

# Fisheries Prohibition and Declaration 2016 (No 1)

## Disallowable instrument DI2016–282

made under the

***Fisheries Act 2000*, section 13 (Fishing closures), section 15 (Declaration of fish of prohibited size or weight), section 16 (Declaration of fish quantity) and section 17 (Declaration of fishing gear)**

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### 1 Name of instrument

This instrument is the *Fisheries Prohibition and Declaration 2016 (No 1)*.

### 2 Commencement

This instrument commences on the day after its notification day.

### 3 Dictionary

*Note* Terms used in this instrument have the same meaning that they have in the *Fisheries Act 2000* (see s 148 of the *Legislation Act 2001*). For example, the following terms are defined in the Fisheries Act, dict:

- fish
- fishing gear
- net
- public waters
- species
- take

In this instrument:

***baited line*** means a line with no hooks attached, used for taking Yabbies (*Cherax destructor*).

***hoop net*** means a net with a minimum mesh size of 13 millimetres and a drop of no more than 1 metre, attached to no more than two hoops, rings or frames not more than 1.25 metres at their greatest diameter (in the case of hoops or rings) or diagonal (in the case of frames).

***landing net*** means a net consisting of a hoop or ring that is attached to netting or other soft material and which is to be used only for the purpose of landing a fish that is already hooked.

***nature reserves in the Murrumbidgee River corridor*** means the following nature reserves as identified on the map in the schedule attached to this instrument (the schedule) –

- (a) Bullen Range Nature Reserve;

- (b) Gigerline Nature Reserve;
- (c) Stony Creek Nature Reserve;
- (d) Swamp Creek Nature Reserve;
- (e) Woodstock Nature Reserve.

***open waters*** means the following public waters –

- (a) all of the urban lakes and ponds;
- (b) the Molonglo River downstream of its junction with the Queanbeyan River;
- (c) the Murrumbidgee River downstream of its junction with the Gudgenby River and upstream of Angle Crossing.

***prohibited waters*** means the following public waters –

- (a) Cotter River upstream of new Cotter dam wall, to the junction of Condor Creek, including the Cotter reservoir;
- (b) Cotter River and catchment upstream of Bendora dam wall, including Bendora and Corin reservoirs;
- (c) Murrumbidgee River downstream of Angle Crossing to the junction with the Gudgenby River;
- (d) Orroral River upstream of the bridge located west of the site of the former Orroral space tracking station;
- (e) Tidbinbilla River and catchment within the Tidbinbilla Nature Reserve.

***trout waters*** means any public waters that are not open waters or prohibited waters.

#### **4 Fishing closures – Act, s 13**

I prohibit the following for the purposes of section 13 of the *Fisheries Act 2000*:

- (a) the taking of fish from prohibited waters at all times; and
- (b) the taking of any fish from trout waters for the period stated in section 1.1 of the schedule; and
- (c) the taking of Murray Cod (*Maccullochella peelii peelii*) from public waters for the period stated in section 1.2 of the schedule; and
- (d) the taking of Rainbow Trout (*Oncorhynchus mykiss*) and Brown Trout (*Salmo trutta*) from public waters for the period stated in section 1.3 of the schedule; and
- (e) the taking of fish as described in section 1.4 of the schedule from public waters at all times.

*Note* A person commits an offence if the person takes fish in contravention of a fishing closure – see section 80 (Fishing closure offences), *Fisheries Act 2000*.

#### **5 Fish of prohibited size or weight – Act, s 15**

I declare the fish described in section 1.5 of the schedule to be of prohibited size for the purposes of section 15 of the *Fisheries Act 2000*.

*Note* A person commits an offence if the person takes a fish from public waters and the fish is of size or weight that is prohibited under a declaration under

section 15 of the *Fisheries Act 2000* – see section 81 (Prohibited size and weight offences), *Fisheries Act 2000*.

**6 Fish quantity – Act, s 16**

I declare the quantity of a species of fish that a person may take in a day is as described in section 1.6 of the schedule, for the purposes of section 16 of the *Fisheries Act 2000*.

*Note* A person commits an offence if the person takes, in a day, more fish of the species than the quantity allowed under a declaration under section 16 of the *Fisheries Act 2000* – see section 82 (Quantity of fish offences), *Fisheries Act 2000*.

**7 Fishing gear – Act, s 17**

I declare the fishing gear that may be used for taking fish is as described in section 1.7 of the schedule, for the purposes of section 17 of the *Fisheries Act 2000*.

*Note* A person commits an offence if the person uses fishing gear in or beside public waters and the use of fishing gear is not permitted by a declaration under section 17 of the *Fisheries Act 2000*. A person also commits an offence if the person is in or beside any public waters in possession of fishing gear and the use of the fishing gear is not permitted by a declaration under section 17 – see section 86 (Non-permitted fishing gear), *Fisheries Act 2000*.

**8 Revocation**

The *Fisheries Prohibition and Declaration 2013 (No 2)* (DI2013-272) is revoked.

Mr Mick Gentleman MLA  
Minister for the Environment and Heritage  
30 November 2016

**1.1 No fishing in trout waters at certain times – Act, s 13**

The taking of any fish from trout waters is prohibited from midnight Monday of the Queen’s Birthday long weekend in June to midnight Friday before the Labour Day long weekend in October in any year.

**1.2 No taking of Murray Cod at certain times – Act, s 13**

The taking of Murray Cod from public waters is prohibited from midnight 31 August to midnight 30 November in any year.

**1.3 No taking of Rainbow Trout or Brown Trout at certain times – Act, s 13**

The taking of Rainbow Trout or Brown Trout from public waters is prohibited from midnight Monday of the Queen’s Birthday long weekend in June to midnight Friday before the Labour Day long weekend in October in any year.

**1.4 No taking of certain species of fish at any time – Act, s 13**

The taking of the following species of fish from public waters is prohibited at any time –

- (a) Macquarie Perch (*Macquaria australasica*);
- (b) Murray River Crayfish (*Euastacus armatus*);
- (c) Silver Perch (*Bidyanus bidyanus*);
- (d) Trout Cod (*Maccullochella macquariensis*);
- (e) Two-spined Blackfish (*Gadopsis bispinosis*);
- (f) Alpine Spiny Crayfish (*Euastacus crassus*);
- (g) Rieks Crayfish (*Euastacus rieki*).

**1.5 Fish of prohibited size – Act, s 15**

- (1) The following fish are of prohibited size –
  - (a) Brown Trout less than 25 centimetres in length;
  - (b) Golden Perch (*Macquaria ambigua*) less than 30 centimetres in length;
  - (c) Murray Cod less than 55 centimetres or more than 75 centimetres in length;
  - (d) Rainbow Trout less than 25 centimetres in length.
- (2) The length of a fish is measured from the point of its snout to the tip of its tail.

**1.6 Fish quantity – Act, s 16**

- (1) A person may take no more than five Golden Perch in any one day.
- (2) A person may take no more than two Murray Cod in any one day, except in the Murrumbidgee River as provided in section 1.6 (3).
- (3) A person may take no more than one Murray Cod in any one day in the Murrumbidgee River.
  
- (4) A person may take no more than a combined total of five Rainbow Trout and Brown Trout in any one day.

*Note* A person may not take more than the quantity of fish referred to in section 1.6 from public waters at any time.

**1.7 Fishing gear – Act, s 17**

- (1) The following fishing gear may be used by a person in open waters –
  - (a) for taking Yabbies – no more than ten baited lines;
  - (b) for any other fish – no more than two rods or handlines with no more than two hooks per rod or handline;
  - (c) no more than five hoop nets;

*Note 1* Section 1.7 (3) prohibits the use of hoop nets in the nature reserves in the Murrumbidgee River corridor.

*Note 2* Section 5 of the *Fisheries Regulation 2001* sets out how a hoop net may be used.

- (d) a landing net.
- (2) Hoop nets are to be used only for taking Yabbies and freshwater shrimp and prawns (Families Atyidae and Palaemonidae).
- (3) Hoop nets are not permitted in the nature reserves in the Murrumbidgee River corridor.

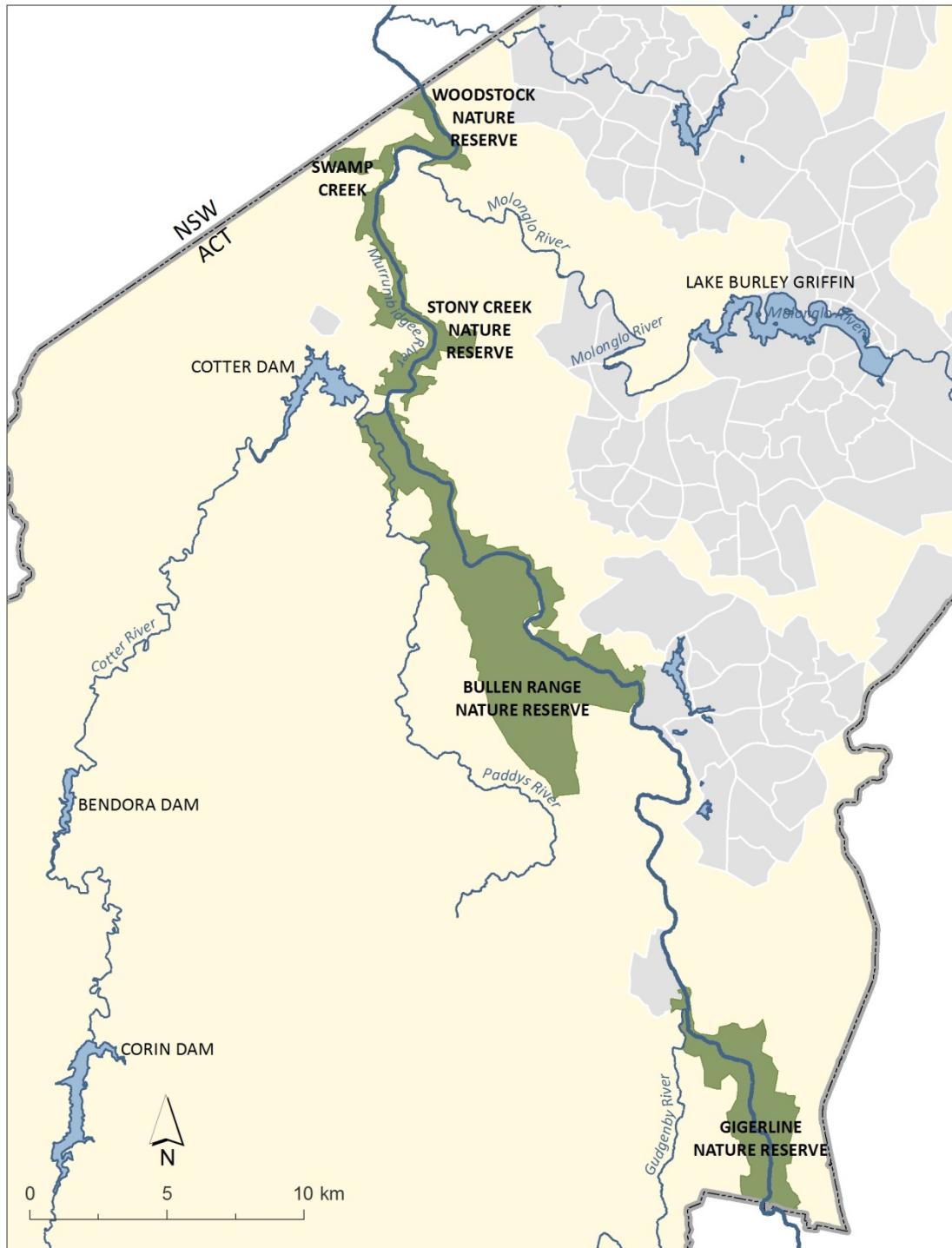
*Note* The map in this schedule shows the location of the nature reserves in the Murrumbidgee River corridor.

- (3) The following fishing gear may be used by a person in trout waters –
  - (a) one rod with no more than two hooks for use with artificial flies or lures;  
and
  - (b) a landing net, in conjunction with a rod.




*Note* Fishing is prohibited at certain times of the year in trout waters – see section 1.1.

- (4) For the avoidance of doubt, the use of any fishing gear not referred to in this section, or the use of fishing gear in a manner not referred to in this section, is prohibited.

Map



**Nature Reserves on the Murrumbidgee River Corridor**

-  Murrumbidgee Nature Reserves classified Pc in Territory Plan
-  Urban area
-  ACT / NSW Border

