2005 No 883

New South Wales

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2005 No 3

under the

Fisheries Management Act 1994

I, Ian Macdonald, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 21st day of December 2005.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

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

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim order.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2005 No 2* (which took effect on 17 June 2005 and ceased to have effect on 5 December 2005) to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act. The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

www.fisheries.nsw.gov.au/__data/assets/pdf_file/5281/Darling-FR22.pdf

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

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under the

Fisheries Management Act 1994

1 Name of Order

This Order is the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2005 No 3*.

2 Commencement and repeal

This Order:

(a) takes effect on the day that it is published in the Gazette, and

(b) has effect for 6 months, and

(c) is repealed at the end of the last day on which it has effect.

3 Continuation of existing activities

(1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Darling River Catchment subject to compliance with any applicable fishing regulatory controls.

(2) A recreational fisher may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment, or may carry out any routine activity in connection with any such taking or possession:

(a) *Paratya australiensis* (freshwater shrimp),

(b) *Macrobrachium australiense* (freshwater prawn),

(c) *Caridina mccullochi* (freshwater shrimp),

(d) *Cherax destructor* (yabby),

(e) *Tandanus tandanus* (freshwater catfish),

(f) *Gadopsis marmoratus* (river blackfish),

(g) *Maccullochella peelii peelii* (Murray cod),

(h) *Macquaria ambigua* (golden perch),

(i) *Bidyanus bidyanus* (silver perch),

(j) *Nematalosa erebi* (bony bream),

(k) *Leiopotherapon unicolor* (spangled perch).

(3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:

(a) take *Cherax destructor* (yabby) from the Lowland Darling River Catchment, or

(b) possess or sell yabby taken from the Lowland Darling River Catchment, or

(c) carry out any routine activities in connection with any such taking, possession or sale.

(4) In this clause:

applicable fishing regulatory controls means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.

inland restricted fishery has the same meaning as in the *Fisheries Management (General) Regulation 2002*.

Lowland Darling River Catchment means the aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).