

Inland Fisheries Advisory Council

AGENDA ITEM NO:

2.2(a)

MEETING: Tuesday 11 December 2018

SUBJECT: Recommendation regarding the conservation status of Estuary Perch
(*Percalates colonorum*)

REPORT FROM: Tim Farrell

RESOLUTION: For decision

Summary

The small extant population of estuary perch found in the Arthur River on Tasmania's east coast could be further protected in one or more ways.

1. Listing under the Commonwealth *EPBC Act 1999*:
 - The Tasmanian estuary perch population does not appear to meet the required criteria for listing under Commonwealth legislation due to its wider distribution on mainland Australia.
2. Listing under Tasmanian *Threatened Species Protection Act 1995*
 - As identified in the paper provided to IFAC in November 2017 is likely that the Tasmanian population would be classified as "Rare".
 - "A taxon of native flora or fauna may be listed as **rare** if it has a small population in Tasmania that is not endangered or vulnerable but is at risk" Section 15(4)
3. Declaring the species Protected under section 131 of the *Inland Fisheries Act 1995*.

A declaration of the species as a Protected Fish allows for flexibility at the discretion of the Minister should the status of the species change due to establishment of further populations.

Background

IFAC identified a need to consider the protection of the extant population of the estuary perch in Tasmania at Arthur River. The need arises from the apparent intermittent recruitment, small population size, single location and fishing pressure.

There is conjecture that recreational fishing for estuary perch, albeit with a zero bag limit, threatens the sustainability of the species in Tasmania.

The species is unlikely to meet the requirements for Commonwealth threatened species listing due to its wider distribution on the Australian mainland. This assessment could change if further research confirmed that the Tasmanian population was a separate species or sub-species.

Any listing under the *Tasmanian Threatened Species Protection Act 1995 (TSPA)* provides the following protection

- (1) *Subject to subsections (2) and (3), a person must not knowingly, without a permit –*
- (a) take, keep, trade in or process any specimen of a listed taxon of flora or fauna; or*
 - (b) disturb any specimen of a listed taxon of flora or fauna found on land subject to an interim protection order; or*
 - (c) disturb any specimen of a listed taxon of flora or fauna contrary to a land management agreement; or*
 - (d) disturb any specimen of a listed taxon of flora or fauna that is subject to a conservation covenant entered into under Part 5 of the Nature Conservation Act 2002; or*
 - (e) abandon or release any specimen of a listed taxon of flora or fauna into the wild.*

Penalty: Fine not exceeding 629 penalty units or imprisonment for a term not exceeding 12 months, or both, and a further fine not exceeding 126 penalty units for each day during which the offence continues after conviction.

There are currently two freshwater fish species listed as Rare under the TSPA being; the Golden Galaxias and the Western Paragalaxias. The Golden Galaxias is also listed as Endangered under the Commonwealth EPBC Act 1999.

The Minister, by order, may declare any kind or species of freshwater fish to be protected fish preventing the “take”, fine not exceeding 50 penalty units.

Take is defined in Part 1-Preliminary, 3. Interpretation of the *Inland Fisheries Act 1995 (IFA)* to mean:

- (a) fish for, remove, gather, catch, capture, kill, destroy, dredge for, raise, collect, carry away or obtain in another way from water, land under water or the foreshore; and*
- (b) land from a boat or bring ashore; and*
- (c) attempt, cause or permit anything mentioned in paragraph (a) or (b)*

There are two freshwater fish species declared as Protected Fish under the IFA being; Australian grayling and the giant freshwater crayfish.

The Australian grayling is listed as ‘vulnerable’ under both State and Commonwealth threatened species legislation. The giant freshwater crayfish is listed under State legislation as ‘vulnerable’ and Commonwealth as ‘threatened’.

The Inland Fisheries Service compliance program does not currently extend to species listed solely under other Acts. To ensure pro-active compliance by Inland Fisheries Officers, listing under the provisions of the IFA is preferred. Protections under the IFA are at the discretion of the Minister responsible for the IFA providing flexibility of policy.

Further actions for protection of estuary perch in Tasmania

The establishment of another population of estuary perch in Tasmania would provide extra surety for the existence of the species in the State. Estuary perch have been recorded in Ansons River in the past and this is the most logical location for an attempted establishment.

Considerations for establishing an additional Tasmanian population:

- Risk assessment of the removal of individuals from the small Arthur River population.
- Genetic comparison of the Arthur River population and mainland stocks.
- Investigation of likely cause(s) of the loss of the original population in Ansons River and potential mitigation.
- Import risk assessment of hatchery produced stock.
- Cost benefit analysis.

The Victorian Fisheries Authority (VFA) has an estuary perch stocking program using wild brood stock obtained from western Victorian rivers. Fish are produced at a commercial hatchery in Narooma, NSW and VFA have offered to make stock available from this program at a commercial rate. An import risk assessment would be required to determine genetic similarity and address disease issues.

Recommendation to Council

That the preferred protection for Estuary perch (*Percalates colonorum*) is a Protected Fish Order under section 131 of the *Inland Fisheries Act 1995*.

Consultation for this legislative change could occur in 2019 together with the remake of the *Inland Fisheries (Recreational Fishing) Regulations 2009* and the *Inland Fisheries (General) Regulations 2009*.