

10 October 2022

Proposed amendment to commercial fishing regulations

Consultation paper 3

Estuary General Fishery – species that may be taken in a pilchard & anchovy bait net or a garfish bullringing net

Overview of activity

Pilchard, anchovy, and bait net: The pilchard, anchovy and bait net may only be used in the lower reaches of the Hawkesbury River downstream of Juno Point, by up to 12 fishers who hold the relevant endorsement. It is used seasonally and opportunistically to target species such as Whitebait, Anchovy and at times Australian Sardine.

Garfish bullringing net: The garfish bullringing net may be used in the Estuary General Fishery which operates in 76 of the 140 or so estuaries in NSW (tidal waters only) subject to marine park, aquatic reserve, and fisheries spatial controls. 183 fishers are endorsed to use this net but very few do because garfish are seasonal, and it can be labour intensive removing garfish from a bullringing net.

These nets are two of a number of net types that may be used by category one and category two hauling endorsement holders. These fishers are subject to effort quota – limiting the number of days each fisher may work each year. From 2024, the Total Allowable Effort (TAE) that applies will be periodically reviewed by the independent Total Allowable Fishing Committee or the Secretary of the Department of Regional NSW. Catch in these sectors may be managed by adjusting the TAE or species-specific controls.

Current arrangement

Only certain species may be taken in the pilchard & anchovy bait net or a garfish bullringing net.

Net type	Species that may be taken
Pilchard, anchovy and bait net	Pilchards (Australian Sardine), Anchovy and Whitebait spp.
Garfish bullringing net	Garfish spp.

The restrictions have been in place since these nets were regulated, many decades ago.

Restricting the species that may be taken in a net helps to ensure the net is only used to target the species the net was designed for.

Proposed change

Allow incidental catches of any species that may be taken in the Estuary General Fishery unless the species is subject to a size limit (Attachment A).

If the change is implemented, the regulations would be set up so any new species may only be taken as incidental catch (not targeted).

Species likely to be taken as incidental catch, such as Herring, Hardyhead, and Yellowtail Scad, are not of conservation concern or key recreational species.

There is also negligible risk these nets would be used to take key recreational species.

What is the problem being resolved?

Despite best attempts to optimise the selectivity of commercial fishing gear, non-target species are sometimes taken. Requiring species that are sustainable and not key recreational species to be discarded is an unnecessary restriction that:

- Results in the discarding of dead fish, which is of little or no benefit to fisheries' resources, other stakeholders, or the profitability of the industry
 - Concerns commercial fishers who consider it a waste of a valuable resource
 - Is not in line with Ecologically Sustainable Development, which requires the effective integration of social, economic, and environmental considerations
 - Imposes a burden on fishermen and Government through maintaining, complying with, and enforcing rules that does not benefit fisheries resources or the community
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Outcomes

The proposed change would deliver the following outcomes and benefits:

- Social and wellbeing benefits (fishers would not be forced to discard dead fish)
- Reduced waste (discards) and improved business efficiency and profitability
- Improved consistency with other fisheries where legitimate catch may be retained
- Red-tape reduced and reduced burden on government
- No discernible impact on fisheries resources or the environment

Attachment A

Species that may be taken in the Estuary General Fishery

The following tables show the species that may be taken in the Estuary General Fishery (Table 1) or proposed for inclusion as species that may be taken (Table 2), excluding those that are subject to a size limit (e.g., a bream or a flathead etc.)

Table 1: species that may be taken (excluding species subject to a size limit)

Common name
Anchovy
Australian Bonito
Australian Salmon
Beachworm spp.
Blue Mackerel
Bream
Black Bream
Catfish spp.
Cockle spp.
Crabs
Sand Crab spp.
Cuttlefish spp.
Eels
Pike Eel
Short-Finned Conger Eel
Southern Conger Eel
Emperor
Garfish
Eastern Sea Garfish
River Garfish
Shortbill Garfish
Gurnard spp.

Common name
Hairtail
Hardyhead spp.
John Dory
Leatherjacket spp.
Longtom spp.
Mackerel Tuna
Mangrove Jack
Mantis Shrimp spp.
Mullet
Flat-tail Mullet
Pink-eye Mullet
Red Mullet
Sand Mullet
Mussel spp.
Nipper spp.
Octopus spp.
Old Maid
Pike spp.
Pilchard
Pipi
Prawns
Eastern King Prawn
Greasyback Prawn
School Prawn
Tiger Prawn
Saucer Scallop
Scallop
Shell spp.

Common name
Silver Bidy
Sole spp.
Squid spp.
Stingray/Stingaree spp.
Striped Grunter spp.
Sweep
Trevally
Black Trevally
Golden Trevally
Whaler Shark spp.
Whitebait spp.
Whiting
School Whiting
Trumpeter Whiting
Yellowtail Scad

Table 2: species proposed to be added as Estuary General permitted species

Species
Wirrah
Diamond Fish
Oxeye Herring
Giant Herring
Big Eye Trevally
Giant Trevally
Brassy Trevally
Common Pony Fish
Barred/Spotted Grunter
Giant Salmon Catfish

Species
Eastern Shovelnose Ray
Moses Perch
Flounder (Greenback)
Queenfish
Stargazer
Sweetlip (Emperor)
Sweetlip (unspecified)
Slatey Bream
Rock Cod (Bird Wire/Long Fin)
Black Spotted Cod

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