

Fisheries (Recreational Fishing) Declaration 2022

Disallowable instrument DI2022–221

made under the

Fisheries Act 2000, s 15 (Declaration of fish of prohibited size or weight) and s 16 (Declaration of fish quantity)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Fisheries (Recreational Fishing) Declaration 2022* (the **instrument**). It has been prepared to assist the reader of the instrument and to help inform debate on it. It does not form part of the instrument and has not been endorsed by the Assembly.

The statement should be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Background

The *Fisheries Act 2000* (the **Act**) provides for the protection and conservation of native fish species and their habitats, and for the sustainable management of fisheries to ensure high quality and viable recreational fishing.

In addition, the Act enables management of commercial fish production and fishing enterprises, fish dealing and live fish transport to ensure that the sustainable management of fisheries is consistent with other Australian jurisdictions.

The Act was reviewed in 2018 to ensure its ongoing effectiveness and to enable it to address modern fisheries management issues. Along with the broader review of the Act, restrictions on recreational fishing, such as allowable gear and take limits, are assessed from time to time to review their effectiveness and to ensure that they reflect current knowledge and practice.

Part 3 of the Act enables the Minister and the Conservator of Flora and Fauna to set restrictions on recreational fishing in public waters in several ways.

Section 15 of the Act permits the Minister to declare the taking of fish of stated sizes or weights from public waters to be prohibited.

Section 16 of the Act permits the Minister to declare the quantity of a species of fish that a person may take in a day.

Overview

This instrument prohibits the taking of fish of certain sizes or weights, and prescribes the quantity of fish for certain species that may be taken.

Key changes introduced by the instrument are summarised below:

- 1) In relation to take limits:
 - a. For Golden Perch:
 - i. has been reduced from five to two fish from the Murrumbidgee River per person in any one day to reduce fishing pressure on wild populations of the species.
 - b. For Murray Cod:
 - i. has been reduced from one fish to zero fish per person in a day in one section of the Murrumbidgee River to reduce recreational fishing pressure on the species in this reach.
- 2) Scientific names:
 - a. Scientific names of the fish species listed in this instrument have been included, in addition to common names, to remove any ambiguity associated with common name usage.

Outline of provisions

Section 1 Name of instrument

This section names the instrument as the *Fisheries (Recreational Fishing) Declaration 2022*.

Section 2 Commencement

This section provides that the instrument commences on the day after its notification day.

Section 3 Declaration of fish of prohibited size or weight—Act, s 15

In this section, the Minister declares the fish described in column 2 of schedule 1 to be of the size prohibited in column 3, for the purposes of section 15 of the Act.

Section 4 Declaration of fish quantity—Act, s 16

In this section, the Minister declares the quantity of a species of fish described in column 4 of schedule 1 to be the quantity of fish that a person may take in any one day for the purposes of section 16 of the Act.

Section 5 Revocation

This clause revokes the previous instrument, the *Fisheries Prohibition and Declaration 2016 (No 1)* (DI2016-282).

Schedule 1 Prohibited size and quantity

Schedule 1 provides a list of fish of prohibited size and the number of fish a person may take in any one day.

It is prohibited to take Golden Perch (*Macquaria ambigua*) less than 30cm in length, Brown Trout (*Salmo trutta*) and Rainbow Trout (*Oncorhynchus mykiss*) less than 25cm in length, and Murray Cod (*Maccullochella peelii*) less than 55cm in length or more than 75cm in length. The length of a fish is measured from the point of its snout to the tip of its tail.

The purpose of prohibiting the taking of fish less than a minimum size is to allow fish time to breed before they are subjected to recreational fishing pressure. The prohibition on catching Murray Cod of less than 55cm in length and more than 75cm in length is aimed at reducing the number of years they are subject to being taken and at protecting the larger breeding fish that contribute proportionately more to recruitment in subsequent generations than smaller fish.

Schedule 1 also lists the number of fish a person may take in any one day. The schedule provides that a person may take no more than five Golden Perch in any one day, except from the Murrumbidgee River where a limit of two per day applies. A person may take no more than a combined total of five Brown Trout and Rainbow Trout in any one day. A person may take no more than two Murray Cod in any one day, except in the Murrumbidgee River where a different limit applies. A person may take no more than one Murray Cod in any one day from open waters in the Murrumbidgee River and must not take any Murray Cod at any time from the section of the Murrumbidgee River from downstream of Uriarra Crossing to the ACT–New South Wales border at any time.

Limiting the take of Golden Perch from the Murrumbidgee River to two fish in any one day is aimed at providing protection from overfishing to wild populations of Golden Perch. Recent monitoring has shown that the species is in decline and warrants a reduction in take numbers from the Murrumbidgee River. The take limit of five will continue to apply in lakes and impoundments, as these populations are supplemented by government stocking regimes. Not allowing take of Murray Cod in the section of the Murrumbidgee River from Uriarra Crossing to the NSW Border provides further protection for Murray cod in this reach of the river that may be at risk from fishing pressure.

Human Rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.

Regulatory Impact Statement

A regulatory impact statement has been prepared for the instrument, in accordance with Part 5.2 of the *Legislation Act 2001*.