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Inland Fisheries (Seasons and Waters) Order 1996

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Inland Fisheries (Seasons and Waters) Order 1996

I make the following order under section 197 of the Inland Fisheries Act 1995 .

23 May 1996

T. JOHN CLEARY

Minister for Inland Fisheries

1. Short title

This order may be cited as the Inland Fisheries (Seasons and Waters) Order 1996 .

2. Commencement

This order takes effect on 31 May 1996.

3. Interpretation

(1) In this order –

Act means the Inland Fisheries Act 1995 ;

[Clause 3 Subclause (1) amended by S.R. 2004, No. 37, Applied:09 Jun 2004] [Clause 3 Subclause (1) amended by S.R. 2011, No. 49, Applied:22 Jun 2011] **Canal Bay** has the same meaning as in the Inland Fisheries (Recreational Fishing) Regulations 2009 ;

eligible person means a person with eligible disabilities for the purpose of a transport access scheme administered by the department responsible for the administration of the Traffic Act 1925 ;

[Clause 3 Subclause (1) amended by S.R. 2008, No. 100, Applied:20 Aug 2008] **grid reference** means the grid reference taken from the Universal Grid Reference System used in Tasmania and based on the Geocentric Datum of Australia (also known as the "the GDA" or "GDA 94") as defined in the *Commonwealth Gazette* No. GN 35, 6 September 1995;

[Clause 3 Subclause (1) amended by S.R. 2018, No. 47, Applied:25 Jul 2018] **junior angling development fishery** has the same meaning as in the Inland Fisheries (Recreational Fishing) Regulations 2009 .

[Clause 3 Subclause (1) amended by S.R. 2007, No. 89, Applied:10 Oct 2007] [Clause 3 Subclause (1) amended by S.R. 2018, No. 47, Applied:25 Jul 2018]

- (2) An expression in this order that is defined in the Act has the same meaning as so defined.
- (3) Any period specified in this order and identified by days and dates includes those days and dates.

4. Taking of acclimatised fish

[Clause 4 Substituted by S.R. 1999, No. 75, Applied:31 Jul 1999]

(1) Acclimatised fish may only be taken during the following periods at the following places:

(a) *[Clause 4 Subclause (1) amended by S.R. 2004, No. 37, Applied:09 Jun 2004]* between the first Saturday of August in any year and the Sunday nearest 31 May in the next year –

(i) *[Clause 4 Subclause (1) amended by S.R. 2000, No. 100, Applied:12 Jul 2000]*

(ii) Lake Mackintosh; and

(iii) Lake Rosebery; and

(iv) *[Clause 4 Subclause (1) amended by S.R. 2000, No. 100, Applied:12 Jul 2000]*

(b) *[Clause 4 Subclause (1) amended by S.R. 2003, No. 82, Applied:30 Jul 2003] [Clause 4 Subclause (1) amended by S.R. 2008, No. 100, Applied:20 Aug 2008]* between the Saturday nearest 1 October in any year and the Sunday nearest 31 May in the next year –

(i) Dee Lagoon; and

(ii) *[Clause 4 Subclause (1) amended by S.R. 2014, No. 56, Applied:18 Jun 2014]*

(iii) Lake Rowallan; and

(iv) Lake Skinner; and

(v) *[Clause 4 Subclause (1) amended by S.R. 2011, No. 49, Applied:22 Jun 2011]* Mersey River above Lake Rowallan; and

(vi) *[Clause 4 Subclause (1) amended by S.R. 2011, No. 49, Applied:22 Jun 2011]* River Leven, upstream of the bridge on Loongana Road; and

(vii) *[Clause 4 Subclause (1) amended by S.R. 2011, No. 49, Applied:22 Jun 2011]* Upper Mersey Lakes Rainbow Fishery; and

(viii) *[Clause 4 Subclause (1) amended by S.R. 2014, No. 56, Applied:18 Jun 2014]* Weld River (in the north of the State) from an imaginary straight line drawn between the opposite shores of the river located approximately at grid reference E575769 N5443349 and grid reference E575659 N5443334 upstream to its source; and

(ix) *[Clause 4 Subclause (1) amended by S.R. 2014, No. 56, Applied:18 Jun 2014]* Weld River (in the south of the State) from an imaginary straight line drawn between the opposite shores of the river

located approximately at grid reference E479455 N5234171 and grid reference E479487 N5234269 upstream to its source;

(c) *[Clause 4 Subclause (1) amended by S.R. 2004, No. 37, Applied:09 Jun 2004] [Clause 4 Subclause (1) amended by S.R. 2011, No. 49, Applied:22 Jun 2011]*

(d) *[Clause 4 Subclause (1) amended by S.R. 2011, No. 49, Applied:22 Jun 2011]*

(e) *[Clause 4 Subclause (1) amended by S.R. 2000, No. 100, Applied:12 Jul 2000] [Clause 4 Subclause (1) amended by S.R. 2011, No. 49, Applied:22 Jun 2011]*

(f) *[Clause 4 Subclause (1) amended by S.R. 2000, No. 100, Applied:12 Jul 2000] [Clause 4 Subclause (1) amended by S.R. 2004, No. 37, Applied:09 Jun 2004] [Clause 4 Subclause (1) amended by S.R. 2006, No. 41, Applied:07 Jun 2006] [Clause 4 Subclause (1) amended by S.R. 2008, No. 100, Applied:20 Aug 2008]* all year round –

(i) *[Clause 4 Subclause (1) amended by S.R. 2011, No. 100, Applied:28 Sep 2011] [Clause 4 Subclause (1) amended by S.R. 2014, No. 56, Applied:18 Jun 2014]* Brushy Lagoon from one hour before sunrise to three hours after sunset on any day; and

(ii) *[Clause 4 Subclause (1) amended by S.R. 2011, No. 100, Applied:28 Sep 2011] [Clause 4 Subclause (1) amended by S.R. 2014, No. 56, Applied:18 Jun 2014]* Craighourne Dam from one hour before sunrise to three hours after sunset on any day; and

(iia) *[Clause 4 Subclause (1) amended by S.R. 2011, No. 100, Applied:28 Sep 2011] [Clause 4 Subclause (1) amended by S.R. 2012, No. 84, Applied:03 Oct 2012]*

(iii) Great Lake other than Canal Bay; and

(iia) *[Clause 4 Subclause (1) amended by S.R. 2011, No. 49, Applied:22 Jun 2011] [Clause 4 Subclause (1) amended by S.R. 2011, No. 100, Applied:28 Sep 2011] [Clause 4 Subclause (1) amended by S.R. 2014, No. 56, Applied:18 Jun 2014]* Huntsman Lake from one hour before sunrise to three hours after sunset on any day; and

(iv) Huon River from the Huonville Bridge downstream to the seaward limit of that river; and

(v) Lake Barrington; and

(vi) Lake Burbury; and

(vii) *[Clause 4 Subclause (1) amended by S.R. 2011, No. 49, Applied:22 Jun 2011]*

(viii) Lake Meadowbank; and

(ix) Lake Pedder; and

(ixa) *[Clause 4 Subclause (1) amended by S.R. 2013, No. 24, Applied:15 May 2013]* Lake King William; and

(x) *[Clause 4 Subclause (1) amended by S.R. 2018, No. 47, Applied:25 Jul 2018]* River Leven from the confluence of Whisky Creek, delineated by a straight line between grid reference 422710E 5442177N and 422750E 5442142N downstream to the seaward limit of that river; and

(xi) North Esk River and River Tamar from the Lower Charles Street Bridge on the North Esk River downstream to the seaward limit of the River Tamar; and

(xia) *[Clause 4 Subclause (1) amended by S.R. 2015, No. 51, Applied:08 Jul 2015]* Pioneer Lake; and

(xii) *[Clause 4 Subclause (1) amended by S.R. 2018, No. 47, Applied:25 Jul 2018]* River Derwent from the A10 Road Bridge at grid reference 504630E 5263716N downstream to the seaward limit of that river; and

(xiii) South Esk River and River Tamar from the West Tamar Road Bridge on the South Esk River downstream to the seaward limit of the River Tamar;

(g) [Clause 4 Subclause (1) amended by S.R. 2004, No. 37, Applied:09 Jun 2004] between the Saturday nearest 1 December in any year and the Sunday nearest 31 March in the next year, in Canal Bay in Great Lake.

(2) [Clause 4 Subclause (2) amended by S.R. 2007, No. 89, Applied:10 Oct 2007] [Clause 4 Subclause (2) amended by S.R. 2004, No. 37, Applied:09 Jun 2004] Acclimatised fish may only be taken between the first Saturday of August in any year and the Sunday nearest 30 April in the next year –

(a) in excepted waters; and

(b) in any inland waters that are not specified in clause 8 ; and

(c) [Clause 4 Subclause (2) amended by S.R. 2011, No. 100, Applied:28 Sep 2011]

(ca) [Clause 4 Subclause (2) amended by S.R. 2006, No. 41, Applied:07 Jun 2006] [Clause 4 Subclause (2) amended by S.R. 2014, No. 56, Applied:18 Jun 2014] at Curries River Reservoir from one hour before sunrise to three hours after sunset; and

(d) [Clause 4 Subclause (2) amended by S.R. 2007, No. 89, Applied:10 Oct 2007] [Clause 4 Subclause (2) amended by S.R. 2011, No. 49, Applied:22 Jun 2011] [Clause 4 Subclause (2) amended by S.R. 2012, No. 84, Applied:03 Oct 2012] [Clause 4 Subclause (2) amended by S.R. 2014, No. 56, Applied:18 Jun 2014] at Four Springs Lake from one hour before sunrise to three hours after sunset; and

(e) [Clause 4 Subclause (2) amended by S.R. 2007, No. 89, Applied:10 Oct 2007] [Clause 4 Subclause (2) amended by S.R. 2011, No. 100, Applied:28 Sep 2011] [Clause 4 Subclause (2) amended by S.R. 2014, No. 56, Applied:18 Jun 2014] [Clause 4 Subclause (2) amended by S.R. 2016, No. 33, Applied:01 Aug 2016] at Lake Crescent from one hour before sunrise to three hours after sunset; and

(f) [Clause 4 Subclause (2) amended by S.R. 2016, No. 33, Applied:01 Aug 2016] at South Riana Dam from one hour before sunrise to three hours after sunset; and

(g) [Clause 4 Subclause (2) amended by S.R. 2016, No. 33, Applied:01 Aug 2016] at Talbotts Lagoon from one hour before sunrise to three hours after sunset.

(cb) [Clause 4 Subclause (2) amended by S.R. 2011, No. 49, Applied:22 Jun 2011] [Clause 4 Subclause (2) amended by S.R. 2011, No. 100, Applied:28 Sep 2011]

(cc) [Clause 4 Subclause (2) amended by S.R. 2011, No. 49, Applied:22 Jun 2011] [Clause 4 Subclause (2) amended by S.R. 2011, No. 100, Applied:28 Sep 2011]

5. Taking indigenous fish

The following indigenous fish may only be taken during the following periods at the following places:

(a) [Clause 5 Amended by S.R. 2004, No. 37, Applied:09 Jun 2004] [Clause 5 Amended by S.R. 2011, No. 100, Applied:28 Sep 2011] during the periods and at the places specified in clause 4(1) and (2) and at any time in the waters specified in Schedule 1 to the Inland Fisheries (Recreational Fishing) Regulations 2009 –

(i) blackfish (*Gadopsis marmoratus*);

(ii) freshwater eels (*Anguilla australis* and *Anguilla reinhardtii*);

(iii) [Clause 5 Amended by S.R. 2018, No. 47, Applied:25 Jul 2018] estuary perch (*Percolates colonorum*);

(iv) black bream (*Acanthopagrus butcheri*);

(b) [Clause 5 Amended by S.R. 2000, No. 100, Applied:12 Jul 2000]

(c) [Clause 5 Amended by S.R. 2011, No. 100, Applied:28 Sep 2011] whitebait between sunrise and sunset and between 1 October and 11 November in the same year –

(i) at the rivers specified in the table in Schedule 1 , landward of the seaward limits of those rivers; and

(ii) in the years specified for those rivers in the table in Schedule 1 ;

(d) [Clause 5 Amended by S.R. 2000, No. 100, Applied:12 Jul 2000] [Clause 5 Amended by S.R. 2011, No. 49, Applied:22 Jun 2011] any other indigenous fish, at any time in the waters specified in Schedule 1 of the Inland Fisheries (Recreational Fishing) Regulations 2009 .

6. Taking fish in juvenile ponds

[Clause 6 Amended by S.R. 2018, No. 47, Applied:25 Jul 2018] The taking of any fish in a junior angling development fishery is permitted only by a person under the age of 18 years.

7. Taking fish in certain waters

[Clause 7 Substituted by S.R. 1999, No. 75, Applied:31 Jul 1999]

(1) The taking of any fish in Risdon Brook Reservoir is permitted only by an eligible person.

(1A) [Clause 7 Subclause (1A) inserted by S.R. 2006, No. 41, Applied:07 Jun 2006] The taking of any fish in Plenty River adjacent to the Salmon Ponds is permitted only by an eligible person.

(2) [Clause 7 Subclause (2) omitted by S.R. 2011, No. 49, Applied:22 Jun 2011]

8. Prohibition on taking freshwater fish

[Clause 8 Amended by S.R. 2013, No. 24, Applied:15 May 2013] [Clause 8 Amended by S.R. 2016, No. 33, Applied:01 Aug 2016] The taking of freshwater fish at any of the following places is prohibited at all times:

(a) waters flowing into Arthurs Lake;

(ab) [Clause 8 Amended by S.R. 1998, No. 106, Applied:29 Jul 1998] [Clause 8 Amended by S.R. 1999, No. 75, Applied:31 Jul 1999]

(b) waters of Brushy Rivulet flowing into Brushy Lagoon;

(ba) [Clause 8 Amended by S.R. 2004, No. 37, Applied:09 Jun 2004] waters in that part of Curries River Reservoir within 400 metres of the dam tower;

(bb) [Clause 8 Amended by S.R. 2013, No. 24, Applied:15 May 2013] the dam wall and associated infrastructure at Craighourne Dam;

(c) waters flowing into Dee Lagoon;

(d) [Clause 8 Amended by S.R. 2011, No. 49, Applied:22 Jun 2011]

(da) [Clause 8 Amended by S.R. 1996, No. 224, Applied:25 Dec 1996] [Clause 8 Amended by S.R. 1999, No. 75, Applied:31 Jul 1999]

(e) waters flowing into Great Lake, including the Liawenee Canal;

(f) [Clause 8 Amended by S.R. 2014, No. 56, Applied:18 Jun 2014] waters flowing into Lake Crescent, except the section of waters, in the canal between Lake Sorell and Lake Crescent, below Interlaken Road;

(g) [Clause 8 Amended by S.R. 2011, No. 49, Applied:22 Jun 2011]

(h) [Clause 8 Amended by S.R. 2014, No. 56, Applied:18 Jun 2014]

(i) waters flowing into Lake Leake;

(j) [Clause 8 Amended by S.R. 2011, No. 49, Applied:22 Jun 2011]

(k) [Clause 8 Amended by S.R. 2014, No. 56, Applied:18 Jun 2014]

(l) [Clause 8 Amended by S.R. 2014, No. 56, Applied:18 Jun 2014]

(m) waters in McPartlan Canal between Lake Pedder and Lake Gordon;

(ma) [Clause 8 Amended by S.R. 2000, No. 208, Applied:13 Dec 2000] waters flowing into Lake Fenton;

(mb) [Clause 8 Amended by S.R. 2000, No. 208, Applied:13 Dec 2000] waters of Lake Fenton;

(n) [Clause 8 Amended by S.R. 2014, No. 56, Applied:18 Jun 2014]

- (o) *[Clause 8 Amended by S.R. 2014, No. 56, Applied:18 Jun 2014]*
- (p) *[Clause 8 Amended by S.R. 2011, No. 49, Applied:22 Jun 2011]*
- (pa) *[Clause 8 Amended by S.R. 1996, No. 115, Applied:21 Aug 1996]* *[Clause 8 Amended by S.R. 1999, No. 75, Applied:31 Jul 1999]* *[Clause 8 Amended by S.R. 2011, No. 49, Applied:22 Jun 2011]*
- (q) *[Clause 8 Amended by S.R. 2004, No. 37, Applied:09 Jun 2004]* waters in which fish are maintained by the Director or by any other person or body with the consent of the Director for the purposes of fish culture or public display;
- (r) *[Clause 8 Amended by S.R. 2004, No. 37, Applied:09 Jun 2004]* waters within 100 metres of a fish trap maintained by the Director;
- (s) waters in that part of the No. 1 Canal and No. 2 Canal, conveying water from Shannon Lagoon to Penstock Lagoon above 2 white posts on opposite banks of those canals;
- (t) *[Clause 8 Amended by S.R. 2011, No. 49, Applied:22 Jun 2011]* *[Clause 8 Amended by S.R. 2016, No. 33, Applied:01 Aug 2016]* waters flowing into Talbots Lagoon;
- (u) *[Clause 8 Amended by S.R. 2014, No. 56, Applied:18 Jun 2014]* waters of the Dogs Head Creek, Silver Plains Creek and Mountain Creek that flow into Lake Sorell;
- (v) *[Clause 8 Amended by S.R. 2011, No. 49, Applied:22 Jun 2011]* *[Clause 8 Amended by S.R. 2014, No. 56, Applied:18 Jun 2014]* waters within a radius of 50 metres of the waters specified in paragraphs (a) , (c) , (e) , (i) and (u) .

9.

[Clause 9 Inserted by S.R. 1998, No. 106, Applied:29 Jul 1998] *[Clause 9 Revoked by S.R. 1999, No. 75, Applied:31 Jul 1999]*

SCHEDULE 1 - Whitebait

*[Schedule 1 Inserted by S.R. 2011, No. 100, Applied:28 Sep 2011] [Schedule 1 Amended by S.R. 2012, No. 84, Applied:03 Oct 2012]
[Schedule 1 Substituted by S.R. 2016, No. 69, Applied:31 Aug 2016]*

Clause 5(c)

Column 1	Column 2	Column 3
Item	Rivers	Years
1.	Black River	2017, 2019
2.	Brid River	2017, 2019
3.	Don River	2017, 2019
4.	Duck River, except 50 metres above and below the water-gauging weir on that river	2016, 2017, 2018, 2019, 2020
5.	Great Forester River	2016, 2018, 2020
6.	Henty River	2016, 2017, 2018, 2019, 2020
7.	Huon River	2016, 2017, 2018, 2019, 2020
8.	Inglis River	2016, 2017, 2018, 2019, 2020
9.	Little Forester River	2017, 2019
10.	Mersey River	2016, 2018, 2020
11.	Montagu River	2016, 2018, 2020
12.	Pieman River	2016, 2017, 2018, 2019, 2020
13.	River Derwent	2016, 2017, 2018, 2019, 2020
14.	River Forth	2016, 2017, 2018, 2019, 2020
15.	River Leven	2017, 2019
16.	River Tamar	2016, 2017, 2018, 2019, 2020
17.	Rubicon River, except 50 metres above and below the water-gauging weir on that river	2016, 2017, 2018, 2019, 2020

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 30 May 1996

This order is administered in the Department of Environment and Land Management.