

# Wet Tropics Management Plan 1998 Guideline

## Section 62—Guideline for deciding permit applications

### Translocating crustacean or fish

#### Purpose of guidelines

Decisions made under the Wet Tropics Management Plan 1998 are fair, transparent, consistent and contribute to achieving the objectives of the Wet Tropics World Heritage Protection and Management Act 1993, and the Primary Goal for the Wet Tropics of Queensland World Heritage Area.

The Primary Goal is the Authority’s obligation to ensure the protection, conservation, presentation, rehabilitation, and transmission to future generations, of the natural heritage of the World Heritage Area.

#### Target audience

**Primary:** Wet Tropics Management Authority

**Secondary:** Department of Agriculture and Fisheries staff, permit applicants, permit holders, the local community, and the public—particularly those who are considering undertaking crustacean or fish translocation in the Wet Tropics of Queensland World Heritage Area (the Area) which may require a permit.

#### Contents

1. Objective of this guideline.....	2
2. Context .....	2
3. Considerations.....	2
4. Roles and responsibilities under the guideline .....	6
5. Related legislation/policy/standards .....	6
6. Definitions/acronyms.....	7
7. Further information .....	7
8. Approval .....	7
9. Version history .....	7

# 1. Objective of this guideline

To provide guidance about the application and interpretation of the Wet Tropics Management Plan 1998 for assessing and deciding a Wet Tropics Permit for translocating crustacean or fish.

This guideline also describes the procedural arrangements for assessing an application to translocate a crustacean or fish (s.33 (n)) in cooperation with Department of Agriculture and Fisheries (DAF).

## 2. Context

This document is a 'guideline' made under s.62 of the Wet Tropics Management Plan 1998 (the Management Plan). The Authority must make this guideline available and must have regard to the guideline.

The scope of this guideline is to provide clearer policy direction about the consideration of a permit to translocate crustacean or fish in the Wet Tropics of Queensland World Heritage Area (the Area).

This guideline does not address recreational or other fishing activities in the Area.

### Category A—New activities

This guideline applies to the assessment of all new proposals to translocate a crustacean or fish in the Area. A permit for translocating a crustacean or fish will be required under section 33(n) of the Wet Tropics Management Plan 1998 (the Management Plan) and will be referred to as a *Wet Tropics Permit* or *WTP*.

### Category B—Existing activities

The Authority is bound by transitional provisions of the Management Plan section 88, and will not seek a Wet Tropics Permit (WTP) for translocating a crustacean or fish where the translocation is being lawfully undertaken under a General Fisheries Permit (GFP) issued by Department Agriculture and Fisheries (DAF) under the *Fisheries Act 1994* prior to the commencement of WTP provisions on 11 September 2020.

The Authority will not seek a WTP where a GFP has been reissued prior to lapse of the preceding permit and where the proposed activity has not significantly changed in the way discussed in 'roles and responsibilities' section of this guideline.

## 3. Considerations

### 3.1 General considerations

- A General Fisheries Permit (GFP) under the *Fisheries Act 1994* is required to translocate any crustaceans or fish in Queensland waters. GFPs are administered by the Department of Agriculture and Fisheries (DAF).
- Provisions about translocating a crustacean or fish were introduced into the Wet Tropics Management Plan (the Management Plan) and commenced on 11 September 2020. Translocating a crustacean or fish without a Wet Tropics Permit (WTP) is prohibited under section 26(c) of the Management Plan. Section 33(n) of the Management Plan describes the types of activities that may be issued a permit. Transitional provisions (outlined in section 88 of the Management Plan) apply to existing GFPs (see 'Category B—existing activities' under '2. Context' above).
- The Authority must consider the impact of any proposed translocation of a crustacean or fish against the principles and criteria for deciding a WTP (provided in part 4, Division 2 of the Management Plan) and be guided by the specific principles described in this guideline.
- The Authority will consult with DAF when considering any proposal for translocating a crustacean or fish, both new and existing proposals. DAF has agreed to consult with the Authority on any proposal outside the Area if the proposal could impact the Area.

- The Wet Tropics bioregion contains crustacean and fish species of very high conservation value, some of which are only found within this bioregion. Seventy-eight of Australia's 190 species of freshwater fish occur in the Area (approximately 40%)<sup>1</sup>. One hundred and thirty-one species have been found in the Wet Tropics bioregion, 86 of which are solely reliant on freshwater habitats<sup>1</sup>. In the Wet Tropics, waterfalls have isolated upstream waterways, allowing the evolution of endemic species in aquatic habitats which lack large predatory fish (except for eels).
- Translocating crustacean and fish species, including predatory and bait species, for recreational, commercial or mosquito-control purposes has the potential to adversely affect aquatic ecosystems and impact endemic species. Translocating certain species has long been undertaken in some Wet Tropics waterways under the *Fisheries Act 1994* to enhance recreational fishing opportunities. Unofficial and illegal translocation of native fish and crustaceans has been known to occur. Some of these populations persist, as do environmental impacts such as hybridization and/or displacement of local endemic species<sup>2</sup>.

### 3.2 Established recreational fishing areas

Any WTP for stocking or translocating a crustacean or fish species for recreational fishing within the Area should be restricted to those waterways and impoundments already established as recreational fishing areas and restricted to only indigenous species. The likelihood of further degradation of aquatic ecosystems and World Heritage values and integrity is considered unlikely in established fishing areas, at current approved stocking rates. There have been numerous instances of official fish translocations in the past to establish or maintain a recreational fishery, but the vast majority are no longer current. Consideration should be given to the reasons or demonstrated need for the application.

#### Policy intent:

- A permit from the Authority is not required if a current GFP is in place, had been issued prior to 11 September 2020, is being lawfully operated, and reissue will cause the activity to continue with equivalent or less impact than the existing GFP.
- Where translocation or stocking has already occurred and an existing GFP has lapsed, a WTP will be required in addition to a new GFP from DAF.
- Stocking or translocating a crustacean or fish species for recreational fishing within the Area to a waterway or impoundment that has not previously been established as a recreational fishing area (a new recreational activity) is not supported.

### 3.3 Numbers and size of crustaceans and fish stocked and frequency of stocking

Detrimental impacts can still occur in already established re-stocked waterways with increased stocking numbers, stocking frequency, fingerling size, or a change in fish fitness due to changed climate/environment. Therefore, consideration should be given to past stocking densities, current fish populations and outcomes of research/monitoring on the populations when assessing a permit application. Priority should be given to stocking recreational angling species that cannot continue to breed in the waterway should future stocking be discontinued (e.g. many diadromous species above dams). This may allow for future eradication if required. Section 57 of the Management Plan requires the Authority to consider the precautionary principle when assessing any permit application.

#### Policy intent:

Where previous translocation has occurred, and is found to negatively impact endemic populations, or climate change has caused the endemic species to become more vulnerable, future translocation may no longer be supported or may need to be reduced.

<sup>1</sup> 2012–2013 Annual Report and State of the Wet Tropics Report (<https://www.wettropics.gov.au/annual-reports>).

<sup>2</sup> Burrows, D. W. (2004) Translocated Fishes in Streams of the Wet Tropics Region, North Queensland: Distribution and Potential Impact. Cooperative Research Centre for Tropical Rainforest Ecology and Management. Rainforest CRC, Cairns (83pp). (<https://www.wettropics.gov.au/site/user-assets/docs/translocatedFishesInStreams.pdf>).

### 3.4 Research and biological control

Translocating crustaceans or fish may be useful for research on environmental impacts or as a biological control for pest organisms. A decision to issue a permit in these circumstances would need to be based on well-documented scientific evidence, risk assessment and monitoring to determine the effectiveness of the control measure or any emerging impacts on World Heritage values and integrity. Additionally, provisions to monitor and research existing recreational stocking sites should be considered.

#### Policy intent:

Translocation for research purposes or biological control may be supported if justified by sufficient scientific evidence, and the evidence demonstrates that any potential risks can be adequately mitigated or managed.

### 3.5 Genetic origins of translocated crustaceans and fish

The genetic origin of crustaceans or fish translocated from other populations, or bred to be stocked, should be considered when assessing a WTP. In some instances, genetic variability can contribute to the health and vigour of individuals and to the whole population by fighting the deleterious effects of inbreeding. However, the introduction of new genetics to a population may also lead to mutations, or evolution towards hybridization, or enough genetic variability to impact on maintaining the integrity of the species as a pure breed.

#### Policy intent:

Genetic origin will be considered with the object of promoting and maintaining the genetic health of species.

### 3.6 Rare and endangered species

Rare upland fish species such as the Lake Eacham rainbowfish, the Malanda rainbowfish and the Bloomfield River cod may be particularly at risk from fish stocking with large predatory fish because they have evolved in simple food webs where few predatory species are present. Stocking in upland waterways with species not presently found there should be avoided in the Wet Tropics bioregion.

#### Policy intent:

Stocking in vulnerable upland waterways with species not presently found there, particularly large predatory fish, should be avoided.

### 3.7 Spread of pathogens and weeds

Any stocking or translocation of a crustacean or fish should seek to avoid the spread of weeds, pathogens, and disease. Major risks include the incidental spread of water weeds, microfauna including snails associated with those plants, and encysted larval stages of parasites with complex life cycles associated with microfauna and/or the fish stocks.

#### Policy intent:

The spread of weeds, pathogens, parasites, microfauna, and disease must be avoided. Mitigation methods must be demonstrated.

### 3.8 Stocking for conservation and research purposes

Stocking for conservation and research purposes has been, and is likely to be, increasingly important in the Area. Endemic species in the Area can have highly localised distributions, can be vulnerable to climate change and therefore, rapidly rendered extinct by invasive species. It may be important to enable wild harvest and translocation of endemic species beyond their natural and often narrow range. These stocking activities require long-term planning and associated desktop and field research. Some translocations of this nature have occurred historically in various waterways, including Copperlode Dam and in the upper North Johnstone River catchment on the Atherton Tableland. Applications for further research will be considered on their individual merits and should form part of a systematic approach to preparing for climate change impacts or in response to other threatening processes on freshwater species.

#### Policy intent:

Stocking for conservation and research purposes will be considered on its individual merit and on its place within a broader or systematic approach to climate change and other threatening processes.

### 3.9 Other legal considerations when issuing a permit

The following matters do not represent all legal considerations, they are the most relevant to this activity.

#### *Transitional provisions of the Wet Tropics Management Plan 1998*

Transitional provisions under part 8 of the Management Plan allow an existing GFP issued by DAF prior to commencement of the provisions on 11 September 2020 to continue without a WTP. A person may translocate a crustacean or fish in the Area under that GFP while it is in force. A replacement GFP will be taken to be 'in force' provided it does not lapse prior to issue of the new and equivalent GFP. An equivalent GFP is taken to be one described in 'Category B—existing activities' under '2. Context' above).

#### *Nature Conservation Act 1992*

Section 336 of the Nature Conservation (Animals) Regulation 2020 and Section 131 of the Nature Conservation (Protected Areas Management) Regulation 2017 precludes the stocking or translocation of fish. Section 336 of the Nature Conservation (Animals) Regulation 2020 prevents a person releasing into the wild any animal without an authority. Section 131 of the Nature Conservation (Protected Areas Management) Regulation 2017 prevents a person taking a live animal into a protected area (with certain exceptions).

#### *Fisheries Act 1994*

Under section 90 of the *Fisheries Act 1994* a person cannot release non-indigenous fish species into Queensland waters unless in circumstances prescribed in the Fisheries (General) Regulation 2019. Section 57(2) of the Fisheries (General) Regulation 2019 states that under a General Fisheries Permit the holder must not release non-indigenous fish into the river basins listed in schedule 2. Section 98 of the Fisheries (General) Regulation 2019 prescribes the circumstances in which non-indigenous fisheries resources may be released. Schedule 4, Part 2, of the Fisheries (General) Regulation 2019 prescribes the waters in which non-indigenous fisheries resources may be released. Schedule 1 of the Fisheries (General) Regulation 2019 details the river basins where specific aquaculture fisheries resources can be released.

#### *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

Fish stocking activities either inside or outside the Area may invoke the EPBC Act if there is potential for the activities to have significant impacts on Matters of National Environmental Significance, including world heritage values and integrity.

#### *Biosecurity Act 2014 and the Biosecurity Regulation 2016*

Restrictions apply to the certain species under the biosecurity legislation. Species are declared as either restricted noxious fish, prohibited noxious fish, non-native invasive ornamental fish. These are discussed in [Invasive Fish of Queensland](#)<sup>3</sup>. The Wet Tropics Management Plan 1998 nominates other undesirable species in Schedule 2A. There is some crossover with the biosecurity legislation.

---

<sup>3</sup> [https://www.daf.qld.gov.au/data/assets/pdf\\_file/0008/1398842/prohibited-restricted-invasive-fish.pdf](https://www.daf.qld.gov.au/data/assets/pdf_file/0008/1398842/prohibited-restricted-invasive-fish.pdf)

## 4. Roles and responsibilities under the guideline

All crustacean and fish translocations in Crown waters of the Wet Tropics of Queensland World Heritage Area (the Area) require a General Fisheries Permit (GFP) under the *Fisheries Act 1994* and are prescribed in the Fisheries (General) Regulation 2019 or relevant management plans under the *Fisheries Act 1994*.

### Category A—New activities

- The Department of Agriculture and Fisheries (DAF) will provide advice to the Wet Tropics Management Authority (the Authority) about any proposal or new permit application received for a GFP inside the Area.
- DAF will require applicants to demonstrate that they have received advice from the Authority that a Wet Tropics Permit (WTP) is either not required or has been issued before a GFP is granted.
- DAF will request the advice of the Authority should a new permit application be received for a GFP outside the Area if the proposed activity may have an impact on the Area.  
*Note:* DAF may still provide technical advice on a ‘without prejudice’ basis to stocking groups before an application for a Wet Tropics Permit is made.
- The Authority will consult with DAF about any proposal or permit assessment for translocating a crustacean or fish in the Area.
- The Authority will provide advice to DAF where a permit application may have an impact on the Area.
- The Authority will decide whether a permit is issued for a single event or ongoing translocation events for a defined period.

### Category B—Existing activities (prior to the Management Plan amendment, 11 September 2020)

- The Authority has agreed to cooperate with DAF regarding existing GFP in the way discussed below.
- The Authority will acknowledge GFP issued prior to the commencement of the fish translocation provision in the Management Plan on 11 September 2020. Where a GFP for translocating a crustacean or fish existed prior to that date, it may continue without a permit under the Management Plan provided that the GFP:
  - has not lapsed
  - is being lawfully executed
  - if reissued, is for the same location, species, and scale
  - does not include a species mentioned in Schedule 2A Part 1 of the Management Plan
  - is not precluded under consideration of the precautionary principle, particularly when considering the impacts of climate change or other threats.
- The Authority will seek advice from DAF regarding the status of the existing activity under the Fisheries (General) Regulation 2019 or relevant management plans (including specifying stocking frequency and location, fish species, fish size and fish numbers, or if any previous breaches have been committed). Similar information may also be obtained through an applicant.

## 5. Related legislation/policy/standards

The following is provided as guidance on the most closely related matters. This may not be a definitive list.

Other guidelines that should be considered:

- [Policy for fish stocking in Queensland](#)<sup>4</sup>
- [Operational Guidelines for the Implementation of the World Heritage Convention](#)<sup>5</sup>

<sup>4</sup> <https://www.daf.qld.gov.au/business-priorities/fisheries/sustainable/management-and-licensing-policies/policy-for-fish-stocking-in-queensland>

<sup>5</sup> <https://whc.unesco.org/en/guidelines/>

- The Authority's [Wet Tropics Management Plan Guidelines](#)<sup>6</sup> particularly:
  - Consulting Rainforest Aboriginal Peoples with rights and interests with land and waters in the Wet Tropics of Queensland World Heritage Area
  - Community consultation.

## 6. Definitions/acronyms

**GFP:** General Fisheries Permit. DAF issues permits that generally authorise activities that are otherwise unlawful. Permits are not renewable or transferable and require a detailed assessment of each application. For more information on permits including General Fisheries Permits see the [Business Queensland website](#)<sup>7</sup>.

**Queensland waters:** all waters that are—  
 (a) within the limits of the State; or  
 (b) coastal waters of the State.  
 (As per the *Acts Interpretation Act 1954*)

## 7. Further information

### Contact:

Manager—Planning and Conservation  
 Wet Tropics Management Authority  
 Ground floor, Ports North building  
 Cnr Grafton and Hartley streets  
 Cairns Queensland  
 PO Box 2050  
 Cairns, QLD 4870  
 (07) 4241 0500  
[wettropics@wtma.qld.gov.au](mailto:wettropics@wtma.qld.gov.au)

## 8. Approval

Signed: 

Scott Buchanan  
 Executive Director  
 Wet Tropics Management Authority

## 9. Version history

Date commenced	Version	Version description	Description/comments	Evidence of approval e.g Board meeting
05/08/2021	1.0	First version of this guideline	N/A	Board meeting 116

<sup>6</sup> <https://www.wettropics.gov.au/wtmp-guidelines>

<sup>7</sup> <https://www.business.qld.gov.au/industries/farms-fishing-forestry/fisheries/licences/permits>