

Queensland



*Fisheries Act 1994*

# **FISHERIES (FRESHWATER) MANAGEMENT PLAN 1999**

**Reprinted as in force on 6 December 2002  
(includes amendments up to SL No. 341 of 2002)**

**Reprint No. 1D**

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- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

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

## TABLE OF PROVISIONS

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title . . . . .	11
2	Commencement . . . . .	11
3	The freshwater fishery . . . . .	11
4	Objectives of plan and their achievement . . . . .	11
5	Aids to interpretation and definitions—sch 8 . . . . .	12
<b>PART 2—CLOSED SEASON DECLARATIONS</b>		
<i>Division 1—Closed seasons</i>		
6	Australian bass . . . . .	12
7	Barramundi—Gulf of Carpentaria waterways . . . . .	12
8	Barramundi—Waters other than Gulf of Carpentaria waterways . . . . .	13
<i>Division 2—Prohibitions and exemptions</i>		
9	Prohibitions . . . . .	13
10	General exemptions . . . . .	13
10A	Exemption for Australian bass . . . . .	13
10B	Exemption for barramundi—Gulf of Carpentaria waterways . . . . .	14
10C	Exemption for barramundi—Waters other than Gulf of Carpentaria waterways . . . . .	15
<b>PART 3—CLOSED WATERS DECLARATIONS</b>		
<i>Division 1—Closures to all fishing</i>		
11	General closures—sch 3 . . . . .	16
12	Barwon, Dumaresq and Macintyre rivers . . . . .	16
13	Prohibitions . . . . .	16

*Fisheries (Freshwater) Management Plan 1999*

---

	<b><i>Division 2—Closure to fishing using certain apparatus</i></b>	
14	Obi Obi Creek . . . . .	17
15	Prohibitions . . . . .	17
	<b><i>Division 3—Exemptions</i></b>	
16	Exemptions . . . . .	17
	<b>PART 4—REGULATED FISH DECLARATIONS</b>	
	<b><i>Division 1—Freshwater fish taken from closed waters</i></b>	
17	Freshwater fish taken from closed waters . . . . .	18
	<b><i>Division 2—Freshwater fish regulated by number</i></b>	
18	Freshwater fish regulated by number—sch 4 . . . . .	18
	<b><i>Division 3—Freshwater fish regulated by number and area</i></b>	
19	Freshwater fish regulated by number and area . . . . .	18
20	Certain catfish with eel-like tails . . . . .	19
21	Murray cod . . . . .	19
22	Redclaw crayfish . . . . .	19
22A	Mangrove jack . . . . .	20
	<b><i>Division 4—Freshwater fish regulated by size</i></b>	
23	Freshwater fish regulated by size . . . . .	20
	<b><i>Division 5—Freshwater fish regulated by size and area</i></b>	
24	Barramundi . . . . .	21
25	Murray cod . . . . .	21
25A	Freshwater fish regulated by size and area . . . . .	21
25B	Exemption—barramundi . . . . .	21
	<b><i>Division 6—Freshwater fish regulated by species</i></b>	
26	Lungfish and Mary River cod . . . . .	22
26A	River blackfish . . . . .	23
26B	Bloomfield River cod . . . . .	23
26C	Spiny crayfish . . . . .	23
26D	Prohibited activities . . . . .	23
	<b><i>Division 6A—Freshwater fish regulated by species and area</i></b>	
26E	Silver perch . . . . .	23

*Fisheries (Freshwater) Management Plan 1999*

---

***Division 7—Freshwater fish regulated by gender and area***

27	Berried female redclaw crayfish . . . . .	24
27A	Berried female blueclaw crayfish . . . . .	24

**PART 5—RELEASING RESTRICTIONS**

28	Nonindigenous fisheries resources—sch 5 . . . . .	25
29	Aquaculture fisheries resources. . . . .	25
30	Live bait—sch 7 . . . . .	26

**PART 6—RECREATIONAL FISHERY**

***Division 1—Preliminary***

31	Application of pt 6. . . . .	26
----	------------------------------	----

***Division 2—General***

32	Recreational fishing apparatus. . . . .	26
33	What fish may be taken . . . . .	27
34	Permitted area . . . . .	27

***Division 3—Recreational fishing apparatus and their use***

35	Definition for div 3 . . . . .	27
36	Canister traps. . . . .	27
37	Collapsible traps . . . . .	28
38	Dillies . . . . .	28
39	Funnel traps . . . . .	28
39A	Round traps . . . . .	28
40	Scoop or dip nets. . . . .	29
41	Fishing lines and set lines not used in privately owned waters. . . . .	29
42	Number of traps. . . . .	29
43	Marking traps and set lines . . . . .	29

**PART 7—STOCKED IMPOUNDMENTS**

44	Permit to fish with fishing line or set line in stocked impoundment . . . . .	30
45	Prohibition on using fishing line or set line without permit . . . . .	30

**PART 8—COMMERCIAL FISHERY FOR EELS**

***Division 1—Preliminary***

46	Meaning of “eel authority” . . . . .	30
----	--------------------------------------	----

***Division 2—General***

47	Who may take eels . . . . .	31
48	How eels may be taken . . . . .	31
49	Waters from which eels may be taken . . . . .	31
50	Selling eels taken under eel authority . . . . .	31

***Division 3—Eel authorities***

51	Restriction on writing fishery symbol ‘E’ on authorities. . . . .	31
52	Nominee eel authorities. . . . .	32
53	Eel authorities are not transferable . . . . .	32

***Division 4—Eel traps and round traps******Subdivision 1—General requirements***

54	Definition for sdiv 1. . . . .	32
55	Entrances to trap and from trap to pocket . . . . .	32
56	Trap mesh size. . . . .	33
57	Trap frame . . . . .	33
58	Trap float . . . . .	33
59	Marking of trap and trap float . . . . .	33
60	Pocket length. . . . .	33
61	Pocket float . . . . .	33
62	Pocket frames . . . . .	34

***Subdivision 2—Dimension requirements for eel trap frames***

63	Dimensions . . . . .	34
----	----------------------	----

***Subdivision 3—Dimension requirements for round traps***

64	Diameter and height . . . . .	34
----	-------------------------------	----

***Division 5—Requirements for using eel traps and round traps***

65	Restriction on trapping times . . . . .	34
66	Number of traps that may be used. . . . .	35
67	Checking traps. . . . .	35

**PART 9—ABORIGINES’ AND TORRES STRAIT ISLANDERS’ FISHERY**

68	Aboriginal and Torres Strait Islander rights not affected . . . . .	36
----	---	----

**PART 10—REVIEW, AMENDMENT OR REPEAL**

69	Review of plan. . . . .	36
----	-------------------------	----

---

70	Consultation requirements for review . . . . .	36
71	How plan may be amended . . . . .	37
<b>PART 11—MISCELLANEOUS</b>		
72	Serious fisheries offences . . . . .	38
73	Criteria for suspending authority relating to fishery . . . . .	39
<b>SCHEDULE 1 . . . . .</b>		
<b>THE FRESHWATER FISHERY</b>		
<b>PART 1—DESCRIPTION</b>		
1	Area . . . . .	41
2	Fish species . . . . .	41
3	Recreational fishery . . . . .	41
4	Fishing for trade or commerce—fishery symbol. . . . .	42
5	Restrictions on taking eels for trade or commerce . . . . .	42
6	Collection of culture stock for aquaculture . . . . .	42
7	Aborigines' and Torres Strait Islanders' fishery . . . . .	43
<b>PART 2—STATUS</b>		
<i>Division 1—Recreational fishing</i>		
8	Fishing survey . . . . .	43
9	Recreational fishing in south of State . . . . .	44
10	Recreational fishing in north of State . . . . .	44
11	Freshwater stocking program . . . . .	45
12	Freshwater fish stocking—releases . . . . .	45
13	Economic benefits of the program. . . . .	46
<i>Division 2—Commercial fishing</i>		
<i>Subdivision 1—Taking eels</i>		
14	Eels taken . . . . .	46
15	Waters used . . . . .	46
16	Authorities . . . . .	47
17	Eel stocks. . . . .	47
18	Eel markets . . . . .	47
19	Eel aquaculture . . . . .	48

<i>Subdivision 2—Collection of culture stock for aquaculture</i>		
20	Management responsibility . . . . .	48
21	Collection of culture stock . . . . .	49
<i>Subdivision 3—Commercial fishing tours</i>		
22	Commercial fishing tours . . . . .	49
<i>Subdivision 4—Exploratory and developmental fisheries</i>		
23	What is exploratory fishing . . . . .	50
24	What is developmental fishing . . . . .	51
25	No current permits . . . . .	51
<i>Division 3—Aborigines' and Torres Strait Islanders' fishery</i>		
26	Aborigines' and Torres Strait Islanders' fishery . . . . .	51
<b>SCHEDULE 2</b>		52
<b>HOW THE OBJECTIVES ARE TO BE ACHIEVED</b>		
<b>PART 1—MANAGING THE TAKING OF FRESHWATER FISH</b>		
1	Definition for pt 1 . . . . .	52
2	How objective is to be achieved . . . . .	52
3	How achievement is to be measured . . . . .	53
<b>PART 2—MANAGING THE FRESHWATER FISHERY TO GIVE OPTIMAL, BUT SUSTAINABLE, COMMUNITY BENEFIT</b>		
4	Definition for pt 2 . . . . .	54
5	How objective is to be achieved . . . . .	54
6	How achievement is to be measured . . . . .	54
<b>PART 3—MINIMISING THE RISK OF DAMAGE FROM NONINDIGENOUS AND NOXIOUS FISHERIES RESOURCES</b>		
7	Definition for pt 3 . . . . .	55
8	How objective is to be achieved . . . . .	55
9	How achievement is to be measured . . . . .	55
<b>SCHEDULE 3</b>		56
<b>CLOSED WATERS</b>		
1	Severn River at Queen Mine Waterhole . . . . .	56
2	Dumaresq River at Bonshaw Weir. . . . .	56
3	Macintyre River at Goondiwindi Weir . . . . .	56



*Fisheries (Freshwater) Management Plan 1999*


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4	Macintyre Brook at Coolmunda Dam, Whetstone and Bendor Weirs. . . . .	56
5	Pike Creek at Glenlyon Dam. . . . .	56
6	Quart Pot Creek at Storm King Dam. . . . .	57
7	Barwon River at Mungindi Weir . . . . .	57
8	Balonne River at Surat Weir . . . . .	57
9	Condamine River at or near the Chinchilla, Loudon, Lemon Tree, Yarralong, Cecil Plains and Reilly's Weirs. . . . .	57
10	Balonne River at Beardmore Dam and Jack Taylor Weir . . . . .	57
11	Sandy Creek at Leslie Dam. . . . .	58
12	Dogwood Creek at Miles Weir . . . . .	58
13	Burnett Creek at Maroon Dam . . . . .	58
14	Reynolds Creek at Moogerah Dam . . . . .	58
15	Brisbane River at Mt Crosby Weir . . . . .	58
15A	Brisbane River at Old Mt Crosby Weir . . . . .	58
15B	Brisbane River at Wivenhoe Dam . . . . .	58
16	Mary River at Mary River Barrage . . . . .	59
17	Tinana Creek at Tinana Creek Barrage . . . . .	59
18	Burnett River . . . . .	59
19	Kolan River at Kolan Barrage . . . . .	59
20	Three Moon Creek at Cania Dam . . . . .	59
21	Nogo River at Wuruma Dam . . . . .	59
22	Stuart River at Gordonbrook Dam . . . . .	59
23	Boyne River (Auburn River Basin) at Boondoomba Dam . . . . .	60
24	Boyne River (Boyne River Basin) at Awoonga Dam . . . . .	60
25	Dawson River at Glebe Weir . . . . .	60
26	Dawson River at Gyranda Weir. . . . .	60
27	Dawson River at Orange Creek Weir . . . . .	60
28	Dawson River at Theodore Weir . . . . .	60
29	Dawson River at Moura Weir . . . . .	60
30	Dawson River at Neville Hewitt Weir . . . . .	61
31	Fitzroy River at Fitzroy River Barrage . . . . .	61
32	Fitzroy River at Eden Bann Weir. . . . .	61
33	Fitzroy River at Wattlebank Control Weir . . . . .	61

---

34	Nogoa River at Fairbairn Dam .....	61
35	Pioneer River at the Marian, Mirani and Dumbleton Weirs .....	61
36	Burdekin River at Clare Weir .....	61
37	Thomson River at Fairmount Weir .....	62
38	Nerang River at Hinze Dam .....	62
39	Albert River at Luscombe Weir .....	62
40	Six Mile Creek at Lake MacDonald .....	62
	<b>SCHEDULE 4</b> .....	63
	<b>FRESHWATER FISH REGULATED BY NUMBER</b>	
1	Numbers for individual species .....	63
2	Combined numbers of species .....	66
	<b>SCHEDULE 5</b> .....	67
	<b>WATERS WHERE NONINDIGENOUS FISHERIES RESOURCES MUST NOT BE RELEASED</b>	
1	Drainage divisions .....	67
2	River basins in East Coast Drainage Division .....	67
	<b>SCHEDULE 6</b> .....	69
	<b>WHERE CERTAIN AQUACULTURE FISHERIES RESOURCES MAY BE RELEASED</b>	
1	Australian bass .....	69
2	Barramundi .....	69
3	Eel-tailed catfish .....	72
4	Golden perch .....	74
4A	Khaki bream .....	75
5	Mary River cod .....	76
6	Murray cod .....	76
7	Redclaw crayfish .....	77
8	Silver perch .....	78
9	Sleepy cod .....	79
10	Sooty grunter .....	81
11	Southern saratoga .....	82

	<b>SCHEDULE 7</b> .....	83
	<b>RESTRICTIONS ON THE USE OF LIVE FISH AS BAIT</b>	
1	Redclaw crayfish .....	83
2	Yabbies .....	84
	<b>SCHEDULE 8</b> .....	86
	<b>AIDS TO INTERPRETATION AND DEFINITIONS</b>	
	<b>PART 1—PROVISIONS AIDING INTERPRETATION</b>	
1	Measurement of size of fish .....	86
2	Scientific names of fish .....	86
3	Scientific classification .....	92
4	References to possession of fish .....	93
5	Time periods .....	93
6	River basins and drainage divisions .....	93
	<b>PART 2—DICTIONARY</b>	
	<b>ENDNOTES</b>	
1	Index to endnotes .....	100
2	Date to which amendments incorporated .....	100
3	Key .....	100
4	Table of earlier reprints .....	101
5	List of legislation .....	101
6	List of annotations .....	102



# **FISHERIES (FRESHWATER) MANAGEMENT PLAN 1999**

[as amended by all amendments that commenced on or before 6 December 2002]

## **PART 1—PRELIMINARY**

### **1 Short title**

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

### **2 Commencement**

Part 7 commences on 17 October 1999.

### **3 The freshwater fishery**

- (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.

### **4 Objectives of plan and their achievement**

- (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
  - (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.

## **5 Aids to interpretation and definitions—sch 8**

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

(2) The dictionary in schedule 8, part 2 defines particular words used in this plan.

## **PART 2—CLOSED SEASON DECLARATIONS**

### *Division 1—Closed seasons*

## **6 Australian bass**

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

## **7 Barramundi—Gulf of Carpentaria waterways**

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

- (a) 14 October 2002 to 25 January 2003;
- (b) 3 October 2003 to 28 January 2004;
- (c) 7 October 2004 to 1 February 2005.

(2) Each period starts and ends at midday.

**8 Barramundi—Waters other than Gulf of Carpentaria waterways**

The period from midday on 1 November to midday on 1 February is a closed season for barramundi in waters other than Gulf of Carpentaria waterways.

***Division 2—Prohibitions and exemptions*****9 Prohibitions**

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.

**10 General exemptions**

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.

**10A Exemption for Australian bass**

It is not unlawful for a person, during a closed season under section 6, to take Australian bass, or possesses Australian bass taken, from the waters, or waterways upstream, of the following—

- Baroon Pocket Dam
- Bjelke-Peterson Dam
- Boondooma Dam
- Borumba Dam
- Cania Dam
- Claude Wharton Weir

- Cressbrook Dam
- Fred Haigh Dam (Lake Monduran)
- Gordonbrook Dam
- Hinze Dam
- Isis Balancing Storage (Lake Gregory)
- Jones Weir
- Lake Clarendon
- Lake Dyer
- Lake MacDonald
- Lenthalls Dam
- Maroon Dam
- Moogerah Dam
- North Pine Dam (Lake Samsonvale)
- Somerset Dam
- Wivenhoe Dam
- Wuruma Dam.

### **10B Exemption for barramundi—Gulf of Carpentaria waterways**

(1) It is not unlawful for a recreational fisher, during a closed season under section 7, to take only 1 barramundi, or possess only 1 barramundi taken from, the waters, or waterways upstream, of the following—

- East Leichhardt Dam
- Lake Belmore
- Lake Corella
- Lake Julius
- Lake Moondarra.

(2) However, the recreational fisher must not, while the fisher possesses the barramundi, take fish in waters or waterways other than the following—

- (a) waters or waterways mentioned in subsection (1); or
- (b) waters, or waterways upstream, of the following—



- Awoonga Dam
- Burdekin Falls Dam
- Callide Dam
- Eungella Dam
- Fairbairn Dam
- Fred Haigh Dam (Lake Monduran)
- Kinchant Dam
- Koombooloomba Dam
- Lenthalls Dam
- Peter Faust Dam
- Teemburra Dam
- Tinaroo Dam
- Wuruma Dam.

### **10C Exemption for barramundi—Waters other than Gulf of Carpentaria waterways**

(1) It is not unlawful for a recreational fisher, during a closed season under section 8, to take only 1 barramundi, or possess only 1 barramundi taken from, the waters, or waterways upstream, of the following—

- Awoonga Dam
- Burdekin Falls Dam
- Callide Dam
- Eungella Dam
- Fairbairn Dam
- Fred Haigh Dam (Lake Monduran)
- Kinchant Dam
- Koombooloomba Dam
- Lenthalls Dam
- Peter Faust Dam
- Teemburra Dam

- Tinaroo Dam
- Wuruma Dam.

(2) However, the recreational fisher must not, while the fisher possesses the barramundi, take fish in waters or waterways other than—

- (a) waters or waterways mentioned in subsection (1); or
- (b) the waters, or waterways upstream, of the following—
  - East Leichhardt Dam
  - Lake Belmore
  - Lake Corella
  - Lake Julius
  - Lake Moondarra.

## **PART 3—CLOSED WATERS DECLARATIONS**

### *Division 1—Closures to all fishing*

#### **11 General closures—sch 3**

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

#### **12 Barwon, Dumaresq and Macintyre rivers**

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

#### **13 Prohibitions**

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*****14 Obi Obi Creek**

(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.

**15 Prohibitions**

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.

***Division 3—Exemptions*****16 Exemptions**

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 <sup>1</sup>**

### *Division 1—Freshwater fish taken from closed waters*

#### **17 Freshwater fish taken from closed waters**

(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*

#### **18 Freshwater fish regulated by number—sch 4**

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

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

(3) Taking or possessing fish regulated by number is prohibited.

(4) However, a person may possess fish regulated by number if the person did not take the fish.

### *Division 3—Freshwater fish regulated by number and area*

#### **19 Freshwater fish regulated by number and area**

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

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

(3) Taking fish regulated by number, or possessing fish regulated by number taken, from the waters stated for the fish is prohibited.

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<sup>1</sup> 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.

(4) However, a person may possess fish regulated by number taken from the waters stated for the fish if the person did not take the fish.

## 20 Certain catfish with eel-like tails

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

(2) Also, more than a combined total of 5 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 Wales<sup>2</sup> at pages 55 to 70.<sup>3</sup>

*Examples of fish in the genera—*

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

## 21 Murray cod

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

## 22 Redclaw crayfish

(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—

---

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.

- (a) the Gulf of Carpentaria Drainage Division;
  - (b) 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.

## **22A Mangrove jack**

More than 5 mangrove jack in Gulf of Carpentaria waterways are regulated fish.

### *Division 4—Freshwater fish regulated by size*

## **23 Freshwater fish regulated by size**

- (1) The following freshwater fish of the size stated are regulated fish—
- (a) Australian bass—less than 30 cm;
  - (b) Barcoo grunter—less than 30 cm;
  - (c) eel-tailed catfish—less than 35 cm;
  - (d) golden perch—less than 30 cm;
  - (e) jungle perch—more than 35 cm;
  - (f) long-finned eel—less than 30 cm;
  - (g) spotted flagtail (northern jungle perch)—more than 35 cm;
  - (h) northern saratoga—less than 50 cm;
  - (i) silver perch—less than 30 cm;
  - (j) short-finned eel—less than 30 cm;

- (k) sooty grunter—less than 28 cm;
  - (l) South Pacific eel—less than 30 cm;
  - (m) southern saratoga—less than 50 cm;
  - (n) Welch's grunter—less than 30 cm.
- (2) Taking or possessing a fish mentioned in subsection (1) is prohibited.

***Division 5—Freshwater fish regulated by size and area***

**24 Barramundi**

(1) Barramundi of a size less than 60 cm or more than 120 cm are fish regulated by size in Gulf of Carpentaria waterways.

(2) Barramundi of a size less than 58 cm or more than 120 cm are fish regulated by size in waters other than Gulf of Carpentaria waterways.

**25 Murray cod**

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.

**25A Freshwater fish regulated by size and area**

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

(2) The following is prohibited—

- (a) taking fish of the size stated in the waters stated for the fish;
- (b) possessing fish taken in contravention of paragraph (a).

**25B Exemption—barramundi**

(1) This section applies to the waters, or waterways upstream, of the following—

- Awoonga Dam
- Burdekin Falls Dam
- Callide Dam

- East Leichhardt Dam
- Eungella Dam
- Fairbairn Dam
- Fred Haigh Dam (Lake Monduran)
- Kinchant Dam
- Koombooloomba Dam
- Lake Belmore
- Lake Corella
- Lake Julius
- Lake Moondarra
- Lenthalls Dam
- Peter Faust Dam
- Teemburra Dam
- Tinaroo Dam
- Wuruma Dam.

(2) It is not unlawful for a recreational fisher to—

- (a) take only 1 barramundi larger than 120 cm from the waters or waterways; or
- (b) possess only 1 barramundi larger than 120 cm taken from the waters or waterways.

(3) However, the recreational fisher must not, while the fisher possesses the barramundi, take fish in waters or waterways other than the waters or waterways to which this section applies.

### *Division 6—Freshwater fish regulated by species*

## **26 Lungfish and Mary River cod**

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

(2) 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—

- Bill Gunn Dam



- Cressbrook Dam
- Hinze Dam
- Lake Clarendon Dam
- Maroon Dam
- Moogerah Dam
- North Pine Dam
- Somerset Dam
- Wivenhoe Dam.

**26A River blackfish**

River blackfish are regulated fish.

**26B Bloomfield River cod**

Bloomfield River cod are regulated fish.

**26C Spiny crayfish**

Spiny crayfish are regulated fish.

**26D Prohibited activities**

Taking or possessing fish mentioned in this division is prohibited.

***Division 6A—Freshwater fish regulated by species and area*****26E Silver perch**

(1) Despite sections 18 and 23(1)(j), silver perch is a fish regulated by species in the waters of the Paroo River Basin and the Warrego River Basin, other than waters that are 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) The following is prohibited—

- (a) taking silver perch from the waters of Paroo River Basin or Warrego River Basin;
- (b) possessing silver perch taken in contravention of paragraph (a).

***Division 7—Freshwater fish regulated by gender and area***

**27 Berried female redclaw crayfish**

(1) Berried female redclaw crayfish are regulated fish in waters within the following—

- (a) Gulf of Carpentaria Drainage Division;
- (b) the following river basins in the East Coast Drainage Division—
  - Hann
  - Jacky Jacky
  - Lockhart
  - Normanby
  - Olive
  - Pascoe
  - Stewart.

(2) The following is prohibited—

- (a) taking berried female redclaw crayfish from the waters mentioned in subsection (1);
- (b) possessing berried female redclaw crayfish taken in contravention of paragraph (a).

(3) In this section—

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

**27A Berried female blueclaw crayfish**

(1) Berried female blueclaw crayfish are regulated fish in waters within the following—

- (a) Bulloo–Bancannia Drainage Division;

- (b) Lake Eyre Drainage Division;
- (c) Murray–Darling Drainage Division;
- (d) the following river basins in the East Coast Drainage Division—
  - Belyando
  - Dawson
  - Isaac.

(2) The following is prohibited—

- (a) taking berried female blueclaw crayfish from the waters mentioned in subsection (1);
- (b) possessing berried female blueclaw crayfish taken in contravention of paragraph (a).

(3) In this section—

“**berried female blueclaw crayfish**” means female blueclaw crayfish carrying eggs or young.

## **PART 5—RELEASING RESTRICTIONS**

### **28 Nonindigenous fisheries resources—sch 5**

(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.

### **29 Aquaculture fisheries resources**

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.

### **30 Live bait—sch 7**

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*

### **31 Application of pt 6**

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

### *Division 2—General*

### **32 Recreational fishing apparatus**

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 round trap;
- (f) a scoop or dip net;

- (g) a fishing line;
- (h) a set line.

### **33 What fish may be taken**

Any freshwater fish may be taken with recreational fishing apparatus.<sup>4</sup>

### **34 Permitted area**

(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*

### **35 Definition for div 3**

In this division—

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

### **36 Canister traps**

(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.

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<sup>4</sup> 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.

(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.

### **37 Collapsible traps**

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

### **38 Dillies**

A dilly must have—

- (a) a diameter of no more than 125 cm; and
- (b) a mesh size of no more than 25 mm.

### **39 Funnel traps**

(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.

### **39A Round traps**

(1) A round trap must not have—

- (a) more than 4 entrances; or
- (b) a diameter more than 70 cm; or
- (c) a height more than 50 cm.

(2) Each entrance on the trap must not have a diameter, height or width more than 10 cm.

(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.

#### **40 Scoop or dip nets**

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.

#### **41 Fishing lines and set lines not used in privately owned waters**

(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.

(5) In this section—

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

#### **42 Number of traps**

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

#### **43 Marking traps and set lines**

(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**

### **44 Permit to fish with fishing line or set line in stocked impoundment**

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.

### **45 Prohibition on using fishing line or set line without permit**

(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*

### **46 Meaning of “eel authority”**

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



***Division 2—General*****47 Who may take eels**

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

**48 How eels may be taken**

- (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.

**49 Waters from which eels may be taken**

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.

**50 Selling eels taken under eel authority**

- (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*****51 Restriction on writing fishery symbol ‘E’ on authorities**

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.

## **52 Nominee eel authorities**

(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.

## **53 Eel authorities are not transferable**

An eel authority is not transferable.

### *Division 4—Eel traps and round traps*

#### *Subdivision 1—General requirements*

## **54 Definition for sdiv 1**

In this subdivision—

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

## **55 Entrances to trap and from trap to pocket**

(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.

### **56 Trap mesh size**

(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.

### **57 Trap frame**

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

### **58 Trap float**

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

### **59 Marking of trap and trap float**

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.

### **60 Pocket length**

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.

### **61 Pocket float**

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.

**62 Pocket frames**

(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***63 Dimensions**

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***64 Diameter and height**

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***65 Restriction on trapping times**

(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;<sup>5</sup> 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.

(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.

## **66 Number of traps that may be used**

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.

## **67 Checking traps**

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

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<sup>5</sup> *Water Resources Act 1989*, section 3 (Rights in certain water to vest in Crown)

## **PART 9—ABORIGINES' AND TORRES STRAIT ISLANDERS' FISHERY**

### **68 Aboriginal and Torres Strait Islander rights not affected**

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.<sup>6</sup>

## **PART 10—REVIEW, AMENDMENT OR REPEAL**

### **69 Review of plan**

(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) However, the chief executive may review this plan, or an aspect of this plan, at an earlier time if the chief executive considers an earlier review of the plan or aspect is appropriate.

### **70 Consultation requirements for review**

(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;

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6 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.

- (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.

## **71 How plan may be amended**

(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 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

### 72 Serious fisheries offences

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 offence<sup>7</sup>—

- (a) contravening a closed waters declaration under part 3;<sup>8</sup>
- (b) releasing noxious fisheries resources, or causing noxious fisheries resources to be placed or released, into waters that are not tidal;<sup>9</sup>
- (c) releasing nonindigenous fisheries resources, or causing nonindigenous fisheries resources to be placed or released into waters that are not tidal;<sup>10</sup>
- (d) releasing aquaculture fisheries resources into waters that are not tidal, in contravention of section 77(6)<sup>11</sup> 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 78<sup>12</sup> of the regulation;

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

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

9 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.

10 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.

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

12 Section 78 (Fisheries resources cultivated other than for sale) 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;<sup>13</sup>
- (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;<sup>14</sup>
- (i) failing to give the chief executive a return for freshwater fish;<sup>15</sup>
- (j) obstructing, hindering or resisting an inspector exercising a power in relation to the freshwater fishery.<sup>16</sup>

### **73 Criteria for suspending authority relating to fishery**

(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 conviction is a spent conviction.

(3) For section 67(2)(b)(i)<sup>17</sup> 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.

(4) In this section—

“**spent conviction**” means a conviction—

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

14 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.

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

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

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

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

## **SCHEDULE 1**

### **THE FRESHWATER FISHERY**

section 3(2) and (3)

#### **PART 1—DESCRIPTION**

##### **1 Area**

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

##### **2 Fish species**

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

##### **3 Recreational fishery**

(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.

## SCHEDULE 1 (continued)

(3) General controls, including for example, minimum and maximum sizes, bag limits,<sup>18</sup> closed seasons and closed waters declarations, apply to the taking or possession of freshwater fish in the fishery by recreational fishers.

**4 Fishing for trade or commerce—fishery symbol**

(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.

**5 Restrictions on taking eels for trade or commerce**

(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.

**6 Collection of culture stock for aquaculture**

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

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18 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.

## SCHEDULE 1 (continued)

(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.

**7 Aborigines' and Torres Strait Islanders' fishery**

(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.<sup>19</sup>

**PART 2—STATUS***Division 1—Recreational fishing***8 Fishing survey**

(1) A fishing survey concerning the freshwater fishery was completed in September 1996.<sup>20</sup>

(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;

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19 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.

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

## SCHEDULE 1 (continued)

- (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.

**9 Recreational fishing in south of State**

(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.

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

**10 Recreational fishing in north of State**

(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.

**SCHEDULE 1 (continued)**

(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.

**11 Freshwater stocking program**

(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.

**12 Freshwater fish stocking—releases**

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

(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.

## SCHEDULE 1 (continued)

**13 Economic benefits of the program**

(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.

***Division 2—Commercial fishing******Subdivision 1—Taking eels*****14 Eels taken**

(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.

**15 Waters used**

(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.



## SCHEDULE 1 (continued)

**16 Authorities**

(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.

**17 Eel stocks**

(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.

**18 Eel markets**

(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.

## SCHEDULE 1 (continued)

(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.

**19 Eel aquaculture**

(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.

(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*****20 Management responsibility**

(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.

## SCHEDULE 1 (continued)

**21 Collection of culture stock**

(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;
- (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*****22 Commercial fishing tours**

(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.

## SCHEDULE 1 (continued)

*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 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***

**23 What is exploratory fishing**

(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.

## SCHEDULE 1 (continued)

**24 What is developmental fishing**

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

(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.

**25 No current permits**

(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*****26 Aborigines' and Torres Strait Islanders' fishery**

(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.<sup>21</sup>

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

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21 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

##### 1 Definition for pt 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.

##### 2 How objective is to be achieved

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.<sup>22</sup>

- (b) issuing culture stock permits for juvenile eels that allow eel aquaculture to develop and ensures sustainability of juvenile eel stocks; and

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<sup>22</sup> 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.

## SCHEDULE 2 (continued)

- (c) issuing culture stock collection permits that allow aquaculturists to operate effectively while maintaining sustainability of natural stocks.

**3 How achievement is to be measured**

(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****4 Definition for pt 2**

In this part—

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

**5 How objective is to be achieved**

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;<sup>23</sup> and
- (b) encouraging the development of impoundment fisheries; and
- (c) introducing stocked impoundment permit requirements.

**6 How achievement is to be measured**

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

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



## SCHEDULE 2 (continued)

**PART 3—MINIMISING THE RISK OF DAMAGE  
FROM NONINDIGENOUS AND NOXIOUS  
FISHERIES RESOURCES****7 Definition for pt 3**

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.

**8 How objective is to be achieved**

The objective is to be achieved by—

- (a) the restrictions under part 5 and schedules 5 to 7;<sup>24</sup> and
- (b) increasing community understanding and acceptance of the need to prevent inappropriate stocking of freshwater fish in Queensland waters.

**9 How achievement is to be measured**

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.

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24 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)

## **SCHEDULE 3**

### **CLOSED WATERS**

section 11(1)

#### **1 Severn River at Queen Mine Waterhole**

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

#### **2 Dumaresq River at Bonshaw Weir**

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

#### **3 Macintyre River at Goondiwindi Weir**

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

#### **4 Macintyre Brook at Coolmunda Dam, Whetstone and Bendor Weirs**

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.

#### **5 Pike Creek at Glenlyon Dam**

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

## SCHEDULE 3 (continued)

**6 Quart Pot Creek at Storm King Dam**

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

**7 Barwon River at Mungindi Weir**

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

**8 Balonne River at Surat Weir**

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

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

The Condamine River as follows—

- (a) from 200 m upstream to 200 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—

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

**10 Balonne River at Beardmore Dam and Jack Taylor Weir**

The Balonne River from—

## SCHEDULE 3 (continued)

- (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.

**11 Sandy Creek at Leslie Dam**

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

**12 Dogwood Creek at Miles Weir**

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

**13 Burnett Creek at Maroon Dam**

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

**14 Reynolds Creek at Moogerah Dam**

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

**15 Brisbane River at Mt Crosby Weir**

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

**15A Brisbane River at Old Mt Crosby Weir**

Brisbane River from the Old Mt Crosby Weir to 50 m downstream of the weir.

**15B Brisbane River at Wivenhoe Dam**

Brisbane River from Wivenhoe Dam to 600 m downstream of the dam.

## SCHEDULE 3 (continued)

**16 Mary River at Mary River Barrage**

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

**17 Tinana Creek at Tinana Creek Barrage**

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

**18 Burnett River**

The Burnett River from—

- (a) 400 m upstream to 400 m downstream of Burnett Barrage; and
- (b) 200 m upstream to 150 m downstream of Claude Wharton Weir; and
- (c) 50 m upstream to 200 m downstream of Nev Churchward Weir.

**19 Kolan River at Kolan Barrage**

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

**20 Three Moon Creek at Cania Dam**

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

**21 Nogo River at Wuruma Dam**

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

**22 Stuart River at Gordonbrook Dam**

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

## SCHEDULE 3 (continued)

**23 Boyne River (Auburn River Basin) at Boondoomba Dam**

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

**24 Boyne River (Boyne River Basin) at Awoonga Dam**

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

**25 Dawson River at Glebe Weir**

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

**26 Dawson River at Gylanda Weir**

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

**27 Dawson River at Orange Creek Weir**

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

**28 Dawson River at Theodore Weir**

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.

**29 Dawson River at Moura Weir**

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

## SCHEDULE 3 (continued)

**30 Dawson River at Neville Hewitt Weir**

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.

**31 Fitzroy River at Fitzroy River Barrage**

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

**32 Fitzroy River at Eden Bann Weir**

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

**33 Fitzroy River at Wattlebank Control Weir**

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

**34 Nogoia River at Fairbairn Dam**

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

**35 Pioneer River at the Marian, Mirani and Dumbleton Weirs**

The Pioneer River from—

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

**36 Burdekin River at Clare Weir**

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

## SCHEDULE 3 (continued)

**37 Thomson River at Fairmount Weir**

Thomson River from 50 m upstream to 200 m downstream of Fairmount Weir.

**38 Nerang River at Hinze Dam**

Nerang River from Hinze Dam to 400 m downstream of the dam.

**39 Albert River at Luscombe Weir**

Albert River from Luscombe Weir to 120 m downstream of the weir.

**40 Six Mile Creek at Lake MacDonald**

Six Mile Creek from the dam at Lake MacDonald to 100 m downstream of the dam.



**SCHEDULE 4****FRESHWATER FISH REGULATED BY NUMBER**

section 18(1)

**1 Numbers for individual species**

More than the following numbers of the following freshwater fish—

Aggassiz's perchlet—20

Aru gudgeon—20

Australian bass—2

banded grunter—20

barramundi—5

Berney's catfish—20

bigheaded gudgeon—20

blueclaw crayfish—100

bony bream—20

bug eyed goby—20

Cairns rainbowfish—20

Celebes goby—20

coal grunter—20

common archer fish—20

concave goby—20

delicate blue-eye—20

## SCHEDULE 4 (continued)

desert goby—20  
dwarf goby—20  
empire gudgeon—20  
fimbriate gudgeon—20  
firtail gudgeon—20  
flagtail perchlet—20  
flathead goby—20  
fleyspecked hardyhead—20  
freshwater long tom—20  
Gilbert's grunter—20  
golden goby—20  
golden perch—10  
Lake's carp gudgeon—20  
leathery grunter—20  
lesser salmon catfish—20  
Lorentz's grunter—20  
Marjorie's hardyhead—20  
Midgley's carp gudgeon—20  
Mueller's perchlet—20  
Mulgrave goby—20  
Obbes' catfish—20  
ornate rainbowfish—20

## SCHEDULE 4 (continued)

Pacific blue-eye—	20
penny fish—	20
poreless gudgeon—	20
purple spotted gudgeon—	20
redclaw crayfish—	40
Rendahl's catfish—	20
reticulated perchlet—	20
roman nose goby—	20
sailfin perchlet—	20
scaleless goby—	20
shovel nosed catfish—	20
silver tandan—	20
sleepy cod—	20
small headed grunter—	20
smelt—	20
snakehead gudgeon—	20
spangled perch—	20
spotted blue-eye—	20
square blotch goby—	20
strawman—	20
striped gudgeon—	20
threadfin rainbowfish—	20

## SCHEDULE 4 (continued)

triangular shield catfish—20

trout gudgeon—20

western carp gudgeon—20

yellowfin perchlet—20

**2 Combined numbers of species**

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

Barcoo grunter, silver perch and Welch's grunter—5

cherabins—10

jungle perch and spotted flagtail (northern jungle perch)—1

khaki bream and sooty grunter—10

long-finned eel, short-finned eel and South Pacific eel—10

molluscs—50

northern saratoga and southern saratoga—1

**SCHEDULE 5****WATERS WHERE NONINDIGENOUS FISHERIES  
RESOURCES MUST NOT BE RELEASED**

section 28(2)

**1 Drainage divisions**

Waters in river basins in the following drainage divisions—

Bulloo–Bancannia  
Gulf of Carpentaria  
Lake Eyre  
Murray–Darling

**2 River basins in East Coast Drainage Division**

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

Baffle  
Barron  
Bloomfield  
Curtis Island  
Daintree  
Endeavour  
Fraser Island  
Hann (with the reference number 9102)  
Hinchinbrook Island  
Jacky Jacky  
Jeannie  
Lockhart  
Mossman  
Mulgrave  
Murray

## SCHEDULE 5 (continued)

Noosa  
Normanby  
North Johnstone  
Olive  
Pascoe  
Russell  
Shoalwater  
South Johnstone  
Stewart  
Stradbroke Islands  
Tully  
Waterpark  
Whitsunday Island

**SCHEDULE 6****WHERE CERTAIN AQUACULTURE FISHERIES  
RESOURCES MAY BE RELEASED**

section 29(c)

**1 Australian bass**

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

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

**2 Barramundi**

Barramundi may be released only into the following river basins—

## SCHEDULE 6 (continued)

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

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



## SCHEDULE 6 (continued)

- (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

## SCHEDULE 6 (continued)

Shoalwater

Styx

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

Auburn

Baffle

Barambah

Boyne

Curtis Island

Dawson

Elliot

Fitzroy

Gregory

Isaac

Burnett

Burrum

Calliope

Comet

Kolan

Mackenzie

Mary

Nogo

Nogoa

### **3 Eel-tailed catfish**

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

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

Albert

Auburn

Baffle

Barambah

## SCHEDULE 6 (continued)

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

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

Balonne  
Border Rivers  
Condamine  
Macintyre

## SCHEDULE 6 (continued)

Maranoa  
Moonie  
Nebine  
Paroo  
Severn  
Warrego

**4 Golden perch**

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

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

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

## SCHEDULE 6 (continued)

Severn  
Southcoast  
South Pine  
Stanley  
Warrego

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

Comet  
Dawson  
Fitzroy  
Isaac  
Mackenzie  
Nogoa

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

Barcoo  
Cooper  
Diamantina  
Georgina  
Mulligan  
Thomson

**4A Khaki bream**

Khaki bream may be released only into the following river basins—

- Barron
- Daintree
- Mulgrave
- Murray
- North Johnstone
- Russell

## SCHEDULE 6 (continued)

- South Johnstone
- Tully.

**5 Mary River cod**

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

Albert  
Bremer  
Brisbane  
North Pine  
Stanley  
Lockyer  
Logan  
Mary  
Southcoast

**6 Murray cod**

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

Balonne  
Border Rivers  
Condamine  
Macintyre  
Maranoa  
Moonie  
Nebine  
Paroo  
Severn  
Warrego

## SCHEDULE 6 (continued)

**7 Redclaw crayfish**

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

Alice  
Archer  
Cliffdale  
Cloncurry  
Coen  
Coleman  
Dulhunty  
Edward  
Eight Mile  
Einasleigh  
Embley  
Flinders  
Gilbert  
Hann (with the reference number 1050)  
Hann (with the reference number 9102)  
Holroyd  
Jackson  
Jacky Jacky  
Jardine  
Kendall  
L Creek  
Leichardt  
Lockhart  
Mission  
Mitchell  
Morning  
Morningside Island  
Nicholson  
Norman  
Normanby

## SCHEDULE 6 (continued)

Olive  
Palmer  
Pascoe  
Saxby  
Settlement  
Skardon  
Staaten  
Stewart  
Torres Strait Islands  
Watson  
Wenlock  
Walsh

**8 Silver perch**

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

Auburn  
Balonne  
Barambah  
Border Rivers  
Boyne  
Bremer  
Brisbane  
Burnett  
Burrum  
Caboolture  
Condamine  
Dawson  
Eliot  
Fitzroy  
Kolan  
Lockyer  
Logan



## SCHEDULE 6 (continued)

Macintyre  
Maranoa  
Maroochy  
Mary  
Moonie  
Nebine  
Nogo  
Nogoa  
North Pine  
Paroo  
Severn  
Southcoast  
South Pine  
Stanley  
Warrego

**9 Sleepy cod**

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

(a) river basins for southern stock as follows—

Comet  
Dawson  
Fitzroy  
Isaac  
Mackenzie  
Nogoa  
Plane

(b) river basins for northern stock as follows—

Alice  
Archer  
Cliffdale  
Cloncurry

## SCHEDULE 6 (continued)

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

## SCHEDULE 6 (continued)

**10 Sooty grunter**

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

Alice  
Archer  
Barron  
Belyando  
Bowen  
Burdekin  
Clarke  
Cliffdale  
Cloncurry  
Coen  
Coleman  
Dulhunty  
Edward  
Eight Mile  
Einasleigh  
Embley  
Flinders  
Gilbert  
Hann (with the reference number 9102)  
Herbert  
Holroyd  
Kendall  
L Creek  
Leichardt  
Mission  
Mitchell  
Morning  
Mulgrave  
Murray  
Nicholson

## SCHEDULE 6 (continued)

Norman  
North Johnstone  
Palmer  
Pioneer  
Russell  
Saxby  
Settlement  
Staaten  
Tully  
Walsh  
Watson  
Wenlock

**11 Southern saratoga**

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

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

**SCHEDULE 7****RESTRICTIONS ON THE USE OF LIVE FISH AS BAIT**

section 30

**1 Redclaw crayfish**

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

Archer

Cliffdale

Cloncurry

Coen

Coleman

Dulhunty

Edward

Eight Mile

Einasleigh

Embley

Flinders

Gilbert

Hann (with the reference number 9102)

Holroyd

Jackson

Jardine

Kendall

L Creek

Leichardt

Mission

## SCHEDULE 7 (continued)

Mitchell  
Morning  
Morrington Island  
Nicholson  
Norman  
Palmer  
Saxby  
Settlement  
Skardon  
Staaten  
Torres Strait  
Walsh  
Watson  
Wenlock

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

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

**2 Yabbies**

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  
Border Rivers  
Condamine

## SCHEDULE 7 (continued)

Macintyre

Maranoa

Moonie

Nebine

Paroo

Severn

Warrego

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

Barcoo

Cooper Creek

Diamantina

Georgina

Mulligan

Thomson

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

Belyando

Dawson

Isaac

(d) the Bulloo River Basin.

**SCHEDULE 8****AIDS TO INTERPRETATION AND DEFINITIONS**

section 5

**PART 1—PROVISIONS AIDING INTERPRETATION****1 Measurement of size of fish**

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

**2 Scientific names of fish**

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

<b>Common name</b>	<b>Scientific name</b>
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>
Bloomfield River cod	<i>Guyu wujalwujalensis</i>



## SCHEDULE 8 (continued)

Common name	Scientific name
blueclaw crayfish	<i>Cherax destructor</i>
bluegill	<i>Lepomis</i> spp.
bony bream	<i>Nematolosa erebi</i>
bug eyed goby	<i>Redigobius bikolanus</i>
Cairns rainbowfish	<i>Cairnsichthys rhombosomoides</i>
carp	<i>Cyprinus capio</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>Taxotes chatareus</i>
concave goby	<i>Glossogobius concavifrons</i>
Cooper Creek catfish	<i>Neosiluroides cooperensis</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>

## SCHEDULE 8 (continued)

<b>Common name</b>	<b>Scientific name</b>
Duboulay's rainbowfish	<i>Melanotaenia duboulayi</i>
dwarf goby	<i>Glossogobius</i> sp A
eastern rainbowfish	<i>Melanotaenia splendida 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>
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 gunter	<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>
khaki bream	<i>Hephaestus tulliensis</i>

## SCHEDULE 8 (continued)

Common name	Scientific name
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>
mangrove jack	<i>Lutjanus argentimaculatus</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>
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>

## SCHEDULE 8 (continued)

<b>Common name</b>	<b>Scientific name</b>
Obbes' catfish	<i>Porochilus obbesi</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>Serrasalmidae</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>
river blackfish	<i>Gadopsis marmoratus</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>
silver perch	<i>Bidyanus bidyanus</i>

## SCHEDULE 8 (continued)

Common name	Scientific name
silver tandan	<i>Porochilus argenteus</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>
spiny crayfish	<i>Euastacus</i> spp.
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 weneri</i>
tiger catfish	<i>Pseudoplatystoma fasciatum</i>

## SCHEDULE 8 (continued)

Common name	Scientific name
tigerfish	family Hydrocyninae or family Erythrinidae
tilapia	<i>Tilapia</i> , <i>Oreochromis</i> or <i>Sarotherodon</i> spp.
triangular shield catfish	<i>Arius leptaspis</i>
trout gudgeon	<i>Mogurnda mogurnda</i>
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>

### 3 Scientific classification

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;

## SCHEDULE 8 (continued)

- (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.<sup>25</sup>

**4 References to possession of fish**

(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.

**5 Time periods**

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.

**6 River basins and drainage divisions**

(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.

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<sup>25</sup> The documents mentioned in section 3 can be inspected during business hours at the department's office at 80 Ann Street, Brisbane.

## SCHEDULE 8 (continued)

(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;
- (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.<sup>26</sup>

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

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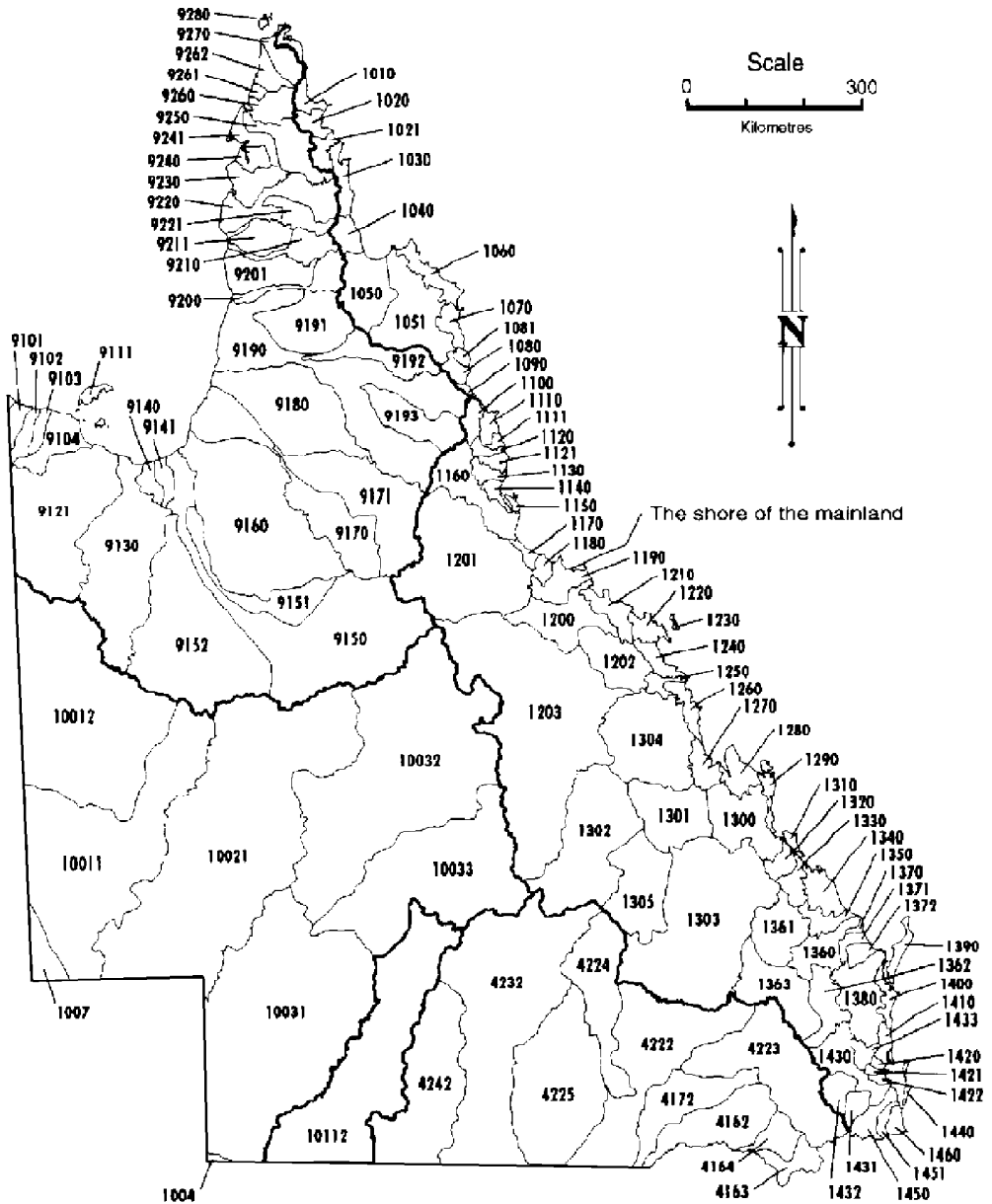
<sup>26</sup> The maps can be inspected during business hours at the department’s office at 80 Ann Street, Brisbane.



SCHEDULE 8 (continued)

RIVER BASINS MAP

schedule 8, section 6(1)



## 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—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.

**“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 34<sup>27</sup> of the regulation.

**“Gulf of Carpentaria waterways”** means waterways, and waterways upstream of the waterways, that join the Gulf of Carpentaria south of longitude 142°09' east where it intersects the mainland shore (tip of Cape York), other than Lake Tinaroo and the Barron River.

**“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.

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

## SCHEDULE 8 (continued)

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

**“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”**—

1. A **“stocked impoundment”** means the waters of the following—
  - Bill Gunn Dam (Lake Dyer)
  - Bjelke Peterson Dam
  - Boondooma Dam
  - Borumba Dam
  - Burdekin Falls Dam
  - Callide Dam
  - Cania Dam
  - Connolly Dam
  - Cooby Dam
  - Coolmunda Dam
  - Cressbrook Dam
  - Eungella Dam
  - Fred Haigh Dam (Lake Monduran)
  - Glenlyon Dam
  - Gordonbrook Dam
  - Isis Balancing Storage (Lake Gregory)

## SCHEDULE 8 (continued)

- Kinchant Dam
  - Lake Clarendon
  - Lake MacDonald
  - Lenthalls Dam
  - Leslie Dam
  - Maroon Dam
  - Moogerah Dam
  - Peter Faust Dam
  - Somerset Dam
  - Teemburra Dam
  - Tinaroo Falls Dam (Lake Tinaroo)
  - Wivenhoe Dam
  - Wuruma Dam.
2. The waters include all waters in the impoundments up to their full supply levels.

**“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.

## ENDNOTES

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	100
3 Key . . . . .	100
4 Table of earlier reprints . . . . .	101
5 List of legislation . . . . .	101
6 List of annotations . . . . .	102

### 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 6 December 2002. Future amendments of the Fisheries (Freshwater) Management Plan 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
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	(retro)	= retrospectively
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of earlier reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of earlier reprints, see the latest reprint.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 April 1999	6 May 1999
1A	none	17 October 1999	27 October 1999
1B	to SL No. 97 of 2000	26 May 2000	2 June 2000
1C	to SL No. 211 of 2000	11 August 2000	8 September 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)

Note—A regulatory impact statement and explanatory note were prepared  
amending legislation—

### **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

### **Fisheries Management Plans Amendment Management Plan (No. 1) 2002 SL No. 338 pts 1, 3**

notfd gaz 6 December 2002 pp 1162–66  
commenced on date of notification

### **Fisheries (Freshwater) Amendment Management Plan (No. 1) 2002 SL No. 341**

notfd gaz 6 December 2002 pp 1162–66  
commenced on date of notification

Note—A regulatory impact statement and explanatory note were prepared

## **6 List of annotations**

### **PART 1—PRELIMINARY**

#### **Aids to interpretation and definitions—sch 8**

**s 5** amd 2002 SL No. 341 s 3

### **PART 2—CLOSED SEASON DECLARATIONS**

#### **Division 1—Closed seasons**

**div hdg** ins 2002 SL No. 341 s 4

#### **Australian bass**

**s 6** amd 2002 SL No. 341 s 5

#### **Barramundi—Gulf of Carpentaria waterways**

**s 7** amd 2002 SL No. 341 s 6

#### **Barramundi—Waters other than Gulf of Carpentaria waterways**

**s 8** sub 2002 SL No. 341 s 7

#### **Division 2—Prohibitions and exemptions**

**div hdg** ins 2002 SL No. 341 s 8

#### **General exemptions**

**s 10 prov hdg** sub 2002 SL No. 341 s 9

#### **Exemption for Australian bass**

**s 10A** ins 2002 SL No. 341 s 10

#### **Exemption for barramundi—Gulf of Carpentaria waterways**

**s 10B** ins 2002 SL No. 341 s 10

#### **Exemption for barramundi—Waters other than Gulf of Carpentaria waterways**

**s 10C** ins 2002 SL No. 341 s 10

#### **Barwon, Dumaresq and Macintyre rivers**

**s 12** amd 2000 SL No. 97 s 3

#### **Freshwater fish regulated by number—sch 4**

**s 18** amd 2002 SL No. 341 s 11

#### **Freshwater fish regulated by number and area**

**s 19** amd 2002 SL No. 341 s 12

#### **Certain catfish with eel-like tails**

**s 20** amd 2000 SL No. 211 s 13; 2002 SL No. 341 s 13

#### **Redclaw clayfish**

**s 22** amd 2002 SL No. 341 s 14

#### **Mangrove jack**

**s 22A** ins 2002 SL No. 341 s 15

#### **Freshwater fish regulated by size**

**s 23** amd 2002 SL No. 341 s 16



**Barramundi**

s 24 prev s 24 om 2002 SL No. 341 s 17  
pres s 24 ins 2002 SL No. 341 s 18

**Murray cod**

s 25 sub 2002 SL No. 341 s 18

**Freshwater fish regulated by size and area**

s 25A ins 2002 SL No. 341 s 18

**Exemption—barramundi**

s 25B ins 2002 SL No. 341 s 18

**Lungfish and Mary River cod**

s 26 amd 2002 SL No. 341 s 19

**River blackfish**

s 26A ins 2002 SL No. 341 s 20

**Bloomfield River cod**

s 26B ins 2002 SL No. 341 s 20

**Spiny crayfish**

s 26C ins 2002 SL No. 341 s 20

**Prohibited activities**

s 26D ins 2002 SL No. 341 s 20

**Division 6A—Freshwater fish regulated by species and area**

div hdg ins 2002 SL No. 341 s 21

**Silver perch**

s 26E ins 2002 SL No. 341 s 21

**Berried female redclaw crayfish**

s 27 sub 2002 SL No. 341 s 22

**Berried female blueclaw crayfish**

s 27A ins 2002 SL No. 341 s 22

**Recreational fishing apparatus**

s 32 amd 2002 SL No. 341 s 23

**Definition for div 3**

s 35 def “trap” amd 2002 SL No. 341 s 24

**Dillies**

s 38 sub 2002 SL No. 341 s 25

**Round traps**

s 39A ins 2002 SL No. 341 s 26

**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; 2002 SL No. 341 s 27

**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

**Criteria for suspending authority relating to fishery**

s 73            amd 2002 SL No. 338 s 5

**Noxious fisheries resources**

s 74            om 2002 SL No. 338 s 6

**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)

**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 objective is to be achieved**

s 5            amd 2002 SL No. 341 s 28

**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 3—CLOSED WATERS****Condamine River at or near the Chinchilla, Loudon, Lemon Tree, Yarramalong, Cecil Plains and Reilly's Weirs**

s 9            amd 2002 SL No. 341 s 29(1)

**Brisbane River at Old Mt Crosby Weir**

s 15A        ins 2002 SL No. 341 s 29(3)

**Brisbane River at Wivenhoe Dam**

s 15B        ins 2002 SL No. 341 s 29(3)

**Burnett River**

s 18         sub 2002 SL No. 341 s 29(2)–(3)

**Thomson River at Fairmount Weir**

s 37         ins 2002 SL No. 341 s 29(3)

**Nerang River at Hinze Dam**

s 38         ins 2002 SL No. 341 s 29(3)

**Albert River at Luscombe Weir**

s 39         ins 2002 SL No. 341 s 29(3)

**Six Mile Creek at Lake MacDonald**

s 40         ins 2002 SL No. 341 s 29(3)

**SCHEDULE 4—FRESHWATER FISH REGULATED BY NUMBER****Numbers for individual species**

s 1            amd 2002 SL No. 341 s 30(1)–(2)

**Combined numbers of species**

s 2            amd 2002 SL No. 341 s 30(3)–(4)

**SCHEDULE 6—WHERE CERTAIN AQUACULTURE FISHERIES RESOURCES MAY BE RELEASED****Khaki bream**

s 4A         ins 2002 SL No. 341 s 31(1)

**Sooty grunter**

s 10         amd 2002 SL No. 341 s 31(2)

**SCHEDULE 8—AIDS TO INTERPRETATION AND DEFINITIONS****Scientific names of fish**

s 2            amd 2002 SL No. 341 s 32(1)

**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)

**PART 2—EXTENDED DEFINITIONS**

pt hdg       om 2002 SL No. 341 s 32(2)

**Meaning of “Lake Awoonga area”**

s 7 om 2002 SL No. 341 s 32(2)

**Meaning of “Lake Tinaroo area”**

s 8 om 2002 SL No. 341 s 32(2)

**Meaning of “stocked impoundment”**s 9 amd 2000 SL No. 97 s 5  
om 2002 SL No. 341 s 32(2)**PART 2—DICTIONARY**

(prev pt 3) renum 2002 SL No. 341 s 32(4)

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 “**Gulf of Carpentaria waterways**” ins 2002 SL No. 341 s 32(3)def “**Lake Awoonga area**” om 2002 SL No. 341 s 32(2)def “**Lake Tinaroo area**” om 2002 SL No. 341 s 32(2)def “**required way**” amd 2000 SL No. 211 s 19(5)

om 2002 SL No. 341 s 32(2)

def “**stocked impoundment**” sub 2002 SL No. 341 s 32(2)–(3)