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## Orders

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# Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Order 2002

under the

Fisheries Management Act 1994

I, Eddie Obeid, the Minister for Fisheries, in pursuance of section 221IA of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 26th day of November 2002.

The Hon EDWARD OBEID, M.L.C.,  
and Minister for Fisheries

### Explanatory note

The aquatic ecological community in the natural drainage system of the lower Murray River catchment is listed as an endangered ecological community under the *Fisheries Management Act 1994*.

However, the Act enables the Minister for Fisheries to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat.

The object of this Order is to make such provision in relation to the continuation of certain recreational and commercial fishing activities in the natural drainage system of the lower Murray River catchment. The activities that are the subject of this Order may only continue subject to compliance with any applicable fishing regulatory controls. For example, the taking of silver perch is subject to compliance with the fishing closure made under section 8 of the *Fisheries Management Act 1994* which prohibits the taking of silver perch by all methods of fishing from New South Wales waters except, and only to the extent that it is otherwise lawful to do so, from the backed up waters of any dam or impoundment.

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To ensure that the ecological community in the natural drainage system of the lower Murray River catchment does not suffer any significant long term impact as a result of the fishing activities that are the subject of this Order, mitigation measures are proposed for the area that contains the endangered ecological community. These measures may include changes to the fishing regulatory controls to set a zero bag limit for freshwater catfish (*Tandanus tandanus*) and river blackfish (*Gadopsis marmoratus*), change the Murray crayfish (*Euastacus armatus*) bag and size limits to 5 per day over 9 centimetres orbit to carapace length (OCL), with only one crayfish greater than 12 centimetres OCL, and prohibit the capture of Murray crayfish in declared trout waters.

The recommendation of the Fisheries Scientific Committee referred to in this Order is available for inspection at all NSW Fisheries offices or the NSW Fisheries website at [www.fisheries.nsw.gov.au](http://www.fisheries.nsw.gov.au).

This Order is made under section 221IA of the *Fisheries Management Act 1994*.

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## Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Order 2002

### 1 Name of Order

This Order is the *Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Order 2002*.

### 2 Notes

Notes in the text of this Order do not form part of this Order.

### 3 Authorised activities

- (1) For the purposes of section 221IA of the *Fisheries Management Act 1994*, a person may carry out any of the activities listed in subclauses (2) and (3) subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take in the lower Murray River catchment, and possess, any of the following species and carry out any routine activity in connection with the taking or possessing of such species:
  - (a) *Paratya australiensis* (freshwater shrimp),
  - (b) *Macrobrachium australiense* (freshwater prawn),
  - (c) *Caridina mccullochi* (freshwater shrimp),
  - (d) *Cherax destructor* (yabby),
  - (e) *Euastacus armatus* (Murray crayfish),
  - (f) *Maccullochella peelii peelii* (Murray cod),
  - (g) *Macquaria ambigua* (golden perch),
  - (h) *Bidyanus bidyanus* (silver perch),
  - (i) *Nematalosa erebi* (bony bream).
- (3) A person holding a commercial fishing licence with a class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may take in the lower Murray River catchment, possess and sell *Cherax destructor* (yabby), and carry out any routine activity in connection with the taking, possessing or selling of yabby.

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(4) In this clause:

***fishing regulatory controls*** has the same meaning as in section 115G of the *Environmental Planning and Assessment Act 1979*.

**Note.** Section 115G of the *Environmental Planning and Assessment Act 1979* defines fishing regulatory controls as the provisions of the following instruments that regulate, prohibit or authorise fishing activities:

- (a) the *Fisheries Management Act 1994* and the regulations under that Act,
- (b) management plans under the *Fisheries Management Act 1994*,
- (c) fishing closures under section 8 of the *Fisheries Management Act 1994*,
- (d) fisheries approvals,
- (e) determinations of the TAC Committee under Division 4 of Part 2 of the *Fisheries Management Act 1994*,
- (f) policies approved by the Fisheries Minister with respect to the administration of the *Fisheries Management Act 1994* and the regulations under that Act,
- (g) any relevant environmental planning instrument referred to in section 115R (5) of that Act,
- (h) Ministerial orders and interim orders made under Subdivision 1A of Division 6 of Part 7A of the *Fisheries Management Act 1994*.

***lower Murray River catchment*** means the natural drainage system of the lower Murray River catchment as described in the recommendation of the Fisheries Scientific Committee to list the aquatic ecological community in that system as an endangered community, published in Gazette No 196 of 21 December 2001 at page 10650.

**Note.** Included in the recommendation are all natural creeks, rivers, and associated lagoons, billabongs and lakes of the regulated portions of the Murray River (also known as the River Murray) downstream of Hume Weir, the Murrumbidgee River downstream of Burrinjuck Dam, the Tumut River downstream of Blowering Dam and all their tributaries anabranches and effluents including Billabong Creek, Yanco Creek, Colombo Creek, and their tributaries, the Edward River and the Wakool River and their tributaries, anabranches and effluents, Frenchmans Creek, the Rufus River and Lake Victoria. Excluded from this recommendation are the Lachlan River and the Darling River and their tributaries, and man made/artificial canals, water distribution and drainage works, farm dams and off-stream reservoirs.