

Charter Boat Fishery

Operator User Guide

March 2023



**Government
of South Australia**

Department of Primary
Industries and Regions

Charter Boat Fishery

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Introduction

The aim of this document is to outline the legal obligations of licence holders, registered masters and associated operators within the Charter Boat Fishery (CBF). This information package is to be used as a guide only. Further details on your legislative requirements can be found in your licence conditions, the *Fisheries Management Act 2007*, the *Fisheries Management (Charter Boat Fishery) Regulations 2016* and the *Fisheries Management (General) Regulations 2017*. For further information or clarification please contact PIRSA Fisheries & Aquaculture or FISHWATCH (1800 065 522).

The CBF is considered a commercial platform for recreational fishing. The CBF is managed through a registration and licensing system. Charter boat fishing occurs in South Australian marine waters and bag, boat, size and trip limits are in place for the fishery. These might vary from recreational fishing limits which apply to individual fishers.

General Information

- Whilst engaging in any commercial fishing activity you are required to carry your fishing licence.
- There are licence conditions specific to your Charter Licence and these conditions can be found on your licence.
- The minimum requirement to be a registered master on a commercial vessel is a Coxswains certificate.
- If any rules are breached, the licence holder and the registered master may both be guilty of an offence under the legislation and can incur demerit points.

Permitted Species

As regulated under the *Fisheries Management (General) Regulations 2017* the following size and individual passenger limits (per charter) apply.

SPECIES	Size (cm)	Individual passenger catch limit (per person, per day)
Abalone		
Greenlip (western zone)	14.5	3
Greenlip (all other waters)	13	3
Blacklip (all waters)	13	3
All other species	13	3
Albacore	-	1
Australian Herring (Tommy Ruff)	-	40
Barracouta	-	5
Bight Redfish	30	5*
Bloodworm	-	4 litres
Blue Morwong (Queen Snapper)	38	3
Blue Swimmer Crab	11	20*
Blue Warehou	-	10 (per trip)
Bream	30	5
Cockle (other than Pipi)	3	150*
Congolli	-	2
Cuttlefish (Sepia species)	-	8*
Flathead	30	5
Flounder	25	10
Garfish	23	30
Gemfish	-	5
Giant Crab	15	2
Gummy Shark	45	1*
Harlequin Fish	-	2
King George Whiting		
East of 136°E	32	10
West of 136°E	30	10
Morwong (Jackass)	-	5
Mullet (all species)	21	30
Mulloway (outside Coorong)	>82	1 (per trip)
Pipi		
East of 136°E	3.5	300
West of 136°E	3.5	100
Note: A closure applies statewide from 1 June to 31 October. No recreational fishing for Pipi is permitted on the Younghusband Peninsula between the Murray Mouth and 28 Mile Crossing. This is a commercial fishing zone only.		
Razorfish	-	13
Rock Ling	-	3 (per trip)

SPECIES	Size (cm)	Individual passenger catch limit(per person, per day)
Salmon (Western Australian)	21-35 >35	10 5
Samsonfish	88	1 (per trip)
Sand Crab	10	20*
Scallops	6.5	50
School Shark	45	1*
School Whiting	-	10
Sea Urchin	-	20
Silver Warehou	-	10 (per trip)

Snapper

West Coast/Spencer Gulf/Gulf St Vincent waters — Closed until 30 June 2026. South East waters

38-60 3
>60 1

Note: Fishing will be closed when the Total Allowable Recreational Catch is reached. Strict reporting requirements apply.

Snook	45	10
Southern Bluefin Tuna	-	1 (per trip)
Southern Calamari	-	8
Southern Rock Lobster		
Southern Zone	9.85	2
Northern Zone	10.5	2

Note: A closure applies in the Southern Zone from 6pm 31 May to 6am 1 October and in the Northern Zone from 6pm 31 May to 12pm 1 November.

Swallowtail	30	5
Sweep	24	10
Trevally (all species)	24	10
Vongole (Mud Cockle)		
Coffin Bay	3.8	150*
All other waters	3	150*
Western Blue Groper	Min 60, Max 100	1 (per trip)

Note: A closure applies at all times in both Gulfs, Investigator Strait and Backstairs Passage.

Whaler Shark (Bronze/Dusky)	-	1 (per trip)
Wrasse (all species)	Min 25, Max 35	5
Yelloweye Redfish	30	5*
Yellowfin Whiting	24	10
Yellowtail Kingfish	60	1 (per trip)

* The daily individual catch limit is a combined limit of two or more species. Combined limits apply to Blue Swimmer Crab / Sand Crab, Bight Redfish / Yelloweye Redfish, Cuttlefish / Southern Calamari, Gummy Shark / School Shark, Vongole / Cockle (other than Pipi).

Important Information

- Individual passenger catch limits are the number of fish permitted per person, per day.
- On multi-day charters, the catch limit for Southern Bluefin Tuna is restricted to one per person, regardless of the number of days fished.
- On multi-day charters being more than 3 days, the catch limit for State-managed species is restricted to 3 times the individual daily catch limit.
- It is an offence to cut up, fillet or otherwise mutilate fish in a boat (except for scaling and gutting) unless the fish are to be eaten on board. This applies to all species subject to minimum legal lengths.
- All undersize fish must be carefully returned to the water immediately.
- Charter boat operators and recreational fishers are not permitted to sell their catch.
- Once a passenger has caught their individual catch limit they are not permitted to catch any more of that species during the 24 hour period (applies from midnight to midnight).
- A number of closures are in place in South Australia at certain times of years or in certain areas to protect key species. Charter operators and passengers must comply with closure rules at all times.
- Some species are totally protected in South Australian waters and penalties may apply to anyone who takes or causes them harm. Protected species include: all marine mammals (including whales, seals, sea lions and dolphins); leafy sea dragon; Western Blue Groper in Gulf waters, Investigator Strait and Backstairs Passage; White Shark and all Southern Rock Lobster, Blue Swimmer Crab, Sand Crab and Giant Crab with eggs attached.
- Charter boat operators are not permitted to undertake personal fishing while conducting a chartered fishing trip.
- Strict reporting requirements apply for Snapper. See https://www.pir.sa.gov.au/primary_industry/commercial_fishing/management/determinations for the most up to date information.
- All recreational fishers, including on a charter boat, should use a release weight when fishing to release unintentionally caught snapper.

Closed Areas and Seasons

Fishing closures exist throughout South Australia and may be permanent, seasonal or temporary. Such closures include:

- A closure to the take of all cephalopods near Whyalla
- A seasonal closure for the taking of Razorfish near Pt. Augusta
- A complete ban on the take of Snapper from the West Coast and Gulfs
- Seasonal fishing closures for Southern Rock Lobster

- Aquatic Reserves, and
- Marine Parks

Up to date information on closures can be found at https://pir.sa.gov.au/recreational_fishing/rules/fishing_closures

For further information regarding Marine Parks refer to relevant Department of Environment, Water and Natural Resources (DENWR) page www.marineparks.sa.gov.au

Collection of bait

Only customers are permitted to fish for bait during a charter trip. If the fish species that is used as bait has a regulated bag limit attached this bait becomes part of the fisher's daily limit. A CBF licence holder must not undertake separate fishing trips to collect bait for their charter fishing activities.

If you are also a Marine Scalefish or Rock lobster Fishery licence holder you can use fish taken pursuant to your commercial Marine Scalefish or Rock Lobster Fishery licence for bait when charter boat fishing.

Fish caught by paying customers, but not wanted to be taken at the end of the charter (including bait collected on the charter trip) cannot be used for any other commercial operation (eg. used in the Marine Scalefish, Rock Lobster fisheries or another Charter). You cannot use leftover charter catch as bait under another commercial licence - this includes using it as bait on another Charter.

***This arrangement is currently being reviewed.**

Permitted Devices and their use

Devices used to take fish in the South Australian CBF are those regulated under the *Fisheries Management (General) Regulations 2017* as recreational devices.

Rock Lobster Pots

Rock Lobster pots can only be used by a customer providing the customer holds a current rock lobster pot registration*. Rock Lobster pots must be marked with a 4 litre red buoy. Regulations regarding escape gaps and Sea Lion Excluder Devices (SLEDs) also apply for rock lobster pots.

***This arrangement is currently being reviewed.**

Lines and hooks

Several configurations of hooks and lines are deployed to target a variety of species and sizes of fish in the charter fishery.

It is not permitted to use a wire trace of 2 mm or greater gauge in conjunction with fishing hooks size 12/0 or greater.

When using handlines, and rod and line, squid jigs are considered to be one hook. In addition, each line can have no more than 5 hooks joined eye to shank or threaded together (this is considered as 1 hook) or alternatively, up to 3 hooks attached.

Handlines

Handlines, where up to three baited hooks are attached to a line, are the simplest form of commercial scalefish fishing and are generally used in inshore waters to take Snapper and King George Whiting. Squid are also often taken by lures (jigs) on handlines. Customers on a charter are permitted to use only two handlines at a time with a maximum of three hooks on each line.

Hoop nets / Drop nets

All hoop nets / drop nets must be marked by a 4 litre buoy or buoys which float on the water surface and are marked with the name and address of the person operating it when the device is set more than 50m from the vessel. The appropriate method of marking a hoop/drop net is with one (1) White buoy.

Buoys

A buoy which is used to mark any of the above devices must be a floating buoy that is;

- Constructed of material that is durable in water;
- Not less than 4 litres in volume; and
- Marked with the name and address of the person operating it in letters and figures not less than 7cm in height.

Hoop nets are used in coastal waters to catch Blue Swimmer Crabs and Sand Crabs. A hoop net consists of one hoop with a diameter not exceeding 107cm to which netting is attached in the form of a cone or bag which does not extend more than 92cm from the hoop. When set, the netting lies flat on the substrate. The net is retrieved by a length of rope which is suspended by a float. Crabs walk onto the baited net to feed and become trapped when the net is hauled and the loose netting falls below the ring. A hoop net must have a white 4 litre buoy attached and if left unattended (more than 50 metres) must be marked with the name and address of the person operating the net in letters and numbers not less than 70mm in height on a tag that is durable in water.

Drop nets

A drop net is used in a similar fashion to a hoop net, but consists of two hoops, each having a diameter not exceeding 107cm, to which loose netting is attached so as to form a cylindrical shaped bag. A drop net must have a white 4 litre buoy attached and if left unattended (more than 50 metres) must be marked with the name and address of the person operating the net in letters and numbers not less than 70mm in height on a tag that is durable in water.

Handheld implements

Hand nets (including dab nets)

Dab nets are primarily used to catch Garfish and consist of a net being conical in shape attached to a hoop or ring and extending not more than 1m in depth from the hoop or ring, the hoop and ring being attached to a rigid handle. The diameter of the hoop and ring must not exceed 1m. These nets are used at night, when Garfish come to the surface. They are spotted using a light, then scooped out of the water and onto the boat.

Fish spears

Spears or spear guns are used while snorkeling to target marinescale fish species. Rock Lobster can not be taken by spear.

Rock Lobster snare

A Rock Lobster snare is utilised to take Rock Lobster whilst scuba diving or snorkeling.

Razorfish tongs

Long handled tongs are used by fishers to collect Razorfish from shallow water.

Crab Rakes

Crab rake means a device designed to be held in the hand and consisting of a pole at 1 end of which is attached— (a) a cross-bar with teeth; and (b) a circular metal framed mesh. It is a device generally used to take Blue Swimmer Crabs and Sand Crabs.

Bait Spade

A handheld and hand operated tool, consisting of a long handle with a blade at one end, which is pressed into the substrate with the foot.

Bait Pump

A handheld cylindrical device that is forced into the substrate to remove by suction a core of sediment. Various bait species are then removed and collected from the core.

Fisher Obligations

Registration of Vessels

All Charter fishing can only be undertaken on a vessel registered on the respective fishing licence.

There is a licence condition on your licence which states how many vessels can be used at any one time.

Marking of Vessels

The commercial licence number must be displayed while undertaking commercial fishing activities.

The unique vessel identifier (your survey number) must also be visible at all times on your commercial vessel, regardless of your operational activity.

Recreational Fishing from Registered Vessels

Recreational fishing by the licence holder / registered master or crew from a commercially registered Charter vessel is permitted subject to the following conditions:

- The vessel must be “de-registered” by ringing FISHWATCH (1800 065 522) and answering a series of questions.
- The commercial licence number must be covered while undertaking recreational fishing.
- The unique vessel identifier (your survey number) must be visible at all times on your commercial vessel, regardless of your operational activity.

Tender Vessels

A tender vessel does not need to be registered on the fishing licence if it is not going to be used in any fishing activity.

If a tender vessel is registered on a license, it must display the relevant commercial licence number preceded by a “T” e.g. “T-H001”.

Certificate of Operation (Survey)

Under the Australian Maritime Safety Authority, all commercial vessels must carry a Certificate of Operation (Survey) issued by the Australian Marine Safety Agency. A commercial fishing vessel is defined as a boat registered under the *Fisheries Management Act 2007* by endorsement on a fishery licence to engage in a fishing activity.

For more information regarding the survey of commercial vessels, contact Department of Planning, Transport and Infrastructure, Marine Safety Section on (08) 8348 9506. Certificate of Competency

Section 47 of the *Harbors and Navigation Act 1993*, states that a person must not operate or accept employment in a key position in the crew of a commercial fishing vessel unless that person holds a Certificate of Competency of the appropriate class.

For more information regarding the necessary qualifications to operate commercial vessels, contact the Department of Planning, Transport and Infrastructure, Marine Safety Section on (08) 8348 9506.

Vessel Breakdown

Section 53 (1) (a) (i) of the *Fisheries Management Act 2007* prohibits the use of a boat in a fishery unless the boat is registered on a licence; or is being used in place of the registered boat – with the consent of the Executive Director of Fisheries and in accordance with any conditions of that consent. Therefore, a Charter Boat Fishery licence holder must apply to the Executive Director of Fisheries for a temporary replacement boat if they have a breakdown and wish to use another boat for a short time period.

You can apply by contacting the Regional Manager in your area or the FISHWATCH Duty Officer and undertaking an assessment to use an unendorsed vessel for a commercial purpose. A decision will be made on a case-by-case basis.

Mutilation of fish at sea

Fish subject to size limits cannot be filleted at sea. They may only be gilled, gutted and scaled.

Fish may only be filleted, divided, cut up, mangled or dismembered at sea if they are to be used for bait purposes or consumed during the fishing trip.

Logbook Reporting Requirements

Periodic (SARDI) Returns

Periodic (SARDI) Returns are used to monitor and manage the sustainability of South Australia's fisheries.

SARDI Returns detailing the catch for the month must be submitted within 15 days of the end of that month.

A separate logbook return must be made for each charter trip undertaken in a day.

If no fish are taken during a particular calendar month a return indicating no fish were taken (NIL return) is to be lodged.

Copies of returns must be retained for a period of 12 months.

Wildlife Reporting Logbook

In addition to your catch and effort logbook, there is a logbook for reporting interactions with threatened, endangered and protected species (TEPS) across all South Australian commercial fisheries.

Licence holders are reminded that these wildlife interaction logbooks are required to be submitted when an interaction occurs with a threatened, endangered or protected species (e.g. seahorse, White Shark, etc).

If you do not have a copy of the TEPS logbook please contact SARDI's Information Management and Database Support Group on (08) 8207 5400.

Deceased Estate

Upon the death of a licence holder, the licence will become vested in the personal representative of the deceased, as part of the estate of the deceased. The requirements that apply in this situation are set out in section 57 of the *Fisheries Management Act 2007*.

Registering a Third-Party Interest

Fisheries legislation provides for the Minister, upon application and payment of the prescribed fee by the licence holder, to make a notation on the register that a third party has an interest in the licence. The Minister is required to refuse an application for surrender or transfer of a licence without the consent of the registered third party. A licence holder may nominate more than one third party, but a separate application is required for each third party.

Change of Address

Licence holders are reminded that if they change their address, either postal or residential, notification must be sent to the Leasing & Licensing Section of PIRSA Fisheries and Aquaculture, within 30 days, with their current fishery licence.

Replacement Licence

A copy of a licence may be issued if a current fishery licence is lost or destroyed. An application form with the prescribed fee will need to be completed and paid before the replacement is issued.

Demerit Points

A demerit point scheme was introduced in 2009 as a deterrent against Fisheries offences.

Under the scheme if a person or body corporate is found guilty of an offence by a court or pays an on-the-spot fine, they and the relevant authority will also accrue a number of demerit points.

The number of demerit points applied will vary depending on the severity of the offence.

Demerit points have a lifespan of five years from the date that they are accrued. After five years the demerit points are removed.

If a person or body corporate accrues 200 points within five years, there are a range of penalties that can apply, including disqualification from holding an authority issued under the *Fisheries Management Act 2007* and disqualification from being a registered master on any boat, both for a period of ten years. An authority will remain disqualified until it is transferred or compulsorily acquired.

The legislation defining the demerit point scheme is located in the *Fisheries Management Act 2007*. The list of offences and respective number of demerit points incurred is located in the Fisheries Management (Demerit Points) Regulations 2009.

Authority means a licence, permit, registration, authorisation or authority under the Fisheries Management Act 2007.

Demerit Points – Frequently Asked Questions

What happens if I accrue 200 demerit points?

If a person or body corporate accumulates 200 demerit points within a 5 year period they are liable to be disqualified from holding any authority issued under the *Fisheries Management Act 2007* including:

- A commercial fishing licence
- A fish processor registration
- A recreational registration (pot or net)
- Operating as a Director in a body corporate that holds an authority
- Operating as a registered master on a boat used pursuant to an authority

The disqualification period applies for 10 years.

An authority held by a disqualified person will be immediately suspended and must be transferred. If a transfer does not take effect within 180 days the Minister may compulsorily acquire the licence. If the disqualified person holds a non-transferrable fishing licence, the licence will be cancelled.

What happens if a company (body corporate) accrues 200 demerit points?

If a body corporate accumulates 200 points within 5 years, then each Director is disqualified from holding or obtaining an authority for 10 years.

The authority is also suspended and must be transferred within 180 days. If a transfer does not take effect within the required timeframe the Minister will compulsorily acquire the licence. If the disqualified body corporate holds a non-transferrable fishing licence, the licence will be cancelled.

Will I be notified if I am close to accumulating 200 demerit points?

The Minister will send a letter to any person or body corporate when they, or the authority they hold, accumulate 100 demerit points. The letter will provide a demerit points balance. The letter will be updated and re-sent for any subsequent offence.

Do I incur demerit points for verbal or written warnings?

No. Demerit points are only incurred if a person or body corporate is found guilty of an offence by a court or pays an expiation fee.

If a registered master commits an offence while operating my fishing licence, does the licence accumulate points too?

If a registered master fishing pursuant to a commercial fishing licence is found guilty of an offence in court or pays an expiation fee, both the registered master and the Commercial fishing licence accumulate demerit points.

What happens if multiple offences have been committed?

If multiple offences have been committed arising from the same incident, demerit points are only applied pursuant to the one offence that attracts the most demerit points.

If I am found guilty of a recreational offence, will the demerit points affect my commercial fishing licence?

Yes. Demerit points for a recreational offence will be accrued under your name as a natural person; however they will not be accrued on your commercial licence. Should you accumulate 200 demerit points you will be disqualified from holding any Authority issued under the Act and also operating as a registered master for a period of 10 years.

Do demerit points affect my marine qualifications or my drivers' licence?

No. Demerit points only affect authorities issued under the Act. These authorities include commercial fishing licences, fish processor registrations, recreational rock lobster pot registrations and recreational net registrations.

My authority has a number of demerit points recorded against it. If I was to sell the licence will the demerit points be removed?

No. The demerit points will stay with the authority until they expire after 5 years. As a person or body corporate you will also retain demerit points until they expire after this period. Prospective buyers can obtain information on the number of demerit points accrued by a licence on the details below.

Where can I check my demerit point balance?

Demerit point balances are available by:

Contacting PIRSA Fisheries & Aquaculture on (08) 8207 5332

Viewing the Fisheries Public Register online at:

<https://egate.pir.sa.gov.au/fishreg/new/html/FishPubRegMenu/menuDisplay#here>

Contact Information

For the most up to date contact information please see the PIRSA website.

Licensing, Quota & VMS Enquiries

2 Hamra Ave, WEST BEACH

GPO Box 1625

ADELAIDE SA 5001

Phone: (08) 8207 5332

Fax: (08) 8207 5331

Email: pirsa.fisherieslicensing@sa.gov.au

Fisheries Management and Policy

Fisheries Management Officer – Elisha Lovell

2 Hamra Ave, WEST BEACH

GPO Box 1625

ADELAIDE SA 5001

Phone: (08) 8429 3629

Compliance

For any issues relating to compliance matters, please contact FISHWATCH on 1800 065 522 or your local Fisheries Office:

Central: (08) 8169 0122

Kingscote: (08) 8553 4950

Moonta: (08) 8825 2463

Yorke town: (08) 8852 1861

Whyalla: (08) 8645 5985

Port Lincoln: (08) 8683 5315

Ceduna: (08) 8626 9240

Mount Gambier: (08) 8735 1300

Kingston: (08) 8767 2358

South Australian Research and Development Institute (SARDI)

2 Hamra Ave, WEST BEACH

PO Box 120

HENLEY BEACH SA 5024

Phone: (08) 8207 5400

Fax: (08) 8207 5406

Commonwealth Fisheries – Australian Fisheries Management Authority (AFMA)

Level 6, 73 Northbourne Ave

CIVIC ACT 2600

Phone: (02) 6225 5555

Fax: (02) 6225 5500

AFMA Direct: 1300 723 621

Canberra Duty Officer: 02 6275 5818

FISHWATCH

Please report any illegal activity through the FISHWATCH service on **1800 065 522**.