



Important information regarding ornamental fish

June 2009

A national strategy, titled "A Strategic Approach to the Management of Ornamental Fish in Australia" has been developed.

The Strategy was created to provide consistency across the States in managing ornamental fish. It addresses commercial and hobbyist operations and also noxious ornamental species. The Strategy was developed in partnership with the ornamental fish industry.

The Strategy is being implemented by the National Ornamental Fish Implementation Group which has representation from all jurisdictions, including industry and hobbyist groups and NSW Department of Primary Industries (NSW DPI).

The Strategy can be viewed at www.affashop.gov.au/product.asp?prodid=13332



NSW DPI is adopting the Strategy, and has commenced making changes to NSW fisheries legislation which will make a distinction between an ornamental fish hobbyist and a commercial aquaculture producer. NSW DPI is also adopting a

National noxious fish list into its fisheries legislation which will result in a significant increase in the number of fish species listed as noxious in NSW.

NSW DPI is planning to introduce a new definition of a commercial aquaculture producer and adopt the National noxious fish list during 2009.

Why are there changes to the law?

Currently under the *NSW Fisheries Management Act 1994*, any person who cultivates fish for the purpose of sale is required to hold an aquaculture permit, regardless of the size of the operation.

The Strategy identified that ornamental fish hobbyists need to be managed separately from commercial aquaculture producers. The Strategy therefore defined hobby ornamental fish breeders as those that breed and sell ornamental fish from a facility with a total water holding capacity less than 10,000 litres. In the future, these facilities will not require an aquaculture permit.

What does this mean for me and my fish?

There will be an amnesty period of six months from the date new fisheries legislation comes into effect, to provide time for the ornamental industry to comply with the new rules.

- Commercial vs Hobbyist Producer

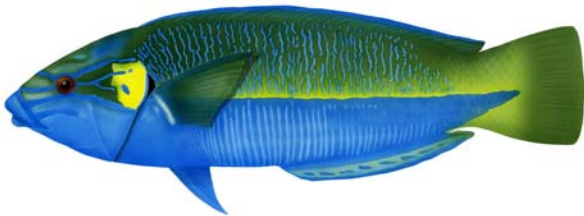
From 1 July 2009 a person who has 10,000 litres or greater of water holding capacity within their facilities and cultures those fish for the purpose of sale, will be required to hold an aquaculture permit issued by NSW DPI.

The *Fisheries Management Act 1994* defines sale as: 'sell by wholesale, retail, auction or tender; barter or exchange; supply for profit; offer for sale, receive for sale or expose for sale; consign or deliver for sale; have in possession for sale and cause or allow any of the above to be done'.

Ornamental fish breeders who do not engage in any 'sale' activities will not be required to hold an aquaculture permit regardless of the capacity of their facilities.

For example, a person who has a display pond or tank, regardless of its size, will not require an aquaculture permit provided they are not keeping fish for the purpose of sale or for a commercial purpose.

The amnesty for commercial ornamental producers to obtain an aquaculture permit will expire 1 January 2010.



- Noxious Ornamental Fish

Some fish currently held by the aquarium trade, if listed on the National Noxious Fish list, may become prohibited for sale, trade or possession in NSW. NSW DPI will provide further information as the noxious fish listing is adopted or changed and amnesty dates.

Compliance with the new legislation is mandatory and hobbyists and ornamental fish industry members are advised to ensure that they are aware of their obligations and make every effort to comply before an amnesty expires.

Pet shops and fish wholesalers

Pet shops and fish wholesalers currently are exempt from requiring an aquaculture permit to keep fish for on-sale. This is provided that they are not breeding and culturing fish as part of the business. This will not change under the proposed amendments to the fisheries legislation.

Further information

NSW DPI may write to you again to update you on the implementation of the Strategy or when legislation is amended.

If you require any further information please consult the NSW DPI website www.dpi.nsw.gov.au/fisheries or contact the Port Stephens Fisheries Institute on (02) 4916 3919 for advice.