



Australian National Sportfishing Association Ltd

ACN 063 293 514

COMMITTED TO CONSERVATION & INTEGRITY IN SPORTFISHING SINCE 1967

13 June 2014

Dr Jane Williamson
Chairperson
Fisheries Scientific Committee
C/- Department of Primary Industries
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Dear Dr Williamson,

Re Proposed Notification of proposed Determination for Gemfish (*Rexea solandri*)

Thank you for the invitation for ANSA to comment on the proposed determination and listing of Gemfish as a Vulnerable species under Part 7A of the Fisheries Management Act.

ANSA as one of the oldest and largest National recreational fishing peak bodies is very concerned by the proposed determination and listing of Gemfish as vulnerable and the detrimental impact this will have on ANSA members and recreational fishers generally in NSW who currently catch this species of fish either as a targeted species or as bycatch.

Gemfish are already subject to very strict capture limits in NSW waters with recreational fishers subject to a 2 fish bag limit and a 10 fish boat trip limit. The commercial sector is also restricted to a 50kg trip limit which has been in place since 2000 and the species is currently classified as recruitment overfished in NSW. According to your fact sheet the estimated recreational take of Gemfish is around 10 tonne annually but I am not aware of any recent data that can put a firmer figure on the current actual take by recreational fishers. Also according to your fact sheet the commercial take of Gemfish has been reasonably static at around 100 - 110 tonnes over the period 2007 - 2011. It is also noted that the fact sheet estimates that commercial landed fish make up only about a third of the annual harvest with discards being in the region of 130 - 180 tonnes over the period 2007 -2010. The basis for these estimates is considered questionable and more recent estimates indicate that the level of discards declined significantly in 2012 and that this trend continued over 2013.

From a recreational fisher perspective the majority of the recreational take of Gemfish does not take place in NSW territorial waters but in deep waters under Commonwealth jurisdiction well beyond NSW eastern territorial borders. Deep water fishing locations such as Browns Mountain and the canyons off Coffs Harbour and Narooma are the typical locations where recreational fishers target and actually capture Gemfish. As a recreational fisher who has fished extensively in NSW waters for more than 50 years I have never personally come across any recreational fisher who has actually caught a Gemfish in the predominantly shallow/ mid waters of NSW. I do accept though that there are always exceptions but the extent of Gemfish capture in NSW territorial waters by recreational fishers would be very low. It also needs to be recognised that only a very small percentage of recreational fishers actually target and catch Gemfish as this type of fishing has a very limited appeal because of the extensive distance that a fisher needs to travel offshore to find these fish and the special

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type of tackle that is needed for deep water bottom fishing .The size and power of boats suitable for this type of fishing activity also takes most recreational fishers out of the equation as does the prevalence of bad weather which can render distant offshore fishing very dangerous and limit the opportunity to fish for deepwater species.

Based on reliable comment from those recreational fishers who have had a history of targeting Gemfish the population has substantially recovered in recent years. This is evident by the detection of large aggregations of Gemfish and other deep water species by recreational fishers using quality fish finding devices in more recent years. The reality though is that as recreational fishers we have little definitive data on the abundance of Gemfish stocks in NSW waters or the Commonwealth waters adjacent to the eastern border. Based on this flimsy evidence it is hard to accept the claim that Gemfish are facing extinction in NSW waters - this presupposes that for the purpose of the FSC review that NSW is meant to include Commonwealth waters on its eastern border which are subject to NSW management under OCS agreements with the Commonwealth. If we are for the purpose of this review dealing exclusively with NSW Territorial waters then it would seem that the purpose of this determination and listing exercise is to save a species from extinction that has never been prevalent in mainstream NSW waters.

ANSA has reservations with the assertion that landings by the charter boat fishery are likely to be significant. ANSA is aware from its contacts in the Charter Boat industry that the reported recreational take of Gemfish from this sector of recreational fishing was in the vicinity of 1.3 tonne over the past year. Given that charter boat fishing is probably the mainstream process whereby recreational fishers do actually catch Gemfish it is difficult to accept that the 8.7 tonne shortfall between the 10 tonne recreational estimate in the FSC fact sheet is made up by the non charter boat recreational fisher. Even if the 10 tonne estimate was to be accepted at face value it is hard to imagine that this level of take would have any dire impact on Gemfish stocks or constitute an extinction threat.

ANSA is also concerned by the reference in the fact sheet that discarding in the recreational fishery could be substantial due to the strict bag and boat limits. What evidence exists to substantiate this. Should Gemfish be listed as endangered then it is likely that the incidence of discard by recreational fishers will escalate as these fish will be caught as a by catch when fishing for other deep water species such as Hapuka, Blue Eyed Trevalla, Bass Groper and Banded RockCod that inhabit similar aggregation locations as Gemfish. Returning Gemfish post capture just to comply with the no interaction restrictions associated with a vulnerable listing will definitely lead to wasteful mortality as these fish have little hope of survival post capture and release.

It is also of concern to ANSA that this is the third time over the past 20 years that Gemfish has been considered for determination by the FSC as being under threat of extinction. It is comforting to know that on each of these review processes the nomination for listing was rejected on the grounds that there was no evidence that the species as a whole is in any way threatened with extinction due to fishing activity. The most recent review undertaken by the FSC in 2008 for Gemfish to be listed as an endangered species also concluded that in the opinion of the FSC, Gemfish is not facing a very high or high risk of extinction in NSW in the near future - accordingly the species is not eligible to be listed as an Endangered Species. It is acknowledged though that Gemfish has since 2009 enjoyed the Commonwealth status of Conservation Dependent pursuant to S 178 of the EPBC Act.

Over the succeeding 6 years it is hard to reconcile with the logic that this species is still under risk of extinction (albeit now in the medium term) when it is generally accepted by most

within the realms of fisheries management and science that the species has enjoyed a reasonable level of stock recovery over this time and that this trend can be expected to extend into the future. I have reviewed the recent Gemfish stock status assessment material prepared by Dr Kevin Rowlings and Dr Ian Knuckey in connection with the current FSC review and they most certainly give credibility to the belief by most recreational and commercial fishers that the stock status of Gemfish is much healthier than it was 6 years ago and its ongoing recovery prospects are positive.

This submission will not reiterate in detail what these learned and respected scientists have or will submit independently to the FSC but I will summarise their conclusions namely "I Knuckey - management interventions since 1988 have resulted in a significant recovery of the species with stocks growing from a low of about 5% SSB during the early 2000's to about 16% by 2010 - there is significant evidence to suggest that Gemfish is not facing a high risk of extinction in NSW in the medium term future" and "K Rowlings - the current proposal to list Gemfish as a threatened species is not supported by the available evidence and modelling - there is no evidence that spawning biomass will undergo a further decline or that the species is at risk of becoming extinct in the short to medium term - the next 30 years. The available evidence and modelling results suggest only a very low risk that Eastern Gemfish will become extinct in the short to medium term future so there appears to be little support to list the species as vulnerable."

Conclusion.

ANSA concurs with the conclusions reached by Knuckey and Rowlings that there is insufficient evidence that Eastern Gemfish is under any short to medium threat of extinction in NSW and that available bio mass modelling would tend to reinforce anecdotal evidence that the species has recovered over the past 6 years and that this trend line can be expected to continue. Against this background ANSA cannot support the case made by FSC for determination and listing of Gemfish as a vulnerable species under the Fisheries Management Act

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Burgess', with a large, stylized flourish at the end.

John Burgess
Executive Officer/ Director. ANSA Ltd
Vice President. ANSA NSW Branch