

Consultation Paper 10

Recreational fishing sector

Proposal 1 - Allow fishers to carry additional, unused rigged rods

What is being reviewed?

Clauses 43 & 48 of the General Regulation set out rules for hand held lines and taking trout respectively.

What is proposed?

Allow recreational fishers to carry additional fishing rods and lines rigged with artificial flies or lures when fishing inland waters. Does not apply to bait fishing.

Where use of one rod and line is permitted, two additional unused rigged rods could be carried. Where two are permitted, four unused rigged rods could be carried.

Why the change?

Fishers will benefit by spending more time fishing and less time re-rigging when they want to change their artificial fly or lure.

Tight controls on line numbers exist to manage risks like illegal set line use, however this risk is minimal with artificial flies or lures.

Proposal 2 - Recreational fishing nets in Wonboyn River (Far South Coast)

What is being reviewed?

Schedule 3, clause 145 of the General Regulation prohibits fishing with nets in tidal waters of the Wonboyn River.

What is proposed?

Allowing the use of recreational fishing nets in the Wonboyn River and its tributaries.

Why the change?

Corrects the regulation to allow the use of recreational nets in the Wonboyn River recreational fishing haven.

Proposal 3 - Fishing for Murray Cod in Blowering Dam during the annual cod spawning closure

What is being reviewed?

Schedule 3, clause 149 of the General Regulation provides an annual closed season where taking of Murray Cod is prohibited in all inland waters, except Copeton Dam.

What is proposed?

Add Blowering Dam to this clause as waters where Murray Cod may be taken year round.

Note: This change already applies via a temporary fishing closure, so this would see the rule moved into regulation, consistent with Copeton Dam.

Why the change?

Research has shown minimal natural recruitment of Murray Cod occurs in Blowering Dam, meaning the closed season is not needed in these waters.

Moving the rule into regulation will make it easier to locate and will remove the periodic need to remake the temporary fishing closure.

Proposal 4 - Removal of fishing closure – Munmorah

What is being reviewed?

Schedule 3, clause 62 of the General Regulation and Schedule 1 of the Estuary General Regulation prohibit fishing from May to August each year in the outlet canal of the former Munmorah Power Station at Budgewoi Lake.

What is proposed?

Remove this seasonal fishing closure.

Why the change?

The fishing closure was implemented to protect juvenile fish stocks which aggregated in the warm waters of the outlet canal during the cooler months of the year. The Munmorah Power Station has been decommissioned and demolished and the prohibitions are no longer needed.

Proposal 5 - Remove freshwater net and trap closures which are either duplicated or unnecessary

What is being reviewed?

Schedule 3 of the General Regulation lists fish and waterways protected conditionally or entirely from recreational fishing.

What is proposed?

Remove 24 listed waters from Schedule 3. These are non-tidal waters where nets and/or traps are prohibited. A list of these waters is provided at Table 2 below.

Why the change?

To remove unnecessary regulation. Most nets and traps are already prohibited in these waters by fishing gear specific rules. The exception is hoop or lifts nets and open pyramid lift nets, which are considered low risk, as target species like crabs or yabbies don't normally inhabit the listed waters. This is consistent with the majority of other similar waters.

Table 1 – Full list of non-tidal waters referred to in proposed amendment

Clause	Waters	Clause	Waters
6	Rous River	171	Manning River (Upper Reaches)
78	Longneck Lagoon	172	Wallamba River (Upper Reaches)
95	Lane Cover River (Boatshed to Fern Valley)	173	Hunter and Paterson Rivers (Upper Reaches)
96	Lane Cover River (Upstream from Fern Valley)	174	Williams River (Upper Reaches)
153	Tweed River (Bray Park Weir Upper Reaches)	178	Longneck Lagoon
155	Rous River (Upper Reaches)	179	Nepean River – Nets
161	Orara River (Upper Reaches)	186	Georges River (Upper Reaches)

Clause	Waters	Clause	Waters
162	Clarence River (Upper Reaches)	187	Woronora River (Upper Reaches)
164	Nambucca River and Warrell Creek (Upper Reaches) – Weekend netting	223	Moruya and Deua Rivers (Upper Reaches)
165	Warrell Creek (Upper Reaches) – Nets and traps	224	Bega River (Upper Reaches)
166	Deep Creek (Upper Reaches)	226	Towamba River (Upper)
167	Macleay River (Upper Reaches)	227	Wonboyn River (Upper)

Proposal 6 - Update common and scientific fish names

What is being reviewed?

All Fisheries Regulations that include references to common and scientific names of fish.

What is proposed?

Minor update to various common and scientific fish names across various Fisheries Regulations to maintain compliance with the Australian Fish Names Standard and reflect recent taxonomic revisions.

Why the change?

Different fishing rules can apply to different species, so using fish names as per the Australian Fish Names Standard, and also using up-to-date scientific names helps remove any confusion.

Proposal 7 - Clarify definition of “backed up waters”

What is being reviewed?

The term ‘backed up waters’ is used in various clauses of the General Regulation and refers to the area where waters from a stream or river enter a freshwater impoundment and stop flowing (back up) where different fishing rules may apply.

What is proposed?

Include a definition for backed up waters in the Regulation.

Why the change?

To aid understanding and application of certain inland fishing rules, particularly as the term is often used to separate waters subject to different fishing rules.

Proposal 8 - Update description of Forster Keys Canal Estate

What is being reviewed?

The regulation below prohibiting commercial fishers using nets other than a dip or scoop net (prawns) or landing net to take any species of fish all year around in certain waters of Forster Keys Canal Estate.

Wallis Lake (Forster Keys Canal Estate)—Nets

The whole of the canal waters of Forster Keys Canal Estate, adjacent to (but not including) Pipers Creek, contained within the following:

- a line drawn across the entrance to **Wyuna Canal**,
- a line drawn from the southwest corner of Lot No 1 Wyuna Place to the northwest corner of Lot No 87 Elouera Crescent,
- a line from the southeast corner of Lot No 160 Elizabeth Parade to the southwest corner of Lot No 116 Sirius Key.

What is proposed?

It is proposed to update the description of these waters by deleting the reference to 'Wyuna Canal' – a name not known locally or shown on maps.

Why the change?

To simplify the description of these waters and remove any confusion. The proposed change would not alter existing rules.

Proposal 9 - Simplify fishing rules in the Lane Cove River

What is being reviewed?

Schedule 3, clauses 94-93, 183 & 184 of the General Regulation prohibit fishing or prohibit fishing except for catch and release fishing, in various sections of the Lane Cove River.

What is proposed?

Consolidate and simplify these provisions. This includes removing a requirement to only fish from unpowered boats; making it clear catch and release fishing applies only to target species (Australian Bass and Estuary Perch); maintaining fly and lure only fishing requirements; and making minor adjustments to the descriptions of waters where different rules apply.

Why the change?

Remove unnecessary regulation related to fishing from unpowered boats (already regulated by the relevant authority) and needing to release pest species including carp. Also making the description of waters easier to understand.

Proposal 10 - Clarify jurisdictional boundaries for Lake Hume

What is being reviewed?

Schedule 3, clause 148 of the General Regulation lists backed up waters of Hume Weir (and other freshwater impoundments) as waters excluded from the general prohibition on fishing for Silver Perch.

What is proposed?

Remove Hume Weir from this provision.

Why the change?

Under an interstate agreement Victoria has responsibility for fishing laws in waters of Hume Weir. As such, Hume Weir should be removed from the NSW Regulation.

Proposal 11 - Clarify waters under the Murray Crayfish fishing closure

What is being reviewed?

Schedule 3, clause 150 prohibits fishing for Murray Crayfish except in certain waters.

What is proposed?

Correct the description of waters where Murray Crayfish may be taken to ensure intended species protection measures apply.

Why the change?

Murray Crayfish fishing rules changed in 2013 following a threatened species listing. These rules were added to regulation. However, an error was made in the description of waters. Correcting this error (excluding "Old Man Creek") will ensure original species protection measures apply as intended.

Proposal 12 - Fish cleaning facility definition for mutilation of fish

What is being reviewed?

Clause 89 of the General Regulation provides an offence for mutilating species subject to a size limit. The rule aims to prevent avoidance of size, bag limit or protected species rules through mutilating catch (e.g. removing the head or filleting) so it cannot be measured, or in some cases even identified.

The mutilation rules don't apply in certain circumstances; such as preparing fish for immediate consumption, or filleting a fish at a fish cleaning facility.

What is proposed?

Introduce a definition for fish cleaning facility, that is a place that is specifically provided for the cleaning of fish.

Why the change?

To clarify the intent of the rules, being that the exemption to mutilation rules applies only to permanent fish cleaning facilities like those found at many boat ramps.

The present reference to fish cleaning facilities is open to interpretation, with some fishers skirting the rules by using portable tables and similar items to clean fish.

The proposed changes would not affect fishers camping by a waterway and preparing fish for immediate consumption.

Proposal 13 - Allow limited fishing opportunities for Trout Cod in recreational impoundments

What is being reviewed?

N/A – no current clause.

What is proposed?

Add rules to the General Regulation allowing limited Trout Cod fishing.

Catch and release fishing for Trout Cod would be permitted in the dams listed below. Trout Cod is an endangered species however a Species Impact Statement was completed and a Ministerial Order allows limited fishing opportunities for the species in the following impoundments:

- Ben Chifley Dam
- Blowering Dam
- Captains Flat Dam
- Googong Dam
- Gosling Creek Dam
- Lake Canobolas
- Journama Pondage
- Talbingo Dam
- Windamere Dam.

Why the change?

Trout Cod are an endangered species. Harming them is an offence.

However, rules allowing catch and release fishing of stocked Trout Cod in certain freshwater impoundments will benefit recreational fishers.

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