder’s responsibility to be aware of and comply with any conditions applicable to their endorsements. Significant penalties may apply for contravention of a condition of an endorsement.

5.4 Estuary General endorsements that authorise additional access

There are some conditions of endorsements in the Estuary General fishery that authorise fishing in specific estuaries or on ocean beaches of a region in addition to the primary region of the endorsement. For example, a condition of a prawning endorsement for Region 2 of the Estuary General fishery may also authorise the holder to use prawning nets in the Richmond River, which is located in Region 1.

Additional access remains as long as the endorsement is maintained. If at any stage eligibility for the endorsement ceases (e.g. because the minimum shareholding requirement is not satisfied) the additional access no longer exists and will not be reinstated in the future even if more shares are acquired at a later date.
The additional access is transferable to another business owner only if all shares of the relevant share class are transferred as a complete package and the transfer complies with the Fishing Business Transfer Rules.

Appendix 6 includes a register of abbreviated additional access endorsement codes and the authority given by each.

5.5 Estuary General Prawning - Priority Ballots

The number of prawning shares you hold in the Estuary General fishery determines how many ballots (nominations) you hold for prawn set pocket and running net priority determinations. Each 100 additional prawning shares above the minimum shareholding will entitle the endorsement holder of a fishing business to cast an additional ballot (nomination or vote) in a set pocket draw priority or running net priority determination.

5.6 Suspension or cancellation of endorsements

Commercial fishing endorsements may be suspended or cancelled on grounds similar to the grounds for suspending or cancelling a commercial fishing licence. For further information on the grounds for suspending or cancelling an endorsement refer to:

- Lobster Fishery: Clause 12 of the Lobster Share Management Plan
- Abalone Fishery: Clause 12 of the Abalone Share Management Plan
- All other Share Management Fisheries: Clause 8 of the Supporting Plan
- Sea Urchin & Turban Shell Restricted Fishery: Clause 161 of the General Regulation
- Southern Fish Trawl Restricted Fishery: Clause 173 of the General Regulation
- Inland Restricted Fishery: Clause 188 of the General Regulation

Prior to any suspension or cancellation the owner of the fishing business and or the endorsement holder is provided an opportunity to show cause, in writing, as to why the endorsement should not be suspended or cancelled. If no written response is received, the endorsement is automatically suspended or cancelled.

If an endorsement is suspended or cancelled the fishing business owner must return the fishing business card to Fisheries Business Services. 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.

5.7 Transferring a fishing business or the components of a fishing business

 Shares and restricted fishery endorsements are the transferable components of a fishing business. They may be transferred to another person as part of a complete fishing business or individually subject to the transfer complying with the Fishing Business Transfer Rules.

 Applicants should ensure they are familiar with the Fishing Business Transfer Rules prior to submitting an application to transfer a fishing business or the components of a fishing business.

 Transferors and transferees should seek independent legal and other relevant advice before making any financial commitment to transfer a fishing business or the components of a fishing business.

 A transfer is not complete until it has been approved by DPI and recorded in the Share Register in the case of a transaction that involves shares. Applicants are encouraged not to make firm financial commitments until they have been formally notified in writing of the outcome of their application.

 There are two ways you can transfer a fishing business or the components of a fishing business to another person:
1. Fishing business transfers can be transacted online through FisherDirect. With this function, whole fishing business and component transfers are two party transactions. The transferor creates the transaction and offers the transfer to the transferee, who accepts the transaction and finalises it. The online transaction is currently free as long as the transfer originates and is completed online. To register for a FishOnline account, application forms are available at: www.dpi.nsw.gov.au/fishing/commercial/fishonline

2. Lodge an Application for Approval of Transfer of Components of a Fishing Business form, send to Fisheries Business Services and pay the relevant fees. In the case of an application to transfer Restricted Fishery endorsements an application fee is payable, however, in the case of an application to transfer one or more shares the fee payable is for the registration of the transaction in the Share Register. Application forms and a list of fees and charges are available at: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms. Applications must be completed in full and signed on every page by both the transferor and transferee. Where the application involves a company or partnership, all applicants must sign where requested. For a company, a company extract (not more than 1 month old) must be submitted with 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.

A transfer application form will not be processed if:

- The application is not on an approved form
- The application form has not been completed in full or filled out correctly
- The application is not signed on every page by both the transferor and the transferee
- The application is not accompanied by any fees due and payable
- The application is not accompanied by a company extract, certificate of probate or letter of administration where applicable
- The transferee is involved with DPI in a professional sense and the Minister’s prior approval has not been obtained.

Under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters.

If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded.

An application to transfer a fishing business or the components of a fishing business may be refused on grounds provided for by the General Regulation, and the Supporting Plan.

Except in the case of an endorsement in the Inland Restricted Fishery, if a transfer is refused the endorsement/shareholder may request a review of the decision within 30 days after notice of the decision is given.

If the transfer of a restricted fishery endorsement is refused on grounds provided for by the General Regulation, any application fees that may have been paid are not refunded.

If the transfer of a share is refused on grounds provided for by the General Regulation, any application fees that may have been paid are refunded. This is because the fees payable are for the subsequent registering of the share transaction in the share register rather than an application fee for transfer of the authority.

Video demonstrations of how to undertake an online Fishing business/Share transfers can be viewed at: www.dpi.nsw.gov.au/fishing/commercial/fishonline/fisherdirect
5.8 Fishing Business Transfer Rules

Fisheries Business Transfer Rules are detailed in Part 6 of the General Regulation. The rules governing the transfer of NSW fishing authorities are different depending upon the type of fishing business, share class or endorsement.

5.8.1 Transfer rules applying to Abalone and Lobster fishing businesses

A fishing business with abalone or lobster shares may be transferred as a complete fishing business to any person, partnership or corporation (including a ‘new entrant’ to the industry) subject to:

- The foreign ownership restrictions previously outlined (see section 4 page 8)
- The person, partnership or corporation not already having an Abalone or Lobster fishing business registered in the same name

A fishing business with abalone or lobster shares cannot be amalgamated with any other fishing business.

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) subject to the two restrictions above. If the transfer is to a person, partnership or corporation who already holds a fishing business with shares of the same class, the shares are transferred into that fishing business. If the shares are transferred to a person, partnership or corporation that does not own a fishing business of the same type (i.e. an abalone or a lobster business) a new fishing business will be created.

If a complete fishing business is transferred or if a shareholder transfers their last abalone or lobster shares to another fishing business owner, any quota held by the shareholder must be transferred to the new business owner or some other person who holds shares of the same class (i.e. quota cannot be held by a person who does not own a fishing business with the corresponding shares).

5.8.2 Transfer rules applying to Sea Urchin and Turban Shell fishing businesses

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

A SUTS fishing business may be transferred to any person, partnership or corporation, regardless of whether that person, partnership or corporation is a new entrant to the industry or already owns a SUTS fishing business or some other type of fishing business.

If transferred to a person who already owns a fishing business, the SUTS fishing business remains a separate fishing business (i.e. SUTS fishing businesses cannot be amalgamated with any other business).

If a SUTS fishing business is transferred to another person, partnership or corporation, any red sea urchin quota held by the business owner must also be transferred to the new business owner or some other person who owns a SUTS fishing business (i.e. quota cannot be held by a person who does not own a fishing business with a sea urchin endorsement).

5.8.3 Transfer rules applying to Inland fishing businesses

Inland fishing businesses generally have one of the following endorsements:

- class A (yabby and carp)
- class B (carp only) or
- class D (carp only)

Class D endorsements are non-transferrable.
An Inland fishing business with a class A (yabby and carp) or class B (carp) endorsement may be transferred to any person, partnership or corporation, regardless of whether that entity is a new entrant to the industry or already owns a fishing business, subject to the following:

- All components of the fishing business are transferred to that person, partnership or company, or the transfer is part of an arrangement for the endorsement to be surrendered to the Minister for cancellation.
- The transfer will not result in the transferee holding both a Class A and Class B endorsement.
- If the transfer is to an entity who already owns a fishing business with a class D endorsement, the class D endorsement is cancelled and the associated fishing businesses is dissolved.
- If the transfer is to an entity who owns a fishing business of a different type (e.g. a lobster fishing business), the inland fishing business remains a separate fishing business (i.e. inland fishing businesses cannot be amalgamated with any other type of fishing business).

5.8.4 Transfer rules applying to all other fishing businesses

The transfer rules outlined 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

Whole fishing business transfers

A whole fishing business may be transferred to any person, partnership or corporation, regardless of whether that person, partnership or corporation is a new entrant to the fishing industry or already owns a fishing business. The fishing business remains a separate identifiable fishing business.

Figure 4: Example of whole fishing business transfer
Fishing business component transfers

A share (other than a quota share) can only be transferred to an existing fishing business if:

a) The existing fishing business already holds shares in that share class, or
b) The existing fishing business already holds shares in that fishery if transferring non-ocean shares*, or
c) The existing fishing business already holds shares in that fishery (or a southern fish trawl endorsement if the shares are Ocean Trawl shares) and all shares of that share class are being transferred, or
d) All shares of the fishery are being transferred if the existing fishing business does not already hold shares in that fishery.

*Non-ocean shares include:

- All Estuary General share classes
- All Estuary Prawn Trawl share classes
- Ocean Trap and Line – line fishing western and eastern zone, school and gummy shark, demersal fish trap and spanner crab southern zone.

Ocean shares include:

- All Ocean Trawl share classes
- All Ocean Hauling share classes
- Ocean Trap and Line spanner crab northern zone.

A southern fish trawl endorsement can only be transferred to an existing fishing business if:

a) The existing fishing business contains shares in a relevant share management fishery (other than lobster or abalone shares) and all shares in the Ocean Trawl fishery are also transferred, or
b) The existing fishing business contains shares in the Ocean Trawl fishery.

Below are examples of each of the share transfer rules which apply to the transfer of components of a fishing business.

Figure 5: Transfer of shares to fishing business holding shares of the same share class

![Figure 5](image)

Share Transfer Rule 3a example: Shares may be transferred to an existing fishing business with shares of the same class (i.e. to ‘top up’ shares). In this example any number of Estuary General Meshing Region 3 shares can be transferred between these fishing businesses because they both have shares in the Estuary General Meshing Region 3 share class.
Figure 6: Transfer of non-ocean share to fishing business holding shares in the same fishery

Share Transfer Rule 3b example: Shares may be transferred to an existing fishing business with shares in the same fishery if transferring non-ocean shares. In this example any number of Estuary General Prawning Region 3 shares can be transferred from Fishing Business A to Fishing Business B because both fishing businesses hold shares in the Estuary General Fishery and the Estuary General Fishery is a "non-ocean" fishery.

Figure 7: Transfer of all shares of a share class to a fishing business holding shares in that fishery

Share Transfer Rule 3c example: In the above example both fishing businesses hold shares in the Ocean Trawl Fishery however being an “ocean fishery” all shares in the share class must be transferred (i.e. All 40 Ocean Trawl Inshore Prawn shares must be transferred, you cannot transfer, for example, 20 Ocean Trawl Inshore Prawn shares).
5.8.5 Quota share transfers

Quota shares can transfer between owners of an existing fishing business, (other than Lobster, Abalone, Sea Urchin and Turban Shell or Inland fishing business). Quota shares can be transferred independently of each other, subject to the fishing business transfer rules.

Figure 9: Transfer of quota shares in the same fishery or independently of each other
5.8.6 Transfers for the purpose of surrender
A share or endorsement may be transferred if the transfer is part of an arrangement for the share or endorsement to be surrendered to the Minister for cancellation.

6. Share register
The share register is a record of shareholders, their shares and any share related transactions such as transfers and mortgages. The share register or an extract is available for inspection by any person.

FishOnline users can access the share register online. Any other person wanting a written extract from the share register should contact Fishing Business Services. A request for a written extract from the share register may need to be accompanied by an application fee.

7. Mortgaging shares
A mortgage or other third party interest in shares may be registered in respect of one, some or all shares held by a shareholder. Once a share is mortgaged or registered as having a third party interest, it may not 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 an application fee. Application form and a list of fees and charges are available at: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms

8. Nominating an endorsement holder
The owner of a fishing business may nominate another person to hold the endorsements for the fishing business and work the business on the owner’s behalf.

The person nominated as the endorsed fisher on a fishing business holds all available endorsements for that business. A person may be nominated to hold the endorsements for more than one fishing business.

If the fishing business owner is a person (i.e. an individual), they will automatically be nominated as the endorsed fisher if they hold a current commercial fishing licence and the fishing business has available endorsements.

In the case of a fishing business owned by a partnership or company there is no automatic nomination process. The person working the business needs to be nominated by the fishing business owner(s) as the endorsement holder for the business.

Nominating a person to hold the endorsements for a fishing business can be undertaken online through FisherDirect. Fishers are required to have a FishOnline account to transact online. Application forms are available at: www.dpi.nsw.gov.au/fishing/commercial/fishonline.

The nomination process can be done at any time of the day or night. The fishing business owner must give the nominated fisher the current Fishing Business Card for the fishing business unless a digital authority has been issued.

Important points to note when nominating an endorsement holder are:

- There is only one nominated fisher for a fishing business at any given time
- The nominated fisher will hold all of the endorsements for the fishing business
- The nominated fisher must be in possession of the fishing business authority (plastic card or digital), a commercial fishing licence (plastic card or digital) and a fishing boat licence card (if required) when taking fish for sale

The nomination takes effect as soon as the steps above are complete. A nomination has effect for a minimum 48 hour period, meaning that another eligible fisher cannot be nominated on that fishing business until at least 48 hours after the previous nomination. Nominated fishers need to be aware of and comply with any rules that apply when taking fish for sale. Significant penalties may apply to the nominated fisher and/or the shareholder if in possession of commercial fishing gear or engaging in commercial fishing activities without an appropriate endorsement or if otherwise operating unlawfully.

For Ocean Trawl, Ocean Trap & Line, Ocean Hauling, Estuary General, Estuary Prawn Trawl and Inland Fisheries:

- the nominated fisher must provide all required information about the fishing activity to the relevant fishing business owner (for each fishing business on which they are nominated), and make all real time reports. It remains the responsibility of the fishing business owner to make Catch and Effort reports, based on the information provided by the nominated fisher.

For Abalone, Lobster and Sea Urchin & Turban Shell Fisheries:

- the nominated fisher must make all records of Catch & Effort and real time reports for each fishing business that they are the authorised fisher for.

9. Quota

Quota is a shareholder’s allocation of a Fishing Determination, for use in the fishing period for which the determination is made. Total Allowable Catch (TAC) determinations are made in relation to one or more species of fish, and Total Allowable Effort (TAE) determinations are made in relation to one or more types of fishing effort. This is known as consumable quota.

Catch quota is allocated to owners of the relevant quota shares at the beginning of each fishing period. The amount of catch quota (kg) a business receives each year will depend on the number of quota shares held at the time of the allocation.

Days are a type of effort quota that are allocated to owners of the relevant quota shares at the beginning of each fishing period. The number of quota shares you own determines the number of days allocated for each fishing period. A ‘day’ is a 24 hour period from the time a FisherMobile pre-fish report is made to indicate you are going fishing.

Catch or effort quota cannot be saved or carried over, it will disappear at the end of the fishing period if not used.

Information on relevant quotas, shares and fishing periods can be found in the table below. There is also non-consumable quota, ie number of traps, hooks or crew which is also issued to shareholders in some share classes. They are non-consumable because unlike catch and effort quota, they are not reduced by use.
<table>
<thead>
<tr>
<th>Catch quota</th>
<th>Share class or endorsement</th>
<th>Fishing period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beach worms</td>
<td>Estuary general – beach worm quota shares</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Blue swimmer crab</td>
<td>Estuary general – blue swimmer crab quota shares</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Mud crab</td>
<td>Estuary general – mud crab quota shares</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Cockles</td>
<td>Estuary general – cockle quota shares</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Eel</td>
<td>Estuary general – eel quota shares</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Ghost nipper</td>
<td>Estuary general – ghost nipper quota shares</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Pipi</td>
<td>Estuary General – nipper quota shares</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Eastern sea garfish</td>
<td>Ocean hauling – eastern sea garfish quota shares</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Australian sardine</td>
<td>Ocean hauling – Australian sardine quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Blue mackerel</td>
<td>Ocean hauling – blue mackerel quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Yellowtail scad</td>
<td>Ocean hauling – yellowtail scad quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Bass grouper</td>
<td>Ocean trap and line – bass grouper quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Big eye ocean perch</td>
<td>Ocean trap and line – big eye ocean perch quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Blue eye trevalla</td>
<td>Ocean trap and line – blue-eye trevalla quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Gemfish</td>
<td>Ocean trap and line – gemfish quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Hapuku</td>
<td>Ocean trap and line – hapuku quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Pink ling</td>
<td>Ocean trap and line – pink ling quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Spanner crab</td>
<td>Ocean trap and line – spanner crab quota shares</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Bluespotted flathead</td>
<td>Ocean trawl – bluespotted flathead quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Species</td>
<td>Fishing method – quota shares</td>
<td>Fishing period</td>
</tr>
<tr>
<td>--------------------</td>
<td>------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Gemfish</td>
<td>Ocean trawl – gemfish quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Silver trevally</td>
<td>Ocean trawl – silver trevally quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Tiger flathead</td>
<td>Ocean trawl – tiger flathead quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Whiting</td>
<td>Ocean trawl – whiting quota shares</td>
<td>1 May to 30 April</td>
</tr>
<tr>
<td>Abalone</td>
<td>Abalone shares</td>
<td>1 January to 31 December</td>
</tr>
<tr>
<td>Lobster</td>
<td>Lobster shares</td>
<td>1 August to 31 July</td>
</tr>
<tr>
<td>Red sea urchin</td>
<td>Sea urchin endorsements</td>
<td>1 January to 31 December</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effort quota</th>
<th>Share classes</th>
<th>Fishing period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meshing days</td>
<td>Estuary general meshing shares – regions 1 – 7*</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Category one hauling days</td>
<td>Estuary general category one hauling shares – regions 1 – 7*</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Category two hauling days</td>
<td>Estuary general category two hauling shares – regions 1 – 7*</td>
<td>1 July to 30 June</td>
</tr>
<tr>
<td>Hull unit days</td>
<td>Ocean trawl – prawn effort quota shares</td>
<td>1 May to 30 April</td>
</tr>
</tbody>
</table>

* Quota is allocated to each share class. The number of shares held in each region will determine the amount of quota allocated for use in that region.

9.1 Quota transfer rules
Quota can be transferred independently of shares. Different rules apply to the transfer of the different types of catch and effort quota.

Effort quota can transfer to a business that holds the same class of shares. For example, meshing days held under a business containing Estuary General meshing shares – region 1 can only transfer to another business that holds Estuary General – meshing shares – region 1.

Catch quota can transfer throughout the State between owners of quota shares that allow fishing for these species.

The table below details each quota and the corresponding share classes (or endorsement) that must be held to allow the transfer of quota.

Quota transfers can be undertaken online by registered FishOnline users (see Section 3.1 for details how to register). Alternatively, a paper based quota transfer may be undertaken by submitting a completed Application for Manual Transfer of Quota form.


In regards to Lobster, the amount of quota that may be transferred to a shareholder is limited to twice the shareholder’s initial quota for the fishing period. (i.e. the amount allocated at the start of the fishing period, or transferred with shares when a new fishing business is created).
Table 4: Quota and the share classes which determine eligibility

<table>
<thead>
<tr>
<th>Quota</th>
<th>Share class or endorsement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mud crab</td>
<td>Estuary General – handline shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – meshing shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – prawning shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – trapping shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – mud crab trapping shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – category one hauling shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – mud crab quota shares</td>
</tr>
<tr>
<td>Blue swimmer crab</td>
<td>Estuary General – handline shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – meshing shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – prawning shares – Regions 1-7</td>
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<tr>
<td></td>
<td>Estuary General – trapping shares – Regions 1-7</td>
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<tr>
<td></td>
<td>Estuary General – mud crab trapping shares – Regions 1-7</td>
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<tr>
<td></td>
<td>Estuary General – category one hauling shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – blue swimmer crab quota shares</td>
</tr>
<tr>
<td>Eel</td>
<td>Estuary General – handline shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – meshing shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – prawning shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – eel trapping shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – category one hauling shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – eel quota shares</td>
</tr>
<tr>
<td>Estuary General</td>
<td>Estuary General – meshing shares – Regions 1-7</td>
</tr>
<tr>
<td>Fishing Effort</td>
<td>Estuary General – category one hauling shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – category two hauling shares – Regions 1-7</td>
</tr>
<tr>
<td>Beachworm</td>
<td>Estuary General – hand gathering shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – beachworm quota shares</td>
</tr>
<tr>
<td>Cockle</td>
<td>Estuary General – hand gathering shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – cockle quota shares</td>
</tr>
<tr>
<td>Ghost nipper</td>
<td>Estuary General – hand gathering shares – Regions 1-7</td>
</tr>
<tr>
<td></td>
<td>Estuary General – ghost nipper quota shares</td>
</tr>
<tr>
<td>Pipi</td>
<td>Estuary General – hand gathering shares – Regions 1-7</td>
</tr>
<tr>
<td>Fish Species</td>
<td>Fishing Method</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Eastern sea garfish</td>
<td>Ocean Hauling – garfish net (hauling) shares – Regions 1-7&lt;br&gt;Ocean Hauling – eastern sea garfish quota shares</td>
</tr>
<tr>
<td>Australian sardine</td>
<td>Ocean Hauling – purse seine net shares&lt;br&gt;Ocean Hauling – Australian sardine quota shares</td>
</tr>
<tr>
<td>Blue mackerel</td>
<td>Ocean Hauling – purse seine net shares&lt;br&gt;Ocean Hauling – blue mackerel quota shares</td>
</tr>
<tr>
<td>Yellowtail scad</td>
<td>Ocean Hauling – purse seine net shares&lt;br&gt;Ocean Hauling – yellowtail scad quota shares</td>
</tr>
<tr>
<td>Gemfish</td>
<td>Ocean Trap and Line – line fishing eastern zone shares&lt;br&gt;Ocean Trap and Line - gemfish quota shares</td>
</tr>
<tr>
<td>Bass Groper</td>
<td>Ocean Trap and Line – line fishing eastern zone shares&lt;br&gt;Ocean Trap and Line – bass groper quota shares</td>
</tr>
<tr>
<td>Blue eye trevalla</td>
<td>Ocean Trap and Line - line fishing eastern zone shares&lt;br&gt;Ocean Trap and Line – blue eye trevalla quota shares</td>
</tr>
<tr>
<td>Hapuku</td>
<td>Ocean Trap and Line – line fishing eastern zone shares&lt;br&gt;Ocean Trap and Line – hapuku quota shares</td>
</tr>
<tr>
<td>Pink Ling</td>
<td>Ocean Trap and Line – line fishing eastern zone shares&lt;br&gt;Ocean Trap and Line – pink ling quota shares</td>
</tr>
<tr>
<td>Bigeye ocean perch</td>
<td>Ocean Trap and Line – line fishing eastern zone shares&lt;br&gt;Ocean Trap and Line – line fishing western zone shares&lt;br&gt;Ocean Trap and Line – demersal fish trap shares&lt;br&gt;Ocean Trap and Line – bigeye ocean perch quota shares</td>
</tr>
<tr>
<td>Spanner Crab</td>
<td>Ocean Trap and Line – spanner crab northern zone shares&lt;br&gt;Ocean Trap and Line – spanner crab southern zone shares&lt;br&gt;Ocean trap and Line – spanner crab quota shares</td>
</tr>
<tr>
<td>Bluespotted flathead</td>
<td>Ocean Trawl – inshore prawn shares&lt;br&gt;Ocean Trawl – offshore prawn shares&lt;br&gt;Ocean Trawl – fish northern zone shares&lt;br&gt;Ocean Trawl -bluespotted flathead quota shares</td>
</tr>
<tr>
<td>Tiger flathead</td>
<td>Ocean Trawl – inshore prawn shares&lt;br&gt;Ocean Trawl - offshore prawn shares&lt;br&gt;Ocean Trawl – fish northern zone shares</td>
</tr>
</tbody>
</table>
10. Fishing Boat licensing arrangements

As of 1 July 2018, you only require a fishing boat licence if you are conducting certain fishing activities, known as “declared commercial fishing boat activities”.

You do not need a boat licence for:

- a boat 6 metres or less in Ocean Hauling: Hauling Net (General Purpose)
- a boat 10 metres or less in the Estuary General or Estuary Prawn trawl fishery, or
- a boat 20 metres or less on Ocean Hauling: Garfish Net (Hauling) or Ocean Hauling: Pilchard Anchovy Bait Net (Hauling)

From 1 May 2019, you will not need a boat licence for boats 20 metres or less in Ocean Trawl: Inshore Prawn, Offshore Prawn or Fish Northern Zone.

All other activities that involve the use of a boat are “declared fishing boat activities” and require a boat licence.

New boat licences may be issued if a boat is to be used in the Abalone, Lobster, Inland or Sea Urchin and Turban Shell fisheries only. Upon issue of a new boat licence for use in one of these fisheries, a condition will be added to the licence restricting its use to one or more of these fisheries.

In all other fisheries where a boat licence is required there is a freeze on the issue of new boat licences. To acquire a boat licence for use in one of these fisheries you must transfer an existing fishing boat licence from another person.
The only variation to the freeze applies in respect of a boat licence that was issued as at 5 February 2007 (or a boat licence that replaced a boat licence that was issued as at 5 February 2007) that has since expired. In such cases and upon application, a new licence may be reissued to the person who was the holder of the licence at the time the licence expired.

Commercial fishing boat licences are issued in the form of a plastic card (Figure 8). The card must be carried at all times while a boat is being used for declared commercial fishing boat activities. Each commercial fishing boat licence is given a unique Licence Identification Number (LIN) and is transferable.

Figure 10: Front and back view of Fishing Boat Licence
10.1 Declared fishing boat activity
A fishing boat licence is required for "declared commercial fishing boat activities". A declared commercial fishing boat activity includes use of a boat to take fish for sale from NSW waters where the Regulations require a fishing boat licence to be held.

Some fisheries do not require fishers undertaking commercial fishing activities to hold a fishing boat licence, if the boat is under the required maximum length for that fishery. Refer to Table 5 for the boat licence requirements for each fishery.

Table 5: Fishing boat licence requirements for commercial fishing boat activities

<table>
<thead>
<tr>
<th>Fishing activity</th>
<th>Boat licence not required</th>
<th>Boat licence required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abalone</td>
<td></td>
<td>All boats</td>
</tr>
<tr>
<td>Estuary General</td>
<td>Boats less than or equal to 10 m</td>
<td>Boats more than 10 m</td>
</tr>
<tr>
<td>Estuary Prawn Trawl</td>
<td>Boats less than or equal to 10 m</td>
<td>Boats more than 10 m</td>
</tr>
<tr>
<td>Inland</td>
<td></td>
<td>All boats</td>
</tr>
<tr>
<td>Lobster</td>
<td></td>
<td>All boats</td>
</tr>
<tr>
<td>Ocean Hauling: Hauling net</td>
<td>Boats less than or equal to 6 m</td>
<td></td>
</tr>
<tr>
<td>(general purpose)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ocean Hauling: Garfish net</td>
<td>Boats less than or equal to 20 m</td>
<td>Boats more than 20 m</td>
</tr>
<tr>
<td>(hauling)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ocean Hauling: Pilchard Anchovy Bait net (hauling)</td>
<td>Boats less than or equal to 20 m</td>
<td></td>
</tr>
<tr>
<td>Ocean Hauling: Purse seine</td>
<td></td>
<td>All boats</td>
</tr>
<tr>
<td>Ocean Trap &amp; Line</td>
<td></td>
<td>All boats</td>
</tr>
<tr>
<td>Ocean Trawl</td>
<td>As of 1 May 2019, you will not require a fishing boat licence for boats 20m or less in Ocean Trawl Inshore Prawn, Offshore Prawn or Fish Northern Zone</td>
<td>All boats in Ocean Trawl Deepwater Prawn</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All boats more than 20m in Ocean Trawl Inshore Prawn, Offshore Prawn or Fish Northern Zone</td>
</tr>
<tr>
<td>Sea Urchin &amp; Turban Shell</td>
<td></td>
<td>All boats</td>
</tr>
<tr>
<td>Southern Fish Trawl</td>
<td></td>
<td>All boats</td>
</tr>
</tbody>
</table>

10.2 Unlicensed boats
If you use a boat for commercial fishing activities and are not required to have a boat licence, you must display the letters "LFB" on the outside of both sides of the bow or wheelhouse. This requirement is in addition to any AMSA boat marking requirements.
10.3 Applying for a fishing boat licence

To apply for issue of a commercial fishing boat licence you must lodge a completed Application for Issue of a Fishing Boat Licence form and pay an application fee. Application forms and a list of fees and charges are available at: www.dpi.nsw.gov.au/fishing/commercial/licensing-forms

Application forms cannot be processed if:

- the application is not on an approved form
- the application form has not been completed in full or filled out correctly
- the application form is not accompanied by any fees due and payable
- the applicant is involved with DPI in a professional sense and the Minister’s prior approval to be issued a commercial fishing boat licence has not been obtained

If an application cannot be processed for one of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded.

The issue of a commercial fishing boat licence may be refused on grounds set out in Regulation, including:

- failing to provide information required in connection with the application (such as identifying particulars for the boat)
- making a statement in connection with the application that is, in the opinion of the Minister, false or misleading in a material particular
- prior suspension or cancellation of a commercial fishing boat licence held by the applicant or
- failure to pay any fee or contribution due and payable in connection with the licence

If the issue of a commercial fishing boat licence is refused on grounds provided for by Regulation, any application fees that have been paid are not refunded. If fees were not paid upon application they will be invoiced to the applicant.

10.4 Licensed boats

10.4.1 Using a boat

If you use a boat under the authority of a boat licence, you must make sure that the boat does not exceed the maximum length or maximum hull units specified on the front of the licence.

10.4.2 Changing a boat

You may use a new boat as soon as you provide the identification details for the boat to DPI by way of the relevant form. You do not need to wait to receive a new licence that includes the details of the new boat, unless the boat you are changing is used for Ocean Trawl Prawning.

10.4.3 Required information for boats used for Ocean Trawl Prawning

From 1 May 2019, information by way of the relevant form and the most recent certificate of survey showing the measured length, moulded depth and moulded breadth will be required in respect of the boat to be used for ocean trawl prawning. This will apply to new boats or when changing a boat used for Ocean Trawl Prawning.

10.4.4 Modifying a boat

If a boat is modified and the modification affects the identification details on the licence, you must notify DPI before the boat is used for a declared commercial fishing boat activity, or otherwise within 7 days of the modification.
10.4.5 Disposal of a boat (lost, sold or destroyed)
If a boat is disposed of, destroyed or lost at sea, you must notify DPI within 30 days.

All relevant forms, including the new form for required information for boats used for Ocean Trawl Prawning can be found on the DPI website at: https://www.dpi.nsw.gov.au/fishing/commercial/licensing-forms

10.5 Boat marking requirements
All boats being used for commercial fishing must display the letters LFB. If the boat is being used under the authority of a fishing boat licence, the letters “LFB” must be displayed followed by the boat registration number issued by NSW DPI.

LFB markings must be displayed on both sides of the bow of the boat or the outside of both sides of the wheelhouse.

If the boat is being used in the Lobster fishery, the letters RL must be displayed before the letters LFB and registration number.

If the boat is being used in the Abalone fishery, the letter A and the initials of the home port must be displayed in the location of the LFB markings.

Letters and numbers must be at least 150mm in height unless the boat is over 7.5m long and is used in ocean waters, in which case the minimum height is 300mm and minimum width 150mm.

A dinghy or other vessel carried on the boat being used for declared commercial fishing activities must display on both sides of the outside of the dinghy or vessel, the letter “D” followed by the LFB of the boat. The markings on the outside of the dinghy should be no less than 50mm in height.

10.6 Conditions of commercial fishing boat licences
Commercial fishing boat licences are subject to conditions prescribed by regulation or specified in the licence.

Conditions may be added to boat licences, or revoked or varied, from time to time by notice in writing to the holder of the licence. Conditions appear on boat licences in abbreviated form followed by a condition code in brackets. Appendix 7 includes a register of condition codes, abbreviated conditions and the full wording of each corresponding condition.

It is the licence holder and master’s responsibility to be aware of and comply with any conditions applicable to the licence for a boat being used, whether prescribed in regulation or appearing on the boat licence itself. Penalties may apply for contravention of a condition of a commercial fishing boat licence.

10.7 Boat length restrictions for each fishery
Maximum boat length restrictions apply to the use of boats in all fisheries other than the Lobster, Abalone, Inland or Sea Urchin and Turban Shell fisheries. Penalties may apply for using a boat that is longer than permitted for a fishery.

If you use a boat that is longer than the maximum boat length applying to a fishery, you must hold a boat licence and the licence must have an exemption code relevant to the fishery concerned. The maximum boat length and exemption code applying to each fishery are outlined in the Share Management Plan for the fishery or refer to Table 6.
### Table 6: Maximum boat lengths and exemption codes

<table>
<thead>
<tr>
<th>Fishery</th>
<th>Maximum boat length</th>
<th>Exemption code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estuary General</td>
<td>10 metres</td>
<td>EG</td>
</tr>
<tr>
<td>Estuary Prawn Trawl</td>
<td>10 metres</td>
<td>EPT</td>
</tr>
<tr>
<td>Ocean Hauling (if using a general purpose haul net)</td>
<td>6 metres</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Ocean Hauling (if not using a general purpose haul net)</td>
<td>20 metres</td>
<td>OH</td>
</tr>
<tr>
<td>Ocean Trap and Line</td>
<td>16 metres</td>
<td>OTL</td>
</tr>
<tr>
<td>Ocean Trawl</td>
<td>20 metres</td>
<td>OT</td>
</tr>
</tbody>
</table>

### 10.8 Boats upgraded under the ‘tuna longline upgrade policy’

There are a small number of boats historically upgraded in length under what was commonly referred to as the ‘tuna longline upgrade policy’.

This policy no longer applies. However, the holder of a licence previously upgraded under this policy maintains the privilege of a longer boat, subject to:

- The holder continuing to hold a Commonwealth tuna longline fishing authority
- Not increasing fishing effort or catch in NSW waters, consistent with the arrangements that applied under the former tuna longline upgrade policy

The holder of a licence upgraded under this former policy may replace their boat with a boat that is no greater in length than the boat it replaces.

### 10.9 Special requirements for the Ocean Prawn Trawl sector

As of 1 May 2019 inshore and offshore prawn only shareholders will be required to identify which boat they will be using in the inshore and offshore prawn trawl fishery, as the effort quota that will govern the number of days that a fishing business may operate, is based on the size of the boat used.

The length, depth and breadth of the boat is determined in accordance with the National Standard for Commercial Vessels (NSCV) and appears on the most recent survey certificate for the boat. If the boat is not in survey or the most recent survey certificate does not contain the required information, the length, depth and breadth of the boat must be measured by an authorised marine surveyor in accordance with the NSCV and confirmed in writing. The length, depth and breadth is used to determine if the replacement boat complies with the maximum length appearing on the front of the boat licence and the maximum hull units calculated as follows:

\[
\text{Hull units} = \frac{(\text{Length} \times \text{Breadth} \times \text{Depth} \times 0.6)}{2.83}
\]

Application forms to submit with the most recent survey certificate can be found at [www.dpi.nsw.gov.au/fishing/commercial/licensing-forms](http://www.dpi.nsw.gov.au/fishing/commercial/licensing-forms).

### 10.10 Transferring a fishing boat licence

Fishing boat licences may be transferred to any person or company whether or not the owner of a fishing business. Fishing boat licences may also be transferred separate to the components of a fishing business with or without a physical boat attached to the licence.

To transfer a fishing boat licence the licence holder must lodge a completed *Application for transfer of a Fishing Boat Licence* and pay an application fee. Application forms and a list of fees and charges are available at [www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms](http://www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms).
The same administrative procedures and grounds for refusal apply to an application to transfer a fishing boat licence as apply to an application for issue of a fishing boat licence.

10.11 Renewing a commercial fishing boat licence

From 1 July 2018 you only require a fishing boat licence if you are conducting certain fishing activities, known as *declared commercial fishing boat activities*.

You do not need a boat licence for:

- a boat 6 metres or less in Ocean Hauling: Hauling Net (General Purpose)
- a boat 10 metres or less in the Estuary General or Estuary Prawn trawl fishery, or
- a boat 20 metres or less on Ocean Hauling: Garfish Net (Hauling) or Ocean Hauling: Pilchard Anchovy Bait Net (Hauling)

From 1 May 2019, you will not need a boat licence for boats 20 metres or less in Ocean Trawl Inshore Prawn, Offshore Prawn or Fish Northern Zone.

All other activities that involve the use of a boat are “declared fishing boat activities” and require a boat licence. These commercial fishing boat licences are renewable from 1 July each year. A renewal application can be undertaken online if a fisher has a FishOnline account, (see Section 17.1 for more details), or the application form that is sent to a commercial fishing boat licence holder prior to the expiry date can be completed and returned to Fisheries Business Services by the date specified in the form.

Application fees for renewal of a commercial fishing boat licence must be paid in full at the time of renewal.

The fee payable is based on the maximum length specified on the licence.

10.12 Cancellation or suspension of a fishing boat licence

Commercial fishing boat licences may be suspended or cancelled if:

- any fee due and payable in connection with a licence has not been paid
- the applicant has made a statement in connection with the application that is, in the opinion of the Minister, false or misleading in a material particular
- the boat does not comply with the maximum boat specifications set out on the front of the boat licence
- the holder has contravened a condition of the licence
- the boat has been seized
- the holder of the licence has requested that the licence be cancelled or suspended

Prior to any suspension or cancellation the holder of the licence is provided an opportunity to show cause, in writing, as to why the licence should not be suspended or cancelled. If no written response is received, the licence is automatically suspended or cancelled.

If a licence is suspended:

- the licence holder is asked to return the licence to DPI
- the licence holder continues to accrue any fees or charges payable in respect of the licence and those fees and charges become due and payable just as they would if the licence was not suspended

If a licence is cancelled:

- the licence holder is asked to return the licence to DPI
- any application fees that have been paid are not refunded
11. Fees, charges and community contributions

A range of fees and charges are payable by commercial fishers and fishing business owners. They include application fees for certain transactions (e.g. application or renewal of a commercial fishing licence), research levies, management charges and community contributions.

**Community contributions:** An annual community contribution is payable by shareholders in respect of each fishing business that the shareholder owns. The community contribution is a monetary contribution to the NSW public for the right to access the fishery under the share management fishery framework. A community contribution is not payable for access to a Restricted Fishery.

**Management charges:** Annual management charges are payable by fishing business owners, whether a Share Management Fishery or a Restricted Fishery. Management charges contribute to the cost of managing NSW commercial fishing.

**FRDC research levy:** A research levy is payable by fishing business owners. The research levy contributes towards fisheries related research priorities Australia wide. The Fisheries Research and Development Corporation (FRDC) is a co-funded partnership between the Australian Government and the fishing industry which co-ordinates research priorities and funding for research. For further information on the FRDC refer to the FRDC website at [www.frdc.com.au](http://www.frdc.com.au).

A comprehensive list of fees and charges payable by commercial fishers is also available on the DPI commercial fishing licensing website: [www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms](http://www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms). Alternatively you can contact Fisheries Business Services to obtain information on current fees and charges (see Section 18.1).

Most fees and charges are payable on an annual basis and are subject to CPI. Invoices are raised based on fishing business and fishing endorsements held as at 1 July each year. Fees and charges invoiced may be paid in instalments (currently three instalments each financial year).

Payment remains due and payable regardless of whether you transfer your fishing business or fishing authorities or surrender your licences at any stage during the relevant financial year. DPI cannot redirect fees and charges to another person regardless of whether they may have purchased your fishing business (or parts thereof) or particular NSW fishing authorities (e.g. shares, boat licences, etc.). As such full payment of the annual fees and charges is required if transferring a fishing boat, or a fishing business with all of its components. Additionally, fishing businesses attract fees for all share classes held, regardless of not meeting the minimum shareholding requirements.

12. Change of personal details & lost cards

Should you wish to change any personal information held by DPI, if you have a FishOnline account and/or are the authorised agent for that account you can amend personal details using the self-service system (see Section 17.1). Alternatively, make a written request to DPI. If the change relates to a partnership, all partners must sign the request. For a company, a company extract (no more than 1 month old) that specifies the person or persons authorised to act on behalf of the company must be submitted with the request.

If a fishing authority, including a commercial fishing licence, fishing boat licence, fishing business card or a section 37 permit, has been lost, misplaced, damaged or stolen, a replacement authority may be issued. To be issued a replacement authority you can complete an online
transaction in FisherDirect or submit a completed Application for Replacement Authority form. Application forms are available at: www.dpi.nsw.gov.au/fisheries/commercial/licensing-forms
To request an application form contact Fisheries Business Services (see Section 18.1).

13. Permits
A permit may be issued to a person or a specified class of person to authorise the taking and possession of fish or marine vegetation for various purposes as set out in the Act and regulations.

A permit does not authorise the holder to take fish for sale. To take fish for sale a class 1 commercial fishing licence is required.

The number and types of permits issued to commercial fishers are limited to a small number of fishing activities historically undertaken (i.e. prior to the introduction of Restricted Fisheries in 1997) by particular individuals. Examples of such activities include taking eels from farm dams, taking bait for tuna long lining in commonwealth managed fisheries or dredging for cockles in Jervis Bay. Permits are also sometimes issued to commercial fishers for research purposes and the use of particular gear pending agreed changes to the Act or regulations.

For more information on the types of permits available in NSW commercial fisheries contact Fisheries Business Service (see Section 18.1) or refer to the Fishery Management Strategy for the fishery concerned on the DPI website: www.dpi.nsw.gov.au/fisheries/commercial/fisheries

Permits are generally issued for a maximum 12 month period (with an expiry date of 30 June) and are not transferable. A permit may also be cancelled or suspended at any time by notice in writing to the holder of the permit.

Permits are also subject to conditions prescribed by regulation or specified in the permit. Such conditions are generally used to restrict the activities authorised by the permit. Significant penalties may apply for taking or possession fish or marine vegetation in contravention of a condition of a permit.

In some cases an environmental assessment (or ‘Review of Environmental Factors’) will be required before a permit application will be considered. For further information on preparing an environmental assessment please refer to the “Guidelines for Environmental Assessment of Fishing Related Activities” on the DPI website: http://www.dpi.nsw.gov.au/fisheries/commercial/ea.

The issue of a permit does not imply or guarantee any future rights to undertake the activity authorised by the permit or that a further permit will be issued.

13.1 Applying for a permit
Application for a permit will not be processed if:

- the application is not on an approved form
- the application form has not been completed in full or filled out correctly
- the application form is not accompanied by any fees payable
- the application is not accompanied by an environmental assessment (or ‘Review of Environmental Factors’) where required

Under the above circumstances DPI will contact the applicant and encourage the applicant to rectify any outstanding matters. If an application remains deficient and is not processed for one
of the reasons above the application is returned to the applicant and any application fees that may have been paid are refunded.

The power to issue permits is limited in the case of potential harm to threatened species, populations or ecological communities or threat to critical habitat. In the case of commercial fishing activities for which permits are required on an ongoing basis, permit holders are sent an application form approximately six weeks prior to the expiry date for a new permit for a further 12 months.

14. Applications for variation to current policy

In most cases licensing and other important rules are set out in the Act and regulations. Unless the Act or regulations provide the Minister or DPI with discretion, those rules are binding and cannot be varied. In some other cases such rules are applied as a matter of policy.

An application for a variation to current policy may be made by any person at any time. Such applications are assessed on their merits. Where a variation to policy is likely to result in increased fishing effort in a fishery or may otherwise adversely affect a fishery, DPI may consult relevant industry advisory bodies for advice on the proposal before any decisions are made. This process generally takes some time.

15. Review process

Before making an application to the NSW Civil and Administrative Tribunal (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.

As specified in section 126 of the Act ‘reviewable decisions’ include those concerning the issue, suspension or cancellation of an authority as well as decisions to impose a condition on a authority (other than those prescribed by regulation).

A person who is not satisfied with the outcome of the 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 NSW Lawlink website (www.justice.nsw.gov.au) or phone DPI on 1300 720 662.

16. Deregistered Companies

16.1 Effects of company deregistration

The Australian Securities & Investments Commission (ASIC) can deregister a company if it does not lodge documents with ASIC or pay fees to ASIC. The owners of a company, a court or a company liquidator can apply to ASIC to deregister a company.

If a company is deregistered, it ceases to exist as a legal entity. It can no longer legally do anything and property the company owned (which might include shares, restricted fishery endorsements or fishing boat licences etc) vests in ASIC. The former officeholders no longer have the right to deal with property registered in the company’s name.

This means a deregistered company cannot transfer (sell) shares or other property. If you were to pay for shares or other property from a deregistered company, you will not own the shares or property, even though you paid the seller for them. Similarly a deregistered company cannot legally purchase shares or other property.
16.2 Maintaining and checking company registration

If you use a company for your business structure it is important to maintain company registration with ASIC. Do not assume that your company is registered – ASIC may have deregistered it. If ASIC deregisters your company, you may be able to apply to ASIC to reinstate the company’s registration. Your legal adviser or financial adviser can help you apply to ASIC for company reinstatement. If you are proposing to transfer (buy) shares or other property from a company you are strongly advised to undertake a company search on ASIC’s website to confirm the seller’s company registration is current. If the seller is a deregistered company, you should not pay it any money until ASIC reinstates its registration.

17. FishOnline

FishOnline is a web based system for administering commercial fishing activity. The system is used for all business related transactions and catch and effort reporting.

FishOnline includes self-service functions for customers to access a range of services online. FisherDirect and FisherMobile are self-service components of the FishOnline system which are being progressively rolled out, with functionality growing over time.

17.1 FisherDirect

FisherDirect is a secure online computer based system available for use by NSW commercial fishing industry participants and their appointed agents. FisherDirect offers a wide range of online services tailored to individual requirements. Currently FisherDirect offers the following key features:

- lodge catch and effort catch reports for non-quota based fishing activities
- see your recorded catches
- view your quota balance(s)
- view quota transactions
- view your authorised fisher history
- view the endorsement history of your businesses
- view commercial fishing licence details
- appointment of agents
- pay your fishing business charges and fees
- post advertisements to FishOnline - For Sale and Trade – Noticeboard

Additional features of the FisherDirect system are available to commercial fishing business owners and their agents who operate in quota-managed fisheries. These key features include the ability to:

- transfer quota for free
- lodge catch and effort reports for quota based fisheries
- transfer whole fishing businesses or transfer components of a fishing business (eg shares) for free
- check shareholdings in your fishing business

Additional features that are available include:

- renew commercial fishing licence
- renew fishing boat licence
- request replacement licence and fishing business cards
- authorise and revoke fishers
More information on the functions and use of FisherDirect including download instructions, user guides and video demonstrations can be found on the FishOnline website www.dpi.nsw.gov.au/fishing/commercial/fishonline or by contacting FishOnline Support (see Section 18.2).

The following criteria must be met to register for FisherDirect:

- you are a natural person
- you have a personal and unique email address
- you agree and accept the terms and conditions of use for FishOnline,
- you are:
  - the holder of a current NSW commercial fishing licence, and/or
  - the holder of a current NSW commercial fishing boat licence, and/or
  - the owner of a current NSW fishing business, and/or
  - the holder of a NSW 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 17.2)

If an application does not meet the above criteria DPI will contact the applicant and encourage the applicant to rectify any outstanding matters. If an application remains deficient and is not processed for one of the reasons above the application is returned to the applicant.

17.2 Registering a FisherDirect agent

You can register another person (referred to as an “agent”) to access and operate FisherDirect on your behalf.

You are responsible for choosing your agent and anything they do for you online, so it is important that you are careful about who you appoint as an agent and what level of access you provide them. The department takes no responsibility for any action your agent does while transacting online on your behalf.

Anyone can be appointed as an agent, providing they have a FisherDirect account (see Section 17.1). In order to be eligible to appoint an agent you must be either:

- the holder of a current NSW commercial fishing licence, or
- the holder of a current NSW commercial fishing boat licence, or
- the owner of a current NSW fishing business, or
- the holder of a NSW section 37 permit authorising commercial fishing activities

You must also agree and accept the terms and conditions of use for FishOnline, including those concerning agents.

To appoint an agent you must complete a FisherDirect Agent Authorisation Application Form. You can remove and manage your agent’s permissions 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”.

More information on the functions and use of FisherDirect including download instructions, user guides and video demonstrations can be found on the FishOnline website or by contacting FishOnline Support (see Section 18.2) or the DPI website: www.dpi.nsw.gov.au/fishing/commercial/fishonline

17.3 FisherMobile

FisherMobile is a secure mobile application available to eligible mobile devices including iPhone, iPad (iOS 5.0+) and Android Phone/Tablet (4+) with the native browsers found on these devices.
With the exception of Chrome and Safari, third party browsers (i.e. downloaded) are not supported.

FisherMobile has been developed to enable real time reporting of quota usage and other commercial fishing activities by authorised fishers. It allows users to access FishOnline via a compatible smart phone or iPad/tablet device to:

- lodge real time fishing reports relevant to quota, including: pre-fish, pre-land and 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 authorised fishers. Agents of authorised fishers are not eligible to access FisherMobile.

To use FisherMobile you must download the application onto your device and complete a FisherMobile Account Application Form. There is no application fee associated with this form or application.

More information on the functions and use of FisherMobile including download instructions, user guides and video demonstrations can be found on the FishOnline website www.dpi.nsw.gov.au/fishing/commercial/fishonline or by contacting FishOnline Support (see Section 18.2).

17.4 FishOnline noticeboard
The FishOnline noticeboard is a specialised online platform to assist in the trading of NSW catch and effort quota, fishing businesses, shares, endorsements, equipment and boats. The address for the site is: www.dpi.nsw.gov.au/fisheries/commercial/fishonline/fishonline-noticeboard

18. Contacts
18.1 Fisheries Business Services
Commercial and charter fishing licensing, applications and financial enquiries.
Post: Fisheries Business Services
       LMB 3020
       Nowra, NSW 2541
Phone: 1300 720 662
Fax: (02) 4424 7449
Email: fisheries.businessservices@dpi.nsw.gov.au

18.2 FishOnline Support
Assistance with accessing and using FisherDirect and FisherMobile.
Post: FishOnline Support
       LMB 3020
       Nowra, NSW 2541
18.3 Catch Records
Catch and effort records, commercial and charter fishing logbooks, quota transfer applications and fish receiver matters.

Post: Catch Records
PO Box 4157
Coffs Harbour Jetty, NSW 2450
Phone: 1800 994 850 for enquiries
Fax: (02) 6391 4709
Email: catch.records@dpi.nsw.gov.au

18.4 Fisheries Management

Table 7: Fisheries Management contact details

<table>
<thead>
<tr>
<th></th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Fisheries Management</td>
<td>1300 726 488</td>
</tr>
<tr>
<td>Fisheries Manager - Industry Liaison</td>
<td>(02) 6691 9685</td>
</tr>
<tr>
<td>Fisheries Manager - Industry Liaison</td>
<td>(02) 6645 0510</td>
</tr>
</tbody>
</table>

19. Acronyms used in this Guide

AMSA: Australian Maritime Safety Authority
CFL: Commercial Fishing Licence
CPI: Consumer Price Index
DPI: Department of Primary Industries
FB (or FBNO): Fishing Business (or Fishing Business Number)
FBL: Fishing Boat Licence
FRDC: Fisheries Research and Development Corporation
HIN: Hull Identification Number
LFB: Licensed Fishing Boat
LIN: Licence Identification Number
NCAT: NSW Civil and Administrative Tribunal
NSCV: National Standard for Commercial Vessels
NSW: New South Wales
RMS: Road and Maritime Service

40 NSW Department of Primary Industries, May 2019
20. Terms used in this Guide

**Act**: means the *Fisheries Management Act 1994*.

**Component of a fishing business**: includes shares in a share management fishery and/or restricted fishery endorsement.

**Condition**: means a condition of a commercial fishing licence, boat licence or an endorsement and includes conditions prescribed by regulation or appearing in abbreviated form on a licence or fishing business card.

**Endorsement**: An authority on a commercial fishing licence authorising the holder of the licence to use specific gear for the taking of specific species from specific waters.

**Exemption Code**: A code identifier found on some fishing boat licences to identify those boats which may be used in a particular fishery even though they are longer than the maximum boat length allowed for the fishery, allocated based on historical participation of the boat in the fishery prior to share management plan implementation.

**Fishing boat licence**: A licence issued under Division 2 of Part 4 of the Act, authorising a boat to be used in the taking fish for sale from waters which the Act applies.

**Fishing boat licence transfer**: The transfer of a fishing boat licence from one owner to a new owner in accordance with legislation.

**Fishing Business**: A separate and identifiable fishing operation which has a unique identifying number generally consisting of one or more components, such as shares or restricted fishery endorsements.

**Fishing Business Card**: A physical card or a digital authority which is accessible from a mobile device which is produced/issued by NSW DPI and used as the mechanism to record all available endorsements of a fishing business.

**Fishing Business Determination**: A process which identifies the owner of a fishing business along with other particulars relating to components of the fishing business. These components include all shareholdings and/or restricted fisheries endorsements held by the fishing business. The determination is issued to fishing business owners on a certificate based form.

**Fishing Business owner**: The owner of a business the components of which may include endorsement(s) in a restricted fishery and/or shares in a share management fishery.

**Fishing Business transfer**: The transfer of components of a fishing business, either share(s), restricted fishery endorsements, whether the whole fishing business or not, from one owner to a new owner in accordance with legislation with those components being determined to be owned by another owner.

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

**HIN**: A 14 digit number determined by the Roads and Maritime Services which uniquely identifies the hull, similar to a car body serial number. This number is recorded with the physical boat details of the boat attached to the fishing boat licence and is found on the reverse side of a fishing boat licence.
Internal review: A review process available to a person not satisfied with an administrative decision made by NSW DPI where that decision is reviewable by the NSW Civil and Administrative Tribunal (NCAT).

LFB number: The licensed fishing boat number is the unique number allocated to and displayed on commercial fishing boats in NSW, prefixed with the letters RLLFB, ALFB or LFB for the rock lobster, abalone or all other fisheries respectively. This number is allocated to a physical boat and remains for the life of the boat.

LIN: A five digit licence identification number found on the front side of a fishing boat licence.

Maximum boat specifications: The maximum specifications of a physical boat which may be attached to a particular fishing boat licence, including maximum length and maximum hull units.

Maximum shareholding: The maximum number of shares of a certain share class allowed to be held by a shareholder. Maximum shareholdings are specified in the relevant share management plans.

Minimum shareholding: The minimum number of shares of a certain share class required to be held by a shareholder before an endorsement may be available to the fishing business owner or a person nominated by the fishing business owner to take fish on their behalf. Minimum shareholdings are specified in the relevant share management plans.

NCAT (NSW Civil and Administrative Tribunal): An independent Tribunal available to a person not satisfied with an administrative decision made by NSW DPI.

Nominated fisher: The licensed fisher selected by the fishing business owner to hold the endorsement(s) for the fishing business.

NSW fishing authority: A fishing authority issued or given under the Act, including a licence, share or endorsement etc.

Permit: An authority to fish issued under section 37 of the Act to a person to take fish or other marine vegetation for research, aquaculture or aquarium purposes or any other purpose prescribed by the Regulation or any other purpose approved by the Minister.

Physical boat details: The identifying specifications of the physical boat attached to a particular fishing boat licence, includes name of boat, identifying number of the boat, hull identifying number of the boat, hull units, engine power, boats name and boats port. Physical boat details are found on the reverse side of the fishing boat licence card.

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 can be taken or amount of effort that can be used (e.g. the number of days that can be worked).

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 pursuant to Part 4 Division 3 of the Act. Restricted fisheries include: sea urchin and turban shell fishery, inland fishery and southern fish trawl fishery.

Revocation (of a nomination): The removal of the authorised fisher to hold the endorsements associated with a fishing business by either the fishing business owner, nominated fisher or the Director-General.

Share extract: An extract from the Share Register following a request for information.

Share forfeiture: The removal of shares from a shareholder following offences against the Act or Regulations.
**Share forfeiture offence:** An offence against the Act or Regulations which may result in the forfeiture of shares or the allocation of demerit points against a shareholder.

**Shareholder:** An individual person, corporation or two or more persons/corporations who own a share in a share management fishery.

**Shareholding:** The share(s) held by a shareholder, which may give rise to an endorsement subject to fishery specific rules.

**Share management fishery:** A fishery specified in schedule 1 of the Act to be declared as a Share management fishery. Specified fisheries include: estuary general fishery, ocean hauling fishery, ocean trap and line fishery, ocean trawl fishery, estuary prawn trawl fishery, abalone fishery and lobster fishery.

**Share management plans:** A management plan for a particular fishery made under the Act which outlines things such as the objectives of the plan, description of the fishery, minimum and maximum shareholdings, endorsement conditions, species that may be taken, areas and time of operation, general requirements and other miscellaneous matters.

**Share mortgage:** An interest in a share by a party other than the shareholder.

**Share Register:** A register available to the public containing those details as prescribed under section 90 of the Act.

**Share surrender:** When a shareholder transfers their shares to the Minister for surrender.

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

**Share transfer:** The absolute and perpetual conveyance of the whole of the interest in a share.

**Supporting Plan:** Refers to the Fisheries Management (Supporting Plan) Regulation 2006.

**Transferee:** A person, company or two or more persons/companies purchasing a fishing business or any components of.

**Transferor:** A person, company or two or more persons/companies selling a fishing business or components of.

**Unendorsed crew:** A person who assists an endorsement holder in accordance with the Regulations.

**Unlicensed crew:** A person without a commercial fishing licence who assists a licensed commercial fisher in accordance with the Regulations.
Appendices

Appendix 1: Regional boundaries for the Estuary General and Ocean Haul fisheries

[Map showing regional boundaries for the Estuary General and Ocean Haul fisheries]
Appendix 2: ‘Check list’ of commercial fishing requirements

To take fish for sale in NSW waters:

1. Check any conditions that may apply to your commercial fishing licence (on the licence itself or in regulation) and carry your commercial fishing licence at all times when fishing or landing catch.

2. Check with DPI that you are recorded as the endorsement holder for the business that you intend to operate, check any conditions that may apply to the endorsements you hold (on the fishing business card or in regulation) and carry the fishing business card at all times when fishing or landing catch.

3. Check any conditions that may apply to your commercial fishing boat licence (on the licence itself or in regulation) and carry the fishing boat licence (if required) at all times when fishing or landing catch from the boat.

4. Check that the licensed fishing boat that you are using:
   a. Complies with the maximum boat length restrictions that apply to the fishery that the boat is being used in or has an exemption code for the fishery concerned (on the front of the licence); and,
   b. Has the appropriate boat marking clearly displayed in accordance with legal requirements.

5. Check for any Marine Parks, Marine Protected Areas, Aquatic Reserves and or Recreational Fishing Havens in the waters you intend to fish.

6. Check for any fishing closures or other prohibitions on commercial fishing activity applying to the activity and or waters that you intend to fish.

7. Check that you hold available quota if fishing a quota managed fishery

8. Make any pre-fishing reports that may be required (e.g. report that you are going fishing under a day quota).

9. Make any pre-landing reports that may be required and relate to the fishing activities you are undertaking (e.g. reporting estimated weights of quota species).

10. Complete your catch and effort logbooks, or online reports, as required by regulation or set out in the logbook. Refer to the DPI website for detailed information on current catch and effort reporting requirements.

11. Complete a Threatened Species Interaction Reporting Form every time you have an interaction with (or sight) a threatened or protected species.

12. Complete a Lost/Found Fishing Gear report as appropriate.

13. Ensure that a record of fish sales is made and any required labelling as necessary for compliance with the legislation and the National Docketing System upon landing.

14. Report illegal or suspect fishing activity to the nearest Fisheries Office or use the Fishers Watch Phone line on 1800 043 536.

15. Check with the fisheries managers and local fisheries officer for any other necessary requirements.
### Appendix 3: Register of endorsements and endorsement codes

<table>
<thead>
<tr>
<th>Endorsement code</th>
<th>Endorsement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abalone Fishery</td>
<td></td>
</tr>
<tr>
<td>AB</td>
<td>Abalone</td>
</tr>
<tr>
<td>Lobster Fishery</td>
<td></td>
</tr>
<tr>
<td>LOB</td>
<td>Lobster</td>
</tr>
<tr>
<td>Estuary Prawn Trawl Fishery</td>
<td></td>
</tr>
<tr>
<td>EPTCR</td>
<td>Clarence River</td>
</tr>
<tr>
<td>EPTHUR</td>
<td>Hunter River</td>
</tr>
<tr>
<td>EPTHAR</td>
<td>Hawkesbury River</td>
</tr>
<tr>
<td>Estuary General Fishery (# indicates the number of the region)</td>
<td></td>
</tr>
<tr>
<td>EGHL#</td>
<td>Handline</td>
</tr>
<tr>
<td>EGM#</td>
<td>Meshing</td>
</tr>
<tr>
<td>EGP#</td>
<td>Prawning</td>
</tr>
<tr>
<td>EGT#</td>
<td>Trapping</td>
</tr>
<tr>
<td>EGET#</td>
<td>Eel trapping</td>
</tr>
<tr>
<td>EGMC#</td>
<td>Mud crab trapping</td>
</tr>
<tr>
<td>EGHG#</td>
<td>Hand gathering</td>
</tr>
<tr>
<td>EGC1H#</td>
<td>Category one hauling</td>
</tr>
<tr>
<td>EGC2H#</td>
<td>Category two hauling</td>
</tr>
<tr>
<td>Ocean Trap and Line Fishery</td>
<td></td>
</tr>
<tr>
<td>OTLLW</td>
<td>Line fishing western zone</td>
</tr>
<tr>
<td>OTLLE</td>
<td>Line fishing eastern zone</td>
</tr>
<tr>
<td>OTLD</td>
<td>Demersal fish trap</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>OTLSG</td>
<td>School and gummy shark</td>
</tr>
<tr>
<td>OTLSCN</td>
<td>Spanner crab northern zone</td>
</tr>
<tr>
<td>OTLSCS</td>
<td>Spanner crab southern zone</td>
</tr>
<tr>
<td></td>
<td>Ocean Hauling Fishery (# indicates the number of the region)</td>
</tr>
<tr>
<td>OHG#</td>
<td>General ocean hauling</td>
</tr>
<tr>
<td>OHGPN#</td>
<td>Hauling net (general purpose)</td>
</tr>
<tr>
<td>OHGN#</td>
<td>Garfish net (hauling)</td>
</tr>
<tr>
<td>OHPAB#</td>
<td>Pilchard, anchovy and baitfish (hauling)</td>
</tr>
<tr>
<td>OHPS</td>
<td>Purse seine net</td>
</tr>
<tr>
<td></td>
<td>Southern Fish Trawl Fishery</td>
</tr>
<tr>
<td>SFT</td>
<td>Southern fish trawl</td>
</tr>
<tr>
<td></td>
<td>Ocean Trawl Fishery</td>
</tr>
<tr>
<td>OTOSP</td>
<td>Offshore prawn</td>
</tr>
<tr>
<td>OTISP</td>
<td>Inshore prawn</td>
</tr>
<tr>
<td>OTDP</td>
<td>Deepwater prawn</td>
</tr>
<tr>
<td>OTFN</td>
<td>Fish northern zone</td>
</tr>
<tr>
<td></td>
<td>Sea Urchin and Turban Shell Fishery</td>
</tr>
<tr>
<td>SUTSSU</td>
<td>Sea Urchin</td>
</tr>
<tr>
<td>SUTSTS</td>
<td>Turban Shell</td>
</tr>
<tr>
<td></td>
<td>Inland Fishery</td>
</tr>
<tr>
<td>INLAYC</td>
<td>Class A (Yabby &amp; Carp)</td>
</tr>
<tr>
<td>INLBC</td>
<td>Class B (Carp only)</td>
</tr>
<tr>
<td>INLDC</td>
<td>Class D (Carp only)</td>
</tr>
</tbody>
</table>
### Appendix 4: Endorsements and the activities that they authorise

<table>
<thead>
<tr>
<th>Endorsement</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abalone Fishery</td>
<td></td>
</tr>
<tr>
<td>Abalone</td>
<td>Take abalone</td>
</tr>
<tr>
<td>Lobster Fishery</td>
<td></td>
</tr>
<tr>
<td>Lobster</td>
<td>Take rock lobster</td>
</tr>
<tr>
<td>Estuary Prawn Trawl Fishery</td>
<td></td>
</tr>
<tr>
<td>Clarence River</td>
<td>Take fish using an otter trawl net (prawns) from the waters of the Clarence River, including Lake Wooloweyah.</td>
</tr>
<tr>
<td>Hunter River</td>
<td>Take fish using an otter trawl net (prawns) from the waters of the Hunter River.</td>
</tr>
<tr>
<td>Hawkesbury River</td>
<td>Take fish using an otter trawl net (prawns) from the waters of the Hawkesbury River.</td>
</tr>
<tr>
<td>Estuary General Fishery (all endorsements are region specific)</td>
<td></td>
</tr>
<tr>
<td>Handline</td>
<td>Take fish from estuarine waters using a handline, rod and line, set line or drift line.</td>
</tr>
<tr>
<td>Meshing</td>
<td>Take fish from estuarine waters using a meshing net or flathead net.</td>
</tr>
<tr>
<td>Prawning</td>
<td>Take prawns from estuarine waters 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).</td>
</tr>
<tr>
<td>Trapping</td>
<td>Take fish (other than eels) from estuarine waters using a fish trap.</td>
</tr>
<tr>
<td>Eel trapping</td>
<td>Take eels from estuarine waters using an eel trap.</td>
</tr>
<tr>
<td>Mud crab trapping</td>
<td>Take fish (other than eels) from estuarine waters using a crab trap.</td>
</tr>
<tr>
<td>Hand gathering</td>
<td>Take beachworm, pipi, cockle, cuttlefish, mussel and nippers from estuarine waters and ocean beaches by the method of hand picking.</td>
</tr>
<tr>
<td>Category one hauling</td>
<td>Take fish from estuarine waters 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.</td>
</tr>
<tr>
<td>Category two hauling</td>
<td>Take fish from the estuarine waters using a garfish net (hauling), garfish net (bullringing) or bait net.</td>
</tr>
</tbody>
</table>

**Ocean Trap & Line Fishery**

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48 NSW Department of Primary Industries, May 2019
<table>
<thead>
<tr>
<th>Method</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Line fishing western zone</strong></td>
<td>Take fish using a handline, rod (or pole) and line, set line or drift line from ocean waters west of the 183 metre (100 fathoms) depth contour.</td>
</tr>
<tr>
<td><strong>Line fishing eastern zone</strong></td>
<td>Take fish using a handline, rod (or pole) and line, set line or drift line from ocean waters east of the 183 metre (100 fathoms) depth contour.</td>
</tr>
<tr>
<td><strong>Demersal fish trap</strong></td>
<td>Take fish from ocean waters using a fish trap set or used on the sea bed.</td>
</tr>
<tr>
<td><strong>School and gummy shark</strong></td>
<td>Take school and gummy sharks using a set line from ocean waters south of the entrance to Moruya River.</td>
</tr>
<tr>
<td><strong>Spanner crab northern zone</strong></td>
<td>Take spanner crabs using a spanner crab net from ocean waters north of the southern breakwall at Yamba.</td>
</tr>
<tr>
<td><strong>Spanner crab southern zone</strong></td>
<td>Take spanner crabs using a spanner crab net from ocean waters south of the southern breakwall at Yamba and north of Korogoro Point (Hat Head).</td>
</tr>
</tbody>
</table>

**Ocean Hauling Fishery (# indicates endorsements are region specific)**

<table>
<thead>
<tr>
<th>Method</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>General ocean hauling*</td>
<td>Assist another person who holds a hauling net (general purpose), garfish net (hauling) Pilchard or anchovy &amp; bait net (hauling) endorsement take fish.</td>
</tr>
<tr>
<td>Hauling net (general purpose)*</td>
<td>Take fish using a hauling net (general purpose).</td>
</tr>
<tr>
<td>Garfish net (hauling)*</td>
<td>Take fish using a garfish net (hauling).</td>
</tr>
<tr>
<td>Pilchard, anchovy &amp; baitfish (hauling)*</td>
<td>Take fish using a pilchard, anchovy and bait net (hauling).</td>
</tr>
<tr>
<td>Purse seine net</td>
<td>Take fish using a purse seine net.</td>
</tr>
</tbody>
</table>

**Southern Fish Trawl Fishery**

<table>
<thead>
<tr>
<th>Method</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern fish trawl</td>
<td>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.</td>
</tr>
</tbody>
</table>

**Ocean Trawl Fishery**

<table>
<thead>
<tr>
<th>Method</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offshore prawn</td>
<td>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.</td>
</tr>
<tr>
<td>Inshore prawn</td>
<td>Take fish using an otter trawl net (prawns) from inshore waters (inside 3 nautical miles).</td>
</tr>
<tr>
<td><strong>Deepwater prawn</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Fish northern zone</strong></td>
<td>Take fish using an otter trawl net (fish) or a Danish seine trawl net (fish) from ocean waters north of Barrenjoey Headland (latitude 33°35′ south).</td>
</tr>
</tbody>
</table>

### 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 5: Register of endorsement conditions

<table>
<thead>
<tr>
<th>Condition abbreviation</th>
<th>Condition ID</th>
<th>Condition code</th>
<th>Endorsement condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Wooloweyah only</td>
<td>2.00101</td>
<td>0101</td>
<td>The endorsement only authorises trawling for prawns within the whole of the waters of Lake Wooloweyah.</td>
</tr>
<tr>
<td>Worm/cuttlefish only</td>
<td>6.01501</td>
<td>1501</td>
<td>The endorsement authorises the taking of beachworm and cuttlefish only by the method of hand picking.</td>
</tr>
<tr>
<td>Worm/cuttlefish/nipper</td>
<td>6.01601</td>
<td>1601</td>
<td>The endorsement authorises the taking of beachworm, cuttlefish and nipper (yabby) only by the method of hand picking.</td>
</tr>
</tbody>
</table>
| Inland Fishery – Class A | 2.01802    | 1802           | **Class A: Yabby and carp endorsement (Transferable)**  
  **Yabbies**  
  **Condition 1:** It is a condition of your endorsement that you do not set any net or trap for a period exceeding 48 hours.  
  **Carp**  
  **Condition 2:** 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.  
  **Condition 3:** 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.  
  **General**  
  **Condition 4:** 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 B

**Class B: Carp endorsement (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.

### Inland Fishery – Class D

**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.

### SEA URCHIN AND TURBAN SHELL RESTRICTED FISHERY

The license holder shall:

1. 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.

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.

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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.

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 6: Register of ‘additional access’ endorsements

<table>
<thead>
<tr>
<th>Abbreviated ‘additional access’ endorsement</th>
<th>Notation ID</th>
<th>Notation Code</th>
<th>Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richmond River</td>
<td>6.00201</td>
<td>201</td>
<td>The endorsement also authorises fishing activity within the whole of the waters of the Richmond River.</td>
</tr>
<tr>
<td>Clarence River</td>
<td>6.00301</td>
<td>301</td>
<td>The endorsement also authorises fishing activity within the whole of the waters of the Clarence River.</td>
</tr>
<tr>
<td>Macleay River</td>
<td>6.00401</td>
<td>401</td>
<td>The endorsement also authorises fishing activity within the whole of the waters of the Macleay River.</td>
</tr>
<tr>
<td>Tuggerah Lakes</td>
<td>6.00501</td>
<td>501</td>
<td>The endorsement also authorises fishing activity within the whole of the waters of Tuggerah Lakes.</td>
</tr>
<tr>
<td>Myall/Port Stephens/Karuah River</td>
<td>6.00601</td>
<td>601</td>
<td>The endorsement also authorises fishing activity within the whole of the waters of Myall Lakes, Port Stephens and Karuah River.</td>
</tr>
<tr>
<td>Hawkesbury River</td>
<td>6.00701</td>
<td>701</td>
<td>The endorsement also authorises fishing activity within the whole of the waters of the Hawkesbury River.</td>
</tr>
<tr>
<td>Port Hacking</td>
<td>6.00801</td>
<td>801</td>
<td>The endorsement also authorises fishing activity within the whole of the waters of Port Hacking.</td>
</tr>
<tr>
<td>Shoalhaven/Crookhaven River/JB</td>
<td>6.00901</td>
<td>901</td>
<td>The endorsement also authorises fishing activity within the whole of the waters of the Shoalhaven and Crookhaven Rivers and Jervis Bay.</td>
</tr>
<tr>
<td>Jervis Bay</td>
<td>6.01001</td>
<td>1001</td>
<td>The endorsement also authorises fishing activity within the whole of the waters of Jervis Bay.</td>
</tr>
<tr>
<td>Beaches ocean zone 1</td>
<td>2.01101</td>
<td>1101</td>
<td>The endorsement also authorises fishing activity on ocean beaches within the area of the region that is defined by Ocean Zone 1.</td>
</tr>
<tr>
<td>Beaches ocean zone 4</td>
<td>6.01201</td>
<td>1201</td>
<td>The endorsement also authorises fishing activity on ocean beaches within the area of the region that is defined by Ocean Zone 4.</td>
</tr>
<tr>
<td>Crowdy Bay Beach</td>
<td>6.01301</td>
<td>1301</td>
<td>The endorsement also authorises fishing activity on Crowdy Bay Beach.</td>
</tr>
</tbody>
</table>
## Appendix 7: Register of boat licence conditions

<table>
<thead>
<tr>
<th>Condition abbreviation</th>
<th>Code</th>
<th>Boat licence condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bait Commonwealth</td>
<td>4.00101</td>
<td>Tuna Bait Commonwealth – This boat shall not be used to take or attempt to take fish for sale from NSW waters. This boat is authorised to take baitfish from NSW waters for the purpose of taking tuna under the Commonwealth tuna longline and tuna pole fishery permit. The boat must undertake all bait collection in accordance with conditions of a permit issued by DPI under Section 37 of the Act for this purpose.</td>
</tr>
<tr>
<td>Bait State</td>
<td>4.00201</td>
<td>Tuna Boat State - This boat is authorised to take baitfish from NSW waters for the purpose of taking tuna. The boat must undertake all bait collection in accordance with conditions of a permit issued under Section 37 of the Act for this purpose.</td>
</tr>
<tr>
<td>Land Only X</td>
<td>4.00301</td>
<td>The boat shall not be used to land fish unless the letter X is displayed not less than 150mm in height as a suffix to the LFB number displayed on the boat.</td>
</tr>
<tr>
<td>Inshore purse/sam. haul only</td>
<td>4.00401</td>
<td>The boat shall not be used to take fish in inshore waters other than by the methods of purse seining and salmon hauling.</td>
</tr>
<tr>
<td>Inshore purse/line only</td>
<td>4.00501</td>
<td>The boat shall not be used to take fish in inshore waters other than by the use of purse seine nets or lines.</td>
</tr>
</tbody>
</table>
| Tuna upgrade           | 4.00601| 1. This boat is not authorised to take fish for sale from State waters in quantities that would constitute an increase in effort or catch in any NSW Fishery.  
2. This boat shall not be used on any day to undertake any fishing activity in New South Wales waters unless the licence holder has contacted the local Fisheries Office prior to leaving port and reported his/her intended fishing location that day and to which port the boat will be returning. At least 30 minutes prior to returning to port, contact must be made with the local fisheries office to inform a Fisheries Officer of the location and time of landing and approximate catch.  
3. This boat shall not be used to undertake any fishing activity in State waters whilst the vessel has on board catches of fish taken outside NSW waters.  
4. All catches taken in State waters must be landed before conducting fishing activities outside State waters or any waters adjacent thereto. |
<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
</table>
| Purse seine                  | 4.00701 | This vessel is authorised to be used to take fish for sale only in accordance with the following catch limit:  
The catch from all NSW waters taken using the vessel, is not to exceed 107 tonnes in a calendar year, except as follows;  
The catch from a single fishing action (i.e. deployment of a net) commenced prior to the above limit being reached, may result in the 107 tonne limit being exceeded by up to 5 percent. |
<p>| Inland waters only           | 4.00801 | The boat shall not be used to take fish from tidal waters.                                                                                   |
| Ab/turban/urchin only        | 4.00901 | The boat shall not be used to take fish from waters to which the Act applies or to land fish, other than abalone, sea urchin and turban shell. |
| LHI only                     | 4.01001 | The boat is not authorised to take fish for sale other than in New South Wales waters surrounding Lord Howe Island and Balls Pyramid or to land fish for sale in New South Wales other than Lord Howe Island. |
| Abalone only                 | 4.01101 | The boat shall not be used to take or land fish for sale other than abalone.                                                                  |
| Offshore spanner crab only   | 4.01201 | The boat shall not be used to take or attempt to take fish for sale in ocean waters more than three nautical miles from the coastal baseline other than spanner crabs. |
| NSW carrier only             | 4.01301 | The boat shall be used only for handling, carrying and landing fish taken by the licence holder in ocean waters. The boat shall not be used to take fish or to carry nets or any other gear for the taking of fish. This licence is not transferable. |
| Offshore only no snapper     | 4.01401 | The boat shall not be used to take or land fish unless the letter X is displayed not less than 150mm in height as a suffix to the LFB number displayed on the boat. The boat is authorised to be used to take fish in offshore waters, being waters located over three miles seawards from the baseline of the territorial sea. The boat shall not be used to take or land snapper. The boat shall not be used to take or attempt to take fish for sale in any other New South Wales waters or fishery under New South Wales jurisdiction. |
| Offshore only                | 4.01501 | The boat shall not be used to take or land fish unless the letter X is displayed not less than 150mm in height as a suffix to the LFB number displayed on the boat. The boat is authorised to be used to take fish in offshore waters, being waters located over three miles seawards from the baseline of the territorial sea. The boat shall not be used to take or attempt to take fish for sale in any other New South Wales waters. |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urchin/turban only 4.01601</td>
<td>The boat shall not be used to take fish from waters to which the Act applies or to land fish, other than sea urchin and turban shell.</td>
</tr>
<tr>
<td>Lobster only 4.01701</td>
<td>The boat shall not be used to take fish from waters to which the Act applies or to land fish other than fish lawfully taken in the Lobster Share Management Fishery.</td>
</tr>
<tr>
<td>Not to trawl 1 4.01801</td>
<td>The boat must not be used to trawl for prawn or fish in the Ocean Trawl - inshore prawn, offshore prawn, northern fish trawl or Estuary Prawn Trawl - Clarence River fisheries or to land prawns or fish taken by the method otter trawl net (prawn) or otter trawl net (fish), notwithstanding the Ocean Trawl - Offshore Prawn and Estuary Prawn Trawl - Clarence River endorsements.</td>
</tr>
<tr>
<td>Not to trawl 2 4.01901</td>
<td>This boat is not authorised to use an otter trawl net (prawns) to take fish from any of the following waters: (i) inshore waters, (ii) offshore waters, (iii) the waters of Coffs Harbour and Jervis Bay.</td>
</tr>
<tr>
<td>Not to trawl 3 4.02001</td>
<td>This licensed fishing boat is prohibited from being engaged in commercial fishing activity authorised by an Ocean Trawl - Offshore Prawn endorsement.</td>
</tr>
<tr>
<td>Not to trawl 4 4.02101</td>
<td>The boat to which this licence relates is prohibited from being engaged in commercial fishing activities pursuant to Ocean Trawl - Inshore Prawn, Deepwater Prawn and Fish Northern Zone endorsements and Southern Fish Trawl endorsements.</td>
</tr>
<tr>
<td>OG1 4.02201</td>
<td>FISHING CLOSURE NOTIFICATION OG1 – OFFSHORE COMMERCIAL FISHING. The boat may be used to take fish in ocean waters more than three nautical miles from the baselines of the territorial sea.</td>
</tr>
<tr>
<td>Tuna Bait Net Boat 4.02301</td>
<td>This boat may only be used as a net boat to assist in the taking of baitfish from NSW waters for the purpose of taking tuna under an appropriate Commonwealth permit. The net boat must not be transferred separately from the licensed fishing boat to which this net boat was originally licensed to assist (the primary vessel). The boat must undertake all bait collection in accordance with conditions of a permit issued by NSW DPI under Section 37 of the Act 1994 for this purpose to the operator of the primary vessel and/or the operator of the net boat. This boat is not eligible for any length upgrade.</td>
</tr>
</tbody>
</table>