

Fisheries (Fishing Gear) Declaration 2025

Disallowable instrument DI2025-252

made under the

Fisheries Act 2000, s 17 (Declaration of fishing gear)

EXPLANATORY STATEMENT

Overview

This explanatory statement relates to the *Fisheries (Fishing Gear) Declaration 2025* (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.

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.

As part of the Act's ongoing implementation, restrictions on recreational fishing, such as allowable gear, are assessed from time to time to review effectiveness and ensure they reflect current knowledge and practice.

Part 3 of the Act enables the Minister and the Conservator of Flora and Fauna to set several restrictions on recreational fishing in public waters. Section 17 of the Act permits the Minister, by way of a disallowable instrument, to declare fishing gear that may be used for taking fish, and fishing gear that is prohibited for taking fish.

The instrument is made under section 17 of the Act.

Fisheries (Fishing Gear) Declaration 2025 (the instrument)

The instrument prescribes the use of fishing gear.

The instrument makes the following additions to the previous fishing gear declaration (DI2020-113):

- 1) Gear prohibited to be in possession is now included.
- 2) Increases the number of rods or handlines a person may have in their possession in or beside open waters and trout waters.
- 3) Broadening the prohibition of Opera house nets to all enclosed traps
- 4) Simplification of permitted fishing gear in both open and trout waters

Consultation

The Fisheries Conservation and Compliance Officer has undertaken education compliance, and enforcement activities with recreational anglers and associated stakeholder groups since November 2023. In this period, it has been identified that the previous Declaration did not adequately address gear that is allowed to be held in possession in or beside waters, in line with other jurisdictions in similar waters.

In developing the updated instrument, public consultation was undertaken with recreational fishers, fishing groups and with retailers who sell fishing gear.

Costs and Benefits

The updated Declaration will not impose a social and economic cost on the community as the proposed changes seek to ease restrictions rather than increase them.

The instrument will provide further clarity around gear that may be held in possession and better align with fishing regulations in other jurisdictions, streamlining education, compliance and enforcement and encouraging consistency in fisheries management.

Offences and Penalties

The instrument does not introduce new offences or penalties. It further refines the fishing gear that can be:

- used by a person, or
- in the person's possession,

when the person is in or beside waters. It also provides clarification around the use and rigging of fishing gear.

Human Rights

The instrument does not engage with human rights and is consistent with the *Human Rights Act 2004*.

Scrutiny committee principles

The instrument and explanatory statement have been developed in accordance with the Committee principles and technical and stylistic standards expected by the Assembly.

Clause notes

Clause 1 Name of instrument

This clause names the instrument as the Fisheries (Fishing Gear) Declaration 2025.

Clause 2 Commencement

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

Clause 3 Fishing gear

In this clause, the Minister declares the fishing gear that may be used for taking fish in public waters and the fishing gear prohibited for taking fish in public waters, as that described in schedule 1 of the instrument. The contents of schedule 1 are outlined below.

Clause 4 General prohibition

This clause provides that the use of any fishing gear:

- (a) not referred to; or
- (b) in a manner not referred to,

in the instrument (or another declaration under s 17 of the Act) is prohibited. A similar provision appears in schedule 1 of the previous instrument.

Clause 5 Definitions

This clause provides for the amendment of the definition of *nature reserves in the Murrumbidgee River corridor* to include “(c) Ginninderry Corridor Nature Reserve”, a newer reserve at the downstream end of the Murrumbidgee River in the ACT.

It also provides for the following new definitions to be inserted in the instrument:

artificial fly means an artificial fly that has—

- (a) one hook attached; or
- (b) two hooks attached.

artificial lure means an artificial lure that has no more than three hooks attached.

hook means—

- (a) a single hook; or
- (b) a double hook; or
- (c) a treble hook.

enclosed trap means any trap, including a trap known as an Opera House trap or Opera House net but not including a hoop net or open-top pyramid net, that is—

- (a) partly or mostly enclosed; and
- (b) designed for use in connection with the taking of yabbies or other fish; and
- (c) usually baited before being deployed; and
- (d) capable, when used in accordance with its design, of trapping underwater, a platypus (*Ornithorhynchus anatinus*), rakali (*Hydromys chrysogaster*) or turtle (family Chelidae).

The above definition effectively replaces the following definition that appears in the current instrument. This is because traps and nets other than opera house nets have been found to be capable of killing non-target mammal and reptile species.

opera house net means an enclosed net or trap, resembling the Sydney Opera House, that is designed for use, or is capable of being used, in connection with the taking of yabbies.

Clause 6 Revocation

This clause provides for the Fisheries (Fishing Gear) Declaration 2020 (DI2020-113) to be revoked.

Schedule 1 Fishing gear

Schedule 1 provides the fishing gear that may be used for taking fish (part 1, permitted fishing gear), and the fishing gear that is prohibited for taking fish (part 2, prohibited fishing gear).

1 Permitted fishing gear

Clause 1.1 of schedule 1 provides that the following fishing gear may be used in or beside Open Waters –

- (a) for taking yabbies (*Cherax destructor*)—no more than ten baited lines; and
- (b) for taking yabbies (*Cherax destructor*) and freshwater shrimp and prawn—no more than five hoop nets or open-top pyramid nets combined; and
- (c) for taking any other fish—no more than two rods or handlines combined; and
- (d) a landing net.

Clause 1.2 provides that the following fishing gear may be used for taking fish in or beside Trout Waters:

- (a) one rod that is rigged with artificial lure or artificial fly only; and
- (b) a landing net.

2 Prohibited Fishing Gear

Clause 2.1 provides that enclosed traps are prohibited.

Clause 2.2 provides that it is prohibited to use hoop nets or open-top pyramid nets for taking fish in the nature reserves in the Murrumbidgee River corridor as indicated at schedule 2.

Clause 2.3 (1) provides that it is prohibited for the following fishing gear to be in a person's possession in or beside open waters:

- (a) more than four rods or handlines combined; or
- (b) more than two rods or handlines combined, that are rigged for bait fishing; or
- (c) a rod with more than:
 - (i) two artificial flies attached; or
 - (ii) one artificial lure attached.

Clause 2.3 (2) provides that it is prohibited to use the following fishing gear in or beside open waters:

- (a) a rod or handline rigged for bait fishing, that has more than two hooks attached; or
- (b) a rod with more than:
 - (i) two artificial flies attached; or
 - (ii) one artificial lure attached.

Clause 2.4 (1) provides that it is prohibited for the following fishing gear to be in a person's possession in or beside trout waters:

- (a) a handline; or
- (b) more than two rods; or
- (c) a rod that is rigged for bait fishing; or
- (d) a rod with more than:
 - (i) two artificial flies attached; or
 - (ii) one artificial lure attached.

Clause 2.4 (2) provides that it is prohibited to use the following fishing gear in or beside trout waters:

- (a) a handline; or
- (b) a rod that is rigged for bait fishing; or
- (c) a rod with more than:
 - (i) two artificial flies attached; or
 - (ii) one artificial lure attached.