

# Fisheries Prohibition and Declaration 2013 (No 1)\*

## Disallowable Instrument DI2013—248

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 2013 (No 1)*.

### 2 Commencement

This instrument commences on the day after notification.

### 3 Dictionary

*Note* Terms used in this instrument have the same meaning that they have in the *Fisheries Act 2000* (see *Legislation Act 2001*, s148). 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.

***hoop net*** means a net with 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 rings or frames) or diagonal (in the case of frames) which is lifted vertically.

***landing net*** means a net consisting of a hoop or ring not exceeding 0.6 metres at its greatest diameter and to which is attached netting having a mesh not less than 25 millimetres.

***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;

\*Name amended under Legislation Act, s 60

(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.

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

- (a) Cotter River upstream of new Cotter dam wall, to the junction of Condor Creek, including 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 Schedule and Map**

The Schedule including the map is part of this instrument.

#### **5 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 from public waters for the period stated in section 1.2 of the Schedule; and
- (d) the taking of Rainbow Trout and Brown Trout 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*

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

I declare the fish described in section 1.7 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*

## **7 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 1.8 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*.

## **8 Fishing gear – Act, s 17**

I declare the fishing gear that may be used for taking fish is as described in section 1.9 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*

## **9 Revocation of previous instrument**

Disallowable Instrument DI2010-285 is revoked.

Simon Corbell MLA

Minister for the Environment, and Sustainable Development

3 October 2013

## Schedule

### 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;
- (b) Murray River Crayfish;
- (c) Silver Perch;
- (d) Trout Cod;
- (e) Two-spined Blackfish.

### 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 less than 30 centimetres in length;
  - (c) Murray Cod less than 60 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 5 Golden Perch in any one day.
- (2) A person may take no more than 2 Murray Cod in any one day.

- (3) A person may take only one Murray Cod longer than 100 centimetres in length in a day.
- (4) A person may take no more than 5 Rainbow Trout and Brown Trout in total in any one day.

*Note* A person may not take any of the 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 1.8 (2) prohibits the use of hoop nets and baited lines in the nature reserves in the Murrumbidgee River corridor.

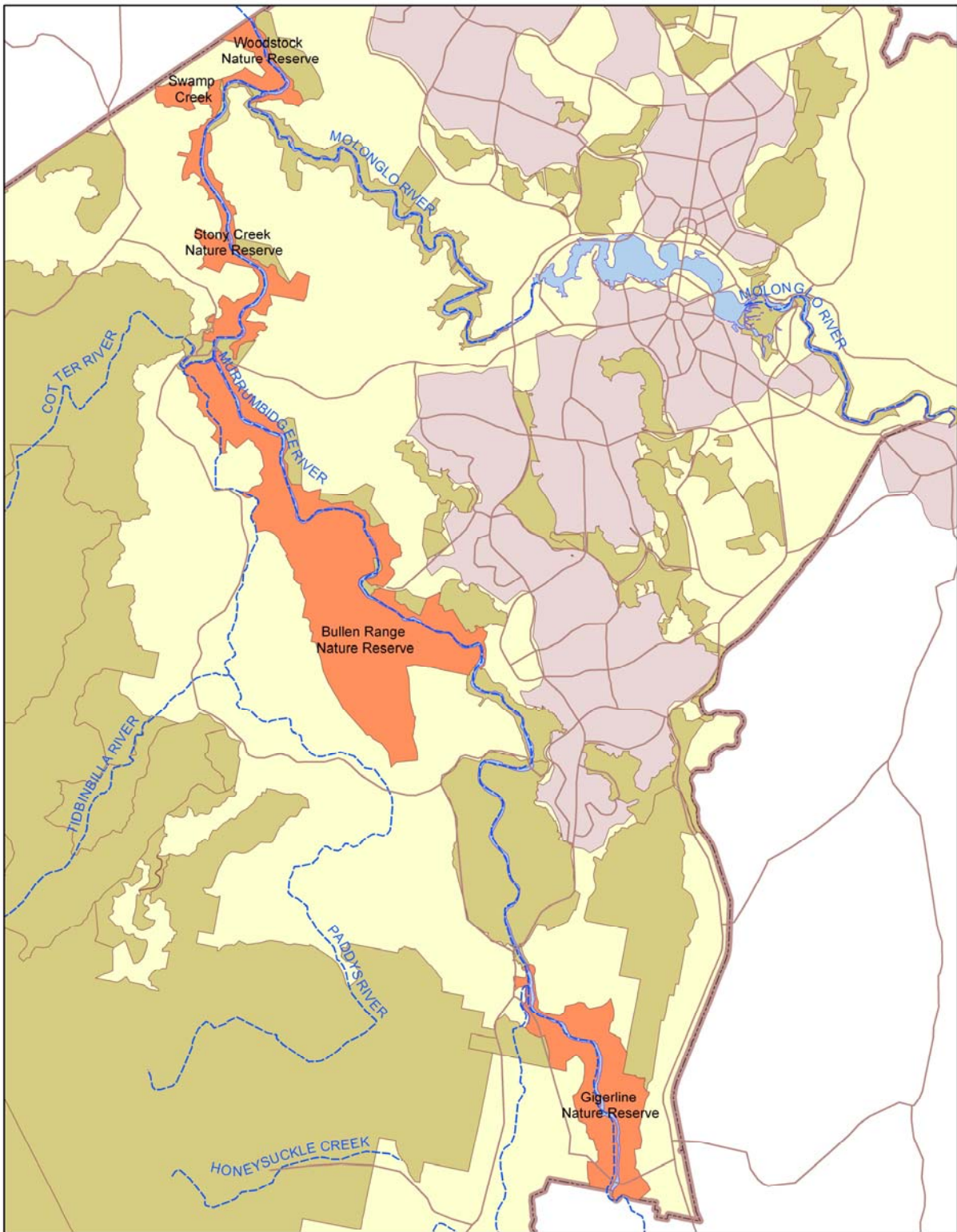
*Note 2* Section 5 of the *Fisheries Regulation 2001* set out how a hoop net may be used.

- (d) a landing net.
- (2) Hoop nets are not permitted in 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 1.3.

- (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 not permitted.

**Fisheries Prohibition and Declaration 2013 (No 1) –  
The schedule – Map**



**Nature reserves on the Murrumbidgee River corridor**

- Roads
- Rivers
- Murrumbidgee River
- Murrumbidgee Nature Reserves Classified PC in Territory Plan
- Other Reserves
- NSW/ACT Border

0 1.25 2.5 5 7.5 10 Km