

Queensland



Fisheries Act 1994

FISHERIES (FRESHWATER) MANAGEMENT PLAN 1999

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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FISHERIES (FRESHWATER) MANAGEMENT PLAN 1999

[as amended by all amendments that commenced on or before 8 September 2000]

PART 1—PRELIMINARY

Short title

1. This management plan may be cited as the *Fisheries (Freshwater) Management Plan 1999*.

Commencement

2. Part 7 commences on 17 October 1999.

The freshwater fishery

3.(1) This plan applies in relation to the freshwater fishery.

(2) The fishery, as at 1 May 1998, is described in schedule 1, part 1.

(3) Its known status, as at 31 December 1997, is stated in schedule 1, part 2.

Objectives of plan and their achievement

4.(1) The objectives of this plan are to—

(a) manage the taking of freshwater fish in a way that ensures—

(i) their sustainability and maintains or improves their conservation status; and

(ii) a fair division of access to freshwater fish among commercial, recreational and Aboriginal and Torres Strait Islander fishers; and

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- (b) manage the freshwater fishery to give optimal, but sustainable, community benefit; and
- (c) minimise the risk of damage to freshwater fish and their dependant ecosystems from nonindigenous and noxious fisheries resources.

(2) Schedule 2 states how the objectives are to be achieved.

(3) The achievement of each objective may be measured only in the way stated in schedule 2.

Aids to interpretation and definitions—sch 8

5.(1) Schedule 8, part 1 contains provisions that aid the interpretation of this plan.

(2) Schedule 8, part 2 and the dictionary in schedule 8, part 3 define particular words used in this plan.

PART 2—CLOSED SEASON DECLARATIONS

Australian bass

6.(1) The period from 1 June to 31 August in every year is a closed season for Australian bass.

(2) However, the closed season does not apply to the taking of Australian bass or possession of Australian bass taken from the waters of the following or from waterways upstream of the following—

Maroon Dam

Borumba Dam

Hinze Dam

Gordonbrook Dam

Moogerah Dam

Bjelke-Petersen Dam

Lake Dyer

Lake MacDonald Dam

Lake Clarendon

Isis Balancing Storage (Lake Gregory)

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Wivenhoe Dam	Boondooma Dam
North Pine Dam (Lake Samsonvale)	Lenthalls Dam
Cressbrook Dam	Wuruma Dam
Somerset Dam	Fred Haigh Dam
Baroon Pocket Dam	Cania Dam

Barramundi—Gulf of Carpentaria waterways

7.(1) The following periods are closed seasons for barramundi in Gulf of Carpentaria waterways—

- (a) 2 October 1999 to 28 January 2000;
- (b) 6 October 2000 to 31 January 2001;
- (c) 9 October 2001 to 20 January 2002;
- (d) 14 October 2002 to 25 January 2003;
- (e) 3 October 2003 to 28 January 2004;
- (f) 7 October 2004 to 1 February 2005.

(2) Each period starts and ends at midday.

(3) In this section—

“Gulf of Carpentaria waterways” means waterways that join the Gulf of Carpentaria south of longitude 142°09' east where it intersects the mainland shore, other than waterways in the Lake Tinaroo area.

Barramundi—elsewhere

8.(1) The period from midday on 1 November to midday on 1 February in every year is a closed season for barramundi.

(2) However, the closed season does not apply to a recreational fisher who—

- (a) in the Lake Tinaroo area—takes barramundi or possesses barramundi taken in the area; or
- (b) in the Lake Awoonga area—takes barramundi or possesses

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- barramundi taken in the area; or
- (c) possesses barramundi outside either area, if the barramundi—
- (i) was taken in either area; and
 - (ii) is tagged in the required way.

Prohibitions

9. A person must not—

- (a) take freshwater fish to which a closed season under this part relates; or
- (b) possess freshwater fish to which a closed season under this part relates that were taken during the closed season.

Exemptions

10. It is not unlawful for a person during a closed season under this part to—

- (a) unintentionally take a freshwater fish to which the closed season relates if the fish is not intentionally or recklessly injured or damaged and is immediately put back; or
- (b) possess a freshwater fish to which the closed season relates that was taken before the closed season started.

PART 3—CLOSED WATERS DECLARATIONS

Division 1—Closures to all fishing

General closures—sch 3

- 11.(1)** The waters mentioned in schedule 3 are closed waters.
- (2)** The waters are closed every year, all year.

Barwon, Dumaresq and Macintyre rivers

12. The waters of the Barwon, Dumaresq and Macintyre rivers are closed waters from 1 September to 30 November in every year for Murray cod.

Prohibitions

13. A person must not—

- (a) take freshwater fish from closed waters under this division; or
- (b) possess freshwater fish taken from the waters.

Division 2—Closure to fishing using certain apparatus

Obi Obi Creek

14.(1) The waters of Obi Obi Creek between the Baroon Pocket Dam wall and the shortest line across the creek at the southern bank of Skenes Creek are closed waters.

(2) The waters are closed every year, all year.

Prohibitions

15. A person must not—

- (a) use hand held fishing lines or fishing rods with hand operated reels and lines to take fish from closed waters under this division; or
- (b) possess fish taken in contravention of paragraph (a); or
- (c) possess hand held fishing lines or fishing rods with hand operated reels and lines in closed waters under this division.

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Division 3—Exemptions

Exemptions

- 16.** It is not unlawful for a person in closed waters under this part to—
- (a) take a freshwater fish unintentionally if the fish is not intentionally or recklessly injured or damaged and is immediately put back; or
 - (b) possess freshwater fish taken outside the closed waters.

PART 4—REGULATED FISH DECLARATIONS ¹

Division 1—Freshwater fish taken from closed waters

Freshwater fish taken from closed waters

17.(1) A freshwater fish is a regulated fish if it has been taken from closed waters in contravention of part 3.

- (2)** Possessing the fish is prohibited.

Division 2—Freshwater fish regulated by number

Freshwater fish regulated by number—sch 4

18.(1) Freshwater fish mentioned in schedule 4 are regulated fish, regulated by number.

(2) However, only fish taken in excess of the number stated for the fish are regulated.

¹ See however section 12(a) and (b) (When Act does not apply) of the Act, for when the Act does not apply to the taking or possession of regulated fish.

(3) Taking or possessing more than the number stated for the fish taken in the freshwater fishery is prohibited.

Division 3—Freshwater fish regulated by number and area

Freshwater fish regulated by number and area

19.(1) Freshwater fish taken from the waters mentioned in this division are regulated by the number stated.

(2) However, only fish taken in excess of the number stated for the fish are regulated.

(3) The following is prohibited—

- (a) taking more than the number stated for the fish in the waters stated for the fish;
- (b) possessing more than the number stated for the fish that have been taken from the waters stated for the fish.

Certain catfish with eel-like tails

20.(1) More than a combined total of 5 fish in the genera *Neosilurus* and *Tandanus* (the “genera”) in the Murray-Darling Drainage Division are regulated fish.

(2) Also, more than a combined total of 10 fish in the genera outside the Murray-Darling Drainage Division are regulated fish.

(3) The genera are described in Allen, G.R. 1989, *Freshwater fishes of Australia*, T.F.H. (Australia) Pty Ltd, Brookvale, New South Wales² at pages 55 to 70.³

² The book can be inspected during business hours at the department’s office at 80 Ann Street, Brisbane.

³ Not all of the fish in the genera have been given scientific or common names. Also, the scientific names of some of the fish in the genera have not been settled.

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Examples of fish in the genera—

- black catfish
- Cooper Creek tandan
- eel-tailed catfish (*Tandanus tandanus*)
- false spine catfish
- Hyrtl's tandan
- short-finned catfish.

Murray cod

21. More than 2 Murray cod in the Murray-Darling Drainage Division are regulated fish.

Redclaw crayfish

22.(1) More than 40 redclaw crayfish in waters mentioned in subsection (2) are regulated fish.

(2) Subsection (1) applies to the following waters or waters within the following—

- (a) the Gulf of Carpentaria Drainage Division;
- (b) Lake Tinaroo;
- (c) waters within the following river basins in the East Coast Drainage Division—
 - Hann (with the reference number 1050)
 - Jacky Jacky
 - Lockhart
 - Normanby
 - Olive
 - Pascoe
 - Stewart.

(3) This section is subject to section 27.

Division 4—Freshwater fish regulated by size

Freshwater fish regulated by size

23.(1) The following freshwater fish of the size stated are regulated fish—

- (a) Australian bass—less than 30 cm;
- (b) barramundi—less than 58 cm or more than 120 cm;
- (c) Barcoo grunter—less than 30 cm;
- (d) eel-tailed catfish—less than 35 cm;
- (e) golden perch—less than 30 cm;
- (f) jungle perch—more than 35 cm;
- (g) long-finned eel—less than 30 cm;
- (h) spotted flagtail (northern jungle perch)—more than 35 cm;
- (i) northern saratoga—less than 50 cm;
- (j) silver perch—less than 30 cm;
- (k) short-finned eel—less than 30 cm;
- (l) sooty grunter—less than 28 cm;
- (m) South Pacific eel—less than 30 cm;
- (n) southern saratoga—less than 50 cm;
- (o) Welch's grunter—less than 30 cm.

(2) Taking or possessing a fish mentioned in subsection (1) is prohibited.

Barramundi size exemption—Lake Tinaroo and Lake Awoonga areas

24.(1) The maximum size for barramundi stated in section 23(1)(b) does not apply to a recreational fisher who—

- (a) in the Lake Tinaroo area—takes barramundi or possesses barramundi taken in the area; or
- (b) in the Lake Awoonga area—takes barramundi or possesses

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barramundi taken in the area; or

- (c) possesses barramundi outside either area, if the barramundi—
 - (i) was taken in either area; and
 - (ii) is tagged in the required way.

(2) However, subsection (1)(c) applies only to barramundi taken other than during any closed season for barramundi under the Act.⁴

Division 5—Freshwater fish regulated by size and area

Murray cod

25.(1) Murray cod of a size less than 60 cm or more than 110 cm are fish regulated by size in the Murray-Darling Drainage Division.

(2) The following is prohibited—

- (a) taking Murray cod regulated by size from waters in the drainage division;
- (b) possessing Murray cod regulated by size taken from the waters.

Division 6—Freshwater fish regulated by species

Lungfish and Mary River cod

26.(1) Lungfish and Mary River cod are regulated fish.

(2) Taking or possessing lungfish or Mary River cod is prohibited.

(3) However, no more than 1 Mary River cod of a size more than 50 cm may be taken in waters upstream of the following dams—

Maroon Dam

Wivenhoe Dam

Hinze Dam

North Pine Dam

⁴ For the closed season for barramundi, see sections 7 (Barramundi—Gulf of Carpentaria waterways), 8 (Barramundi—elsewhere) and 10 (Exemptions).

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Moogerah Dam

Cressbrook Dam

Bill Gunn Dam

Somerset Dam

Lake Clarendon Dam

Division 7—Freshwater fish regulated by gender and area

Berried female redclaw crayfish

27.(1) Berried female redclaw crayfish are regulated fish in the waters mentioned in subsection (2).

(2) Subsection (1) applies to the following waters or waters within the following—

- (a) the Gulf of Carpentaria Drainage Division;
- (b) Lake Tinaroo;
- (c) waters within the following river basins in the East Coast Drainage Division—
 - Hann (with the reference number 1050)
 - Jacky Jacky
 - Lockhart
 - Normanby
 - Olive
 - Pascoe
 - Stewart.

(3) Taking berried female redclaw crayfish from the waters or possessing berried female redclaw crayfish taken from the waters is prohibited.

(4) In this section—

“berried female redclaw crayfish” means female redclaw crayfish carrying eggs or young.

PART 5—RELEASING RESTRICTIONS

Nonindigenous fisheries resources—sch 5

28.(1) This section applies if a person holds a general fisheries permit to release nonindigenous fisheries resources into waters in the freshwater fishery.

(2) As well as any conditions stated on the permit, the permit is subject to the condition that nonindigenous fisheries resources must not be released in waters mentioned in schedule 5.

Aquaculture fisheries resources

29. A person may release aquaculture fisheries resources into privately owned waters in the freshwater fishery only if—

- (a) the person holds an authority allowing the person to release the resources into the waters; or
- (b) the resources are not nonindigenous fisheries resources for the area where they are released; or
- (c) the resources are mentioned in schedule 6 and are released into a river basin into which the schedule states the resources may be released.

Live bait—sch 7

30. A person may use a freshwater fish mentioned in schedule 7 as live bait to take freshwater fish only in the waters stated in the schedule for the fish.

PART 6—RECREATIONAL FISHERY

Division 1—Preliminary

Application of pt 6

31. This part applies to the taking or possession of freshwater fish by recreational fishers.

Division 2—General

Recreational fishing apparatus

32. A recreational fisher may use or possess a fishing apparatus only if it is a fishing apparatus as follows (“**recreational fishing apparatus**”)—

- (a) a canister trap;
- (b) a collapsible trap;
- (c) a dilly;
- (d) a funnel trap;
- (e) a scoop or dip net;
- (f) a fishing line;
- (g) a set line.

What fish may be taken

33. Any freshwater fish may be taken with recreational fishing apparatus.⁵

⁵ However, parts 2 (Closed season declarations), 3 (Closed waters declarations), 4 (Regulated fish declarations) and 7 (Stocked impoundments) impose restrictions on the taking and possession of freshwater fish by recreational fishers.

Permitted area

34.(1) Recreational fishing apparatus may be used or possessed in any waters in the freshwater fishery.

(2) However, recreational fishing apparatus may be used only if the apparatus and its use complies with division 3.

Division 3—Recreational fishing apparatus and their use

Definition for div 3

35. In this division—

“**trap**” means canister trap, collapsible trap, dilly or funnel trap.

Canister traps

36.(1) A canister trap must be open at 1 end.

(2) The trap must have dimensions of no more than—

- (a) for its diameter, height and width—50 cm; and
- (b) for its length—60 cm.

(3) Also, the trap’s diameter, width or height, measured anywhere along its length, must be no more than the diameter, width or height of its open end.

(4) If the trap does not have a mesh made of rigid material, the size of its mesh must be no more than 25 mm.

Collapsible traps

37. A collapsible trap must be made of rigid material and have 1 or more collapsible sides.

Dillies

38. A dilly must have a diameter of no more than 125 cm.

Funnel traps

39.(1) A funnel trap must not have more than 4 entrances and must not be longer than 70 cm, wider than 50 cm or higher than 50 cm.

(2) The trap's entrance—

- (a) must be made of rigid material; and
- (b) must be no more than 10 cm in each of its dimensions.

(3) If the trap does not have a mesh made of rigid material, the size of its mesh must be no more than 25 mm.

Scoop or dip nets

40. A scoop or dip net may be used only if—

- (a) the net is no more than 1 m in each of its dimensions; and
- (b) the net has a mesh size of no more than 25 mm; and
- (c) the handle or shaft of the net is no longer than 2.5 m.

Fishing lines and set lines not used in privately owned waters

41.(1) This section applies only to the use of a fishing line or set line in water that is not privately owned.

Example of privately owned water—

Water in a dam on privately owned land, if the dam is not built across a waterway.

(2) A fishing line or set line must not have more than 1 hook or lure attached to it.

(3) A person must not—

- (a) use more than 6 fishing lines or set lines alone or in a combination; or
- (b) set a fishing line as a cross-line.

(4) A person who uses a set line must not be more than 200 m from the line.

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(5) In this section—

“**cross-line**” means a fishing line fixed at both ends and set across or in water.

Number of traps

42. A person who is fishing must not possess or use more than 4 traps.

Marking traps and set lines

43.(1) A person who uses a trap or a set line to take freshwater fish must have a tag on the trap or set line with the surname and address of the owner of the trap or set line written on the tag.

(2) Also, if the trap is not fixed to something stationary above the water level while the trap is in use, the apparatus must have a light coloured float attached to it.

(3) The float must—

- (a) have the owner’s first name and surname written on it; and
- (b) be at least 15 cm in each of its dimensions.

(4) However, subsection (3)(b) does not apply if the float is a 2 or 3 L plastic milk container.

PART 7—STOCKED IMPOUNDMENTS

Permit to fish with fishing line or set line in stocked impoundment

44. The chief executive may issue a permit (a “**stocked impoundment permit**”) to take freshwater fish from a stated stocked impoundment by using a fishing line or a set line.

Prohibition on using fishing line or set line without permit

45.(1) A person may take a freshwater fish from a stocked impoundment with a fishing line or a set line only if the person has a stocked impoundment permit to take freshwater fish from the impoundment.

(2) Subsection 1 does not apply to a person under 18 years.

PART 8—COMMERCIAL FISHERY FOR EELS

Division 1—Preliminary

Meaning of “eel authority”

46. An “eel authority” is an authority with the fishery symbol ‘E’ written on it or a nominee authority under section 52.

Division 2—General

Who may take eels

47. A person may take or possess eels for trade or commerce only if the person holds an eel authority.

How eels may be taken

48.(1) Eels may be taken only by using an eel trap or a round trap.

(2) An eel trap or round trap may be used only if—

- (a) the trap complies with division 4; and
- (b) the use of the trap complies with division 5.

Waters from which eels may be taken

49. A person may only take eels from waters in—

- (a) an impoundment formed by a dam stated on an eel authority; or
- (b) a privately owned artificially created impoundment within a catchment stated on an eel authority.

Selling eels taken under eel authority

50.(1) Only the holder of an eel authority may sell eels taken under the authority.

(2) The holder may sell the eels to anyone.

Division 3—Eel authorities

Restriction on writing fishery symbol ‘E’ on authorities

51. The chief executive may write an ‘E’ fishery symbol on an authority only if the authority is—

- (a) a replacement authority issued under section 71 of the Act to replace an eel authority that has been lost, damaged or destroyed; or
- (b) a renewal of an eel authority.

Nominee eel authorities

52.(1) This section applies if a person (the “**authorised person**”) authorised to fish under an eel authority becomes temporarily incapacitated or otherwise temporarily can not fish for eels.

(2) The chief executive may issue an authority (the “**nominee authority**”) to another person (the “**nominee**”) nominated by the authorised person to take or possess eels from the waters stated in the eel authority.

(3) The nominee authority may be issued only for the period the chief

executive considers the authorised person will be temporarily incapacitated or otherwise can not fish for eels.

(4) The nominee and the authorised person must not fish for eels at the same time during the period for which the nominee authority is issued.

Eel authorities are not transferable

53. An eel authority is not transferable.

Division 4—Eel traps and round traps

Subdivision 1—General requirements

Definition for sdiv 1

54. In this subdivision—

“**trap**” means an eel trap or a round trap.

Entrances to trap and from trap to pocket

55.(1) A trap may only have 1 entrance into the trap itself or from the trap into its pocket.

(2) The aperture of the entrance from the trap into its pocket must be at least 20 cm in each of its dimensions.

(3) The trap’s entrance must not be extended by attaching wings.

Trap mesh size

56.(1) A trap (other than its pocket) must have a mesh size of at least 25 mm.

(2) However, any meshes on the trap that are made of rigid material must be at least 22 mm in each of its dimensions.

Trap frame

57. A trap when set must have a frame made of rigid material.

Trap float

58. The trap must have a float attached to it that is at least 150 mm in each of its dimensions.

Marking of trap and trap float

59. The trap and trap float must be marked with—

- (a) the number of the authority under which the trap and float are being used; and
- (b) the authority holder's first name and surname.

Pocket length

60. The pocket of the trap must be long enough to allow an air-breathing animal trapped in the trap or the pocket to reach the surface of the water.

Pocket float

61. The pocket must be attached to a float in a way that allows an air-breathing animal trapped in the trap or the pocket to have access to the surface of the water to breathe.

Pocket frames

62.(1) The pocket must have frames that are—

- (a) made of rigid material; and
- (b) no more than 1 m apart; and
- (c) at least 20 cm in each of their dimensions.

(2) The first frame must be no more than 1 m from the exit of the trap into the pocket.

(3) The last frame must be no more than 0.5 m from the end of the pocket.

Subdivision 2—Dimension requirements for eel trap frames

Dimensions

63. An eel trap when set must have a frame that is no longer than 2 m, no wider than 0.6 m and no deeper than 0.6 m.

Subdivision 3—Dimension requirements for round traps

Diameter and height

64. A round trap must have a diameter no more than 1 m and a height of no longer than 0.6 m.

Division 5—Requirements for using eel traps and round traps

Restriction on trapping times

65.(1) This section applies to an eel trap or a round trap in waters in the freshwater fishery, other than in—

- (a) privately owned waters; or
- (b) waters—
 - (i) that the State has the right to use and control the flow of under the *Water Resources Act 1989*, section 3;⁶ and
 - (ii) to which the public does not have access.

Example for paragraph (b)—

Waters in a balancing storage, including, for example, the Bullyard Balancing storage.

⁶ *Water Resources Act 1989*, section 3 (Rights in certain water to vest in Crown)

(2) A trap must not be used on—

- (a) an ordinary weekend from 9 a.m. on Saturday to 4 p.m. on Sunday; or
- (b) a long weekend from 9 a.m. on the first day of the long weekend to 4 p.m. on the last day of the long weekend.

(3) However, the trap may remain in the water if it is unbaited and its pocket is open.

(4) In this section—

“long weekend” means any period of 3 or 4 days, including Easter, made up of a weekend and 1 or 2 public holidays immediately before or immediately after the weekend.

“ordinary weekend” means a weekend other than a long weekend.

Number of traps that may be used

66. No more than the number of eel or round traps stated on the eel authority under which a trap is used may be used at the same time at each place stated on the authority.

Checking traps

67. An eel trap or a round trap that is in use must be checked within 1 day after being set.

PART 9—ABORIGINES’ AND TORRES STRAIT ISLANDERS’ FISHERY

Aboriginal and Torres Strait Islander rights not affected

68. This plan does not limit an Aborigine’s or Torres Strait Islander’s

right to take, use or keep freshwater fish under Aboriginal tradition or Island custom.⁷

PART 10—REVIEW, AMENDMENT OR REPEAL

Review of plan

69.(1) The chief executive must review this plan to decide whether its provisions remain appropriate.

(2) The review must start at least 5 years, but no more than 9 years, after this plan commences.

(3) Despite subsection (2), the chief executive must review the following aspects of this plan every 2 years after this section commences or at an earlier time the chief executive considers appropriate—

- (a) closed waters;
- (b) closed seasons;
- (c) regulated fish;
- (d) river basins in which—
 - (i) freshwater fish may be released; or
 - (ii) aquaculture resources may be stocked in farm dams and other waters on private land; or
 - (iii) freshwater fish produced in aquaculture may be used as live bait;
- (e) impoundments that are stocked with Australian bass to which the closed season for Australian bass does not apply;
- (f) stocked impoundment permits.

⁷ For the right of Aboriginal or Torres Strait Islander fishers to take fisheries resources, see section 14 (Aborigines' and Torres Strait Islanders' rights to take fisheries resources etc.) of the Act.

Consultation requirements for review

70.(1) In conducting a review under section 69, the chief executive must take reasonable steps to engage in consultation about this plan.

(2) When the review starts the chief executive must give notice of the following—

- (a) that this plan is being reviewed;
- (b) that a plan review paper is available for comment;
- (c) where the paper can be obtained;
- (d) that a person may make written comments to the chief executive on the paper;
- (e) the address to which the comments may be made;
- (f) the period, of at least 2 months after the notice is given, during which any comments must be made to the chief executive.

(3) After considering any comments made in the 2 month period, the chief executive must give notice of where the results of the review can be obtained.

(4) A notice required to be given by the chief executive under this section must be given by publication in the gazette and a newspaper circulating generally throughout the State.

How plan may be amended

71.(1) The chief executive may amend this plan only if—

- (a) the requirements for a review under section 70 have been satisfied and the result included a proposal to make the amendment; or
- (b) the required process under subsection (2) for the amendment has been completed.

(2) For subsection (1)(b), the required process is—

- (a) if the amendment is to be made because the chief executive is satisfied urgent action is needed to meet a significant threat to the freshwater fishery or because of another emergency—a media release by the chief executive stating the effect of the proposed

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amendment; or

- (b) if the amendment is to make a change that is not a change of substance—gazettal and publication of a notice about the proposed amendment; or
- (c) for any other amendment—the notification and publication processes under section 13 of the regulation.

(3) A notice under subsection (2)(b) must—

- (a) be published in a newspaper likely to be read by people particularly affected by the proposed amendment; and
- (b) state the proposed amendment or where a copy of it may be obtained or inspected.

(4) In this section—

“**amend**” includes repeal.

PART 11—MISCELLANEOUS

Serious fisheries offences

72. For the definition “serious fisheries offence” in section 4 of the Act, an offence against fisheries legislation about each of the following is a serious fisheries offence⁸—

- (a) contravening a closed waters declaration under part 3;⁹
- (b) releasing noxious fisheries resources, or causing noxious fisheries resources to be placed or released, into waters that are not tidal;¹⁰

⁸ Section 108 (Serious fisheries offences) of the regulation also prescribes offences under this plan as serious fisheries offences.

⁹ Part 3 (Closed waters declarations). See section 77 (Closed season and closed waters offences) of the Act.

¹⁰ See section 74 (Noxious fisheries resources) of this plan and section 89(c) (Noxious fisheries resources not to be possessed, released etc.) of the Act.

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- (c) releasing nonindigenous fisheries resources, or causing nonindigenous fisheries resources to be placed or released into waters that are not tidal;¹¹
- (d) releasing aquaculture fisheries resources into waters that are not tidal, in contravention of section 77(6)¹² of the regulation;
- (e) releasing aquaculture fisheries resources into privately owned waters in contravention of section 28;
- (f) putting fisheries resources into waters that are not tidal, in contravention of section 78¹³ of the regulation;
- (g) using explosives, a net or a toxic substance to take freshwater fish in waters that are not tidal without an authority to do so;¹⁴
- (h) taking or possessing regulated long-finned, short-finned or South Pacific eels without an authority to do so or in contravention of a condition of an authority;¹⁵
- (i) failing to give the chief executive a return for freshwater fish;¹⁶
- (j) obstructing, hindering or resisting an inspector exercising a power in relation to the freshwater fishery.¹⁷

¹¹ See section 80 (Nonindigenous fisheries resources) of the regulation and section 90(1)(c) (Nonindigenous fisheries resources not to be possessed, released etc.) of the Act.

¹² See section 77 (Aquaculture) of the regulation and section 91 (Aquaculture fisheries resources not to be released) of the Act.

¹³ Section 78 (Fisheries resources cultivated other than for sale) of the regulation

¹⁴ See section 81 (Use of explosives etc. prohibited) of the Act.

¹⁵ See part 4, division 3 (Freshwater fish regulated by number and area) of this plan and section 78 (Prohibited acts about regulated fish) of the Act.

¹⁶ See section 109 (Statistical records to be kept) of the regulation and section 118 (Statistical returns to be kept) of the Act.

¹⁷ See section 182 (Obstruction etc. of inspector) of the Act.

Criteria for suspending authority relating to fishery

73.(1) This section applies to an eel authority or another authority that allows the taking or possession of freshwater fish if the authority holder has been convicted (“**conviction**”) of a serious fisheries offence mentioned in section 72.

(2) However, this section does not apply if the rehabilitation period in relation to the conviction under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired or has not been revived.

(3) For section 67(2)(b)(i)¹⁸ of the Act, the prescribed criteria for suspending the authority are for the holder’s—

- (a) first conviction—2 to 3 months suspension; or
- (b) second conviction—3 to 6 months suspension; or
- (c) third conviction—6 months to 1 year’s suspension; or
- (d) fourth conviction—1 to 5 year’s suspension; or
- (e) fifth or subsequent conviction—5 years suspension.

Noxious fisheries resources

74. The following species of fish or a hybrid of them with another species are noxious fisheries resources—

bluegill	climbing perch
carp	electric eel
Chinese weatherfish (weatherloach)	grass carp
largemouth bass	snakehead
mosquitofish	tiger catfish
Nile perch (live)	tigerfish
parasitic catfish	tilapia

¹⁸ Section 67 (Suspension or cancellation of authorities) of the Act

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pike cichlid

walking catfish.¹⁹

piranha

¹⁹ See also section 81 (Noxious fisheries resources) of the regulation.

SCHEDULE 1

THE FRESHWATER FISHERY

section 3(2) and (3)

PART 1—DESCRIPTION

Area

1. The freshwater fishery's area consists of Queensland waters that are not tidal.

Fish species

2. The fish species in the freshwater fishery are all freshwater fish.

Recreational fishery

3.(1) Only the following fishing apparatus may be used by recreational fishers in the freshwater fishery—

- (a) canister, collapsible and funnel traps;
- (b) dillies;
- (c) fishing lines;
- (d) scoop or dip nets.

(2) Restrictions as follows apply to the use of the apparatus—

- (a) a maximum number of—
 - (i) hooks that may be used with a fishing line; or
 - (ii) traps that may be used or possessed;
- (b) mesh size restrictions.

(3) General controls, including for example, minimum and maximum

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SCHEDULE 1 (continued)

sizes, bag limits,²⁰ closed seasons and closed waters declarations, apply to the taking or possession of freshwater fish in the fishery by recreational fishers.

Fishing for trade or commerce—fishery symbol

4.(1) The freshwater fishery includes taking eels for trade or commerce.

(2) The only freshwater fish that may be taken for trade or commerce are eels.

(3) To take eels for trade or commerce, a fisher must operate under an authority with the fishery symbol ‘E’ written on it.

(4) On 22 April 1998, 53 authorities had the fishery symbol ‘E’ written on them.

(5) An authority with the fishery symbol ‘E’ written on it does not generally have other fishery symbol types written on it.

Restrictions on taking eels for trade or commerce

5.(1) Only eel traps and round traps may be used to take eels for trade or commerce.

(2) To control fishing effort, limits have been imposed on the areas in which eels may be taken and the maximum number of traps that may be used.

(3) Other limits also apply, including for example, minimum mesh sizes and restrictions on when traps may be set.

(4) Minimum sizes also apply to eels that are taken or possessed for trade or commerce.

²⁰ A ‘bag limit’ is the common description for a regulated fish declaration by a limit placed on the number of fish that may be taken or possessed.

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SCHEDULE 1 (continued)

Collection of culture stock for aquaculture

6.(1) Most types of aquaculture require the collection of freshwater fish from the natural environment for culture stock.

(2) The chief executive is responsible for issuing authorities to take freshwater fish from the natural environment, including for culture stock.

(3) General fisheries permits may be issued to the holder of an aquaculture licence to take freshwater fish to use in the holder's operations.

(4) On 1 May 1998, 90 general fisheries permits were issued for the taking of freshwater fish for culture stock collection.

Aborigines' and Torres Strait Islanders' fishery

7.(1) Traditional or customary fishing is undertaken by Aborigines and Torres Strait Islanders in the freshwater fishery.

(2) Aboriginal and Torres Strait Islander fishers take freshwater fish by using nets, lines and traps.²¹

PART 2—STATUS

Division 1—Recreational fishing

Fishing survey

8.(1) A fishing survey concerning the freshwater fishery was completed

²¹ For the right of Aborigines and Torres Strait Islanders to take fisheries resources, see section 14 (Aborigines' and Torres Strait Islanders' rights to take fisheries resources etc.) of the Act.

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SCHEDULE 1 (continued)

in September 1996.²²

(2) The survey showed the following approximate statistics for October 1995 to September 1996—

- (a) 404 335 households in the State had 1 or more members who went recreational fishing in the State;
- (b) 667 600 individuals 15 years of age or over fished in the State;
- (c) 192 100 (28.8%) of the individuals fished in fresh water;
- (d) 49 402 (7.4%) of the individuals fished only in fresh water;
- (e) of the 192 100 individuals who fished in fresh water—
 - (i) 93 200 (48.5%) fished in streams or rivers; and
 - (ii) 56 000 (29.1%) fished in dams or impoundments; and
 - (iii) 42 800 (22.3%) fished in both streams or rivers and in dams or impoundments;
- (f) 74 300 (38.7%) of the individuals who freshwater fish target particular species.

Recreational fishing in south of State

9.(1) The State's south-eastern coastal rivers are fished mainly for Australian bass.

(2) Most freshwater fishing in the State's south-east takes place in impoundments.

(3) The most popular species taken in impoundments are Australian bass and golden perch, but silver perch, snub-nosed garfish, eel-tailed catfish and spangled perch are also fished.

(4) Golden perch and Murray cod are the most popular target species in the Murray-Darling Drainage Division.

²² A copy of the survey may be inspected during business hours at the department's office at 80 Ann Street, Brisbane.

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SCHEDULE 1 (continued)

(5) Welch's grunter are targeted in the Bulloo-Bancannia and Lake Eyre Drainage Divisions.

Recreational fishing in north of State

10.(1) In the State's northern, east-coast streams sooty grunter and barramundi are the most popular target species.

(2) Some impoundments, for example the impoundments at Koombooloomba, Tinaroo and Eungella, have been stocked with sooty grunter and are attracting recreational fishing interest.

(3) Redclaw crayfish have given rise to popular recreational fisheries in impoundments, for example the impoundment at Lake Tinaroo near Cairns.

(4) Jungle perch are sought in the fast-flowing rivers between Townsville and Cooktown.

(5) The main species targeted in rivers flowing into the Gulf of Carpentaria are sooty grunter and barramundi, with some fishing for saratoga and fork-tailed catfish.

Freshwater stocking program

11.(1) Since 30 June 1986, about 15 million fingerlings have been stocked in the State under the government's recreational freshwater fishing enhancement program.

(2) The program's aim is to create recreational fisheries by stocking fingerlings of popular angling species.

(3) The government has supplied about half the fingerlings, with local communities, through their stocking groups, supplying the rest.

(4) There are about 70 stocking groups established in the State.

Freshwater fish stocking—releases

12.(1) Ongoing release of fingerlings is necessary because the fisheries based on stocked fingerlings are largely of a 'put-grow-and-take' nature.

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SCHEDULE 1 (continued)

(2) Most of the stocked freshwater fish species do not reproduce in impoundments and must be replaced continually.

(3) In the south of the State, the fingerlings released have consisted of the following—

- (a) golden perch (about 50%);
- (b) silver perch (34%);
- (c) Australian bass (12%);
- (d) Southern saratoga, sleepy cod, Murray cod, Mary River cod, barramundi and sooty grunter—about 4%.

(4) The main species stocked in the north of the State are barramundi, sooty grunter and sleepy cod.

Economic benefits of the program

13.(1) The angler-expenditure study conducted at Leslie Dam in 1992 is an example of the economic benefits of the recreational freshwater fishing enhancement program.

(2) In the study, about 200 visiting anglers were interviewed.

(3) The study showed that average expenditure within 30 km of the Warwick post office (reflecting the benefit specifically to the community responsible for stocking) was \$15.30 for each angler day.

(4) Based on the estimated 36 000 angler days for each year the average expenditure represented a direct benefit to the local community of \$314 000 each year.

(5) The cost-benefit of stocking, based on an average community stocking expenditure of \$17 500 each year, represents a ratio of 1:18, namely, a return to the community of \$18 for every \$1 spent on stocking.

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SCHEDULE 1 (continued)

Division 2—Commercial fishing

Subdivision 1—Taking eels

Eels taken

14.(1) Only long-finned eel and the short-finned eel may be taken for trade or commerce.

(2) Both species live in east coast waterways.

Waters used

15.(1) Eels are taken for trade or commerce primarily from freshwater impoundments and privately owned waters, including, for example, dams.

(2) The number of public impoundments (dams), farm dams or privately owned waters that are artificially created for each authority is unrestricted.

Authorities

16.(1) The taking of eels for trade or commerce is—

- (a) currently managed on a ‘limited entry’ basis; and
- (b) restricted to holders of an authority with the fishery symbol ‘E’ written on it.

(2) However, the chief executive has, in some exceptional cases, departed from the restriction.

Eel stocks

17.(1) Little is known about the status of eel stocks in the State.

(2) The total reported eel catch from July 1996 to June 1997 was 75 844 kg.

SCHEDULE 1 (continued)

Eel markets

18.(1) The major world markets for eels are northern Asia and northern Europe.

(2) Japan imports about A\$1.3 billion worth of eels each year from all sources.

(3) Internationally, the market for eels and eel products is large and the industry is well established.

(4) Detailed figures are not available for the proportions of long-finned eels and the short-finned eels that are taken, but almost all of the State's commercial catch of eels are long-finned eels.

(5) Long-finned eels are exported live to Hong Kong, China and Taiwan.

(6) The market for live long-finned eels is based on eels weighing more than 400 g, with large eels attracting premium price.

(7) The demand for live long-finned eels is year-round, but is the highest from October to March.

(8) In 1995 and 1996, the export price for each kg of live long-finned eels, purged and packed for export was about \$11 to \$15.

(9) The State's catch of eels is a quarter of the total annual catch of eels in Australia.

(10) A small domestic market also exists in Australia for live, fresh and smoked eels.

(11) The Australian catch is less than 1% of the world catch.

Eel aquaculture

19.(1) The chief executive manages the collection of culture stock for eel aquaculture.

(2) The chief executive issues general fisheries permits for culture stock collection.

(3) The chief executive manages the culture of eels.

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SCHEDULE 1 (continued)

(4) About 30 culture stock collection permits are held for juvenile eels (glass eels and elvers).

(5) Techniques for the artificial breeding of eels have yet to be developed.

(6) Consequently, the farming of eels depends on the capture of glass eels or elvers by aquaculturists who have an aquaculture licence endorsed for eels.

(7) Capture is followed by the rearing of juvenile eels under culture conditions to marketable size.

(8) Little is known about glass eels and elver stocks in the State.

(9) The eel aquaculture industry is in a developmental stage in the State and long-term management arrangements have yet to be set in place.

Subdivision 2—Collection of culture stock for aquaculture

Management responsibility

20.(1) The chief executive manages the culture of fisheries product and the issuing of aquaculture licences.

(2) The chief executive manages the collection of culture stock for aquaculture.

(3) The chief executive issues general fisheries permits for culture stock collection.

Collection of culture stock

21.(1) Aquaculturists that hold a culture stock collection permit may take freshwater fish from the natural environment to use as culture stock for the production of freshwater fish for the following—

- (a) human consumption;
- (b) freshwater fish stocking;
- (c) the aquarium freshwater fish trade;

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SCHEDULE 1 (continued)

(d) bait.

(2) About 70 culture stock collection permits are held for the collection of culture stock from the State's non-tidal waters.

(3) The amount of culture stock collected from the natural environment and permitted to be held by aquaculturists—

(a) reflects the need to—

- (i) safeguard natural environment stocks from overfishing; and
- (ii) discourage the illegal sale of freshwater fish caught from the natural environment; and

(b) enables replacement of culture stock on a regular basis.

(4) Replacement of culture stock is important for ensuring good genetic mixing for culture stock used to provide progeny for stocking programs.

Subdivision 3—Commercial fishing tours

Commercial fishing tours

22.(1) Commercial fishing tours only form a small part of the freshwater fishery.

(2) However, the sector is expanding, particularly on impoundments—

- (a) that are close to major population or tourist centres; and
- (b) where fish stocking programs have created major recreational fisheries.

Examples—

1. Hinze Dam (stocked with Australian bass, golden perch and silver perch).
2. Lake Tinaroo (stocked with barramundi and sooty grunter).

(3) The chief executive issues permits authorising the activities of commercial fishing tour operators.

(4) About 30 commercial tour operators in the State hold authorities with

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SCHEDULE 1 (continued)

non-tidal (freshwater) endorsements.

(5) Recreational fishers on commercial fishing tours are subject to provisions of fisheries legislation that apply to recreational fishing.

(6) In this section—

“commercial fishing tour” means a tour or fishing trip, conducted in trade or commerce, for taking fish other than for a trade or commerce and carrying passengers for gain.

Examples of ‘commercial fishing tours’—

1. Tag and release fishing tours.
2. Guided fishing tours.
3. Inland safari tours.

Subdivision 4—Exploratory and developmental fisheries

What is exploratory fishing

23.(1) Exploratory fishing is fishing to—

- (a) gather information to assess a new fishery’s development potential; or
- (b) enable effective planning for the possible development of a new fishery.

(2) Exploratory fishing may, for example, be focussed on—

- (a) what freshwater fish are available; or
- (b) whether freshwater fish can be taken or developed in an ecologically sustainable way.

What is developmental fishing

24.(1) Developmental fishing is fishing to show whether a potential new fishery is commercially viable, socially acceptable and ecologically sustainable.

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SCHEDULE 1 (continued)

- (2) Developmental fishing may, for example, be focussed on whether—
- (a) a known fisheries resource can be taken by a particular apparatus or fishing practice; or
 - (b) there are enough stocks of a fisheries resource to support an ecologically sustainable and viable fishery; or
 - (c) there is a more appropriate way of taking a fisheries resource than a current way.

No current permits

25.(1) Exploratory and developmental fishing is managed by permits issued by the chief executive under section 34 of the regulation.

- (2) No permits have been issued for freshwater fish.

Division 3—Aborigines' and Torres Strait Islanders' fishery

Aborigines' and Torres Strait Islanders' fishery

26.(1) Fishing by Aborigines or Torres Strait Islanders in fresh waters can be either under Aboriginal tradition or Island custom.

(2) Traditional or customary fishing happens where Aborigines or Torres Strait Islanders use nets, lines and traps to take freshwater finfish and crustaceans for use within their community.²³

(3) The status of fishing by Aborigines or Torres Strait Islanders in Queensland fresh waters is unknown.

²³ For the right of Aborigines or Torres Strait Islanders to take fisheries resources, see section 14 (Aborigines' and Torres Strait Islanders' rights to take fisheries resources etc.) of the Act.

SCHEDULE 2

HOW THE OBJECTIVES ARE TO BE ACHIEVED

section 4(2) and (3)

PART 1—MANAGING THE TAKING OF FRESHWATER FISH

Definition for pt 1

1. In this part—

“**objective**” means the objective of managing the taking of freshwater fish in a way that ensures—

- (a) their sustainability and maintains or improves their conservation status; and
- (b) a fair division of access to freshwater fish among commercial, recreational and Aboriginal and Torres Strait Islander fishers.

How objective is to be achieved

2. The objective is to be achieved by—

- (a) the management arrangements provided for under this plan; and

Examples—

Size limits, bag limits, closed seasons and closed waters declarations and the types of fishing apparatus that may be used.²⁴

²⁴ A ‘size limit’ is the common description for a fish regulated by size. A ‘bag limit’ is the common description for a regulated fish declaration by a limit placed on the number of fish that may be taken or possessed.

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SCHEDULE 2 (continued)

- (b) issuing culture stock permits for juvenile eels that allow eel aquaculture to develop and ensures sustainability of juvenile eel stocks; and
- (c) issuing culture stock collection permits that allow aquaculturists to operate effectively while maintaining sustainability of natural stocks.

How achievement is to be measured

3.(1) The achievement of the objective may be measured only by the following—

- (a) estimates of the status of freshwater fish stocks in representative fisheries and waters from—
 - (i) creel surveys; and
 - (ii) fisher diaries and catch cards; and
 - (iii) data from a recreational fishing information program conducted by the chief executive;
- (b) data obtained from catch returns provided by eel fishers about eels taken and CPUE in the eel fishery;
- (c) data about catches of juvenile eels compared with fishing effort in rivers open to the collection of juvenile eels;
- (d) data about the number of culture stock collected by aquaculturists in particular locations compared with estimates of the status of freshwater fish stocks at the locations.

(2) In this section—

“**CPUE**” means a ratio that expresses the amount of eels caught by a person compared with the amount of effort applied by the person to catch the eels.

Example of ‘effort’—

The number of days over which the person fished.

SCHEDULE 2 (continued)

**PART 2—MANAGING THE FRESHWATER FISHERY
TO GIVE OPTIMAL, BUT SUSTAINABLE,
COMMUNITY BENEFIT**

Definition for pt 2

4. In this part—

“**objective**” means the objective of managing the freshwater fishery to give optimal, but sustainable, community benefit.

How objective is to be achieved

5. The objective is to be achieved by—

- (a) the provisions of part 5 and 6 that maintain and enhance recreational fishing opportunities based on natural freshwater fish stocks;²⁵ and
- (b) encouraging the development of impoundment fisheries, including, for example, the Lake Tinaroo and Lake Awoonga areas; and
- (c) introducing stocked impoundment permit requirements.

How achievement is to be measured

6. The achievement of the objective may be measured only by—

- (a) estimates accepted by the chief executive of the status of recreational fishing in the freshwater fishery by creel surveys, fisher diaries and catch cards and data from a recreational fishing information program conducted by the chief executive; or

²⁵ Part 5 (Releasing restrictions) and part 6 (Recreational fishery)

SCHEDULE 2 (continued)

- (b) the successful operation of the stocked impoundment permit scheme; or
- (c) the number of stocked impoundment permits issued.

**PART 3—MINIMISING THE RISK OF DAMAGE
FROM NONINDIGENOUS AND NOXIOUS
FISHERIES RESOURCES**

Definition for pt 3

7. In this part—

“objective” means the objective of minimising the risk of damage to freshwater fish and their dependant ecosystems from nonindigenous and noxious fisheries resources.

How objective is to be achieved

8. The objective is to be achieved by—

- (a) the restrictions under part 5 and schedules 5 to 7;²⁶ and
- (b) increasing community understanding and acceptance of the need to prevent inappropriate stocking of freshwater fish in Queensland waters.

²⁶ Part 5 (Releasing restrictions)
Schedule 5 (Waters where nonindigenous fisheries resources must not be released)
Schedule 6 (Where certain aquaculture fisheries resources may be released)
Schedule 7 (Restrictions on the use of live fish as bait)

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SCHEDULE 2 (continued)

How achievement is to be measured

9. The achievement of the objective may be measured only by reports accepted by the chief executive about the level of compliance with the restrictions under part 5 and schedules 5 to 7.

SCHEDULE 3

CLOSED WATERS

section 11(1)

Severn River at Queen Mine Waterhole

1. The part of the Severn River commonly known as Queen Mine Waterhole, about 6 km west of Ballandean.

Dumaresq River at Bonshaw Weir

2. The Dumaresq River from 100 m upstream to 100 m downstream of Bonshaw Weir.

Macintyre River at Goondiwindi Weir

3. The Macintyre River from 150 m upstream to 150 m downstream of Goondiwindi Weir.

Macintyre Brook at Coolmunda Dam, Whetstone and Bendor Weirs

4. Macintyre Brook—

- (a) upstream waters within 200 m of the Coolmunda Dam spillway wall; and
- (b) downstream waters within 100 m of the Coolmunda Dam wall; and
- (c) from 400 m upstream to 400 m downstream of Whetstone Weir or Bendor Weir.

SCHEDULE 3 (continued)

Pike Creek at Glenlyon Dam

5. Pike Creek from 200 m upstream to 400 m downstream of the Glenlyon Dam wall.

Quart Pot Creek at Storm King Dam

6. Quart Pot Creek from 200 m upstream to 400 m downstream of the Storm King Dam wall.

Barwon River at Mungindi Weir

7. The Barwon River from 100 m upstream to 100 m downstream of Mungindi Weir.

Balonne River at Surat Weir

8. The Balonne River from 100 m upstream to 75 m downstream of Surat Weir.

Condamine River at or near the Chinchilla, Loudon, Lemon Tree, Yarramalong, Cecil Plains and Reilly's Weirs

9. The Condamine River as follows—

- (a) from 400 m upstream to 400 m downstream of Chinchilla Weir;
- (b) from 400 m upstream to 200 m downstream of Loudon Weir;
- (c) from 200 m upstream to 400 m downstream of Lemon Tree Weir;
- (d) from Yarramalong Weir to 200 m downstream of the weir;
- (e) from 200 m upstream to 150 m downstream of Cecil Plains Weir;
- (f) between lines between F↑B signs on opposite sides of the river at the following places—

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SCHEDULE 3 (continued)

- near the southern boundary of portion 26, County of Bulwer, Parish of Arubial
- about 150 m downstream from Reilly's Weir.

Balonne River at Beardmore Dam and Jack Taylor Weir

10. The Balonne River from—

- (a) 100 m upstream to 200 m downstream of the Beardmore Dam wall; and
- (b) 100 m upstream to 115 m downstream of Jack Taylor Weir.

Sandy Creek at Leslie Dam

11. Sandy Creek from 200 m upstream to 400 m downstream of the Leslie Dam wall.

Dogwood Creek at Miles Weir

12. Dogwood Creek from 90 m upstream to 400 m downstream of Miles Weir.

Burnett Creek at Maroon Dam

13. Burnett Creek from 200 m upstream to 400 m downstream of the Maroon Dam wall.

Reynolds Creek at Moogerah Dam

14. Reynolds Creek from 200 m upstream to 300 m downstream of the Moogerah Dam wall.

SCHEDULE 3 (continued)

Brisbane River at Mt Crosby Weir

15. The Brisbane River from 200 m upstream to 400 m downstream of Mt Crosby Weir.

Mary River at Mary River Barrage

16. The Mary River from 400 m upstream to 400 m downstream of Mary River Barrage.

Tinana Creek at Tinana Creek Barrage

17. Tinana Creek from 400 m upstream to 400 m downstream of Tinana Creek Barrage.

Burnett River at Burnett Barrage

18. The Burnett River from—

- (a) 400 m upstream to 400 m downstream of Burnett Barrage; and
- (b) 200 m upstream to 200 m downstream of Claude Wharton Weir.

Kolan River at Kolan Barrage

19. The Kolan River from 400 m upstream to 400 m downstream of Kolan Barrage.

Three Moon Creek at Cania Dam

20. Three Moon Creek from 200 m upstream to 400 m downstream of Cania Dam wall.

Nogo River at Wuruma Dam

21. The Nogo River from 200 m upstream to 400 m downstream of the Wuruma Dam wall.

SCHEDULE 3 (continued)

Stuart River at Gordonbrook Dam

22. The Stuart River from 750 m upstream to 200 m downstream of the Gordonbrook Dam wall.

Boyne River (Auburn River Basin) at Boondoomba Dam

23. The Boyne River in the Auburn River basin from 200 m upstream to 400 m downstream of the Boondoomba Dam wall.

Boyne River (Boyne River Basin) at Awoonga Dam

24. The Boyne River in the Boyne River Basin from 200 m upstream to 400 m downstream of the Awoonga Dam wall.

Dawson River at Glebe Weir

25. The Dawson River from 100 m upstream to 200 m downstream of the Glebe Weir.

Dawson River at Gyranda Weir

26. The Dawson River from the Gyranda Weir to 200 m downstream of the weir.

Dawson River at Orange Creek Weir

27. The Dawson River from the Orange Creek Weir to 150 m downstream of the weir.

Dawson River at Theodore Weir

28. The Dawson River from 100 m upstream of the Theodore Weir to the downstream side of the Leichhardt Highway (from Taroom to Theodore) bridge on the river.

SCHEDULE 3 (continued)

Dawson River at Moura Weir

29. The Dawson River 100 m upstream to 100 m downstream of the Moura Weir.

Dawson River at Neville Hewitt Weir

30. The Dawson River from 400 m upstream of Neville Hewitt Weir to the downstream side of the bridge across the river on the road from Baralaba to Woorabinda.

Fitzroy River at Fitzroy River Barrage

31. The Fitzroy River from 400 m upstream to 400 m downstream of Fitzroy River Barrage.

Fitzroy River at Eden Bann Weir

32. The Fitzroy River from 200 m upstream to 400 m downstream of Eden Bann Weir.

Fitzroy River at Wattlebank Control Weir

33. The Fitzroy River from 200 m upstream to 200 m downstream of Wattlebank Control Weir.

Nogoa River at Fairbairn Dam

34. The Nogoa River from 200 m upstream to 400 m downstream of the Fairbairn Dam wall.

Pioneer River at the Marian, Mirani and Dumbleton Weirs

35. The Pioneer River from—

- (a) 200 m upstream to 200 m downstream of Marian Weir; and

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SCHEDULE 3 (continued)

- (b) 200 m upstream to 200 m downstream of Mirani Weir; and
- (c) 400 m upstream to 250 m downstream of Dumbleton Weir.

Burdekin River at Clare Weir

36. The Burdekin River from 400 m upstream to 400 m downstream of Clare Weir.

SCHEDULE 4

FRESHWATER FISH REGULATED BY NUMBER

section 18(1)

Numbers for individual species

1. More than the following numbers of the following freshwater fish—

Aggassiz's perchlet—20	firedail gudgeon—20
Aru gudgeon—20	flagtail perchlet—20
Australian bass—2	flathead goby—20
banded grunter—20	flyspecked hardyhead—20
barramundi—5	freshwater long tom—20
Berney's catfish—20	Gilbert's grunter—20
bigheaded gudgeon—20	golden goby—20
bony bream—20	golden perch—10
bug eyed goby—20	Lake's carp gudgeon—20
Cairns rainbowfish—20	leathery grunter—20
Celebes goby—20	lesser salmon catfish—20
coal grunter—20	Lorentz's grunter—20
common archer fish—20	Marjorie's hardyhead—20
concave goby—20	Midgley's carp gudgeon—20
delicate blue-eye—20	Mueller's perchlet—20
desert goby—20	Mulgrave goby—20
dwarf goby—20	ornate rainbowfish—20
empire gudgeon—20	Pacific blue-eye—20

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SCHEDULE 4 (continued)

fimbriate gudgeon—20	penny fish—20
poreless gudgeon—20	sooty grunter—10
purple spotted gudgeon—20	spangled perch—20
Rendahl's catfish—20	spotted blue-eye—20
reticulated perchlet—20	square blotch goby—20
roman nose goby—20	strawman—20
sailfin perchlet—20	striped gudgeon—20
scaleless goby—20	threadfin rainbowfish—20
shovel nosed catfish—20	triangular shield catfish—20
sleepy cod—20	trout gudgeon—20
small headed grunter—20	western carp gudgeon—20
smelt—20	yellowfin perchlet—20
snakehead gudgeon—20	

Combined numbers of species

2. More than the following numbers of freshwater fish of any of the following species—

banded rainbowfish, black banded rainbowfish, chequered rainbowfish, crimson spotted rainbowfish, desert rainbowfish, Duboulay's rainbowfish, eastern rainbowfish, Lake Eacham rainbowfish and McCulloch's rainbowfish—50	cherabins—10
Barcoo grunter, silver perch and Welch's grunter—10	jungle perch and spotted flagtail (northern jungle perch)—1
	long-finned eel, short-finned eel and South Pacific eel—10
	northern saratoga and southern saratoga—1
	molluscs—50

SCHEDULE 5

WATERS WHERE NONINDIGENOUS FISHERIES RESOURCES MUST NOT BE RELEASED

section 28(2)

Drainage divisions

1. Waters in river basins in the following drainage divisions—

Bulloo-Bancannia	Lake Eyre
Gulf of Carpentaria	Murray-Darling

River basins in East Coast Drainage Division

2. Waters in the following river basins in the East Coast Drainage Division—

Baffle	Murray
Barron	Noosa
Bloomfield	Normanby
Curtis Island	North Johnstone
Daintree	Olive
Endeavour	Pascoe
Fraser Island	Russell
Hann (with the reference number 9102)	Shoalwater
Hinchinbrook Island	South Johnstone
Jacky Jacky	Stewart
Jeannie	Stradbroke Islands
Lockhart	Tully
Mossman	Waterpark
Mulgrave	Whitsunday Island

SCHEDULE 6

WHERE CERTAIN AQUACULTURE FISHERIES RESOURCES MAY BE RELEASED

section 29(c)

Australian bass

1. Australian bass may be released only into the following river basins—

Albert	Lockyer
Auburn	Logan
Barambah	Maroochy
Bremer	Mary
Brisbane	Nogo
Burnett	Noosa
Burrum	North Pine
Caboolture	Southcoast
Eliot	South Pine
Gregory	Stanley

Barramundi

2. Barramundi may be released only into the following river basins—

(a) river basins for south east Gulf of Carpentaria stock (Point Parker to Pera Head) as follows—

Archer	Leichardt
Cloncurry	Mitchell
Coen	Morning
Coleman	Nicholson
Einasleyh	Norman
Flinders	Saxby
Gilbert	Staaten

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SCHEDULE 6 (continued)

- | | |
|--|---|
| Holroyd
L Creek | Watson |
| (b) river basins for north west Cape York stock (Pera Head to Escape River) as follows— | |
| Dulhunty
Embley
Escape
Jackson | Jardine
Mission
Skardon
Wenlock |
| (c) river basins for east coast Cape York stock (Orford Bay to Bathurst Heads) as follows— | |
| Hann (with the reference number 1050)
Lockhardt
Normanby
Olive | Jacky Jacky
Pascoe
Stewart |
| (d) river basins for mid north east Coast stock (Cooktown to Burdekin River) as follows— | |
| Barron
Black
Burdekin
Daintree
Endeavour
Haughton
Herbert
Hinchinbrook Island | Mossman
Mulgrave
Murray
North Johnstone
Ross
Russell
South Johnstone
Tully |
| (e) river basins for central east coast stock (Repulse Bay to Shoalwater Bay) as follows— | |
| O'Connell
Pioneer
Plane | Shoalwater
Styx |

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SCHEDULE 6 (continued)

- (f) river basins for south east coast stock (Fitzroy River to Mary River) as follows—

Auburn	Burnett
Baffle	Burrum
Barambah	Calliope
Boyne	Comet
Curtis Island	Kolan
Dawson	Mackenzie
Elliot	Mary
Fitzroy	Nogo
Gregory	Nogoa
Isaac	

Eel-tailed catfish

3. Eel-tailed catfish may be released only into the following river basins—

- (a) river basins for eastern stock as follows—

Albert	Kolan
Auburn	Lockyer
Baffle	Logan
Barambah	Mackenzie
Boyne	Maroochy
Bremer	Mary
Brisbane	Nogo
Burnett	Nogoa
Burrum	Noosa
Caboolture	North Pine
Calliope	Shoalwater
Comet	Southcoast
Dawson	South Pine
Fitzroy	Stanley
Fraser Island	Waterpark
Isaac	

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SCHEDULE 6 (continued)

(b) river basins for Murray-Darling Drainage stock as follows—

Balonne	Moonie
Border Rivers	Nebine
Condamine	Paroo
Macintyre	Severn
Maranoa	Warrego

Golden perch

4. Golden perch may be released only into the following river basins—

(a) river basins for Murray-Darling stock as follows—

Albert	Maranoa
Auburn	Maroochy
Balonne	Mary
Barambah	Moonie
Border Rivers	Nebine
Bremer	Nogo
Brisbane	North Pine
Burnett	Paroo
Burrum	Severn
Caboolture	Southcoast
Condamine	South Pine
Lockyer	Stanley
Logan	Warrego
Macintyre	

(b) river basins for east coast stock as follows—

Comet	Isaac
Dawson	Mackenzie
Fitzroy	Nogoa

(c) river basins for Lake Eyre stock as follows—

Barcoo	Georgina
Cooper	Mulligan
Diamantina	Thomson

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SCHEDULE 6 (continued)

Mary River cod

5. Mary River cod may be released only into the following river basins—

Albert	Lockyer
Bremer	Logan
Brisbane	Mary
North Pine	Southcoast
Stanley	

Murray cod

6. Murray cod may be released only into the following river basins—

Balonne	Moonie
Border Rivers	Nebine
Condamine	Paroo
Macintyre	Severn
Maranoa	Warrego

Redclaw crayfish

7. Redclaw crayfish may be released only into the following river basins—

Alice	Kendall
Archer	L Creek
Cliffdale	Leichardt
Cloncurry	Lockhart
Coen	Mission
Coleman	Mitchell
Dulhunty	Morning
Edward	Mornington Island
Eight Mile	Nicholson
Einasleyh	Norman
Embley	Normanby
Flinders	Olive
Gilbert	Palmer

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SCHEDULE 6 (continued)

Hann (with the reference number 1050)	Pascoe
Hann (with the reference number 9102)	Saxby
Holroyd	Settlement
Jackson	Skardon
Jacky Jacky	Staaten
Jardine	Stewart
Torres Strait Islands	Watson
Walsh	Wenlock

Silver perch

8. Silver perch may be released only into the following river basins—

Auburn	Logan
Balonne	Macintyre
Barambah	Maranoa
Border Rivers	Maroochy
Boyne	Mary
Bremer	Moonie
Brisbane	Nebine
Burnett	Nogo
Burrum	Nogoa
Caboolture	North Pine
Condamine	Paroo
Dawson	Severn
Eliot	Southcoast
Fitzroy	South Pine
Kolan	Stanley
Lockyer	Warrego

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SCHEDULE 6 (continued)

Sleepy cod

9. Sleepy cod may be released only into the following river basins—

(a) river basins for southern stock as follows—

Comet	Mackenzie
Dawson	Nogoa
Fitzroy	Plane
Isaac	

(b) river basins for northern stock as follows—

Alice	Cloncurry
Archer	Coen
Cliffdale	Coleman
Dulhunty	Mission
Edward	Mitchell
Eight Mile	Morning
Einasleigh	Nicholson
Embley	Norman
Flinders	Normanby
Gilbert	Palmer
Hann (with the reference number 9102)	Saxby
Holroyd	Settlement
Jackson	Skardon
Jardine	Staaten
Kendall	Walsh
L Creek	Watson
Leichardt	Wenlock

Sooty grunter

10. Sooty grunter may be released only into the following river basins—

Alice	Hann (with the reference number 9102)
Archer	Herbert
Barron	Holroyd
Belyando	Kendall
Bowen	L Creek

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SCHEDULE 6 (continued)

Burdekin	Leichardt
Clarke	Mission
Cliffdale	Mitchell
Cloncurry	Morning
Coen	Mulgrave
Coleman	Murray
Daintree	Nicholson
Dulhunty	Norman
Edward	North Johnstone
Eight Mile	Palmer
Einasleigh	Pioneer
Embley	Plane
Flinders	Russell
Gilbert	Saxby
Settlement	Walsh
Staaten	Watson
Tully	Wenlock

Southern saratoga

11. Southern saratoga may be released only into the following river basins—

Auburn	Isaac
Barambah	Lockyer
Boyne	Mackenzie
Bremer	Nogo
Brisbane	Nogoa
Burnett	North Pine
Comet	Southcoast
Dawson	Stanley
Fitzroy	

SCHEDULE 7

RESTRICTIONS ON THE USE OF LIVE FISH AS BAIT

section 30

Redclaw crayfish

1. Redclaw crayfish may be used as live bait to take freshwater fish only in the waters of the following—

- (a) Lake Tinaroo;
- (b) the following river basins in the Gulf of Carpentaria Drainage Division—

Alice	L Creek
Archer	Leichardt
Cliffdale	Mission
Cloncurry	Mitchell
Coen	Morning
Coleman	Mornington Island
Dulhunty	Nicholson
Edward	Norman
Eight Mile	Palmer
Einasleyh	Saxby
Embley	Settlement
Flinders	Skardon
Gilbert	Staaten
Hann (with the reference number 9102)	Torres Strait
Holroyd	Walsh
Jackson	Watson
Jardine	Wenlock
Kendall	

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SCHEDULE 7 (continued)

- (c) the following river basins in the East Coast Drainage Division—

Hann (with the reference number 1050)	Lockhart
Jacky Jacky	Normanby
Olive	Stewart
Pascoe	

Yabbies

2. A yabby may be used as live bait to take freshwater fish only in the waters of the following—

- (a) the following river basins in the Murray-Darling Drainage Division—

Balonne	Moonie
Border Rivers	Nebine
Condamine	Paroo
Macintyre	Severn
Maranoa	Warrego

- (b) the following river basins in the Lake Eyre Drainage Division—

Barcoo	Georgina
Cooper Creek	Mulligan
Diamantina	Thomson

- (c) the following river basins in the East Coast Drainage Division—

Belyando	Isaac
Dawson	

- (d) the Bulloo River Basin.

SCHEDULE 8

AIDS TO INTERPRETATION AND DEFINITIONS

section 5

PART 1—PROVISIONS AIDING INTERPRETATION

Measurement of size of fish

1. The size of a freshwater fish is decided by measuring the distance between the front and end tips of the fish.

Scientific names of fish

2. The scientific names of fish mentioned in this plan are as follows—

Common name	Scientific name
Aggassiz's perchlet	<i>Ambassis agassizii</i>
Aru gudgeon	<i>Oxyeleotris aruensis</i>
Australian bass	<i>Macquaria novemaculeata</i>
banded grunter	<i>Amniataba percoides</i>
banded rainbowfish	<i>Melanotaenia trifasciata</i>
Barcoo grunter	<i>Scortum barcoo</i>
barramundi	<i>Lates calcarifer</i>
Berney's catfish	<i>Arius berneyi</i>
bigheaded gudgeon	<i>Philypnodon grandiceps</i>
blackbanded rainbowfish	<i>Melanotaenia nigrans</i>
bluegill	<i>Lepomis</i> spp.
bony bream	<i>Nematolosa erebi</i>

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SCHEDULE 8 (continued)

bug eyed goby	<i>Redigobius bikolanus</i>
Cairns rainbowfish	<i>Cairnsichthys rhombosomoides</i>
carp	<i>Cyprinus carpio</i>
Celebes goby	<i>Glossogobius celebius</i>
chequered rainbowfish	<i>Melanotaenia splendida</i> <i>inornata</i>
cherabins	<i>Macrobrachium rosenbergii</i> or <i>Macrobrachium lar</i>
Chinese weatherfish (weatherloach)	<i>Misgurnus anguillicaudatus</i>
climbing perch	<i>Anabas testudies</i>
coal grunter	<i>Hephaestus carbo</i>
common archer fish	<i>Toxotes chatareus</i>
concave goby	<i>Glossogobius concavifrons</i>
crimson spotted rainbowfish	<i>Melanotaenia fluviatilis</i>
delicate blue-eye	<i>Pseudomugil tenellus</i>
desert goby	<i>Chlamydogobius eremius</i>
desert rainbowfish	<i>Melanotaenia splendida tatei</i>
Duboulay's rainbowfish	<i>Melanotaenia duboulayi</i>
dwarf goby	<i>Glossogobius</i> sp A
eastern rainbowfish	<i>Melanotaenia splendida</i> <i>splendida</i>
eel-tailed catfish	<i>Tandanus tandanus</i>
electric eel	family Gymnotidae
empire gudgeon	<i>Hypseleotris compressa</i>
fimbriate gudgeon	<i>Oxyeleotris fimbriatus</i>

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SCHEDULE 8 (continued)

firetail gudgeon	<i>Hypseleotris galii</i>
flag tailed perchlet	<i>Ambassis miops</i>
flathead goby	<i>Glossogobius giurus</i>
flyspecked hardyhead	<i>Craterocephalus stercusmuscarum</i>
fork-tailed catfish	family Ariidae
freshwater long tom	<i>Strongylura krefftii</i>
Gilbert's grunter	<i>Pingalla gilberti</i>
golden goby	<i>Glossogobius aureus</i>
golden perch (yellowbelly)	<i>Macquaria ambigua</i>
grass carp	<i>Ctenopharyngodon idella</i>
jungle perch	<i>Kuhlia rupestris</i>
Lake Eacham rainbowfish	<i>Melanotaenia eachamensis</i>
Lake's carp gudgeon	<i>Hypseleotris</i> sp B
largemouth bass	<i>Micropterus salmoides</i>
leathery grunter	<i>Scortum hillii</i>
lesser salmon catfish	<i>Arius graeffei</i>
long-finned eel	<i>Anguilla reinhardtii</i>
Lorentz's grunter	<i>Pingalla lorentzi</i>
lungfish	<i>Neoceratodus forsteri</i>
Marjorie's hardyhead	<i>Craterocephalus marjoriae</i>
Mary River cod	<i>Maccullochella peelii mariensis</i>
McCulloch's rainbowfish	<i>Melanotaenia maccullochi</i>
Midgley's carp gudgeon	<i>Hypseleotris</i> sp A
mosquitofish	<i>Gambusia holbrooki</i>

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SCHEDULE 8 (continued)

Mueller's perchlet	<i>Ambassis mulleri</i>
Mulgrave goby	<i>Glossogobius</i> sp B
Murray cod	<i>Maccullochella peelii peelii</i>
Nile perch	<i>Lates niloticus</i>
northern jungle perch—see spotted flagtail	
northern saratoga	<i>Scleropages jardinii</i>
ornate rainbowfish	<i>Rhadinocentrus ornatus</i>
Pacific blue-eye	<i>Pseudomugil signifer</i>
parasitic catfish	family <i>Trichomyteridae</i> or family <i>Vandellinae</i>
penny fish	<i>Denarius bandata</i>
pike cichlid	<i>Crenicichla</i> spp.
piranha	family <i>Serrasalminidae</i>
poreless gudgeon	<i>Oxyeleotris nullipora</i>
purple spotted gudgeon	<i>Mogurnda adspersa</i>
redclaw crayfish (redclaw)	<i>Cherax quadricarinatus</i>
Rendahl's catfish	<i>Porochilus rendahli</i>
reticulated perchlet	<i>Ambassis macleayi</i>
roman nose goby	<i>Awaous crassilabrus</i>
sailfin perchlet	<i>Ambassis agrammus</i>
scaleless goby	<i>Schismatogobius</i> sp
short-finned eel	<i>Anguilla australis</i>
shovel nosed catfish	<i>Arius midgleyi</i>
shrimp	<i>Macrobrachium australiensis</i>

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SCHEDULE 8 (continued)

silver perch	<i>Bidyanus bidyanus</i>
sleepy cod	<i>Oxyeleotris lineolatus</i>
small headed grunter	<i>Scortum parviceps</i>
smelt	<i>Retropinna semoni</i>
snakehead	<i>Channa</i> spp.
snakehead gudgeon	<i>Ophieleotris aporos</i>
snub-nosed garfish	<i>Arrhamphus sclerolepis</i> sp
sooty grunter	<i>Hephaestus fuliginosus</i>
South Pacific eel	<i>Anguilla obscura</i>
southern saratoga	<i>Scleropages leichardti</i>
spangled perch	<i>Leiopotherapon unicolor</i>
spotted blue-eye	<i>Pseudomugil gertrudae</i>
spotted flagtail (northern jungle perch)	<i>Kuhlia marginata</i>
square blotch goby	<i>Glossogobius</i> sp C
strawman	<i>Quirichthys stramineus</i>
striped gudgeon	<i>Gobiomorphus australis</i>
threadfin rainbowfish	<i>Iriatherina werneri</i>
tiger catfish	<i>Pseudoplatystoma fasciatum</i>
tigerfish	family Hydrocyninae or family Erythrinidae
tilapia	<i>Tilapia, Oreochromis</i> or <i>Sarotherodon</i> spp.
triangular shield catfish	<i>Arius leptaspis</i>
trout gudgeon	<i>Mogurnda mogurnda</i>

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SCHEDULE 8 (continued)

walking catfish	family Claridae
Welch's grunter	<i>Bidyanus welchi</i>
western carp gudgeon	<i>Hypseleotris klunzingeri</i>
yabby	<i>Cherax destructor</i>
yellowfin perchlet	<i>Ambassis elongatus</i>

Scientific classification

3. The scientific names mentioned in section 2 of this schedule follow—

- (a) for nonindigenous fisheries resources—Axelrod, H.R., Burgess, W.A.E., Pronek, N. and Walls, J.G. 1989, *Dr Axelrod's atlas of freshwater aquarium fishes*, 3rd edn, T.F.H. (Australia) Pty Ltd, Brookvale, New South Wales;
- (b) for noxious fisheries resources—Merrick, J. and Schmida, G. 1984, *Australian freshwater fishes*, J.R. Merrick, North Ryde, available from John R. Merrick, School of Biological Sciences, Macquarie University, North Ryde, New South Wales;
- (c) for cherabins, redclaw crayfish (redclaw) and yabby—Horwitz, P. 1995, *Preliminary key to the species of Decapoda (Crustacea; Malacostraca) found in Australian inland waters*, Identification guide No. 5, Cooperative Research Centre for Freshwater Ecology, Albury;
- (d) for spotted flagtail (northern jungle perch)—Herbert, B. and Peeters, J. 1995, *Freshwater fishes of far north Queensland*, Information series Q195018, Queensland Department of Primary Industries, Brisbane;
- (e) for other fish mentioned in this plan—Allen, G.R. 1989, *Freshwater fishes of Australia*, T.F.H. (Australia) Pty Ltd, Brookvale, New South Wales.²⁷

²⁷ The documents mentioned in section 3 can be inspected during business hours at the department's office at 80 Ann Street, Brisbane.

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SCHEDULE 8 (continued)

References to possession of fish

4.(1) This section applies if a provision of this plan prohibits possession of a fish.

(2) To remove any doubt, it is declared that the reference to possession in the provision is a reference to possession wherever it takes place.

Time periods

5. Periods of time fixed by a provision of this plan start at the first time, day or month stated in the provision and end at the end of the second time, day or month, whether in the same, or a different, day, week, month or year.

Examples—

1. The period from midday on 1 November to midday on 1 February is a period of 3 months starting at midday on 1 November and ending at midday on 1 February.

2. The period from 4 p.m. to 4 a.m. is a period of 12 hours starting at 4 p.m. and ending at 4 a.m.

River basins and drainage divisions

6.(1) The river basins mentioned in this plan are shown on the river basins map at the end of this part.

(2) Each river basin is identified on the map by a reference number.

(3) Each river basin's reference number is shown opposite its name under the heading 'reference numbers' that follows the map.

(4) The drainage divisions mentioned in this plan are made up of river basins.

(5) The reference numbers of the river basins that make up each drainage division are as follows—

- (a) for the Bulloo-Bancannia Drainage Division—number 10112;
- (b) for the East Coast Drainage Division—numbers 1010 to 1460;

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SCHEDULE 8 (continued)

- (c) for the Gulf of Carpentaria Drainage Division—numbers 9101 to 9280;
- (d) for the Lake Eyre Drainage Division—numbers 10011 to 10033;
- (e) for the Murray-Darling Drainage Division—numbers 4162 to 4242.

(6) The exact location of the boundaries of each river basin and drainage division can be identified on the series of maps called ‘figure 1’ to ‘figure 33’ held by the chief executive.²⁸

(7) A reference to a river basin or drainage division does not include tidal waters in the river basin or drainage division.

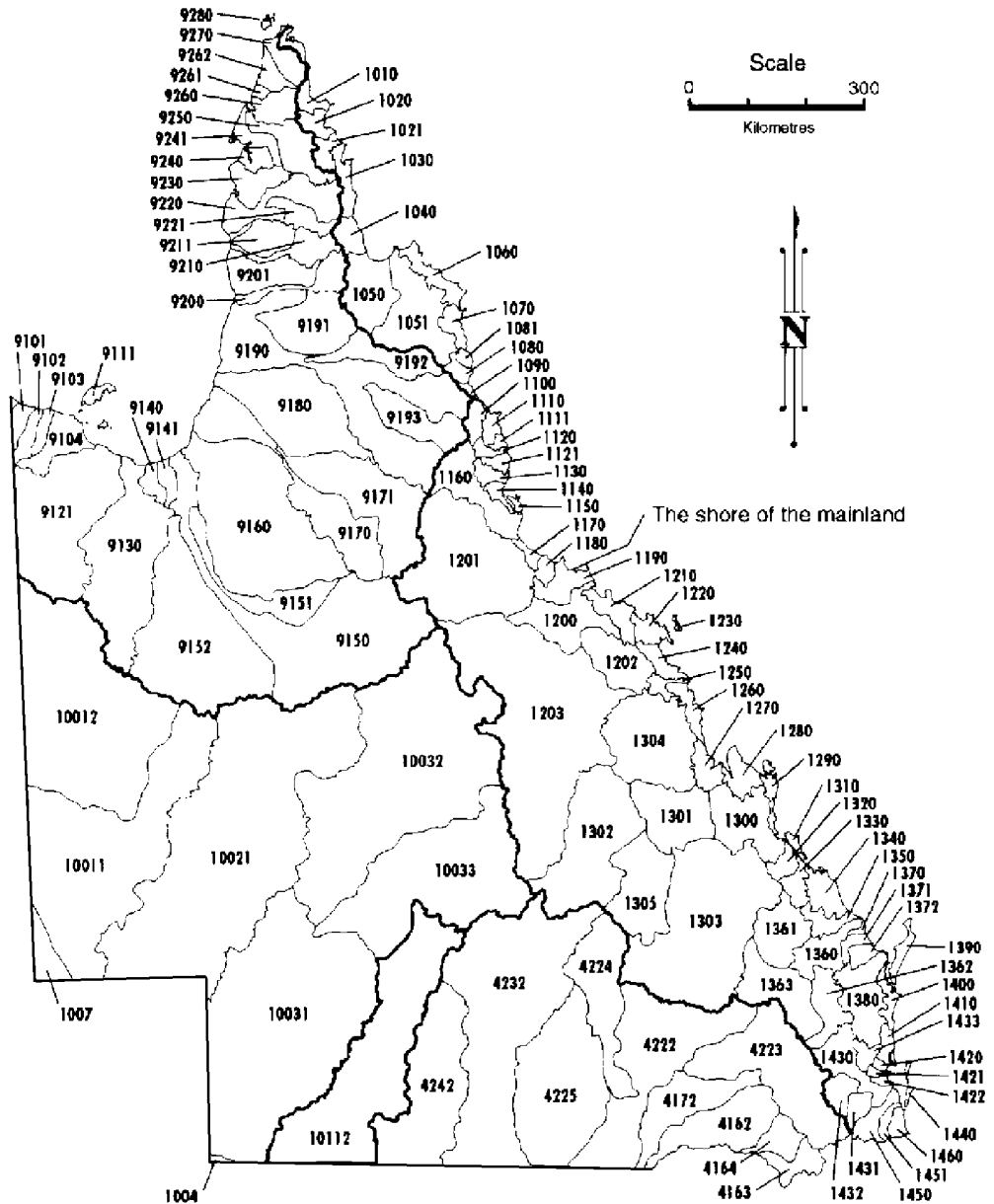
²⁸ The maps can be inspected during business hours at the department’s office at 80 Ann Street, Brisbane.

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SCHEDULE 8 (continued)

RIVER BASINS MAP

schedule 8, section 6(1)



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SCHEDULE 8 (continued)

REFERENCE NUMBERS

schedule 8, section 6(3)

<i>River Basin</i>	<i>Reference Number</i>	<i>River Basin</i>	<i>Reference Number</i>	<i>River Basin</i>	<i>Reference Number</i>
Albert	1451	Embley	9240	Murray	1140
Alice	9191	Endeavour	1070	Nebine	4225
Archer	9220	Fitzroy	1300	Nicholson	9121
Auburn	1363	Flinders	9150	Nogo	1361
Baffle	1340	Fraser Island	1390	Nogoa	1302
Balonne	4222	Georgina	10012	Noosa	1400
Barambah	1362	Gilbert	9170	Norman	9160
Barcoo	10033	Gregory	1371	Normanby	1051
Barron	1100	Hann	1050	North Johnstone	1120
Belyando	1203	Hann	9102	North Pine	1421
Black	1170	Haughton	1190	O'Connell	1240
Bloomfield	1081	Hay	1007	Olive	1020
Border Rivers	4162	Herbert	1160	Palmer	9192
Bowen	1202	Hinchinbrook Island	1150	Paroa	4242
Boyne	1330	Holroyd	9210	Pascoe	1021
Bremer	1431	Isaac	1304	Pioneer	1250
Brisbane	1430	Jackson	9262	Plane	1260
Bulloo	10112	Jacky Jacky	1010	Proserpine	1220
Burdekin	1200	Jardine	9270	Ross	1180
Burnett	1360	Jeannie	1060	Russell	1111
Burrum	1372	Kendall	9211	Saxby	9151
Caboolture	1420	Kolan	1350	Settlement	9101
Calliope	1320	Lake Frome	1004	Severn	4163
Clarke	1201	L Creek	9141	Shoalwater	1280
Cliffdale	9104	Leichardt	9130	Skardon	9261
Cloncurry	9152	Lockhart	1030	Southcoast	1460
Coen	9221	Lockyer	1432	South Johnstone	1121
Coleman	9200	Logan	1450	South Pine	1422
Cooper Creek	10031	Macintyre	4164	Staaten	9180
Comet	1305	Mackenzie	1301	Stanley	1433
Condamine	4223	Maranoa	4224	Stewart	1040
Curtis Island	1310	Maroochy	1410	Stradbroke Islands	1440
Daintree	1080	Mary	1380	Styx	1270
Dawson	1303	Mission	9241	Thomson	10032
Diamantina	10021	Mitchell	9190	Torres Strait Islands	9280
Don	1210	Moonie	4172	Tully	1130
Dulhunty	9260	Morning	9140	Walsh	9193
Edward	9201	Mornington Island	9111	Warrego	4232
Eight Mile	9103	Mossman	1090	Waterpark	1290
Einasleigh	9171	Mulgrave	1110	Watson	9230
Eliot	1370	Mulligan	10011	Wenlock	9250
				Whitsunday Islands	1230

SCHEDULE 8 (continued)

PART 2—EXTENDED DEFINITIONS

Meaning of “Lake Awoonga area”

7. “Lake Awoonga area” means—

- (a) Lake Awoonga; and
- (b) the area within the following boundary—
 - from the F↑B sign near the end of Scenic Drive at the Shore of Lake Awoonga, along Scenic Drive to Lookout Road
 - along Lookout Road to the shore of Lake Awoonga
 - along the shore of Lake Awoonga to the F↑B sign near the end of Scenic Drive at the Shore of Lake Awoonga, along Scenic Drive to Lookout Road.

Meaning of “Lake Tinaroo area”

8. “Lake Tinaroo area” means the area within the following boundary—

- from Danbulla Forest Drive at the northern end of the Tinaroo Dam wall along the drive to Boar Pocket Road
- along Boar Pocket Road to Gillies Road (Gordonvale-Atherton Road)
- along Gillies Road to Marks Lane
- along Marks Lane to Tinaroo Falls Dam Road
- along Tinaroo Falls Dam Road to Danbulla Forest Drive.

SCHEDULE 8 (continued)

Meaning of “stocked impoundment”

9.(1) A “stocked impoundment” means the waters of the following—

Connolly Dam	Isis Balancing Storage (Lake Gregory)
Coolmunda Dam	Boondoomba Dam
Leslie Dam	Lenthalls Dam
Maroon Dam	Wuruma Dam
Moogerah Dam	Fred Haigh Dam (Lake Monduran)
Bill Gunn Dam (Lake Dyer)	Cania Dam
Lake Clarendon	Teemurra Dam
Wivenhoe Dam	Kinchant Dam
Somerset Dam	Eungella Dam
Borumba Dam	Burdekin Falls Dam
Gordonbrook Dam	Peter Faust Dam
Bjelke Peterson Dam	Tinaroo Falls Dam (Lake Tinaroo)
Lake MacDonald Dam	

(2) The waters include all waters in the impoundments up to their full supply levels.

PART 3—DICTIONARY

“**dilly**” means a fishing apparatus consisting of a frame and a net that hangs below the frame’s horizontal plane when the apparatus is in use.

“**eel**” means a long-finned eel or a short-finned eel.

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SCHEDULE 8 (continued)

“**eel authority**” see section 46.

“**eel fishery**” means the commercial fishery for eels under part 8.

“**F↑B sign**” means a sign with the marking F↑B on it, erected or displayed by the chief executive.

“**fishery symbol**”, for the eel fishery, means the symbol ‘E’.

“**fishing line**” means fishing apparatus consisting of a line used by hand, with or without a pole, reel or rod.

“**freshwater fish**” means a fish that at some stage of its life cycle is found in waters that are not tidal.

“**freshwater fishery**” means the fishery described in schedule 1, part 1.

“**general fisheries permit**” means a general fisheries permit issued under section 34²⁹ of the regulation.

“**Lake Awoonga area**” see section 7 of this schedule.

“**Lake Tinaroo area**” see section 8 of this schedule.

“**notice**” means notice in writing.

“**plan**” means management plan.

“**recreational fisher**” means a person who takes or possesses freshwater fish other than for trade or commerce.

“**recreational fishing apparatus**” see section 32.

“**reference number**”, for a river basin, means its reference number under part 1, section 6 of this schedule and the river basins map at the end of the part.

“**regulation**” means the *Fisheries Regulation 1995*.

“**required way**”, for tagging barramundi, means the way required by—

- (a) an F↑B sign or advisory sign erected by the chief executive in, or at or near an entrance to, the Lake Tinaroo area or the Lake Awoonga area; or

²⁹ Section 34 (Permits chief executive may issue) of the regulation

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SCHEDULE 8 (continued)

(b) another notice given by the chief executive.

“rigid material” includes steel and aluminium.

“set line” means a line used to take fish attached to—

- (a) a boat; or
- (b) something else outside, but not floating on, the water in which it is being used.

Example for paragraph (b)—

A line used to take fish that is attached to a branch of a tree growing in the water in which the line is being used if the attachment is at a point above the surface of the water.

“stocked impoundment” see section 9 of this schedule.

“stocked impoundment permit” see section 44.

“trap”, for—

- (a) part 6, division 3, see section 35; or
- (b) part 8, division 4, subdivision 1, see section 54.

“water” does not include tidal waters.

“waterway” does not include tidal waters.

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ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 8 September 2000. Future amendments of the Fisheries (Freshwater) Management Plan 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No.[X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	s	=	section
notfd	=	notified	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
om	=	omitted	SIA	=	Statutory Instruments Act 1992
orig	=	original	SIR	=	Statutory Instruments Regulation 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	6 May 1999
1A	none	27 October 1999
1B	to SL No. 97 of 2000	2 June 2000

5 List of legislation

Fisheries (Freshwater) Management Plan 1999 SL No. 54

made by the Queensland Fisheries Management Authority on 31 March 1999

notfd gaz 1 April 1999 pp 1534–6

pt 7 commenced 17 October 1999 (see s 2)

remaining provisions commenced on date of notification

exp 1 September 2009 (see SIA s 54)

as amended by—

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Fisheries (Freshwater) Management Amendment Plan (No. 1) 2000 SL No. 97

notfd gaz 26 May 2000 pp 296–7
commenced on date of notification

**Primary Industries and Natural Resources Legislation Consequential
Amendment Management Plan (No. 1) 2000 SL No. 211 pts 1, 3**

notfd gaz 11 August 2000 pp 1322–3
commenced on date of notification

6 List of annotations

Barwon, Dumaresq and Macintyre rivers

s 12 amd 2000 SL No. 97 s 3

Certain catfish with eel-like tails

s 20 amd 2000 SL No. 211 s 13

Permit to fish with fishing line or set line in stocked impoundment

s 44 amd 2000 SL No. 211 s 14

Prohibition on using fishing line or set line without permit

s 45 amd 2000 SL No. 97 s 4

Restriction on writing fishery symbol ‘E’ on authorities

s 51 amd 2000 SL No. 211 s 14

Nominee eel authorities

s 52 amd 2000 SL No. 211 s 14

Review of plan

s 69 amd 2000 SL No. 211 ss 14, 15

Consultation requirements for review

s 70 amd 2000 SL No. 211 s 14

How plan may be amended

s 71 amd 2000 SL No. 211 ss 14, 16

Serious fisheries offences

s 72 amd 2000 SL No. 211 s 14

PART 12—TRANSITIONAL

pt 12 (ss 75–76) exp 1 April 2000 (see s 76)

SCHEDULE 1—THE FRESHWATER FISHERY

Collection of culture stock for aquaculture

s 6 amd 2000 SL No. 211 s 17(1)

Fishing survey

s 8 amd 2000 SL No. 211 s 17(2)

Authorities

s 16 amd 2000 SL No. 211 s 17(3)

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Eel aquaculture

s 19 amd 2000 SL No. 211 s 17(3)–(5)

Management responsibility

s 20 amd 2000 SL No. 211 s 17(3), (5), (6)

Commercial fishing tours

s 22 amd 2000 SL No. 211 s 17(3)

No current permits

s 25 amd 2000 SL No. 211 s 17(3), (7)

SCHEDULE 2—HOW THE OBJECTIVES ARE TO BE ACHIEVED**How achievement is to be measured**

s 3 amd 2000 SL No. 211 s 18(1)

How achievement is to be measured

s 6 amd 2000 SL No. 211 s 18(2)

How achievement is to be measured

s 9 amd 2000 SL No. 211 s 18(3)

SCHEDULE 8—AIDS TO INTERPRETATION AND DEFINITIONS**Scientific classification**

s 3 amd 2000 SL No. 211 s 19(1)

River basins and drainage divisions

s 6 amd 2000 SL No. 211 s 19(2)

Meaning of “stocked impoundment”

s 9 amd 2000 SL No. 97 s 5

PART 3—DICTIONARY

def “**F[↑]B sign**” amd 2000 SL No. 211 s 19(3)

def “**general fisheries permit**” amd 2000 SL No. 211 s 19(4)

def “**required way**” amd 2000 SL No. 211 s 19(5)