



Department of  
Primary Industries

# NSW Charter Fishing Business Licence Administration Guide

NSW Charter Fishing Industry

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NSW Charter Fishing Licence Administration Guide

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**More information**

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (February 2023). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser

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## 1.0 Introduction

### 1.1 Purpose of this guide

The NSW charter fishing licence administration guide (the guide) summarises the administrative arrangements for the licenced charter fishing sector in NSW and aims to assist people who operate in or wish to enter the sector. The guide is a summary of the licensing requirements that apply to charter fishing boat operators undertaking recreational fishing activities in NSW and the relevant administrative processes.

This guide is not intended to be a definitive review of all charter fishing related rules and regulations. Various aspects of licenced charter fishing boat activity in NSW are subject to legislative requirements administered and enforced by other agencies such as the Australian Maritime Safety Authority (AMSA) and Transport for NSW (Roads and Maritime Services). 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. Prospective persons wishing to enter the Charter fishing industry must do their due diligence including consideration of safe work legislation and relevant insurances.

### 1.2 Relevant legislation

The following legislation governs licenced charter fishing activity in NSW:

- *Fisheries Management Act 1994* (the Act)
- Fisheries Management (General) Regulation 2019 (the General Regulation)

Other NSW legislation relevant to licenced charter fishing activity includes (but is not limited to):

- *Marine Estate Management Act 2014*
- Marine Estate Management Regulation 2017
- Marine Estate Management (Management Rules) Regulation 1999
- *Marine Safety Act 1998*

The above legislation can be found at the NSW Government's legislation website:

[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

National Maritime safety laws also apply to all commercial domestic vessels (including charter fishing boats), such as:

- The Marine Safety (Domestic Commercial Vessel) National Law Act 2012
- The Marine Safety (Domestic Commercial Vessel) National Law Regulation 2013

The above legislation can be found at the Federal Register of Legislation website:

<https://www.legislation.gov.au/>

### 1.3 Scope

This guide sets out the charter fishing business owner requirements and administrative arrangements applying to the licenced NSW charter fishing sector, including:

- Recognised charter fishing businesses
- Fishing business determination certificates
- Licencing arrangements
- Charter fishing licence cards (CFLC)
- FishOnline functionality (including catch reporting)
- NSW recreational fishing fee exemption certificates (for charter operators)
- Administrative sanctions and right of appeal

This guide does not apply to the following:

- The freshwater fishing charter and the guided shore-based fishing sectors.

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## 2.0 Overview of the NSW Licenced Charter Fishing Industry

The charter fishing industry is an important regional industry and a significant commercial user of the community-owned fish resources. In 2014 it was estimated that the total economic output from the industry was \$50.2 million.

Licensed Charter fishing operations occur in NSW coastal and estuarine waters and are managed by the NSW Government in accordance with the Act. The Act provides the framework for management of the licensed charter fishing industry and seeks to ensure the promotion of a viable charter fishing industry with the objective to conserve, develop and share the fishery resource for the benefit of present and future generations. The NSW charter fishing boat industry comprises of over 200 active licences, noting that some expired licences may be re-activated in the future.

Data collected through legislative catch and effort reporting requirements and the scientific observer programs contribute to the sustainable management of recreational and commercial important fish species, including the fish stock assessments and development of harvest strategies.

### 2.1 Licencing Background

Charter Fishing Boat licensing came into effect in the year 2000, following three years of extensive consultation with the charter fishing boat industry and the community. This consultation sought feedback on how best to incorporate the marine and estuarine charter fishing sector into a licensed management arrangements to ensure the conservation and sustainable utilisation of fish stocks by multiple user groups throughout the state.

The licensing scheme ensures there are no uncontrolled increases in charter fishing boat pressure on fish stocks. Operators needed to apply for a licence, with transferable or non-transferable charter fishing licences issued based on satisfaction of the eligibility criteria. The criteria included:

- 1) Transferable Recreational Charter Fishing Boat Licences:  
Engaged in guided recreational charter fishing activities for at least 100 days during any two-year period between 22 October 1995 and 4 August 1999; and
- 2) Non-Transferable Recreational Charter Fishing Boat Licences:  
Engaged in guided recreational charter fishing activities for between 50 to 99 days during any two-year period between 22 October 1995 and 4 August 1999

Applications for a transferable and non-transferable charter fishing boat licence could be refused if the applicant was unable to prove these criteria (among others). Licences were subsequently issued annually based subject to the application criteria and fees being paid.

In 2015, the licensed charter fishing boat sector was integrated into the commercial fisheries licence management system 'FishOnline'. This integration included the adoption of a Fishing Business style management approach which improved business efficiencies and management services to industry (see section 10.0).

In January 2023, charter relevant sections of the Fisheries Management Amendment Act 2015 commenced. Simultaneously, amendment to charter fishing licencing also commenced in the Fisheries Management (General) Regulations 2019 via the *Fisheries Management Legislation Amendment Regulation 2023*. The major changes included:

- 1) The full adoption of Fishing Business management arrangements where charter fishing businesses and their components are determined and recognised under the Act.
- 2) Charter fishing licences no longer licence a specific boat but are issued to a person and authorise specified 'declared charter fishing activities' that can be carried out in the following ways:

- 
- a. on any single motorised boat at any one time that holds a current and appropriate certificate of survey for the declared charter fishing activity being undertaken or,
  - b. using manually operated boat (kayaks and canoes) subject to the requirements and conditions of the licence.

These arrangements are explained in more detail in the following sections of this guide.

### 3.0 Participation in the NSW Charter Fishing Industry

Participation in the NSW charter fishing industry is encouraged for all. Those seeking to enter the industry are strongly encouraged to seek independent business, legal and financial advice, and conduct their own due diligence, prior to making any commitments.

Under section 127B of the Act, it's unlawful to carry out declared charter fishing activity on a boat without a charter fishing licence issued by NSW DPI (Fisheries) authorising those activities. It is also unlawful under section 127C of the Act for a person to 'hold out' that they can provide a declared charter fishing activity unless the activity is authorised by a charter fishing licence.

There are three ways in which a person may participate in the NSW charter fishing industry:

1. Purchase an existing recognised charter fishing business (the licence and seats must be components of that Fishing Business) and operate your own charter fishing business; or
2. Become a responsible person (master of the boat or employed guide for non-motorised activity) for a recognised charter fishing business owned by another person and work that business; or
3. Work as a deck hand (or similar) for an existing recognised charter fishing business.

#### 3.1 Charter Fishing Business Operators' Requirements

Charter fishing business operators in NSW must (but not limited to):

1. be either the fishing business owner (licence holder) or responsible person (Skipper/Master), being in lawful possession of a valid NSW Charter Fishing Licence Card that authorise the declared charter fishing activities being undertaken. This card must be available for inspection by fisheries officers upon request.
2. Only engage in declared charter fishing activities authorised by the licence.
3. Adhered to the fishing capacity limits (number of seats or potential clients) and any other conditions imposed on the licence.
4. Follow the NSW recreational fishing rules (as they apply to charter operators noting there are some exceptions for charter boat operators).

A 'check list' of charter fishing businesses operators' requirements is included in Appendix 1.

### 4.0 Recognised Charter Fishing Businesses

A charter fishing business that has been determined under the Act as a separate and identifiable charter fishing business is known as a **recognised charter fishing business**. A recognised charter fishing business consists of components, being the licence (the declared charter fishing activities) and the number and class of seats. A recognised charter fishing business is allocated a unique identification number and entered into the register of charter fishing business determinations.

This number is used to record changes in ownership and business makeup over time.

A charter fishing business may be owned by a person, partnership, or corporation.

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A charter fishing business cannot be owned by:

- a trust or,
- 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).

Note: The Department keeps a register of charter fishing businesses determinations which is made publicly available upon request.

#### 4.1 Fishing Business Determination Certificates

A recognised charter fishing business owner is issued a charter fishing business determination notice (certificate). This certificate displays the components of the charter fishing business, being the declared charter fishing activities authorised by the licence, the number and class of seats held, and the conditions imposed on the licence.

A new fishing business determination certificate is issued upon completion of a transfer of the charter fishing business (e.g., change of ownership), when a declared charter fishing activity has been surrendered, or upon request of a charter fishing business owner.

The determination certificate displays the following:

- The name of the person or persons who owns the business
- The Charter Fishing Business number
- The components and the corresponding component classes, being:
  - the licence (declared charter fishing activities)
  - the number and class of seats (either ocean or estuarine or both)
- Any condition(s) that has been applied to the available declared charter activities.

### 5.0 Charter Fishing Licence

#### 5.1 Classes of charter fishing licences

There are two classes of charter fishing licences, transferable and non-transferable.

A transferable licence may be transferred (or sold) to another person in accordance with the transfer rules (see section 5.6). A non-transferable licence cannot be transferred (or sold) to another person.

#### 5.2 Declared Charter Fishing Activities

Under Part 4 A of the Act, a boat may only be used for certain declared charter fishing activities if authorised by a charter fishing licence.

There are four types of declared charter fishing activities for which a charter fishing licence is required:

- estuarine fishing
- nearshore bottom fishing and sportfishing
- game fishing
- deep sea bottom fishing

These declared charter fishing activities are defined in the General Regulation and authorise the taking (and / or later releasing) of specific fish species in either estuarine or ocean waters (as defined in the General Regulation). These species are summarised in the table to **Appendix 4** of this guide.

The declared charter fishing activities authorised by a licence are displayed on the Charter Fishing Licence Card (issued to the Charter Fishing Business Owner).



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The responsible person can only use a boat for declared charter fishing activities authorised by a licence. Under the Act it is an offence for a person to provide (or offer to provide) declared charter fishing activity unless the person is the holder of a licence or the responsible person (being in lawful possession of the CFLC), and the licence authorised those activities.

### 5.3 Charter fishing licence card (CFLC)

A plastic CFLC is issued to the owner of the recognised charter fishing business annually on renewal of the licence, or to the new owner when a charter fishing business transfer has taken place or there has been an amendment to a charter fishing licence.

The declared charter fishing activities authorised by the licence together with the number and class of seats are listed on the front of the card. While the licence conditions and notations appear on the back of the licence card.

Details of the declared charter fishing activities and the seats together with the conditions are summarised in tables to **Appendix 2 & 3** and section 6.0 of this guide details the conditions on charter fishing licences as specified in the General Regulation.

The plastic Charter Fishing Business Licence Card must always be carried by the responsible person while engaging in declared charter fishing activity. This card must be made available to Fisheries Officers on request. Refer to section 8.0 for what to do if your licence card is lost or stolen.

### 5.4 Renewal and reissue of charter fishing licence cards

Charter fishing licence cards expire on 14 July each year. A licence is automatically renewed for a period of 1 year provided the licence holder does not have any outstanding fees associated with the licence. No payment is required at the time of renewal. An invoice for the renewal application fee is raised and sent to the licence holder. Payment for this licence must be made in accordance with the options specified on the invoice. This may include full payment or payments made by instalments. If fees are not paid by the instalment due date(s) **all fees** become due and payable immediately. Generally, the payment schedule is the 30 September (during the renewal year) and the 28 February and then 31 May (in the following year).

If the holder of a licence fails to pay the fees due and payable (before the expiration of the licence period), the automatic renewal of the licence for the following year will not occur, and a charter fishing licence card will not be issued. The fishing business owner is notified of the expiration of the licence. The licence will remain expired until the outstanding fees are paid (or the licence is otherwise suspended or cancelled). The fishing business owner must then apply for reissue of their Charter fishing licence using the approved form. An invoice will then be raised for the reissue of the licence in accordance with the Schedule 6 fee of the General Regulation. On payment of this invoice the licence will be reissued and a new CFLC will be sent the fishing business owner.

A charter fishing licence maybe suspended or cancelled if the holder of the licence fails to pay a fee due and payable in connection with the licence (see section 5.7).

### 5.5 Transfer of Charter Fishing Business

The owner of a recognised charter fishing business (that has a transferable charter fishing licence as a component of the business) may transfer (sell) the business to another person (the transferee) in accordance with the transfer rules of as set out in Division 6 of the General Regulation, as outlined below.

A charter fishing business owner that transfers their Charter Fishing Business (the transferable licence being a component of the business), on transfer, ceases to be eligible for a transferable licence, and the transferee (buyer) becomes eligible for the transferable licence.

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Applications to transfer a charter fishing business must be made either electronically using FishOnline (FisherDirect) or using the 'Application to transfer a NSW Charter Fishing Business Licence' form which is available on the DPI website (see section 7.0 for related charges).

Manual application forms will not be processed if:

- the application is not made using the approved application 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

An application for transfer of a charter fishing business licence may also be refused on grounds set out in the General Regulation, including:

- the applicant has been convicted of an offence under the Act or the regulations or an offence relating to commercial or recreational fishing under a law of the Commonwealth or of another State or a Territory or of New Zealand
- the applicant has been convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat
- the applicant has been convicted of an offence relating to an assault on a Fisheries official
- the applicant has previously held a licence that has been suspended or cancelled.
- there are unpaid fees or unpaid annual contributions which are due in relation to the recognised charter fishing business.

If an application to transfer of a charter fishing business is refused on the grounds set out in the General Regulation, the decision to refuse the transfer maybe internally reviewed at the request of the fishing business owner (see section 12.0).

If the transfer of a charter fishing business 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.

If you are proposing to transfer (buy) a charter fishing business licence, you are strongly advised to undertake your due diligence, including a company search on ASIC's website to confirm the seller's company registration is current.

## 5.6 Cancellation or suspension of licence

Charter fishing business licence may be cancelled or suspended on the following grounds:

- the holder of the licence ceases to be eligible for the licence, or
- the holder of the licence is convicted of an offence under the Act or the regulations or an offence relating to commercial or recreational fishing under a law of the Commonwealth or of another State or a Territory or of New Zealand, or
- the holder of the licence is convicted of an offence relating to the theft of fish, fishing gear or a boat or intentional damage to fishing gear or a boat, or
- the holder of the licence is convicted of an offence relating to an assault on a Fisheries official, or
- the Minister is satisfied that the holder of the licence has contravened a condition of the licence, or
- the holder of the licence fails to pay any fee due and payable in connection with the licence.
- the licence is no longer held in connection with a recognised charter fishing business.

In addition, in the case of a non-transferable licence, the Minister may cancel or suspend the licence if:

- 
- a) the licence is held by 1 or more individuals and 1 or more of those persons has become bankrupt, or
  - b) the licence is held or otherwise under the control of a corporation, and
    - (i) a person has acquired or disposed of a controlling interest in the corporation, or
    - (ii) the corporation has become the subject of a winding up order or a controller or administrator has been appointed for the corporation.

Prior to any cancellation or suspension, the licence holder will be 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 licence is cancelled or suspended.

If a licence is cancelled or suspended:

- the licence holder is required to return the plastic charter fishing licence card to NSW DPI Fisheries
- the licence fees and contributions that have been paid are not refunded.

The decision taken to cancel or suspend a charter fishing licence may be internally reviewed at the request of the fishing business owner (see section 12.0).

The holder of a licence may make a written application to the Minister to voluntarily cancel their licence. If an application to cancel a licence is approved by the Minister, the charter fishing business determination is amended to remove the cancelled licence and the seats held in connection with the charter fishing business. Eligibility for a charter fishing licence ceases on cancellation and the licence. A licence cancelled in this manner cannot be renewed or reactivated.

## 6.0 Conditions of a charter fishing licence

Charter fishing licences are subject to conditions prescribed by the Act and the General Regulation or specified in the licence.

Under the Act, it is an offence for the holder of a charter fishing licence to contravene any condition of the licence or causes or permits any condition of the licence to be contravened. Significant penalties may apply for contravention of licence conditions.

Licence conditions are set out in Division 3 of the General Regulation and include the following.

### 6.1 Vessel Survey

It is a condition of a charter fishing licence that the boat(s) used to undertake declared charter fishing activity must have current certificate of survey issued by the Australian Maritime Safety Authority (AMSA) under relevant legislation that is consistent with that type of charter activity being undertaken, unless exempt.

For further information on vessel survey requirements please refer to the AMSA website.

### 6.2 Seats (Charter fishing licence fishing capacity)

A seat is a notional seat or position in a boat that can be used or made available for use by a charter fishing client when the boat is used for a declared charter fishing activity (e.g., the licence fishing capacity).

The number (quantity) of estuarine and ocean seats available on a charter fishing licence are displayed as components on the CFLC.

It is a condition of a charter fishing licence that:

- 
- (1) In the case of a motorised boat: the number of persons permitted to fish from the boat at any one time does not exceed either the surveyed capacity of the boat or the number of seats (for a given class of seats) on the licence; for the declared charter fishing activity being undertaken.
  - 2) In the case of a non-motorised boat (e.g., kayaks): the number of people permitted to fish must not exceed the number of seats specified on the licence for a particular class of seat for the declared charter fishing activity being engaged in.

### 6.3 Vessel Markings – Charter Fishing Business (CFB) Number

It is a condition of a charter fishing licence that the boat(s) used for declared charter fishing activity must display the following markings:

- 1) In the case of a motorised boat:
  - (i) the letters “CFB” and the four-digit charter fishing business number must be displayed adjacent to each other on both sides of the outside of the bow or wheelhouse.
  - (ii) The markings must consist of clearly visible letters and numbers that are of a colour that contrasts with the colour of the boat, and that are not less than 200 mm in height and 100 mm in width.
- 2) In the case of a manually operated (non-motorised) boats (e.g., Kayaks):
  - (i) the letters “CFB” and the four-digit charter fishing business number must be displayed adjacent to each other on the outside of the boat
  - (ii) the markings must consist of clearly visible letters and numbers that are of a colour that contrasts with the colour of the boat(s), and that are not less than 150 mm in height and 75mm in width.

These markings are required in addition to those as required by AMSA.

### 6.4 Condition of licence for certain fish (Fin clipping for certain fish species)

It is a condition of a charter fishing licence that any of the fish species listed below that are taken (while a boat is used for any declared charter fishing activity) that are retained, have their right-side pectoral fin removed, just above the fin base, before being removed from the boat.

- *Thunnus albacares* (yellowfin tuna),
- *Thunnus maccoyii* (southern bluefin tuna),
- *Seriola lalandi* (yellowtail kingfish),
- *Chrysophrys auratus* (snapper),
- *Makaira indica* (black marlin),
- *Makaira nigricans* (blue marlin),
- *Tetrapturus audax* (striped marlin).

The removal of the right-side pectoral fin may be delayed until immediately after weigh-in if the fish is to be weighed purpose of claiming a record, or in accordance with the rules of a fishing tournament in connection with which the fish has been caught.

### 6.5 Additional catch species permitted (retention of incidental catch)

It is a condition of a charter fishing licence that:

- authorises game fishing that the taking of 1 fish of a species listed in the Table, Part 1 or 4 for each person who is on a boat being used for game fishing is permitted.
- authorises nearshore bottom fishing and sport fishing that the taking of 1 fish of a species listed in the Table, Part 1 or 2 for each person who is on a boat being used for nearshore bottom fishing and sport fishing is permitted.
- authorises estuarine fishing that the taking of 1 fish of a species listed in the Table, Part 1 or 2 for each person who is on a boat being used for estuarine fishing is permitted.

Note: The table to Appendix 4 lists permitted species that can be taken by declared charter fishing activity.

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## 7.0 Fees

A range of fees are payable by charter fishing licence holders. They include the annual licence fee, a fee for each declared charter fishing activity held, application fees for certain transactions (such as transfer of licence) and late fees. These fees and charges are detailed in schedule 6 of the General regulation as below.

**Table 1. Charter fishing business and licence fees (as of 20 January 2023).**

Type of fee	Amount
Issue or reissue of annual charter fishing licence	\$761
Renewal of annual charter fishing licence	\$601
Annual contribution for each declared charter fishing activity specified on charter fishing licence*	\$120
Application for transfer charter fishing business by electronic transfer	\$200
Application for transfer charter fishing business by manual transfer	\$401

\*Under the Act It is a condition of every charter fishing licence that the payment of annual contributions to industry cost are made.

## 8.0 Change of personal details & lost licence card

Should you wish to change any personal information held by DPI, if you have a FishOnline (FisherDirect) account and/or are the authorised agent for that account, you can amend personal details using the self-service system (see section 10). Alternatively, you may 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 your CFLC has been lost, misplaced, damaged or stolen, you must as soon as possible notify the Department. A replacement card must be issued. To be issued a replacement CFLC you can complete an online transaction in FisherDirect or submit a completed *Application for Replacement Authority* form.

To request an application form, contact Fisheries Business Services (section 13.2).

## 9.0 Records of catch

It is a legal requirement that a licence holder or responsible person undertaking declared charter fishing activity make and submit records of their fishing activity. This includes instances of nil fishing activity for periods in which declared charter fishing activities were not engaged in for a calendar month. It is an offence under the Act for failure to comply with this requirement in the approved manner. It is also an offence under the Act for the responsible person to fail to provide the Licence holder with such information concerning the charter fishing activity as the licence holder may reasonably make the record(s).

The record must be made in accordance with the instructions in the NSW DPI Charter Fishing Monitoring logbook; or online using FisherDirect (if registered). The responsible person must ensure that a copy of the record is sent to the Secretary within 7 days after the end of the calendar month in which the trip to which the record relates was made. A record is to be made in relation to each trip that is made by the boat, being a trip during which the boat was used for any activity for which it is required to be licensed.

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If no fishing was undertaken (or attempted to be undertaken) for an entire calendar month, the responsible person or licence holder must still submit a Nil Fishing Activity Report ('nil return') within 7 days from the last day of that month. This can be done using the logbook or using FisherDirect.

A person who knowingly makes a false or misleading record, is guilty of an offence under the Act.

Request for Charter fishing Monitoring logbook should be made to Catch Records (see section 13.3). Overdue records of fishing activity (or nil fishing activity) are periodically referred to fisheries Compliance for action.

## 10.0 FishOnline

FishOnline is a web-based system for administering commercial and charter 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.

### 10.1 FisherDirect

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

- Submit online [Catch and Effort records](#) and [nil returns](#)
- View your submitted catch and effort records
- View Fishing Business Determination Certificate details including:
  - Endorsements and licence conditions
  - Number of seats
- Manage aspects of your FisherDirect account including:
  - The appointment of agents (an agent is someone who can transact on your behalf in an online self-service capacity).
  - Manage your agent's permissions
  - Update your contact details
- Access your financial account information, including:
  - The ability to view your invoice history
  - Pay your fishing business charges and fees
- Receive important Departmental messages
- Post advertisements to FishOnline - For Sale and Trade – Noticeboard

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 13.4).

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 owner of a current recognised NSW charter fishing business, and/or
  - an appointed agent acting on behalf of the owner.

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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.

## 10.2 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 does not take 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. If they do not have a FisherDirect Account, they will need to apply for one. 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, user guides and video demonstrations can be found on the FishOnline website or by contacting FishOnline Support (Section 13.3) or the DPI [website](#).

## 10.2 FishOnline noticeboard

The [FishOnline noticeboard](#) is a specialised online platform to assist in the trading of NSW Fisheries related sales, including charter fishing businesses. The FishOnline notice board is only available to registered FishOnline users.

## 11.0 NSW Recreational fishing fee exemption

When recreationally fishing in NSW waters (both freshwater and saltwater) people are required by law to have paid the NSW Recreational Fishing Fee, and be in possession of the receipt of payment (unless [exempt](#)). This is often referred to as a recreational fishing licence.

The purpose of fishing fees is to provide revenue to assist activities supported through the recreational fishing trust funds that enhance recreational fishing opportunities in NSW.

It is an offence under the Act for a person (unless exempt) to engage in recreational fishing and fail to pay the fishing fee. It is also an offence for a recreational fisher (who is required to pay the fishing fee) not to be in immediate possession of the receipt for the payment of the fishing fee when taking fish from any waters. This includes when recreational fishing activities is undertaken onboard a charter fishing boat.

Fishing fee exemption certificates (often refer to as a ‘block licence’) are available to charter fishing licence holders. An approved policy (POL22/41 refers) governs the administration process and procedures for the issuance of these certificates. These exemption certificates exempt clients from having to individually pay the fee for recreational fishing when engaging in recreational fishing activities with the certificate holder. Charter fishing licence holders are not required by law to hold an NSW recreational fishing fee exemption certificate. It is ultimately the client’s responsibility to have paid the fee unless they are otherwise exempt. However, paying clientele need to be aware of the requirement to pay the recreation fishing fee (unless exempt).

An application for an exemption certificate must be made in the approved form available online [Recreational Fishing Fee Exemption Certificate Application](#).

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## 12.0 Administrative Sanctions and Rights of Appeal

The Department is committed to the proper, consistent and fair application of administrative processes including potential sanctions related to provisions prescribed in the Act and its subordinate legislation. Any administrative sanction implemented or decision to refuse a fishing business transfer or to cancel or suspend an authority are to be undertaken in accordance with the relevant internal policy and procedures. Generally, an administrative discretionary decision may be internally reviewed on the written request of the applicant following a show cause process. However, only decisions that are reviewable by NCAT, including those decisions that are regulated under the Act may seek the right of appeal.

## 13.0 Contacts

### 13.1 Charter Fishing Management

Charter fishing management and operational enquiries

Phone: (02) 44247419

Email: [charter.fishing@dpi.nsw.gov.au](mailto:charter.fishing@dpi.nsw.gov.au)

### 13.2 Fisheries Business Services

Charter fishing licensing, exemption certificate 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](mailto:fisheries.businessservices@dpi.nsw.gov.au)

### 13.3 FishOnline Support

Assistance with accessing and using FishOnline (FisherDirect).

Post: FishOnline Support

LMB 3020

Nowra, NSW 2541

Phone: 1300 720 662

Fax: (02) 4424 7449

Email: [fishonline.support@dpi.nsw.gov.au](mailto:fishonline.support@dpi.nsw.gov.au)

### 13.4 Catch Records

Charter catch and effort records and logbooks.

Post: Catch Records

PO Box 4157

Coffs Harbour Jetty, NSW 2450

Phone: 1800 994 850 for general enquiries

Fax: (02) 6391 4709

Email: [catch.records@dpi.nsw.gov.au](mailto:catch.records@dpi.nsw.gov.au)



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## 13.5 Fisheries Compliance

Fishers Watch Phoneline, Report illegal fishing activities

Phone: 1800 043 536

## 14.0 Acronyms used in this Guide

**AMSA:** Australian Maritime Safety Authority

**CFB or CFBNO:** Charter Fishing Business (or Charter Fishing Business Number)

**CFLC:** Charter Fishing Licence Card

**DPI:** Department of Primary Industries (Department of Regional NSW)

**NSW:** New South Wales

**NCAT:** NSW Civil and Administrative Tribunal

## 15.0 Terms used in this Guide

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

**Charter fishing licence card (CFLC):** A physical plastic card which is issued by NSW DPI and used as the mechanism to record all available declared charter fishing activities, the number and class of seats and certain conditions of a charter fishing licence.

**Component (of a charter fishing business):** means the Charter fishing licence (comprised of the declared charter fishing activities) or the number and class of seats.

**Condition:** means a condition on a charter fishing licence, and includes conditions prescribed by regulation or on a charter fishing licence card or other document.

**Deck hand:** A person who assists a Responsible person on a motorised boat to undertake charter fishing activity authorised by the charter fishing licence.

**Department:** Means the NSW Department of Primary Industries (part of the Department of Regional NSW)

**Fishing business determination:** A process which identifies businesses that are considered to be a separate and identifiable charter fishing business is a recognised charter fishing business. The process identifies the owner of a charter fishing business along with other particulars relating to the components of the fishing business. These components include all declared charter fishing activities and the number and classes of seats. The determination is issued as a charter fishing business determination certificate.

**Fishing business owner:** The owner of a recognised charter fishing business

**General regulation:** Means the Fisheries Management (General) Regulation 2019

**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).

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

**Master:** master of a boat means the master (or other responsible person) for the time being in charge or command of the boat.

**Manually operated (non-motorised) boat** – Means a Kayak or Canoe

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**Recognised charter fishing business:** A separate and identifiable charter fishing operation which has a unique identifying number consisting of components being the charter fishing licence and the number and classes of seats.

**Responsible person (for a charter fishing activity) means:**

- 1) the master of a boat being used for the charter fishing activity (if the activity is not a guided non-motorised activity), or
- 2) an employed guide in relation to the charter fishing activity (if the activity is a guided non-motorised activity).

The responsible person has been selected by the fishing business owner to be in legal possession of the charter fishing licence card being so authorised to undertake guided recreation fishing activity.

**Seat:** A seat is a notional seat or position in a boat that can be used or made available for use by a charter fishing client when the boat is used for a charter fishing activity.

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

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

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## 15.0 Appendices

### Appendix 1: 'Check list' of charter fishing licence, operational and reporting requirements

To operate a licenced charter fishing business in NSW:

1. A charter fishing licence authorises the use of a single boat at any given time for the specified declared charter fishing activity unless the charter fishing activity is a guided non-motorised activity.
2. To undertake declared charter fishing activity, you must:
  - a. be the responsible person for a charter fishing licence.
  - b. adhere to any conditions that may apply to your charter fishing licence (on the licence itself or in the General Regulation).
  - c. Always carry your charter fishing licence card when undertaking declared charter fishing activities.
  - d. not exceed the seat carrying capacity of the licence as indicated by on the charter fishing licence card.
3. Ensure that the boat that you are using has the appropriate boat marking (CFB) and the four-digit charter fishing business number (e.g., 4XXX) clearly displayed in accordance with legal requirements.
4. Ensure that the boat(s) to be uses holds a current and valid certificate of survey for the types of declared charter fishing activities to be undertaken (unless exempt).
5. Check for any Marine Parks, Marine Protected Areas, Aquatic Reserves and or Recreational Fishing Havens in the waters you intend to fish. **Note: A permit issued by the Department may be required to transit or fish in these waters.**
6. Check for any fishing closures or other prohibitions on recreational fishing activity applying to the activity and or waters that you intend to fish.
7. Complete your catch and effort logbook, or online reports, as legally required and set out in the logbook instructions or using FishOnline(FisherDirect). Refer to the DPI website for detailed information on current catch and effort reporting requirements.
8. Complete a Threatened Species Interaction Reporting Form every time you have an interaction with (or sight) a threatened or protected species.
9. Complete a Lost/Found Fishing Gear report as appropriate.
10. Report illegal or suspect fishing activity to the nearest Fisheries Office or use the Fishers Watch Phone line on 1800 043 536.
11. Check with the fisheries managers and local fisheries officer if you are unsure about any requirement.

## Appendix 2: Summary of all potential charter fishing business components

Declared Charter Fishing Activity or Fishing Capacity (Seats)	Activity or Fishing Capacity Code	Definition (Cl. 205(1) & 206(1) General Regulation)	Licence conditions relating to specific activities (Cl. 216 General Regulation)
<b>Estuarine Fishing</b>	CFE	Estuarine fishing means any recreational fishing activity that involves taking fish from estuarine waters**, being fish of a species listed in Part 3 or 4 of the Table^.	The taking of 1 fish of a species listed in Part 1 or 2 of the Table^, for each person who is on the boat, is permitted.
<b>Nearshore Bottom Fishing and Sportfishing</b>	CFN	Nearshore bottom fishing and sportfishing means any recreational fishing activity that involves taking fish in ocean waters*, being fish of a species listed in Part 3 or 4 of the Table^.	The taking of 1 fish of a species listed in Part 1 or 2 of the Table^, for each person who is on the boat, is permitted.
<b>Deep Sea Bottom Fishing</b>	CFD	Deep sea bottom fishing means any recreational fishing activity that involves taking fish in ocean waters*, being fish of a species listed in Part 1 of the Table^.	Nil
<b>Game Fishing</b>	CFG	Game fishing means any recreational fishing activity that involves taking fish in ocean waters*, being fish of a species listed in Part 2 or 3 of the Table^.	The taking of 1 fish of a species listed in Part 1 or 4 of the Table^, for each person who is on the boat, is permitted.
<b>Offshore Seats</b>	CFOS - Quantity (XX)	The maximum quantity (number) of offshore seats (carrying capacity of persons) available for all endorsement that authorises fishing activity in ocean waters*	N/A
<b>Estuary Seats</b>	CFES - Quantity (XX)	The maximum quantity (number) of estuarine seats (carrying capacity of persons) available for all endorsement that authorises fishing activity in estuarine waters**	N/A

\* Cl 3(1) of the General regulation defines 'ocean waters' as waters east of the natural coastline of New South Wales.

\*\* Cl 3(1) of the General regulation defines 'estuarine waters' as waters ordinarily subject to tidal influence (other than ocean waters).

^ Table means the Table to clause 216 of the General regulations, summarised in table to Appendix 4 for each declared charter fishing activity

### Appendix 3: Licence conditions and notations

Applicable Declared Charter Fishing Activity	Condition abbreviation	Condition or Notation ID	Licence condition	Relevant Legislation
CFE, CFN, CFD, CFG	<b>Notation</b>	TBD	A boat must not be used for a declared charter fishing activity that is not authorised by the licence.	S.127C, the Act S.127CA, the Act
CFE, CFN, CFD, CFG	<b>Notation</b>	TBD	This licence, issued under section 127B of the Act and authorises the use of a single motorised boat, or multiple non-motorised vessels in the case of a guided activity, at any one time, to undertake declared charter fishing activities listed on the licence.	S.127CB(2), the Act S.127CB(3), the Act
CFE, CFN, CFD, CFG	<b>Notation</b>	TBD	The responsible person must be in physical possession of this Licence Card at the time the boat is used for declared charter fishing activity.	S.127CA(2)(c), the Act
CFE, CFN, CFD, CFG	<b>Notation</b>	TBD	This licence must be returned to the Department or Licence holder on request.	Cl. 221(2), the General Regulation
CFE, CFN, CFD, CFG	<b>Certificate of Survey</b>	TBD	The responsible person for a charter fishing activity must not use a boat to undertake declared charter fishing activity unless that boat has a current certificate of survey or is exempt from holding a current certificate of survey.	Cl. 214(1)(a), the General Regulation Cl. 214(2), the General Regulation
CFOS, CFES	<b>Seats (Fishing Capacity)</b>	TBD	The responsible person for a charter fishing activity must limit the fishing capacity of persons to that of the number and class of seats specified on the licence which relate to ocean or estuarine waters.	Cl. 214(1)(b), the General Regulation Cl. 214(3), the General Regulation

## Appendix 4: Table of authorised and conditional (incidental) fish species

Declared Charter Fishing Activity (code)	Authorised Fish Species	Conditional (Incidental) fish species (The taking of 1 fish of a species listed, for each person who is on the boat is permitted)
<p align="center"><b>Estuarine Fishing (CFE)</b></p>	<p><b>PART 3</b>                      Yellowtail, Jack Mackerel, Trevally, Rainbow Runner, Kingfish, Samsonfish, Amberjack (Family Carangidae)                      Mackerel, Wahoo, Bonito, Skipjack Tuna, Mackerel Tuna (Family Scombridae (excluding <i>Thunnus spp.</i>))                      Cobia (<i>Rachycentron canadum</i>)                      Tailor (<i>Pomatomus saltatrix</i>)                      Mahi Mahi, Dolphinfish (<i>Coryphaena hippurus</i>)                      Eastern Australian Salmon, Australian Salmon (<i>Arripis trutta</i>)                      Whaler Shark, Blue Shark (Family Carcharhinidae (excluding <i>Galeocerdo cuvier</i>))                      Barracuda, Snook, Striped Seapike (Family Sphyraenidae)</p> <p><b>PART 4</b>                      All species of fish other than those listed in Parts 1, 2 and 3.</p>	<p><b>PART 1 listed species</b> – see Deep Sea Bottom Fishing</p> <p><b>PART 2 listed species</b> – see Game Fishing</p>
<p align="center"><b>Nearshore Bottom Fishing and Sportfishing (CFN)</b></p>	<p><b>PART 3</b>                      Yellowtail, Jack Mackerel, Trevally, Rainbow Runner, Kingfish, Samsonfish, Amberjack (Family Carangidae)                      Mackerel, Wahoo, Bonito, Skipjack Tuna, Mackerel Tuna (Family Scombridae (excluding <i>Thunnus spp.</i>))                      Cobia (<i>Rachycentron canadum</i>)                      Tailor (<i>Pomatomus saltatrix</i>)                      Mahi Mahi, Dolphinfish (<i>Coryphaena hippurus</i>)                      Eastern Australian Salmon, Australian Salmon (<i>Arripis trutta</i>)                      Whaler Shark, Blue Shark (Family Carcharhinidae (excluding <i>Galeocerdo cuvier</i>))                      Barracuda, Snook, Striped Seapike (Family Sphyraenidae)</p> <p><b>PART 4</b>                      All species of fish other than those listed in Parts 1, 2 and 3</p>	<p><b>PART 1 listed species</b> – see Deep Sea Bottom Fishing</p> <p><b>PART 2 listed species</b> – see Game Fishing</p>

<p><b>Deep Sea Bottom Fishing (CFD)</b></p>	<p><b>PART 1</b>  Hapuku (<i>Polyprion oxygeneios</i>)  Bass Groper (<i>Polyprion americanus</i>)  Blue-eye Trevalla (<i>Hyperoglyphe antarctica</i>)  Banded Rockcod (<i>Hyporthodus ergastularius</i>)  Gemfish (<i>Rexea solandri</i>)  Pink Ling (<i>Genypterus blacodes</i>)  Ocean Perch (<i>Helicolenus spp.</i>)  Banded Rockcod (<i>Epinephelus ergastularius</i>)</p>	<p>Nil</p>
<p><b>Game Fishing (CFG)</b></p>	<p><b>PART 2</b>  Sailfish (<i>Istiophorus platypterus</i>)  Black Marlin (<i>Makaira indica</i>)  Blue Marlin (<i>Makaira nigricans</i>)  Striped Marlin (<i>Tetrapturus audax</i>)  Shortbill Spearfish (<i>Tetrapturus angustirostris</i>)  Swordfish, Broadbill Swordfish (<i>Xiphias gladius</i>)  - Sharks -  Shortfin Mako (<i>Isurus oxyrinchus</i>)  Tiger Shark (<i>Galeocerdo cuvier</i>)  Hammerhead Shark (<i>Sphyrna spp.</i>)  Thresher Shark (<i>Alopias spp.</i>)  Porbeagle (<i>Lamna nasus</i>)  - Tunas -  Albacore, Albacore Tuna (<i>Thunnus alalunga</i>)  Yellowfin Tuna (<i>Thunnus albacares</i>)  Southern Bluefin Tuna (<i>Thunnus maccoyii</i>)  Longtail Tuna (<i>Thunnus tonggol</i>)  Bigeye Tuna (<i>Thunnus obesus</i>)</p> <p><b>PART 3</b>  Yellowtail, Jack Mackerel, Trevally, Rainbow Runner, Kingfish,  Samsonfish, Amberjack (Family Carangidae)  Mackerel, Wahoo, Bonito, Skipjack Tuna, Mackerel Tuna  (Family Scombridae (excluding <i>Thunnus spp.</i>))  Cobia (<i>Rachycentron canadum</i>)  Tailor (<i>Pomatomus saltatrix</i>)  Mahi Mahi, Dolphinfish (<i>Coryphaena hippurus</i>)  Eastern Australian Salmon, Australian Salmon (<i>Arripis trutta</i>)  Whaler Shark, Blue Shark (Family Carcharhinidae (excluding  <i>Galeocerdo cuvier</i>)  Barracuda, Snook, Striped Seapike (Family Sphyraenidae)</p>	<p><b>PART 1 listed species</b> - see Deep Sea Bottom Fishing</p> <p><b>PART 4</b>  All species of fish other than those listed in Parts 1, 2 and 3.</p>