

4 March 2024

Industry Consultation Paper

NSW Commercial Lobster Fishery

Introduction

The Lobster Industry Working Group (LIWG) has recommended consulting industry on the following rules applying to the Lobster fishery:

1. the requirement to carry a suitable measuring device.
 2. unused tags to be returned to Secretary within 30 days at the end of fishing period.
 3. the holder of lobster shares may not acquire by transfer more than twice the amount of the shareholders initial quota for the fishing period.
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Have Your Say

DPI Fisheries would appreciate your feedback for each proposal including the reason for your views. You can provide feedback to DPI Fisheries by emailing damian.young@dpi.nsw.gov.au or sending a response to PO Box 4291, Coffs Harbour NSW 2450.

The closing date for submissions is midnight **24 March 2024**.

Proposal 1: Remove the requirement to carry a suitable measuring device.

Overview

Lobster fishers are required to carry a suitable measuring device for Lobster. Clause 6 of the Fisheries Management (General) Regulation 2019 describes the minimum and maximum legal size for rock lobster. Not carrying a suitable measuring device is not a defence for landing prohibited size lobsters.

Current arrangement

Clause 45 of the Fisheries Management (Lobster Share Management Plan) Regulation 2000 (the Plan) requires than an endorsement holder must carry a suitable measuring device.

Proposed change

Remove the requirement to carrying a suitable measuring device.

What problem is being resolved?

The rule is unnecessary. Irrespective of whether any measuring device is being carried, possessing prohibited size lobsters is an offence.

Proposed Outcomes

The proposed change would deliver the following outcomes and benefits:

Redundant provisions removed and red tape reduced.

No discernible impact on fisheries resources or the environment.

Proposal 2: Allow endorsed fishers to continue to use “unused” tags in their possession into the next fishing period for 30 days.

Overview

The number of tags required each fishing period is dependent on the Total Allowable Commercial Catch (TACC), the percentage of the TACC caught and average size of the lobsters. A margin of error continues to be applied when ordering tags for upcoming fishing periods as the average size of the lobsters landed is variable year to year. The purpose for changing tag colours each season is to support an efficient and cost-effective compliance operations in monitoring quota and catch.

Costs attributed to the purchase of and destruction of unused tags each fishing period are accounted for in the Lobster fishery management charge. The working group supported the potential for cost savings and waste reduction by using the tags remaining in possession at the end of the fishing period.

Current arrangement

Clause 31 (1) of the Plan requires a shareholder to ensure any unused tag issued for use in a particular fishing period, which is in the possession or control of the shareholder (or the nominated fisher of the shareholder), is surrendered to the Secretary within 30 days after the end of the fishing period.

Proposed change

Allow endorsed fishers to continue to use remaining leftover or “unused” tags in their possession into the next fishing period for 30 days.

What problem is being resolved?

Generally at the end of the season, endorsed fishers may be left with a small number of tags. The change will allow fishers to use up the tags into the next quota season. Given the small numbers of left over tags usually held, it is expected most tags would be used within the first 30 days of the new season.

Proposed Outcomes

The proposed change would deliver the following outcomes and benefits:

Reduce costs to shareholders for both the purchase of additional tags and destruction of unused tags.

Reduction in cost and time invested into returning tags.

No discernible impact on fisheries resources or the environment.

Proposal 3: Remove the quota transfer restriction.

Overview

Lobster is one of only two quota managed species in NSW with a restriction on the amount of quota that can be transferred to a shareholder during a fishing period. A rule was introduced into the Lobster fishery in the 1990s limiting the amount of Lobster quota that could be transferred to a business to encourage the consolidation of lobster shareholdings in the fishery.

Current arrangement

Clause 4C (3A) of the Fisheries Management (Supporting Plan) Regulation 2006 restricts the holder of lobster shares from acquiring by transfer more than twice the amount of the shareholders initial quota allocation for the fishing period.

Proposed change

Remove the restriction on the amount of quota that can be transferred.

What problem is being resolved?

The working group now considers the fishery is stable and sustainable and that consolidation is no longer required. The transfer rule is now a barrier to businesses transferring quota and improving their operational efficiency and profitability.

Proposed Outcomes

The proposed change would deliver the following outcomes and benefits:

- Redundant provisions removed and red tape reduced.
- Improved business efficiency and profitability.
- No discernible change in compliance risks.
- No discernible impact on fisheries resources or the environment.

Lobster Industry Working Group

The working group consists of five lobster industry members, a recreational member, a conservation member, an Aboriginal member and DPI Fisheries representatives from Fisheries Management, Research and Compliance. DPI Fisheries chairs the group.

Further information about the working group can be found at:

<https://www.dpi.nsw.gov.au/fishing/commercial/fisheries/lobster-fishery/nsw-lobster-industry-working-group>

Questions?

If you have any questions, please contact Damian Young on (02) 6691 9685 or damian.young@dpi.nsw.gov.au.

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