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SPECIAL SUPPLEMENT

Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Interim Order 2002 No 2

under the

Fisheries Management Act 1994

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

Dated this 20th day of August 2002.

The Hon EDWARD OBEID, M.L.C.,
Minister for Fisheries

Explanatory note

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

However, the Act enables the Minister for Fisheries 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. As an interim measure (that is, while such a proposed order is being assessed under the Act) the Minister may make an order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an order.

The object of this Order is to remake, with minor amendments, the *Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Interim Order 2002* so as to allow certain recreational and commercial fishing activities in the natural drainage system of the lower Murray River catchment to continue until 30 November 2002.

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Explanatory note

The activities the subject of this Order may only continue subject to compliance with any applicable fishing regulatory controls. (For example, the taking of silver perch is to be subject to compliance with the fishing closure under section 8 of the *Fisheries Management Act 1994* that prohibits the taking of silver perch by all methods of fishing from all New South Wales waters except, and only to the extent it is otherwise lawful to do so, from the backed up waters of any dam or impoundment.)

The recommendation of the Fisheries Scientific Committee referred to in this Order is available for inspection at all NSW Fisheries offices or the Fisheries Scientific Committee website at www.fsc.nsw.gov.au.

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

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Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Interim Order 2002 No 2

1 Name of Order

This Order is the *Fisheries Management (Continuation of Activities in Lower Murray River Catchment) Interim Order 2002 No 2*.

2 Commencement and duration

This Order:

- (a) takes effect on the day that it is published in the Gazette, and
- (b) ceases to have effect on 30 November 2002.

3 Continuation of existing activities

- (1) For the purposes of section 221IG of the *Fisheries Management Act 1994*, the continuation of activities referred to in subclauses (2) and (3) is permitted subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take in the lower Murray River catchment, and possess, any of the following species and carry out any routine activity in connection with the taking or possessing of such species:
 - (a) *Paratya australiensis* (freshwater shrimp),
 - (b) *Macrobrachium australiense* (freshwater prawn),
 - (c) *Caridina mccullochi* (freshwater shrimp),
 - (d) *Cherax destructor* (yabby),
 - (e) *Euastacus armatus* (Murray crayfish),
 - (f) *Tandanus tandanus* (freshwater catfish),
 - (g) *Gadopsis marmoratus* (river blackfish),
 - (h) *Maccullochella peelii peelii* (Murray cod),
 - (i) *Macquaria ambigua* (golden perch),
 - (j) *Bidyanus bidyanus* (silver perch),
 - (k) *Nematalosa erebi* (bony bream).

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(3) A person holding a commercial fishing licence with a class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may take in the lower Murray River catchment, possess and sell *Cherax destructor* (yabby), and carry out any routine activity in connection with the taking, possessing or selling of yabby.

(4) In this clause:

fishing regulatory controls has the same meaning as in section 115G of the *Environmental Planning and Assessment Act 1979*.

lower Murray River catchment means the natural drainage system of the lower Murray River catchment as described in the recommendation of the Fisheries Scientific Committee to list the aquatic ecological community in that system as an endangered community, published in Gazette No 196 of 21 December 2001 at page 10650.