



Queensland

Fisheries Act 1994

Fisheries (Freshwater) Management Plan 1999

Reprinted as in force on 22 July 2005

Reprint No. 2E

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[as amended by all amendments that commenced on or before 22 July 2005]

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) 25 September 2005 to 21 January 2006;
 - (b) 30 September 2006 to 26 January 2007;
 - (c) 4 October 2007 to 29 January 2008;
 - (d) 7 October 2008 to 2 February 2009.
- (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 possess Australian bass taken, from the waters, or waterways upstream, of the following—

- Baroon Pocket Dam
- Bjelke-Peterson Dam
- Boondooma Dam

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- 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 declarations¹

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.

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

- (3) Taking or possessing 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.
- (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 Wales² at pages 55 to 70.³

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

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

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—
 - (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 30cm;
 - (b) Barcoo grunter—less than 30cm;
 - (c) eel-tailed catfish—less than 35cm;
 - (d) golden perch—less than 30cm;
 - (e) jungle perch—more than 35cm;
 - (f) long-finned eel—less than 30cm;
 - (g) spotted flagtail (northern jungle perch)—more than 35cm;
 - (h) northern saratoga—less than 50cm;
 - (i) silver perch—less than 30cm;
 - (j) short-finned eel—less than 30cm;
 - (k) sooty grunter—less than 28cm;
 - (l) South Pacific eel—less than 30cm;
 - (m) southern saratoga—less than 50cm;
 - (n) Welch's grunter—less than 30cm.
- (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 60cm or more than 120cm are fish regulated by size in Gulf of Carpentaria waterways.

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

25 Murray cod

Murray cod of a size less than 60cm or more than 110cm 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 120cm from the waters or waterways; or
 - (b) possess only 1 barramundi larger than 120cm 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 50cm 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)(i), 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.⁴

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—50cm; and
 - (b) for its length—60cm.
- (3) Also, the trap's diameter, width or height, measured anywhere along its length, must be no more than the diameter, width or height of its open end.

⁴ 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 25mm.

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

39 Funnel traps

- (1) A funnel trap must not have more than 4 entrances and must not be longer than 70cm, wider than 50cm or higher than 50cm.
- (2) The trap's entrance—
 - (a) must be made of rigid material; and
 - (b) must be no more than 10cm 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 25mm.

39A Round traps

- (1) A round trap must not have—
 - (a) more than 4 entrances; or
 - (b) a diameter more than 70cm; or
 - (c) a height more than 50cm.
- (2) Each entrance on the trap must not have a diameter, height or width more than 10cm.
- (3) If the trap does not have a mesh made of rigid material, the size of its mesh must be no more than 25mm.

40 Scoop or dip nets

A scoop or dip net may be used only if—

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

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 200m 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 15cm in each of its dimensions.
- (4) However, subsection (3)(b) does not apply if the float is a 2 or 3L 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 20cm 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 25mm.
- (2) However, any meshes on the trap that are made of rigid material must be at least 22mm 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 150mm 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 1m apart; and
 - (c) at least 20cm in each of their dimensions.
- (2) The first frame must be no more than 1m from the exit of the trap into the pocket.
- (3) The last frame must be no more than 0.5m 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 2m, no wider than 0.6m and no deeper than 0.6m.

Subdivision 3 Dimension requirements for round traps

64 Diameter and height

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

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 Act 2000*, section 19;⁵ 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 9a.m. on Saturday to 4p.m. on Sunday; or

(b) a long weekend from 9a.m. on the first day of the long weekend to 4p.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—

5 *Water Act 2000*, section 19 (Rights in all water vests in State)

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;
 - (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.

- (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;¹⁴
- (i) failing to give the chief executive a return for freshwater fish;¹⁵
- (j) obstructing, hindering or resisting an inspector exercising a power in relation to the freshwater fishery.¹⁶

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 68B(4)(b)(i)¹⁷ of the Act, the criteria prescribed for a court 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—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and

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—general) 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 68B (Suspension or cancellation of authority by court) of the Act

- (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,¹⁸ 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.

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)**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.
- (2) The chief executive is responsible for issuing authorities to take freshwater fish from the natural environment, including for culture stock.
- (3) The chief executive may issue a general fisheries permit to a person who is carrying out, or intends to carry out, aquaculture development.
- (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.¹⁹

Part 2 Status**Division 1 Recreational fishing****8 Fishing survey**

- (1) A fishing survey concerning the freshwater fishery was completed in September 1996.²⁰

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)

- (2) The survey showed the following approximate statistics for October 1995 to September 1996—
 - (a) 404335 households in the State had 1 or more members who went recreational fishing in the State;
 - (b) 667600 individuals 15 years of age or over fished in the State;
 - (c) 192100 (28.8%) of the individuals fished in fresh water;
 - (d) 49402 (7.4%) of the individuals fished only in fresh water;
 - (e) of the 192100 individuals who fished in fresh water—
 - (i) 93200 (48.5%) fished in streams or rivers; and
 - (ii) 56000 (29.1%) fished in dams or impoundments; and
 - (iii) 42800 (22.3%) fished in both streams or rivers and in dams or impoundments;
 - (f) 74300 (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.

Schedule 1 (continued)**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.
- (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.

Schedule 1 (continued)

- (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.

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 30km 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 36000 angler days for each year the average expenditure represented a direct benefit to the local community of \$314000 each year.
- (5) The cost-benefit of stocking, based on an average community stocking expenditure of \$17500 each year, represents a ratio of 1:18, namely, a return to the community of \$18 for every \$1 spent on stocking.

Schedule 1 (continued)

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.

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 75844kg.

Schedule 1 (continued)

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 400g, 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 kilogram of live long-finned eels, purged and packed for export was about \$11 to \$15.
- (9) The State's catch of eels is a quarter of the total annual catch of eels in Australia.
- (10) A small domestic market also exists in Australia for live, fresh and smoked eels.
- (11) The Australian catch is less than 1% of the world catch.

19 Eel aquaculture

- (1) The chief executive manages the collection of culture stock for eel aquaculture.
- (2) The chief executive issues authorities to take fish for trade or commerce with the fishery symbol 'JE' written on it (*juvenile eel authorities*).
- (3) The chief executive manages the culture of eels.

Schedule 1 (continued)

- (4) A limited number of juvenile eel authorities are currently held.
- (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 hold a juvenile eel authority.
- (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—
 - (a) manages the culture of fisheries product; and
 - (b) carries out functions, under the Planning Act, as assessment manager or a concurrence agency for development applications for aquaculture development.
- (2) The chief executive manages the collection of culture stock for aquaculture.
- (3) The chief executive issues general fisheries permits for culture stock collection.

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—

Schedule 1 (continued)

- (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

Schedule 1 (continued)

- (b) whether freshwater fish can be taken or developed in an ecologically sustainable way.

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 general fisheries permits

- (1) Exploratory and developmental fishing is managed by general fisheries permits issued by the chief executive under section 34 of the regulation.
- (2) No general fisheries 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

Schedule 1 (continued)

freshwater finfish and crustaceans for use within their community.²¹

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

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.²²

- (b) issuing authorities to take fish for trade or commerce for juvenile eels that allow eel aquaculture to develop and ensures sustainability of juvenile eel stocks; and

²² 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;²³ 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.

23 Parts 5 (Releasing restrictions) and 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;²⁴ 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.

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 6km west of Ballandean.

2 Dumaresq River at Bonshaw Weir

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

3 Macintyre River at Goondiwindi Weir

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

4 Macintyre Brook at Coolmunda Dam, Whetstone and Bendor Weirs

Macintyre Brook—

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

5 Pike Creek at Glenlyon Dam

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

6 Quart Pot Creek at Storm King Dam

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

Schedule 3 (continued)

7 Barwon River at Mungindi Weir

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

8 Balonne River at Surat Weir

The Balonne River from 100m upstream to 75m 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 200m upstream to 200m downstream of Chinchilla Weir;
- (b) from 400m upstream to 200m downstream of Loudon Weir;
- (c) from 200m upstream to 400m downstream of Lemon Tree Weir;
- (d) from Yarramalong Weir to 200m downstream of the weir;
- (e) from 200m upstream to 150m 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 150m downstream from Reilly's Weir.

10 Balonne River at Beardmore Dam and Jack Taylor Weir

The Balonne River from—

Schedule 3 (continued)

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

11 Sandy Creek at Leslie Dam

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

12 Dogwood Creek at Miles Weir

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

13 Burnett Creek at Maroon Dam

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

14 Reynolds Creek at Moogerah Dam

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

15 Brisbane River at Mt Crosby Weir

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

15A Brisbane River at Old Mt Crosby Weir

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

15B Brisbane River at Wivenhoe Dam

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

Schedule 3 (continued)

16 Mary River at Mary River Barrage

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

17 Tinana Creek at Tinana Creek Barrage

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

18 Burnett River

The Burnett River from—

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

19 Kolan River at Kolan Barrage

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

20 Three Moon Creek at Cania Dam

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

21 Nogo River at Wuruma Dam

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

22 Stuart River at Gordonbrook Dam

The Stuart River from 750m upstream to 200m 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 200m upstream to 400m downstream of the Boondoomba Dam wall.

24 Boyne River (Boyne River Basin) at Awoonga Dam

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

25 Dawson River at Glebe Weir

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

26 Dawson River at Gyranda Weir

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

27 Dawson River at Orange Creek Weir

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

28 Dawson River at Theodore Weir

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

Schedule 3 (continued)

30 Dawson River at Neville Hewitt Weir

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

32 Fitzroy River at Eden Bann Weir

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

33 Fitzroy River at Wattlebank Control Weir

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

34 Nogoia River at Fairbairn Dam

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

35 Pioneer River at the Marian, Mirani and Dumbleton Weirs

The Pioneer River from—

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

Schedule 3 (continued)

36 Burdekin River at Clare Weir

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

37 Thomson River at Fairmount Weir

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

38 Nerang River at Hinze Dam

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

39 Albert River at Luscombe Weir

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

40 Six Mile Creek at Lake MacDonald

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

desert goby—20

dwarf goby—20

empire gudgeon—20

fimbriate gudgeon—20

Schedule 4 (continued)

firetail gudgeon—20
flagtail perchlet—20
flathead goby—20
flyspecked 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
Pacific blue-eye—20
penny fish—20
poreless gudgeon—20
purple spotted gudgeon—20
Rendahl's catfish—20
reticulated perchlet—20
roman nose goby—20
sailfin perchlet—20

Schedule 4 (continued)

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
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

Schedule 4 (continued)

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

Schedule 5 (continued)

Mossman
Mulgrave
Murray
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

Schedule 6 (continued)

South Pine

Stanley

2 Barramundi

Barramundi may be released only into the following river basins—

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

Archer

Cloncurry

Coen

Coleman

Einasleigh

Flinders

Gilbert

Holroyd

L Creek

Leichardt

Mitchell

Morning

Nicholson

Norman

Saxby

Staaten

Watson

Schedule 6 (continued)

- (b) river basins for north west Cape York stock (Pera Head to Escape River) as follows—

Dulhunty

Embley

Escape

Jackson

Jardine

Mission

Skardon

Wenlock

- (c) river basins for east coast Cape York stock (Orford Bay to Bathurst Heads) as follows—

Hann (with the reference number 1050)

Lockhardt

Normanby

Olive

Jacky Jacky

Pascoe

Stewart

- (d) river basins for mid north east Coast stock (Cooktown to Burdekin River) as follows—

Barron

Black

Burdekin

Daintree

Endeavour

Haughton

Schedule 6 (continued)

Herbert

Hinchinbrook Island

Mossman

Mulgrave

Murray

North Johnstone

Ross

Russell

South Johnstone

Tully

- (e) river basins for central east coast stock (Repulse Bay to Shoalwater Bay) as follows—

O'Connell

Pioneer

Plane

Shoalwater

Styx

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

Auburn

Baffle

Barambah

Boyne

Curtis Island

Dawson

Elliot

Schedule 6 (continued)

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
Boyne
Bremer
Brisbane
Burnett
Burrum

Schedule 6 (continued)

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

Schedule 6 (continued)

Condamine

Macintyre

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

Schedule 6 (continued)

Macintyre

Maranoa

Maroochy

Mary

Moonie

Nebine

Nogo

North Pine

Paroo

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

Schedule 6 (continued)

Georgina

Mulligan

Thomson

4A Khaki bream

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

Barron

Daintree

Mulgrave

Murray

North Johnstone

Russell

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

Schedule 6 (continued)

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

7 Redclaw crayfish

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

Alice

Archer

Cliffdale

Cloncurry

Coen

Coleman

Dulhunty

Schedule 6 (continued)

Edward
Eight Mile
Einasleyh
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
Morrington Island
Nicholson
Norman
Normanby
Olive
Palmer
Pascoe

Schedule 6 (continued)

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

Schedule 6 (continued)

Fitzroy

Kolan

Lockyer

Logan

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

Schedule 6 (continued)

Fitzroy

Isaac

Mackenzie

Nogoa

Plane

(b) river basins for northern stock as follows—

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

Schedule 6 (continued)

Mission
Mitchell
Morning
Nicholson
Norman
Normanby
Palmer
Saxby
Settlement
Skardon
Staaten
Walsh
Watson
Wenlock

10 Sooty grunter

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

Alice
Archer
Barron
Belyando
Bowen
Burdekin
Clarke
Cliffdale

Schedule 6 (continued)

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

Norman

North Johnstone

Palmer

Pioneer

Schedule 6 (continued)

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

Schedule 6 (continued)

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) 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

Schedule 7 (continued)

L Creek
Leichardt
Mission
Mitchell
Morning
Morningside
Nicholson
Norman
Palmer
Saxby
Settlement
Skardon
Staaten
Torres Strait
Walsh
Watson
Wenlock

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

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

Schedule 7 (continued)

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
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

Schedule 7 (continued)

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—

Common name	Scientific name
Aggassiz's perchlet	<i>Ambassis agassizii</i>
Aru gudgeon	<i>Oxyeleotris aruensis</i>
Australian bass	<i>Macquaria novemaculeata</i>
banded grunter	<i>Amniataba percoides</i>
banded rainbowfish	<i>Melanotaenia trifasciata</i>
Barcoo grunter	<i>Scortum barcoo</i>
barramundi	<i>Lates calcarifer</i>
Berney's catfish	<i>Arius berneyi</i>
bigheaded gudgeon	<i>Philypnodon grandiceps</i>
blackbanded rainbowfish	<i>Melanotaenia nigrans</i>
Bloomfield River cod	<i>Guyu wujalwujalensis</i>
blueclaw crayfish	<i>Cherax destructor</i>
bony bream	<i>Nematolosa erebi</i>
bug eyed goby	<i>Redigobius bikolanus</i>

Schedule 8 (continued)

Common name	Scientific name
Cairns rainbowfish	<i>Cairnsichthys rhombosomoides</i>
Celebes goby	<i>Glossogobius celebius</i>
chequered rainbowfish	<i>Melanotaenia splendida inornata</i>
cherabins	<i>Macrobrachium rosenbergii</i> or <i>Macrobrachium lar</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>
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>
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>

Schedule 8 (continued)

Common name	Scientific name
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>
jungle perch	<i>Kuhlia rupestris</i>
khaki bream	<i>Hephaestus tulliensis</i>
Lake Eacham rainbowfish	<i>Melanotaenia eachamensis</i>
Lake's carp gudgeon	<i>Hypseleotris</i> sp B
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
Mueller's perchlet	<i>Ambassis mulleri</i>
Mulgrave goby	<i>Glossogobius</i> sp B
Murray cod	<i>Maccullochella peelii peelii</i>
northern jungle perch—see spotted flagtail	
northern saratoga	<i>Scleropages jardinii</i>

Schedule 8 (continued)

Common name	Scientific name
Obbes' catfish	<i>Porochilus obbesi</i>
ornate rainbowfish	<i>Rhadinocentrus ornatus</i>
Pacific blue-eye	<i>Pseudomugil signifer</i>
penny fish	<i>Denarius bandata</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>
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 gudgeon	<i>Ophieleotris aporos</i>
snub-nosed garfish	<i>Arrhamphus sclerolepis</i> sp
sooty grunter	<i>Hephaestus fuliginosus</i>
southern saratoga	<i>Scleropages leichardti</i>

Schedule 8 (continued)

Common name	Scientific name
South Pacific eel	<i>Anguilla obscura</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 werneri</i>
triangular shield catfish	<i>Arius leptaspis</i>
trout gudgeon	<i>Mogurnda mogurnda</i>
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 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,

Schedule 8 (continued)

Cooperative Research Centre for Freshwater Ecology,
Albury;

- (c) 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;
- (d) 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.²⁵

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

²⁵ 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)**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.
- (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.²⁶
- (7) A reference to a river basin or drainage division does not include tidal waters in the river basin or drainage division.

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

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	Paroo	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
Caboulture	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
Dulbunty	9260	Morning	9140	Walsh	9193
Edward	9201	Mornington Island	9111	Warrego	4232
Eight Mile	9103	Mossman	1090	Waterpark	1290
Einmasleigh	9171	Mulgrave	1110	Watson	9230
Eliot	1370	Mulligan	10011	Wenlock	9250
				Whitsunday Islands	1230

Schedule 8 (continued)

Part 2 Dictionary

aquaculture development means fisheries development relating to aquaculture.

culture stock collection permit means a general fisheries permit for culture stock collection.

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 34²⁷ 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.

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

Schedule 8 (continued)

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

recreational fishing apparatus see section 32.

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

regulation means the *Fisheries Regulation 1995*.

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

Schedule 8 (continued)

- Eungella Dam
 - Fred Haigh Dam (Lake Monduran)
 - Glenlyon Dam
 - Gordonbrook Dam
 - Isis Balancing Storage (Lake Gregory)
 - 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

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 22 July 2005. 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	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

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

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

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

Reprint No.	Amendments included	Effective	Notes
1D	2002 SL No. 338 2002 SL No. 341	6 December 2002	
1E	2003 SL No. 31	28 February 2003	R1E withdrawn, see R2
2	—	28 February 2003	
2A	2003 SL No. 261	31 October 2003	
2B	2003 SL No. 215	13 December 2003	
2C	2004 SL No. 111	25 June 2004	
2D	2005 SL No. 27	4 March 2005	
2E	2005 SL No. 165	22 July 2005	

5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	2

6 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—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) 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

Fisheries Management Plans Amendment Management Plan (No. 1) 2003 SL No. 31 pts 1–2

notfd gaz 28 February 2003 pp 774–5
commenced on date of notification

Fisheries Management Plans Amendment Management Plan (No. 2) 2003 SL No. 215 ss 1, 2(2), pt 3

notfd gaz 12 September 2003 pp 128–31
ss 1–2 commenced on date of notification

remaining provisions commenced 13 December 2003 (see s 2(2))

Note—A regulatory impact statement and explanatory note were prepared

Fisheries Management Plans Amendment Management Plan (No. 3) 2003 SL No. 261 pts 1, 3

notfd gaz 31 October 2003 pp 691–4
commenced on date of notification

Fisheries Management Plans Amendment Management Plan (No. 1) 2004 SL No. 111 s 1, pt 4

notfd gaz 25 June 2004 pp 573–81
commenced on date of notifications

Note—A regulatory impact statement and explanatory note were prepared

Fisheries Management Plans Amendment Management Plan (No. 1) 2005 SL No. 27 pts 1, 4

notfd gaz 4 March 2005 pp 758–9
commenced on date of notification

Fisheries Management Plans Amendment Management Plan (No. 2) 2005 SL No. 165 pts 1–2

notfd gaz 22 July 2005 pp 988–9
commenced on date of notification

7 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; 2005 SL No. 165 s 3

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

amd 2004 SL No. 111 s 60

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 crayfish

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
amd 2004 SL No. 111 s 61

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

Restriction on trapping times

s 65 amd 2004 SL No. 111 s 62

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; 2003 SL No. 261 s 26; 2005 SL No. 27 s 7

Criteria for suspending authority relating to fishery

s 73 amd 2002 SL No. 338 s 5; 2004 SL No. 111 s 63

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); 2005 SL No. 27 s 8(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); 2005 SL No. 27 s 8(2)–(4)

Management responsibility

s 20 amd 2000 SL No. 211 s 17(3), (5), (6); 2005 SL No. 27 s 8(5)

Commercial fishing tours

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

No current general fisheries permits

prov hdg amd 2005 SL No. 27 s 8(6)

s 25 amd 2000 SL No. 211 s 17(3), (7); 2005 SL No. 27 s 8(6)

SCHEDULE 2—HOW THE OBJECTIVES ARE TO BE ACHIEVED**How objective is to be achieved**

s 2 amd 2005 SL No. 27 s 9

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)

amd 2003 SL No. 31 s 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); 2003 SL No. 31 s 4

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 7—RESTRICTIONS ON THE USE OF LIVE FISH AS BAIT**Redclaw crayfish**

s 1 amd 2003 SL No. 215 s 24

SCHEDULE 8—AIDS TO INTERPRETATION AND DEFINITIONS**PART 1—PROVISIONS AIDING INTERPRETATION****Scientific names of fish**

s 2 amd 2002 SL No. 341 s 32(1); 2003 SL No. 261 s 27(1)

Scientific classification

s 3 amd 2000 SL No. 211 s 19(1); 2003 SL No. 261 s 27(2)–(3)

River basins and drainage divisions

s 6 amd 2000 SL No. 211 s 19(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

pt hdg prev pt 2 hdg om 2002 SL No. 341 s 32(2)
pres pt 2 hdg (prev pt 3 hdg) renum 2002 SL No. 341 s 32(4)
def “**aquaculture development**” ins 2005 SL No. 27 s 10
def “**culture stock collection permit**” ins 2005 SL No. 27 s 10
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)