2007 No 639

New South Wales

Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2007 Number 2

under the

Fisheries Management Act 1994

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

Dated, this 19th day of December 2007.

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 Lachlan 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 Lachlan River Catchment) Interim Order 2007* to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Lachlan 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/0018/25245/fr_25_lachlan_eec.pdf

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

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Fisheries Management Act 1994

1 Name of Order

This Order is the *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2007 Number 2*.

2 Commencement and repeal

This Order:

(a) takes effect on the day 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(c) is repealed at the end of the last day on which it has effect.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 Repeal of previous order

The *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2007* is repealed.

4 Continuation of existing activities

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

(2) A recreational fisher may take from the Lowland Lachlan River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Lachlan 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) *Cherax destructor* (yabby),

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

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

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

(g) *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 Lachlan River Catchment, or

(b) possess or sell yabby taken from the Lowland Lachlan 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 Lachlan River Catchment means the aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).