



Department of
**Primary Industries and
Regional Development**

Fishing tour operators handbook

North Coast

PUBLISHED MARCH 2019

Contents

Introduction	3	Other rules continued.....	10
Legislation.....	4	Boarding by Fisheries and Marine Officers	10
Definition of a fish	4	Operating in marine reserves	11
Rules and regulations	5	Licences.....	11
Licences.....	5	Zoning.....	11
Fishing tours	5	Best practice	12
Restricted fishing tours	5	Reporting illegal activity	12
Recreational fishing rules	6	Reporting introduced marine pests.....	13
Size limits.....	6	Code of conduct for recreational fishers.....	13
Bag limits	6	Seafood handling.....	14
Boat limits	6	Be Croc Wise	14
Mud crab limits for charter operators	6	Appendices	15
Possession limits	7	Appendix A.....	15
Transporting fish.....	7	Contacts	16
Filleting at sea – fish with a maximum size	7	Department of Primary Industries and Regional	
Recreational fishing rules.....	7	Development	16
Reporting	8	Department of Biodiversity, Conservation and	
Tour Operator Return Book	8	Attractions.....	16
Legal obligations	8	Recfishwest – representing your future	16
Other rules	9		
The Master	9		
Required documents.....	9		
Shark tourism	9		
Selling fish.....	9		



Introduction

The charter boat fishing industry provides many Western Australians and visitors from interstate and overseas with an opportunity to enjoy world-renowned fishing-based activities.

This guide summarises the management arrangements for Pilbara/Kimberley fishing tour operators.

It is a simple, plain English explanation of how the legislation associated with the fishery works and may not be comprehensive. We hope it is a useful source of information about how the fishing tour operator management arrangements work and provides an improved understanding of the rules.

If there is anything you do not understand in this guide, please contact the Broome Office on (08) 9193 8600.

Legislation

This booklet is intended as a guide only. The complete requirements for operators in the charter industry are detailed in several key documents. It is the responsibility of the licence holder and the Master of the vessel to access and interpret this legislation.

The relevant legislation includes:

- The *Fish Resources Management Act 1994* (FRMA);
- The *Fish Resources Management Regulations 1995* (FRMR); and
- Commonwealth and WA legislation on prohibited and protected species.

You can access Western Australian legislation through the Department of Primary Industries and Regional Development [website](#).

Definition of a fish

In the FRMA the term 'fish' means an aquatic organism of any species (whether alive or dead) and includes:

- a) Sharks, rays, molluscs (e.g. shells, abalone, squid, etc), crustaceans (e.g. rock lobsters, crabs, etc), corals, sponges, sea squirts and algae; and
- b) A part only of an aquatic organism (including the shell or tail) but does not include aquatic mammals, aquatic reptiles, aquatic birds, amphibians or pearl oyster.



Rules and regulations

Licences

Charter operators are required to hold a licence from the Department of Primary Industries and Regional Development to run any fishing tour activity that affects fish stocks. Boundary and operational rules apply to tour operators. These rules vary, depending on the type of fishing tour licence held. It is important for licensed operators to have a clear understanding of these requirements. Licences are not required for operators using non-motorised vessels.

Paying guests are not required to hold a Recreational Fishing from Boat Licence (RFBL).

There are two kinds of fishing tour licences:

Fishing tours

The Fishing Tour Operators Licence (FTOL) permits charter boat-based fishing activities where fish can be taken home at the end of the tour. The number of licences available to

the industry has been restricted to protect Western Australia's valuable fish resources and a policy has been adopted that no new licences will be issued.

Restricted fishing tours

The focus of the Restricted Fishing Tour Operators Licence (RFTOL) is on eco-type activities, such as snorkelling or scuba diving, with limited fishing activity allowing only for fish to be caught and eaten as a meal during the course of the tour. Tour participants are not allowed to take captured fish home with them at the end of the tour.

The Master of the boat used for a restricted fishing tour must not begin the tour with any fish on the boat or allow any fish to remain on the boat at the end of the tour.

To discourage catch and release sports fishing, the use of fishing rods is not permitted.

Recreational fishing rules

A recreational fisher on a fishing tour must adhere to the same recreational fishing rules (including possession, bag and size limits) as other recreational fishers, with the exception of mud crabs.

A variety of fisheries management tools are used to control the overall catch and protect fish breeding populations and habitats.

Recreational fishing rules apply to the individual clients on fishing tours and operators are responsible for ensuring participants comply with these rules.

Size limits

Size limits vary depending on the species and are designed to allow fish to reach maturity to complete their breeding cycle. Maximum size limits, when used in combination with minimum size limits, are useful in protecting large breeding fish.

Bag limits

Bag limits vary depending on the species and are designed to facilitate sharing of the resource in a sustainable and equitable way.

Boat limits

In addition to bag limits, boat limits apply to the charter sector. Where a boat limit applies, you are required to adhere to one boat limit only, regardless of tenders and/or other vessels used as part of your operation.

Mud crab limits for charter operators

1. Where there are more than 10 people on board a fishing tour, a boat limit of 20 mud crabs applies;
2. Where there are more than 10 people on board a fishing tour, a maximum of 20 drop nets are permitted to be carried on board the primary boat. However, a maximum of 10 drop nets per boat may be used at one time. For example, a primary boat and a tender could use 10 drop nets each, but one tender could not use 20.

Possession limits

A possession limit is the maximum quantity of fish – either whole or in pieces – a person may have in their control.

The finfish possession limit for an individual is:

- 20 kg of fish fillets; or
- 10 kg of fish fillets and one day's bag limit of whole fish or fish trunks; or
- Two days bag limit of whole fish or fish trunks.

'Fillet' means any particular piece of a finfish, other than a whole fish, fish trunk, head, tail, fin, backbone or wing. For these pieces to be excluded from the possession limit they must be entirely removed from the fillet.

Transporting fish

As a responsible tour boat operator you are obliged to inform guests that unaccompanied recreationally caught fish can not be transported by commercial couriers. Individuals must accompany their fish if transporting it by land, sea or air.

Filleting at sea – fish with a maximum size

You and your guests may eat species with a maximum size limit, including barramundi, aboard your vessel if the fish is **left whole until immediately before it is cooked**. This allows for the barramundi catch-and-cook experience that guests expect on your charter.

Recreational fishing rules

It's easy to keep up to date with the recreational fishing rules, with three easy options.

1. Go to www.fish.wa.gov.au to access all of the recreational fishing rules, and refine your search by species or location. You can use the interactive maps to discover information about marine protected areas.
2. The free Recfishwest app provides access to the rules, even if you're out of phone range and has an easy fish identification feature. Available from the [App Store](#) or [Google Play](#).
3. Or download the latest Recreational Fishing Guide from www.fish.wa.gov.au/guide.

Reporting

Tour Operator Return Book

As part of your licence obligations, you must provide the Department of Primary Industries and Regional Development with daily log book records of all the fish your clients catch.

This data is analysed by our scientists, giving us a good understanding of the industry's impact on WA's fish resources and aquatic habitats, and helps the Department make informed decisions regarding fisheries management, which ultimately benefits you.

The authorised person in charge of the vessel must complete daily trip returns. You must complete a return notifying the Department even when no activity was undertaken. A nil return must be completed in the event of no fishing for the month.

Full instructions on how to fill out this form are provided at the front of the log book. A copy of a completed Daily Trip Return Sheet can be seen at [Appendix A](#).

If you are a tour operator and have questions about your log book or require a new one, contact our [Survey's, Assessments and Data Analysis \(SADA\)](#). Log books can also be collected, in person, from the Department of Primary Industries and Regional Development Broome Regional Office.

Legal obligations

Returns must be lodged no later than the 15th day of the following month.

Failure to submit a return on time, or the entry of any false or misleading information, constitutes an offence. This may result in the issue of an infringement notice, cancellation, suspension for a period of time or non-renewal of your authorisation and/or make you liable to prosecution with a penalty on conviction of up to \$5,000 (\$10,000 in the case of a company). The recording of three convictions against a licence in any ten-year period will result in an automatic cancellation of that authorisation.

Other rules

The Master

A person who uses a boat to conduct a fishing tour in the Pilbara/Kimberley must be the Master of the boat and must be authorised under a FTOL or a RFTOL.

Required documents

The Master of a boat used for a fishing tour must keep legible copies of:

- the licence under which the tour is authorised; and
- any other authorisation relating to the boat or its crew required to be held under the FRMA.

Shark tourism

Shark tourism activities are prohibited on a fishing tour. The **person conducting** a fishing tour must not:

- provide a cage for the purpose of protecting swimmers or divers from sharks;
- engage or allow participants on a tour to engage in tagging or marking sharks; or

- provide or use, or allow participants to use, any product or device for the purpose of attracting sharks.

Selling fish

The sale of any fish taken on a fishing tour is prohibited and carries a \$10,000 penalty.





Other rules continued...

Boarding by Fisheries and Marine Officers

You are required to allow Fisheries and Marine Officers from the Department of Primary Industries and Regional Development on board your vessel. They enforce commercial and recreational fishing rules, including size and bag limits. It is also their responsibility to make sure you have the required licences and certificates.

It is the Master's responsibility to ensure that all required documents are on board and are produced when requested by a Fisheries and Marine Officer. We suggest you keep items, such as your FTOL and survey certificates, in a file in the wheelhouse ready to be produced when required.

We understand that you run to tight schedules, so Fisheries and Marine Officers will aim to minimise interruption to your activities. Your help will go a long way to ensuring the checks are done quickly and accurately.

Operating in marine reserves

Licences

Licences are required to undertake commercial activities in a marine park. Different licences are required for different activities:

- Operators offering extractive activities, such as fishing, to guests within a marine park require a FTOL from the Department of Primary Industries and Regional Development. Contact our [Licensing Branch](#) for further information.
- Operators offering non-extractive activities, such as fish feeding, glass-bottom boat tours, beachcombing and whale watching within the marine park should contact the [Department of Biodiversity, Conservation and Attractions](#).

Zoning

Fishing by charter operators in marine parks and reserves is the same as for other recreational anglers.

Fishing is permitted in general use zones and most special purpose zones although sometimes special fishing rules will apply. Fishing is not permitted in sanctuary zones.



© Kimberley Media

Best practice

Reporting illegal activity

If you have seen something involving fish or fishing that doesn't look quite right, the [FishWatch](#) phone line provides a quick and easy way to report it.



Illegal fishing could include someone netting in a river, exceeding their bag or possession limits, taking undersize fish, fishing in a closed area, having more fishing gear in the water than they should, or selling or attempting to sell recreationally caught fish.

Any information you provide about illegal fishing activity could be valuable. Before you call make a note of:

- **How** many people you saw.
- **Who** they were. Did you hear/know any of their names?
- **What** they were doing.

- **Where** it happened; the nearest known landmark or intersection of the closest road may help to pinpoint the location of the activity.
- **What** type of equipment you saw being used; the type of cars or boats, registration numbers, and descriptions.
- **When** it happened – time and date. Is it something that is happening right now, while you are making a report, or was it something you observed previously?

Your reports are treated in strict confidence.

We recommend you **do not** approach anyone you think is involved in illegal activity relating to fish or fishing. However, by reporting what you see, you will be assisting us in protecting WA's fish resources for future generations.

You can also pass your information to one of our local offices.

Reporting introduced marine pests

You can help to protect our valuable aquatic environment by reporting any aquatic pests or diseases (including fish kills).

If you see an unusual fish, seaweed, mussel, worm, crab or other invertebrate that you think might be a pest species, please report it to the Department of Primary Industries and Regional Development through any of the following methods:

- [WA PestWatch](#) on our website.
- WA PestWatch app – the free app can be downloaded from [iTunes](#) and [Google Play](#).
- Report it to us on our FishWatch number 1800 815 507 or email biosecurity@dpird.wa.gov.au – make a note of when and where you saw it, including GPS readings and photographs if possible.

If you **catch** an unusual fish or other aquatic life that you suspect is a pest species:

- Kill it humanely, wrap it in paper or place into separate plastic bags with some seawater and freeze it. Do not attempt to collect samples if it is unsafe to do so or if they are in a marine protected area (marine park, national park or aquatic reserve) or any area that is closed to fishing.
- Make a note of when and where you caught it, and include GPS coordinates and photographs (if possible).
- Contact us on our FishWatch number 1800 815 507 or email biosecurity@dpird.wa.gov.au.

You should never release non-native fish into the wild.

Code of conduct for recreational fishers

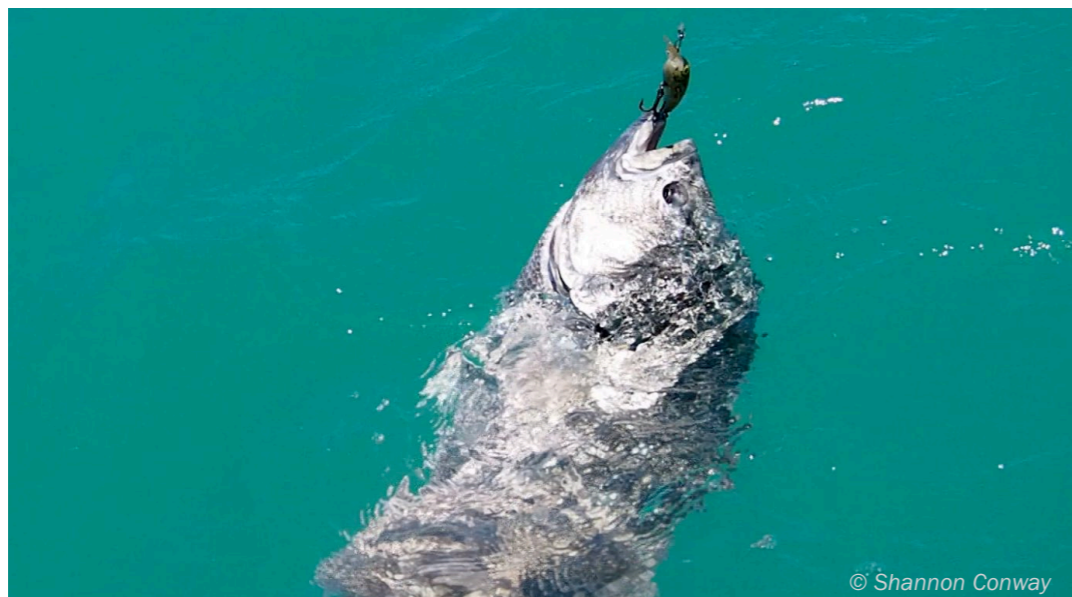
As a tour boat operator, you are in a position to promote good practices, such as using appropriate equipment and handling and releasing fish correctly, to tour participants.

The Code of Conduct for Recreational Fishing in the Kimberley was developed by Department of Primary Industries and Regional Development, working closely with Recfishwest, the Broome Fishing Club, Mary Island Fishing Club and recreational fishers.

The Code of Conduct for Recreational Fishing in the Pilbara was developed by Recfishwest in collaboration with local recreational fishers.

Seafood handling

Fish being kept for consumption need to be handled correctly and carefully so that participants take home a high-quality catch at the end of the day.



Fish should be dispatched by use of a quick spike to the brain or by slitting the gills and bending the head back to sever the spine and stored in ice slurry.

More details can be found in A Guide to the Australian Primary Production and Processing Standard for Seafood.

Be Croc Wise

- CROCS ARE COMMON: In Kimberley waters you are in ‘Croc Country’
- CROCS MOVE AROUND: They can be found in any waterway
- CROCS ARE DEADLY: Crocodiles are dangerous and attacks can be fatal
- BE CROCWISE: Don’t become complacent. Humans and crocodile populations are higher than ever leading to more frequent encounters





Appendices

Appendix A

Tour Operator Return Book - Daily Trip Return Sheet

TO

Trip date (DD/MM/YYYY):		Licence No. e.g. FT... RFT... :		No fishing this month:	Enter months of nil fishing: (MM/YY) to (MM/YY):	
01/01/2015		FT1L396		<input type="checkbox"/>		
Master of the boat: John Dory			Boat name: Plesiosaur			
Trip details		Total No. of clients: 8	Start point: Hillarys Jetty	Finish point: Hillarys Jetty		
Was this day part of a trip in which you stayed overnight? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>						
Fishing session	Session 1	Session 2	Session 3			
Start time (hh:mm)	08:30 (24 hrs)	16:30 (24 hrs)	: (24 hrs)			
Finish time (hh:mm)	12:30 (24 hrs)	18:30 (24 hrs)	: (24 hrs)			
GPS co-ordinates** (DDD° MM')	30° 21' S	30° 21' S	° ' S			
OR	115° 21' E	115° 21' E	' ° E			
Block location**	618N					
Depth (metres)	30	20				
Fishing Effort	No. fishing lines/pots	5	3			
	No. of divers	2				
	No. snorkeling	1				
Nil Fish Caught (Please tick) <input type="checkbox"/>		Nil Fish Caught (Please tick) <input type="checkbox"/>		Nil Fish Caught (Please tick) <input type="checkbox"/>		

Species/Common name (Record all species)	Session # 1, 2 or 3	Activity Fishing, Diving or Snorkeling (F, D, S)	Total kept	Total released	Length of kept (mm) (Do not enter a range)	Protected species Alive or Dead (A or D)
1 Skip jack Trevally	1	F	4	6	285, 290, 305, 280	
2 King George Whiting	1	F	5	0	300, 305, 310, 405, 300	
3 WA Dhufish	1	F	1	0	565	
4 Baldchin Grasper	1	D		1		
5 Western Rock Lobster	1	S	1		78	
6 Estuary Cod	1	F		1		A
7 Skipjack Trevally	2	F		3		
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						

Protected species interaction Yes No

Comments (include protected species interactions) Estuary Cod - Protected over 1000mm (The estuary cod length was 1100mm)

I certify that the information on this form is correct.

Signature	<i>John Dory</i>	Date	01 / 01 / 2015
Print name	John Dory	Contact number	0444 693 444

* Notification of months when no fishing occurred is required on this form.
 ** Only need to report either the GPS Latitude and Longitude coordinates or block location.

Office use only: Date: _____ Licence No.: _____ Nil fishing: _____ to _____

Contacts

Department of Primary Industries and Regional Development

BROOME DISTRICT OFFICE (and Northern Regional Office)

Port of Pearls House, 401 Port Drive, Broome WA 6725
T: (08) 9193 8600

KARRATHA DISTRICT OFFICE

Unit 1/17-19 Crane Circle, Karratha WA 6714
T: (08) 9144 4337

PERTH OFFICE – LICENSING

Gordon Stephenson House, 140 William Street, Perth WA 6000
T: 1300 374 731 (1300 DPIRD1)
licensing@dpird.wa.gov.au

SURVEY'S, ASSESSMENTS AND DATA ANALYSIS (SADA)

39 Northside Drive, Hillarys WA 6025
T: (08) 9203 0143 or (08) 9203 0241
touoperator@dpird.wa.gov.au

Important disclaimer

The Chief Executive Officer of the Department of Primary Industries and Regional Development and the State of Western Australia accept no liability whatsoever by reason of negligence or otherwise arising from the use or release of this information or any part of it.

Copyright © State of Western Australia (Department of Primary Industries and Regional Development) 2019

Department of Primary Industries and Regional Development

3 Baron-Hay Court, South Perth WA 6151
+61 1300 374 731 | enquiries@dpird.wa.gov.au | dpird.wa.gov.au

ABN: 18 951 343 745

Department of Biodiversity, Conservation and Attractions

HEAD OFFICE

17 Dick Perry Avenue, Technology Park, Western Precinct, Kensington WA 6151
T: (08) 9219 9000 F: (08) 9334 0498 info@dpaw.wa.gov.au
www.dpaw.wa.gov.au

BROOME DISTRICT OFFICE

111 Herbet Street
PO Box 65, Broome WA 6725
T: (08) 9195 5500 F: (08) 9193 5027

KARRATHA DISTRICT OFFICE

Lot 3 Anderson Road
PO Box 835, Karratha WA 6714
T: (08) 9182 2000 F: (08) 9144 1118

KUNUNURRA DISTRICT OFFICE

Lot 248 Ivanhoe Road
PO Box 942 Kununurra, WA 6743
T: (08) 9168 4200
F: (08) 9168 2179

Recfishwest – representing your future

Recfishwest is recognised by the State Government as the peak body for fishing tour operators in WA. This organisation represents the voice of your industry wherever decisions affecting our fisheries, or access to them, are made.

(08) 9246 3366
www.recfishwest.org.au

[< BACK TO CONTENTS](#)