

Consultation Paper

Proposed changes to recreational fishing rules for Eastern Rock Lobster and Dusky Flathead



Purpose

The NSW Department of Primary Industries (NSW DPI) is undertaking community consultation on proposed changes to recreational fishing rules for Eastern Rock Lobster and Dusky Flathead.

Introduction

The Recreational Fishing NSW Advisory Council, which provides advice to the Minister for Agriculture and Western NSW on recreational fishing issues, has developed proposals to increase the recreational bag limit of Eastern Rock Lobster and to introduce a slot limit and reduce the bag limit of Dusky Flathead for recreational fishers. The Council has supported community consultation being undertaken on these proposals.

As a result of effective management controls since the 1990's, the population of Eastern Rock Lobster has recovered to a healthy stock biomass resulting in the Total Allowable Commercial Catch (TACC) being progressively increased over time to the current level of 180 t in 2021/22, which has provided the basis for a bag limit increase.

Regarding Dusky Flathead, over time there have been calls from the community for changes to Dusky Flathead fishing rules in NSW such as introduction of a slot limit and reduction in the bag limit. These changes to recreational fishing rules for Dusky Flathead have been proposed to help boost the stock of bigger fish and ultimately provide better fishing opportunities for recreational fishers for this highly popular species in the future. There have been no changes to recreational fishing rules for Dusky Flathead since 2001.

NSW DPI is now undertaking community consultation on the proposed changes below to ensure all recreational fishers and the community have the opportunity to have their say.

1) Proposed change for Eastern Rock Lobster

Current rules:

Daily bag limit – 2 per person.

Proposed change:

Daily bag limit - 3 per person.

Stock Status

Ongoing stock assessment modelling by DPI scientists have shown an approximate threefold increase in biomass of Rock Lobster within the legal size range (104 mm -180 mm) since the mid-1990s when the stock was in a depleted state.

This recovery of stock has been largely in response to management changes that were implemented for commercial and recreational Lobster fisheries in the past. This included a recreational bag limit reduction from five to two lobsters per person in 1993 and restricted fishery and quota management for commercial fishing.

As a result of these effective management controls and ongoing monitoring programs, the population of Eastern Rock Lobster has recovered to a healthy stock biomass. Eastern Rock Lobster is currently classified as **sustainable** in NSW. The latest Status of Australian Fish Stocks Reports can be viewed at www.fish.gov.au and the latest NSW Total Allowable Commercial Catch determination report can be found [here](#).

A new harvest strategy is being developed for the Eastern Rock Lobster Fishery that will guide decision making in the future. The draft harvest strategy will be released for public consultation under a separate process to this proposal.

Implications of proposed change

In response to Rock Lobster stock recovery, the TACC determined by the independent Total Allowable Fishing Committee has progressively increased over the years to the current level in 2021-22 of 180 t. In comparison, from 1994 to 2000, the average TACC was 117 t. This has represented an overall increase in the TACC of over 50% since the 1994 - 2000 period. This has provided the basis for the Recreational Fishing NSW Advisory Council proposal to increase the bag limit from two to three lobsters per person, which equates to a 50% increase. Current assessment modelling is based on setting recreational catch equal to 10% of the commercial catch. DPI regularly undertakes state-wide surveys of recreational fishing catch (every 2 years).

2) Proposed changes for Dusky Flathead

Current rules:

Minimum legal length - 36 cm

Daily bag limit - 10 fish, only one over 70 cm

Proposed changes:

Legal length (slot limit): 36 cm to 70cm

Daily bag limit - 5 fish

Stock Status

Dusky Flathead is currently classified as **sustainable** in NSW, with the East Coast stock being assessed every two years. This means the biomass is at a level sufficient to ensure that, on average, future levels of recruitment are adequate (that is, the stock is not recruitment overfished) and for which current fishing pressure is adequate to avoid the stock becoming recruitment overfished. The latest Status of Australian Fish Stock Report can be viewed at www.fish.gov.au.

Implications of proposed changes

While the stock is classified as sustainable, introducing an upper legal limit of 70 cm will provide for greater protection of large reproductively important female fish. This will in turn result in an increase of the spawning biomass in the stock and subsequent increase in egg production. A slot limit and bag limit reduction would also promote a more natural age structure (comprising more 'older' fish) which may have important implications for stock resilience.

Dusky Flathead greater than 70 cm are relatively uncommon in recreational catches compared to smaller fish; this varies between estuaries. It is estimated based on the recreational catch data available that around 1.5% of Dusky Flathead retained by anglers in estuaries and around 9% of the fish captured in coastal habitats are larger than the proposed maximum size limit of 70 cm.

Analysis of data collected in previous DPI recreational fishing surveys suggests that a reduction in the bag limit from 10 to 5 could impact overall recreational fishing harvest by 3 – 14 % (on average, based on the 2013/14 and 2017/18 survey data).

Any management changes that lead to an increase in the number of Dusky Flathead that must be released, may have implications that need to be considered. Several scientific studies have considered post-release survival of recreationally-caught Flathead and have shown the species to have high (~90%) survival following capture, handling and release. This suggests that survival of additional fish caught and released as a result of the proposed changes will not result in significant additional mortality.

Analysis of commercial catch data has shown the majority of Dusky Flathead caught by commercial fishers is well below 70 cm. It is not proposed for the new slot size limit to apply to commercial fishing activity to avoid any wasteful discarding of Dusky Flathead that are caught in commercial fishing operations. Commercial catch is monitored by DPI Fisheries scientists through daily catch recording systems and market based size frequency sampling programs.

Community perceptions for change

Releasing large Dusky Flathead has become a socially important issue in recreational fisheries in NSW and elsewhere in Australia. This has certainly led to enhanced fishing opportunities with released 'trophy sized' fish being recaptured by fishers over time, including some individual fish being recaptured multiple times.

This has been demonstrated through the successful adoption and significant interest in DPI's Trophy Flathead program in Lake Macquarie, St Georges Basin and Tross Lake, which encourages recreational fishers to voluntarily release all Dusky Flathead over 70 cm, combined with a targeted tagging program.

Between November 2016 and July 2021, a total of 838 Dusky Flathead over 70 cm have been tagged and released in these three recreational fishing havens. A total of 119 recaptures have to date been reported to DPI since the tagging program commenced. The high recapture rate (14.2 %) demonstrates not only the popularity of the species, but also the resilience of this species to catch and release using hook and line recreational fishing methods.

Slot limits for Dusky Flathead have been widely accepted in Queensland and Victoria where their current slot limits have been in place since 2009 and 2012, respectively.

DPI has also stocked 75,000 Dusky Flathead fingerlings into Lake Conjola, St Georges Basin and Burrill Lake earlier this year to boost fish stocks and improve recreational fishing opportunities.

Have your say

Please complete the survey below to have your say on the proposed changes for Eastern Rock Lobster and Dusky Flathead.

www.dpi.nsw.gov.au/fishing/fisheries-consultation/eastern-rock-lobster-and-dusky-flathead

Submissions close **26 November 2021**.

If you would like any further information, contact NSW DPI on fisheries.info@dpi.nsw.gov.au

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