

## BIOSECURITY ACT 2015

# Discussion Paper: Carp and Eastern Gambusia

December 2015



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**Comments on this paper close on 12 February 2016**

*Email your comments to:* [submissions.biosecuritylegislation@dpi.nsw.gov.au](mailto:submissions.biosecuritylegislation@dpi.nsw.gov.au)

*Post your comments to:* Biosecurity Act 2015  
NSW Department of Primary Industries  
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**For more information**

See: [www.dpi.nsw.gov.au/biosecurityact](http://www.dpi.nsw.gov.au/biosecurityact)

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

## Summary

The *Biosecurity Act 2015* will repeal parts of the *Fisheries Management Act 1994* (the FM Act) including Part 7 Division 6 and Schedule 6C which currently include various regulatory controls and powers with respect to Carp (*Cyprinus carpio*) and Eastern Gambusia (*Gambusia holbrookii*).

Having considered existing management arrangements and risks associated with Carp (*Cyprinus carpio*) and Eastern Gambusia (*Gambusia holbrookii*), it is proposed to manage these species under the General Biosecurity Duty (GBD) to stop their spread into waters where they do not currently exist.

## Background Information

### What is the problem?

Carp and Eastern Gambusia have become common and are widely established throughout most of NSW. Over the years, these species of fish have continued to proliferate despite having been the focus of multiple control efforts by government agencies, recreational anglers, environmental and community groups.

Carp adapt well to different environments and their feeding habits are believed to negatively impact water quality, native aquatic plants, aquatic invertebrate fauna and general aquatic ecosystem health. Negative impacts of Carp on native fish are thought to include competition for food and habitat, and effects on recruitment (population replenishment).

Eastern Gambusia feed on a wide variety of food including many invertebrates, the eggs and juveniles of other fish species, tadpoles and adult frogs. Their broad diet, rapid reproduction and aggressive behaviour have enabled them to out-compete native fauna and they have been associated with the decline of at least nine Australian native fish species.

### Why is it important?

Australian freshwater ecosystems are highly vulnerable to the impacts of introduced fish. Pest species threaten indigenous aquatic life through predation, competition or indirectly by altering their natural habitat. They may also carry introduced pathogens and parasites which can cause diseases in native species. Due to their effects on ecosystems, both Carp and Eastern Gambusia are likely to have had negative impacts on the NSW freshwater aquatic environment.

### What is the outcome we are seeking?

The desired outcome is to stop the spread of Carp and Eastern Gambusia into waters where they do not currently exist.

## Current management arrangements

The FM Act declares a number of fish species in NSW as noxious fish and these species are listed in Schedule 6C.

Part 7 of the FM Act includes various provisions with respect to noxious fish. Specifically, these provisions:

- prohibit the live release of noxious fish into any waters (except for the immediate return of fish to waters from which they were taken);
- prohibit the possession of noxious fish;
- prohibit the sale of noxious fish; and

- require anyone who becomes aware of the presence of noxious fish to notify a Fisheries Officer (unless the department is already aware of it).

Schedule 6C also provides for three classes of noxious fish in NSW, representing the different levels of threat they pose to the aquatic environment. Class 1 noxious fish pose the greatest threat to the environment and the sale and possession of these fish is prohibited and their destruction is required. A Ministerial Order (2010) relaxes some of these provisions for Class 3 noxious fish which are permitted to be sold and possessed.

Carp is listed as a Class 3 noxious fish. Eastern Gambusia is listed as a Class 1 noxious fish except in the greater Sydney region, where it is Class 3.

## Proposed management under the NSW Biosecurity Act 2015

The Biosecurity Act will remove the noxious fish provisions in the FM Act. This means that the requirements regarding these fish as they relate to possession, sale and release will no longer apply and the biosecurity risks posed by noxious fish will instead be managed under the *Biosecurity Act 2015*.

It is proposed to manage Carp and Eastern Gambusia by way of the General Biosecurity Duty (GBD). The GBD requires any person dealing with biosecurity matter (e.g. pest fish) or a carrier of biosecurity matter (e.g. boat) and who knows, or ought to know, of the biosecurity risks associated with that matter, to take measures to prevent, minimise or eliminate the risk as far as reasonably practical.

The GBD is outcome focused and therefore allows a person to determine the best way of managing the risks they are responsible for. An example of this includes ensuring boats and trailers are free of aquatic weeds before re-launching to avoid the possibility of spreading pest fish including eggs and juveniles.

If you have unwanted pet fish that you no longer want to keep, give these fish to a friend to care for or a pet store – this is another example of discharging your GBD. Guidance on appropriate disposal of unwanted aquarium fish and boat cleaning is available in the DPI publications '*Don't dump that fish!*' and '*Make 'clean' part of your routine*'.

A person who fails to discharge their GBD may be guilty of an offence under the Biosecurity Act and may be subject to a penalty.

Note the prohibition on release of live fish into NSW waters in section 216 of the FM Act will be retained.

## What do you think?

We value your comments on how we can improve our biosecurity system and look forward to receiving your input into this important process.

Please complete the following survey on 'Carp and Eastern Gambusia' at:  
<https://www.surveymonkey.com/r/carpgambusia>.

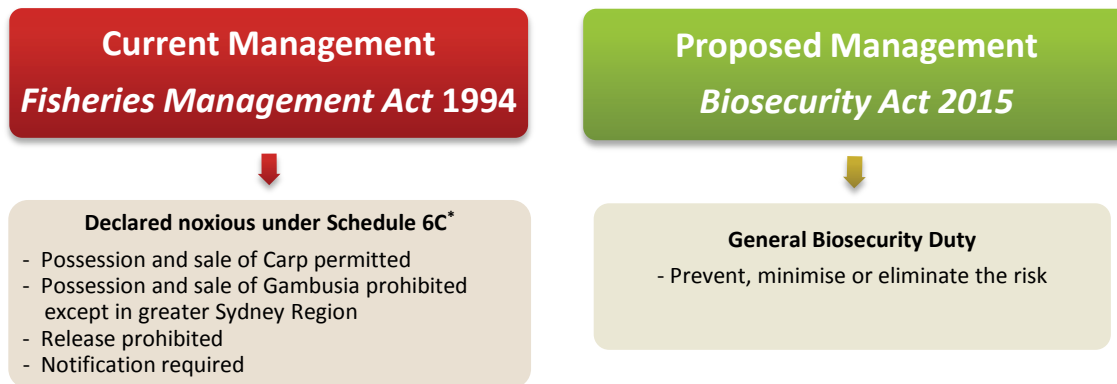
Alternatively, submit your feedback **by Friday, 12 February 2016** via [email](#) or post to:

Biosecurity Act 2015  
NSW Department of Primary Industries  
Locked Bag 21  
Orange NSW 2800

For more information about the *Biosecurity Act 2015* and regulatory framework, please visit [www.dpi.nsw.gov.au/biosecurityact](http://www.dpi.nsw.gov.au/biosecurityact).

## Appendix 1

### Summary of current and proposed management of Carp and Eastern Gambusia



\*Carp listed as class 3 noxious. Eastern Gambusia listed as class 1 noxious except in greater Sydney region listed as class 3 noxious.