



Victoria Government Gazette

No. S 354 Tuesday 7 October 2014
By Authority of Victorian Government Printer

Traditional Owner Settlement Act 2010

ORDER AUTHORISING TAKE AND USE OF WATER

Order in Council

The Governor in Council, under section 85 of the **Traditional Owner Settlement Act 2010**, authorises Dja Dja Wurrung members to take and use water from waterways or bores for traditional purposes, in accordance with the terms and conditions below.

Commencement

1. This Order commences on the date it is published in the Government Gazette and remains in force for a period of five years from the date of publication in the Government Gazette.

Definitions

2. In this Order –

Agreement Area is the public land to which the Natural Resource Agreement is subject, being the area described in clause 6 of the Recognition and Settlement Agreement;

Dja Dja Wurrung member has the same meaning as it does in the definitions of **Dja Dja Wurrung** and **Dja Dja Wurrung People** in clause 18.1 of the Recognition and Settlement Agreement;

Corporation means the Dja Dja Wurrung Clans Aboriginal Corporation (ICN 4421), an Aboriginal Corporation under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 of the Commonwealth;

Natural Resource Agreement means the natural resource agreement made under section 80 of the **Traditional Owner Settlement Act 2010** forming part of the Recognition and Settlement Agreement;

Recognition and Settlement Agreement means the recognition and settlement agreement entered into by the Corporation and the State of Victoria under section 4 of the **Traditional Owner Settlement Act 2010** dated 28 March 2013.

public land has the same meaning as it does in section 3 of the **Traditional Owner Settlement Act 2010**;

State Observation Bore has the same meaning as it does in section 3(1) of the **Water Act 1989**;

traditional purposes has the same meaning as it does in the **Traditional Owner Settlement Act 2010**;

Verification Document has the same meaning as it does in the Recognition and Settlement Agreement.

Waterways and bores to which this Order applies

3. This Order applies to all waterways and bores situated in the Agreement Area, except any State Observation Bore.

Notes

1. Under section 88 of the **Traditional Owner Settlement Act 2010**, this Order may not apply to any land that is not subject to the Natural Resource Agreement.
2. Under section 85(2) of the **Traditional Owner Settlement Act 2010**, this Order only authorises the take and use of water in the circumstances to which a person has access to a waterway or bore set out in section 8(1) of the **Water Act 1989**.
3. Under section 33C of the **Water Act 1989**, a person may only take water from a State Observation Bore for domestic or stock purposes after obtaining the written permission of the Minister for Water.

SPECIAL

Particular terms and conditions

The authorisation to take and use water under this Order is subject to the following –

4. A Dja Dja Wurrung member may only take and use water under this Order if they have been issued with a Verification Document by the Corporation.
5. A Dja Dja Wurrung member who is taking or using water under this Order for non-commercial communal needs (being one of the traditional purposes under the **Traditional Owner Settlement Act 2010**) must ensure that the take or use does not adversely affect –
 - (a) access to the water by others; or
 - (b) use of the water by others; or
 - (c) other water licence holders; or
 - (d) other water entitlement holders (including persons exercising rights pursuant to section 8 of the **Water Act 1989**); or
 - (e) the maintenance of the environmental water reserve in accordance with the environmental water reserve objective; or
 - (f) the protection of the environment, including the riverine and riparian environment.

Dated 7 October 2014

Responsible Minister:

PETER WALSH

Minister for Water

YVETTE CARISBROOKE
Clerk of the Executive Council

Traditional Owner Settlement Act 2010
ORDER AUTHORISING CAMPING ACTIVITIES

Order in Council

The Governor in Council, under section 86 of the **Traditional Owner Settlement Act 2010**, authorises Dja Dja Wurrung members to camp for traditional purposes on specified public land in accordance with the terms and conditions below.

Commencement

1. This Order commences on the date it is published in the Government Gazette and remains in force for a period of five years from the date of publication in the Government Gazette.

Definitions

2. In this Order –

Agreement Area is the area to which the Natural Resource Agreement is subject, being the area referred to in clause 6 of the Recognition and Settlement Agreement;

Camping-by-permit areas means areas of specified public land where, under the Act or regulations under which the land is managed, a permit is required to camp on the area;

Dja Dja Wurrung member has the same meaning as it does in the definitions of **Dja Dja Wurrung** and **Dja Dja Wurrung People** in clause 18.1 of the Recognition and Settlement Agreement;

Corporation means the Dja Dja Wurrung Clans Aboriginal Corporation (ICN 4421), an Aboriginal Corporation under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 of the Commonwealth;

Natural Resource Agreement means the natural resource agreement made under section 80 of the **Traditional Owner Settlement Act 2010** forming part of the Recognition and Settlement Agreement;

specified public land means the following public land –

- (a) land under the **Crown Land (Reserves) Act 1978** where the committee of management is Parks Victoria or a local council, or where there are no committees of management or trustees appointed;
- (b) land in any park within the meaning of the **National Parks Act 1975**;
- (c) reserved forest within the meaning of the **Forests Act 1958**; and
- (d) unreserved Crown land under the **Land Act 1958**;

Recognition and Settlement Agreement means the recognition and settlement agreement entered into by the Corporation and the State of Victoria under section 4 of the **Traditional Owner Settlement Act 2010** dated 28 March 2013;

Verification Document has the same meaning as it does in the Recognition and Settlement Agreement.

Land to which this Order applies

3. The authorisation to camp under this Order applies to camping-by-permit areas on specified public land in the Agreement Area.

Notes

1. Under section 86 of the **Traditional Owner Settlement Act 2010**, this Order may only authorise camping on areas of public land that form part of the Agreement Area and where a permit is required under the land management Act or Regulations in order to camp.
2. Under section 88 of the **Traditional Owner Settlement Act 2010**, this Order may not apply to any land that is not subject to the Natural Resource Agreement.

Particular terms and conditions

4. The authorisation to camp is subject to the following terms and conditions –
- 4.1. A Dja Dja Wurrung member may only camp under this Order if they have been issued with a Verification Document by the Corporation, or they are carrying out those activities in the company of a member who has been issued with a Verification Document by the Corporation.
 - 4.2. A Dja Dja Wurrung member may not camp under this Order in an area that is subject to a booking or other allocation system unless the member adheres to the booking or other allocation system.
 - 4.3. A Dja Dja Wurrung member may not camp under this Order in an area for longer than the maximum number of consecutive nights that a person who is camping other than under this Order is permitted to camp, as specified under the Act or regulations under which the area is managed. If no maximum number of consecutive nights is specified under the Act or regulations under which the area is managed, then a member of the Dja Dja Wurrung may not camp under this Order in an area for longer than 59 consecutive nights.

Notes

1. Under section 86(6) of the **Traditional Owner Settlement Act 2010**, this Order does not apply to an area for which another person already holds a permit to camp and in which they are camping.
2. Under section 86(8) of the **Traditional Owner Settlement Act 2010**, this order does not authorise camping in a vehicle or other form of moveable accommodation (e.g. campervan, caravan) where a permit is required to use or occupy any vehicle or other moveable accommodation.
3. Under sections 86(9) and (10) of the **Traditional Owner Settlement Act 2010**, no fee is payable for camping under this Order unless the camping is on an area of land that is leased or licenced. In those cases, any fee required by the lessee or licensee is still required to be paid.
4. Subject to the above conditions and the **Traditional Owner Settlement Act 2010**, this Order replaces the need for Dja Dja Wurrung members to hold a permit to camp on specified public land within the Agreement Area, in those parts of the specified public land where a permit is required to camp. It does not replace the need for members to comply with other applicable laws including those regulating access to and use of public land. For example, if camping is prohibited, this Order does not authorise camping.

Dated 7 October 2014

Responsible Minister:

RYAN SMITH

Minister for Environment and Climate Change

YVETTE CARISBROOKE
Clerk of the Executive Council

Traditional Owner Settlement Act 2010

ORDER AUTHORISING TAKING OF PROTECTED FLORA AND LISTED FISH

Order in Council

The Governor in Council, under section 82 of the **Traditional Owner Settlement Act 2010**, authorises Dja Dja Wurrung members to take (except for the purpose of controlling), trade in, keep, move and process protected flora for traditional and commercial purposes and to take and keep listed fish for traditional purposes in accordance with the terms and conditions below.

Commencement

1. This Order commences on the date it is published in the Government Gazette and remains in force for a period of five years from the date of publication in the Government Gazette.

Definitions

2. In this Order –

Agreement Area is the public land to which the Natural Resource Agreement is subject, being the area referred to in clause 6 of the Recognition and Settlement Agreement;

authorised officer has the same meaning as it does in the **Flora and Fauna Guarantee Act 1988**;

Category A Protected Flora means the plants listed in the table called ‘Category A Protected Flora’ in clause 4.1 of this Order;

Category B Protected Flora means the plants listed in the table called ‘Category B Protected Flora’ in clause 4.1 of this Order;

Category C Protected Flora means the plants listed in the table called ‘Category C Protected Flora’ in clause 4.1 of this Order;

Category D Protected Flora means the plants listed in the table called ‘Category D Protected Flora’ in clause 4.1 of this Order;

Category E Protected Flora means the plants listed in the table called ‘Category E Protected Flora’ in clause 4.1 of this Order;

commercial purposes means the commercial purpose provided for in the Natural Resource Agreement, being the purpose set out in clause 9 of this Order;

component parts, in respect of protected flora, includes but is not limited to flowers, fruit, wood and leaves;

Corporation means the Dja Dja Wurrung Clans Aboriginal Corporation (ICN 4421), an Aboriginal Corporation under the **Corporations (Aboriginal and Torres Strait Islander) Act 2006** of the Commonwealth;

Dja Dja Wurrung member has the same meaning as it does in the definitions of **Dja Dja Wurrung** and **Dja Dja Wurrung People** in clause 18.1 of the Recognition and Settlement Agreement;

listed community means a community of flora or fauna, as defined in section 3(1) of the **Flora and Fauna Guarantee Act 1988**, which is listed as threatened under section 10 or Schedule 2 of the **Flora and Fauna Guarantee Act 1988**;

listed fish means fish which are a member of a listed taxon or community of fauna under the **Flora and Fauna Guarantee Act 1988**;

Natural Resource Agreement means the natural resource agreement made under section 80 of the **Traditional Owner Settlement Act 2010** forming part of the Recognition and Settlement Agreement;

protected flora has the same meaning as in section 3(1) of the **Flora and Fauna Guarantee Act 1988**;

public land has the same meaning as it does in section 3 of the **Traditional Owner Settlement Act 2010**;

Recognition and Settlement Agreement means the recognition and settlement agreement entered into by the Corporation and the State of Victoria under section 4 of the **Traditional Owner Settlement Act 2010** dated 28 March 2013;

Secretary has the same meaning as it does in the **Flora and Fauna Guarantee Act 1988**;
taking (except for the purpose of controlling), trading in, keeping, moving or processing has the same meaning as within the **Flora and Fauna Guarantee Act 1988**;

traditional purposes has the same meaning as it does in the **Traditional Owner Settlement Act 2010**;

Verification Document has the same meaning as it does in the Recognition and Settlement Agreement.

Land to which this Order applies

3. This Order applies to the Agreement Area.

Note

Under section 88 of the **Traditional Owner Settlement Act 2010**, this Order may not apply to any land that is not subject to the Recognition and Settlement Agreement.

Terms and conditions relating to protected flora

4. The authorisation to take (except for the purpose of controlling), trade in, keep, move and process protected flora is subject to the following terms and conditions –
- 4.1. A Dja Dja Wurrung member may only take (except for the purposes of controlling), trade in, keep, move or process protected flora that is Category A, Category B, Category C, Category D or Category E Protected Flora.

Category A Protected Flora (see Note below)

Common Name	Scientific Name
Box Mistletoe	<i>Amyema miquelii</i>
Fleshy Mistletoe	<i>Amyema miraculosa</i> subsp. <i>boormanii</i>
Wire-leaf Mistletoe	<i>Amyema preissii</i>
Grey Mistletoe	<i>Amyema quandang</i> var. <i>quandang</i>
Sweet Apple-berry	<i>Billardiera cymosa</i>
Inland Pigface	<i>Carpobrotus modestus</i>
Common Sneezeweed	<i>Centipeda cunninghamii</i>
Leafless Ballart	<i>Exocarpos aphyllus</i>
Pink Beard-heath	<i>Leucopogon ericoides</i>
Twin-flower Beard-heath	<i>Leucopogon fletcheri</i> subsp. <i>brevisepalus</i>
Ruddy Beard-heath	<i>Leucopogon rufus</i>
Common Beard-heath	<i>Leucopogon virgatus</i>
Spiny-headed Mat-rush	<i>Lomandra longifolia</i>
River Mint	<i>Mentha australis</i>
Dwarf Geebung	<i>Persoonia chamaepeuce</i>
Hairy Geebung	<i>Persoonia rigida</i>
Small-leaf Bramble	<i>Rubus parvifolius</i>
Sweet Quandong	<i>Santalum acuminatum</i>
Narrawa Burr	<i>Solanum cinereum</i>
Quena	<i>Solanum esuriale</i>
Oondoroo	<i>Solanum simile</i>

Note

With the exception of the *Leucopogon* species and Common Sneezeweed, species in Category A are not protected flora unless they form part of a listed community. Where these species occur outside of listed communities, this Order does not apply.

Category B Protected Flora

<i>Common Name</i>	<i>Scientific Name</i>
Common Nardoo	<i>Marsilea drummondii</i>

Category C Protected Flora (see Note below)

<i>Common Name</i>	<i>Scientific Name</i>
Hollow Rush	<i>Juncus amabilis</i>
Gold Rush	<i>Juncus flavidus</i>
Pale Rush	<i>Juncus pallidus</i>
Hoary Rush	<i>Juncus radula</i>
Finger Rush	<i>Juncus subsecundus</i>
Noah's Ark	<i>Poa clelandii</i>
Sword Tussock-grass	<i>Poa ensiformis</i>
Forde Poa	<i>Poa fordeana</i>
Common Tussock-grass	<i>Poa labillardierei</i>
Common Tussock-grass	<i>Poa labillardierei</i> var. <i>labillardierei</i>
Soft Tussock-grass	<i>Poa morrisii</i>
Velvet Tussock-grass	<i>Poa rodwayi</i>
Grey Tussock-grass	<i>Poa sieberiana</i>
Grey Tussock-grass	<i>Poa sieberiana</i> var. <i>hirtella</i>
Grey Tussock-grass	<i>Poa sieberiana</i> var. <i>sieberiana</i>
Slender Tussock-grass	<i>Poa tenera</i>
Kangaroo Grass	<i>Themeda triandra</i>

Note

Species in Category C are not protected flora unless they form part of a listed community. Where these species occur outside of listed communities, this Order does not apply.

Category D Protected Flora

<i>Common Name</i>	<i>Scientific Name</i>
Drooping Sheoak	<i>Allocasuarina verticillata</i>
Cherry Ballart	<i>Exocarpos cupressiformis</i>
Common Reed	<i>Phragmites australis</i>
Wattle	<i>Acacia</i> spp, subject to the exclusion in clause 4.6, below

Note

Most species in Category D are not protected flora unless they form part of a listed community. Where these species occur outside of listed communities, this Order does not apply. The exception is with some *Acacia* species that are always protected. For those species, this Order always applies.

Category E Protected Flora

<i>Common Name</i>	<i>Scientific Name</i>
grass tree and grass tree fronds	<i>Xanthorrhoea</i> spp. except for <i>X. caespitosa</i> , <i>X. semiplana</i> subsp. <i>semiplana</i> and <i>Xanthorrhoea glauca</i> subsp. <i>angustifolia</i>

- 4.2. The taking of Category A Protected Flora by a Dja Dja Wurrung member is limited as follows –
 - 4.2.1. Where a Dja Dja Wurrung member takes only component parts of a plant (and not the entire plant), they can take only 10% of the plant in component parts.
 - 4.2.2. Where a Dja Dja Wurrung member takes the entire plant of *Leucopogon* species and Common Sneezeweed, they can take 10% of the population of the species per collection.
 - 4.2.3. Where a Dja Dja Wurrung member takes the entire plant of any species other than those referred to in paragraph 4.2.2, they can take 10% of the population of the species per hectare per collection.
- 4.3. The taking of Category B Protected Flora by a Dja Dja Wurrung member may involve the taking of entire plants. The taking must not exceed 10% of the population of the species per collection.
- 4.4. The taking of Category C Protected Flora by a Dja Dja Wurrung member is limited to the taking of component parts of plants in a manner that does not destroy the plant.
- 4.5. The taking of Category D Protected Flora by a Dja Dja Wurrung member may involve the taking of entire plants.

Note

Category D Protected Flora excludes the *Acacia* species referred to in clause 4.6 of this Order.

- 4.6. Category D Protected Flora excludes any *Acacia* species that is –
 - 4.6.1. listed as threatened in Schedule 2 of the **Flora and Fauna Guarantee Act 1988** or under section 10 of that Act; or
 - 4.6.2. protected by an Order in Council under the **Flora and Fauna Guarantee Act 1988** published in the Government Gazette and listed in the Advisory List of Rare or Threatened Plants in Victoria (DSE 2005).
- 4.7. The taking of Category E Protected Flora by a Dja Dja Wurrung member may involve the taking of entire plants. The taking of –
 - 4.7.1. fronds is not authorised once the quota per annum of 200 handful-sized bundles has been reached by the members as a collective; and
 - 4.7.2. entire plants is not authorised once the quota per annum of 30 whole plants has been reached by the members as a collective.

These quotas apply per calendar year.
5. This clause 5 applies to any trading or proposed trading in Category E Protected Flora.
 - 5.1. A person authorised under this Order to trade in Category E Protected Flora must ensure that –
 - (a) a valid tag is attached to the trunk, if developed, or in other cases, the fronds, of any Category E Protected Flora that is handled for the purpose of trading; and
 - (b) while Category E Protected Flora is in the possession or control of the person authorised to trade in it, a valid tag remains attached to the plant; and
 - (c) if Category E Protected Flora is sold by retail by that person, he or she cuts the valid tag in half.
 - 5.2. A person who intends to trade in Category E Protected Flora that does not have valid tags attached to it must –
 - (a) apply to the Secretary for the required number of tags; and
 - (b) provide the Secretary with a detailed description of the source of the Category E Protected Flora and the identity of the persons and any agents to be used for the handling of that flora; and

- (c) permit authorised officers or any persons nominated by the Secretary to conduct inspections of the land where the Category E Protected Flora are stored or are to be harvested to facilitate the verification of the appropriate number of tags to be issued; and
 - (d) if tags have been issued by the Secretary, securely affix them to the Category E Protected Flora referred to in the application, in accordance with clause 5.1(a); and
 - (e) retain a copy of the tag allocation record issued by the Secretary with the tags, for the purpose of possible inspection by an authorised officer, for a period of 2 years from the day the last tags were attached to the Category E Protected Flora.
6. A Dja Dja Wurrung member who takes protected flora under this Order must report the take to the Corporation each calendar month for the preceding month.

Terms and conditions relating to listed fish

7. The authorisation to take and keep listed fish is subject to the following terms and conditions –
- 7.1. A Dja Dja Wurrung member may only take and keep species of fish that are described in columns 1 and 2 of the table below, subject to the conditions described in the corresponding row of column 3 of the table. The conditions apply to each Dja Dja Wurrung member who is taking and keeping listed fish under this Order.
- 7.2. Where the conditions in column 3 of the table require the size of fish to be measured, the measurement must be taken in accordance with regulation 122 of the Fisheries Regulations 2009.

<i>Common Name</i>	<i>Scientific Name</i>	<i>Conditions</i>
Flat-headed Galaxias	<i>Galaxias rostratus</i>	<ol style="list-style-type: none"> 1. The catch limit with respect to the taking of Flat-headed Galaxias from all Victorian waters is a daily limit of 40, except if Common Galaxias, Spotted Galaxias, Mountain Galaxias, Broad-finned Galaxias and Australian Smelt are taken on that day, the catch limit is a total of 40 for all those species combined. 2. The catch limit with respect to the possession of Flat-headed Galaxias in, on or next to Victorian waters is 40, except if Common Galaxias, Spotted Galaxias, Mountain Galaxias, Broad-finned Galaxias and Australian Smelt are possessed, the limit is a total of 40 for all those species combined.
Flat-headed Gudgeon or Bull-headed Gudgeon	<i>Philypnodon grandiceps</i>	<ol style="list-style-type: none"> 3. The catch limit with respect to the taking of Flat-headed Gudgeon or Bull-headed Gudgeon from all Victorian waters is a daily limit of 40. 4. The catch limit with respect to the possession of Flat-headed Gudgeon or Bull-headed Gudgeon in, on or next to Victorian waters is 40.

<i>Common Name</i>	<i>Scientific Name</i>	<i>Conditions</i>
Freshwater Catfish	<i>Tandanus tandanus</i>	<ol style="list-style-type: none"> 5. Freshwater Catfish may only be taken from or possessed in, on or next to inland waters within the Wimmera Basin. 6. The catch limit with respect to the taking of Freshwater Catfish from all inland waters within the Wimmera Basin is a daily limit of two. 7. The catch limit with respect to the possession of Freshwater Catfish in, on or next to inland waters within the Wimmera Basin is two. 8. A person must not, in, on or next to inland waters, possess any Freshwater Catfish in any form other than whole or in the form of a carcass. 9. A minimum size limit of 30 centimetres for Freshwater Catfish applies to all inland waters within the Wimmera Basin.
Golden Perch	<i>Macquaria ambigua</i>	<ol style="list-style-type: none"> 10. The catch limit with respect to the taking of Golden Perch from rivers and streams is a daily limit of five. 11. The catch limit with respect to the possession of Golden Perch in, on or next to rivers and streams is five. 12. The catch limit with respect to the taking of Golden Perch from lakes and impoundments of inland waters is a daily limit of ten. 13. The catch limit with respect to the possession of Golden Perch in, on or next to all lakes and impoundments of inland waters is ten. 14. A person must not, in, on or next to inland waters, possess any Golden Perch in any form other than whole or in the form of a carcass. 15. A minimum size limit of 30 centimetres for Golden Perch applies in respect of all inland waters.

Common Name	Scientific Name	Conditions
Macquarie Perch	<i>Macquaria australasica</i>	<p>16. Macquarie Perch may only be taken from or possessed in, on or next to the Upper Coliban Reservoir and its tributaries.</p> <p>17. The catch limit with respect to the taking of Macquarie Perch from the Upper Coliban Reservoir and its tributaries is a daily limit of two.</p> <p>18. The catch limit with respect to the possession of Macquarie Perch in, on or next to the Upper Coliban Reservoir and its tributaries is two.</p> <p>19. A minimum size of 35 centimetres for Macquarie Perch applies to the Upper Coliban Reservoir and its tributaries.</p> <p>20. A closed season on the taking of Macquarie Perch from inland waters applies from 1 October to 31 December in each year.</p> <p>21. A person must not, in, on or next to inland waters, possess any Macquarie Perch in any form other than whole or in the form of a carcass.</p>
Murray Cod	<i>Maccullochella peelii</i>	<p>22. The catch limit with respect to the taking of Murray Cod from inland waters is a daily limit of two, of which no fish may be greater than 100 centimetres in length.</p> <p>23. The catch limit with respect to the possession of Murray Cod in, on or next to inland waters is two, of which no fish may be greater than 100 centimetres in length.</p> <p>24. A minimum size limit of 60 centimetres for Murray Cod applies to all inland waters.</p> <p>25. A closed season on the taking of Murray Cod applies to all inland waters from 1 September to 30 November in each year.</p> <p>26. A person must not, in, on or next to inland waters, possess any Murray Cod in any form other than whole or in the form of a carcass.</p>

Common Name	Scientific Name	Conditions
Murray Spiny Freshwater Crayfish	<i>Euastacus armatus</i>	<p>General conditions</p> <p>27. A person must not, in, on or next to inland waters, possess any Murray Spiny Freshwater Crayfish in any form other than whole or in the form of a carcass.</p> <p>28. A person must not take, cause to be landed or possess any female Murray Spiny Freshwater Crayfish in berry or with young attached.</p> <p>29. A person must not remove eggs, spawn, setae or fibres from any female Murray Spiny Freshwater Crayfish.</p> <p>Fishing gear</p> <p>30. Murray Spiny Freshwater Crayfish may be taken by –</p> <p>(a) hand; or</p> <p>(b) up to two bait traps; or</p> <p>(c) up to ten baited lines (no hooks); or</p> <p>(d) recreational hoop nets.</p> <p>31. In inland waters, up to ten recreational hoop nets may be used.</p> <p>32. Each recreational hoop net must have a tag attached to it which is clearly, legibly and accurately marked with the fishers full name and place of residence and the tag is positioned so that it remains on or above the water surface at all times.</p> <p>33. Murray Spiny Freshwater Crayfish must not be taken from inland waters north of the Great Dividing Range from the days inclusive from the first day of September in a given year until the last day of April in the following year.</p> <p>34. A person must not possess Murray Spiny Freshwater Crayfish in, on or next to inland waters north of the Great Dividing Range from the days inclusive from the first day of September in a given year until the last day of April in the following year.</p> <p>Catch limits and size limits</p> <p>35. The catch limit with respect to the taking of Murray Spiny Freshwater Crayfish from inland waters is a daily limit of five, of which no more than one fish may be equal to or exceed twelve centimetres in carapace length.</p> <p>36. The catch limit with respect to the possession of Murray Spiny Freshwater Crayfish in, on or next to inland waters is five, of which no more than one fish may be equal to or exceed twelve centimetres in carapace length.</p> <p>37. A minimum size limit of nine centimetres carapace length for Murray Spiny Freshwater Crayfish applies to inland waters.</p>

Common Name	Scientific Name	Conditions
Silver Perch	<i>Bidyanus bidyanus</i>	<p>38. Silver Perch must not be taken from or possessed in, on or next to any rivers or streams north of the Great Dividing Range.</p> <p>39. The catch limit with respect to the taking of Silver Perch is a daily limit of five fish from –</p> <p>(a) lakes and impoundments of inland waters north of the Great Dividing Range (excluding the Wimmera Basin); or</p> <p>(b) all inland waters south of the Great Dividing Range (including the Wimmera Basin).</p> <p>3. The catch limit with respect to the possession of Silver Perch is five fish –</p> <p>(a) in, on or next to lakes and impoundments of inland waters north of the Great Dividing Range (excluding the Wimmera Basin); or</p> <p>(b) in, on or next to all inland waters south of the Great Dividing Range (including the Wimmera Basin).</p> <p>40. A person must not, in, on or next to inland waters, possess any Silver Perch in any form other than whole or in the form of a carcass.</p> <p>41. A minimum size limit of 30 centimetres for Silver Perch applies to all inland waters.</p>
Western Carp Gudgeon	<i>Hypseleotris kluzingeri</i>	Nil

Other terms and conditions

8. A Dja Dja Wurrung member may only carry out activities under this Order if they have been issued with a Verification Document by the Corporation.
9. The commercial purpose provided for in the Natural Resource Agreement is processing the protected flora (being the protected flora that may be taken under this Order) into an item or items for sale.

Dated 7 October 2014

Responsible Minister:

RYAN SMITH

Minister for Environment and Climate Change

PETER WALSH

Minister for Agriculture and Food Security

YVETTE CARISBROOKE
Clerk of the Executive Council

Traditional Owner Settlement Act 2010
ORDER AUTHORISING COLLECTION OF FOREST PRODUCE
Order in Council

The Governor in Council, under section 84 of the **Traditional Owner Settlement Act 2010**, authorises Dja Dja Wurrung members to cut, dig, remove and take away forest produce for traditional and commercial purposes in accordance with the terms and conditions below.

Commencement

1. This Order commences on the date it is published in the Government Gazette and remains in force for a period of five years from the date of publication in the Government Gazette.

Definitions

2. In this Order –

Agreement Area is the public land to which the Natural Resource Agreement is subject, being the area referred to in clause 6 of the Recognition and Settlement Agreement;

Dja Dja Wurrung member has the same meaning as it does in the definitions of **Dja Dja Wurrung** and **Dja Dja Wurrung People** in clause 18.1 of the Recognition and Settlement Agreement;

Category A Specified Plants means the plants listed in the table called ‘Category A Specified Plants’ in clause 5 of this Order;

Category B Specified Plants means the plants listed in the table called ‘Category B Specified Plants’ in clause 5 of this Order;

Category C Specified Plants means the plants listed in the table called ‘Category C Specified Plants’ in clause 5 of this Order;

Category D Specified Plants means the plants listed in the table called ‘Category D Specified Plants’ in clause 5 of this Order;

Category E Specified Plants means the plants listed in the table called ‘Category E Specified Plants’ in clause 5 of this Order;

commercial purposes means the commercial purpose provided for in the Natural Resource Agreement, being the purpose set out in clause 8 of this Order;

component parts, in respect of trees and plants, includes but is not limited to flowers, fruit, wood and leaves;

Corporation means the Dja Dja Wurrung Clans Aboriginal Corporation (ICN 4421), an Aboriginal Corporation under the **Corporations (Aboriginal and Torres Strait Islander) Act 2006** of the Commonwealth;

firewood collection area has the same meaning as it does in section 3(1) of the **Forests Act 1958**;

forest produce has the same meaning as it does in section 3(1) of the **Forests Act 1958**;

Natural Resource Agreement means the natural resource agreement made under section 80 of the **Traditional Owner Settlement Act 2010** forming part of the Recognition and Settlement Agreement;

Recognition and Settlement Agreement means the recognition and settlement agreement entered into by the Corporation and the State of Victoria under section 4 of the **Traditional Owner Settlement Act 2010** dated 28 March 2013;

public land has the same meaning as it does in section 3 of the **Traditional Owner Settlement Act 2010**;

specified plants means all the trees and plants that are Category A Specified Plants, Category B Specified Plants, Category C Specified Plants, Category D Specified Plants and Category E Specified Plants;

traditional purposes has the same meaning as it does in the **Traditional Owner Settlement Act 2010**;

Verification Document has the same meaning as it does in the Recognition and Settlement Agreement.

Land to which this Order applies

3. This Order applies to those parts of the Agreement Area that are reserved forest under the **Forests Act 1958**.

Note

Under section 88 of the **Traditional Owner Settlement Act 2010**, this Order may not apply to any land that is not subject to the Recognition and Settlement Agreement.

Particular terms and conditions

4. This Order authorises Dja Dja Wurrung members to carry out the following activities in relation to forest produce –

- 4.1. cut and take away eucalyptus leaves;
- 4.2. remove timber, including timber for firewood, provided that –
 - 4.2.1. firewood and timber is only removed outside firewood collection areas in State forest; and
 - 4.2.2. firewood and timber is only removed from the forest floor;

Note

Firewood may be removed from within firewood collection areas in accordance with the **Forests Act 1958**. See sections 57O to 57ZF.

- 4.3. take away any other forest produce from the forest floor;
 - 4.4. cut and take away bark from trees for traditional purposes only;
 - 4.5. cut and take away seed and/or seed capsules from any trees or plants;
 - 4.6. cut and take away entire tea trees or component parts of them;
 - 4.7. take away native honey and beeswax;
 - 4.8. dig and take away stone, gravel, limestone, lime, salt, sand, loam, clay or brick-earth; and
 - 4.9. cut and take away specified plants subject to the special conditions set out in clauses 5 and 6 of this Order.
5. In addition to the authorisation in clause 4, this Order also authorises a Dja Dja Wurrung member to cut and take away forest produce that is specified plants in accordance with the following conditions –
- 5.1. The taking of Category A Specified Plans by a Dja Dja Wurrung member is limited as follows –
 - 5.1.1. Where a Dja Dja Wurrung member takes only component parts of a plant (and not the entire plant), they can take only 10% of the plant in component parts.
 - 5.1.2. Where a Dja Dja Wurrung member takes the entire plant of *Leucopogon* species and Common Sneezeweed, they can take 10% of the population of the species per collection.
 - 5.1.3. Where a Dja Dja Wurrung member takes the entire plant of any species other than those referred to in paragraph 5.1.2, they can take 10% of the population of the species per hectare per collection.
 - 5.2. The taking of Category B Specified Plants by a Dja Dja Wurrung member may involve the taking of entire plants. The taking must not exceed 10% of the population of the species per collection.

- 5.3. The cutting and taking away of Category C Specified Plants by a Dja Dja Wurrung member is limited to the cutting and taking away of component parts of plants in a manner that does not destroy the plant.
- 5.4. The cutting and taking away of Category D Specified Plants by a Dja Dja Wurrung member may involve the cutting and taking away of entire plants.

Note

Category D Specified Plants excludes the *Acacia* species referred to in clause 5.5 of this Order.

- 5.5. Category D Specified Plants excludes any *Acacia* species that is –
- 5.5.1. listed as threatened in Schedule 2 of the **Flora and Fauna Guarantee Act 1988** or under section 10 of that Act; or
- 5.5.2. protected by an Order in Council under the **Flora and Fauna Guarantee Act 1988** published in the Government Gazette and listed in the Advisory List of Rare or Threatened Plants in Victoria (DSE 2005).
- 5.6. The taking of Category E Protected Flora by a Dja Dja Wurrung member may involve the taking of entire plants. The taking –
- 5.6.1. of fronds is not authorised once the quota per annum of 200 handful-sized bundles has been reached by the members as a collective; and
- 5.6.2. of entire plants is not authorised once the quota per annum of 30 whole plants has been reached by the members as a collective.

These quotas apply per calendar year.

Category A Specified Plants

<i>Common Name</i>	<i>Scientific Name</i>
Box Mistletoe	<i>Amyema miquelii</i>
Fleshy Mistletoe	<i>Amyema miraculosa</i> subsp. <i>boormanii</i>
Wire-leaf Mistletoe	<i>Amyema preissii</i>
Grey Mistletoe	<i>Amyema quandang</i> var. <i>quandang</i>
Sweet Apple-berry	<i>Billardiera cymosa</i>
Inland Pigface	<i>Carpobrotus modestus</i>
Common Sneezeweed	<i>Centipeda cunninghamii</i>
Leafless Ballart	<i>Exocarpos aphyllus</i>
Pink Beard-heath	<i>Leucopogon ericoides</i>
Twin-flower Beard-heath	<i>Leucopogon fletcheri</i> subsp. <i>brevisepalus</i>
Ruddy Beard-heath	<i>Leucopogon rufus</i>
Common Beard-heath	<i>Leucopogon virgatus</i>
Spiny-headed Mat-rush	<i>Lomandra longifolia</i>
River Mint	<i>Mentha australis</i>
Dwarf Geebung	<i>Persoonia chamaepeuce</i>
Hairy Geebung	<i>Persoonia rigida</i>
Small-leaf Bramble	<i>Rubus parvifolius</i>
Sweet Quandong	<i>Santalum acuminatum</i>
Narrawa Burr	<i>Solanum cinereum</i>
Quena	<i>Solanum esuriale</i>
Oondoroo	<i>Solanum simile</i>

Category B Specified Plants

<i>Common Name</i>	<i>Scientific Name</i>
Common Nardoo	<i>Marsilea drummondii</i>

Category C Specified Plants

<i>Common Name</i>	<i>Scientific Name</i>
Hollow Rush	<i>Juncus amabilis</i>
Gold Rush	<i>Juncus flavidus</i>
Pale Rush	<i>Juncus pallidus</i>
Hoary Rush	<i>Juncus radula</i>
Finger Rush	<i>Juncus subsecundus</i>
Noah's Ark	<i>Poa clelandii</i>
Sword Tussock-grass	<i>Poa ensiformis</i>
Forde Poa	<i>Poa fordeana</i>
Common Tussock-grass	<i>Poa labillardierei</i>
Common Tussock-grass	<i>Poa labillardierei</i> var. <i>labillardierei</i>
Soft Tussock-grass	<i>Poa morrisii</i>
Velvet Tussock-grass	<i>Poa rodwayi</i>
Grey Tussock-grass	<i>Poa sieberiana</i>
Grey Tussock-grass	<i>Poa sieberiana</i> var. <i>hirtella</i>
Grey Tussock-grass	<i>Poa sieberiana</i> var. <i>sieberiana</i>
Slender Tussock-grass	<i>Poa tenera</i>
Kangaroo Grass	<i>Themeda triandra</i>

Category D Specified Plants

<i>Common Name</i>	<i>Scientific Name</i>
Drooping Sheoak	<i>Allocasuarina verticillata</i>
Cherry Ballart	<i>Exocarpos cupressiformis</i>
Common Reed	<i>Phragmites australis</i>
Wattle	<i>Acacia</i> spp, subject to the exclusion in clause 5.5, below

Category E Specified Plants

<i>Common Name</i>	<i>Scientific Name</i>
grass tree and grass tree fronds	<i>Xanthorrhoea</i> spp. except for <i>X. caespitosa</i> , <i>X. semiplana</i> subsp. <i>semiplana</i> and <i>Xanthorrhoea glauca</i> subsp. <i>angustifolia</i>

6. This clause 6 applies to any trading or proposed trading in Category E Specified Plants that are cut, dug, removed or taken away under this Order.
 - 6.1. A person authorised under this Order to trade in Category E Specified Plants must ensure that –
 - (a) a valid tag is attached to the trunk, if developed, or in other cases, the fronds, of any Category E Specified Plant that is handled for the purpose of trading; and
 - (b) while a Category E Specified Plant is in the possession or control of the person authorised to trade in it, a valid tag remains attached to the plant; and
 - (c) if a Category E Specified Plant is sold by retail by that person, he or she cuts the valid tag in half.
 - 6.2. A person who intends to trade in any Category E Specified Plant that does not have valid tags attached to it must –
 - (a) apply to the Secretary for the required number of tags; and
 - (b) provide the Secretary with a detailed description of the source of the Category E Specified Plant and the identity of the persons and any agents to be used for the handling of those plants; and
 - (c) permit authorised officers or any persons nominated by the Secretary to conduct inspections of the land where the Category E Specified Plants are stored or are to be harvested to facilitate the verification of the appropriate number of tags to be issued; and
 - (d) if tags have been issued by the Secretary, securely affix them to the Category E Specified Plants referred to in the application, in accordance with clause 6.1(a); and
 - (e) retain a copy of the tag allocation record issued by the Secretary with the tags, for the purpose of possible inspection by an authorised officer, for a period of 2 years from the day the last tags were attached to the Category E Specified Plants.
7. The authorisation to cut, dig, remove and take away forest produce under this Order is subject to the following terms and conditions –
 - 7.1. A Dja Dja Wurrung member may only carry out activities under this Order if they have been issued with a Verification Document by the Corporation.
 - 7.2. A Dja Dja Wurrung member who takes forest produce must report the take to the Corporation each calendar month for the preceding calendar month.
 - 7.3. A Dja Dja Wurrung member must not –
 - 7.3.1. cut, dig, take away or remove any wood on the forest floor that has hollows or is growing moss or fungi; or
 - 7.3.2. winch or tow forest produce along the ground; or
 - 7.3.3. cut, dig, remove or take away forest produce within 20 metres of a watercourse.
 - 7.4. A Dja Dja Wurrung member must not cut, dig, remove or take away forest produce from any area of public land to which this Order applies that is leased or licensed for commercial purposes where collection would directly compete with the activity undertaken under the licence or lease. This includes, but is not limited to, licences or leases for the purposes of –
 - a. apiary;
 - b. grazing;
 - c. timber harvesting; and
 - d. commercial firewood collection operations.

8. The commercial purpose provided for in the Natural Resource Agreement is processing the forest produce (being the forest produce that may be cut, dug, removed or taken away under this Order) into an item or items for sale.

Note

This Order replaces the need for Dja Dja Wurrung members to hold a forest produce permit or other authority under the **Forests Act 1958**, in respect of the activities authorised by this Order. It does not replace the need for members to comply with other applicable laws including laws regulating access to and use of public land and laws relating to rare or threatened species.

Dated 7 October 2014

Responsible Minister:

RYAN SMITH

Minister for Environment and Climate Change

PETER WALSH

Minister for Agriculture and Food Security

YVETTE CARISBROOKE
Clerk of the Executive Council

Traditional Owner Settlement Act 2010

ORDER AUTHORISING THE HUNTING, TAKING AND DESTROYING OF WILDLIFE

Order in Council

The Governor in Council, under section 83 of the **Traditional Owner Settlement Act 2010**, authorises Dja Dja Wurrung members to hunt, take and destroy wildlife for traditional purposes in accordance with the terms and conditions below.

Commencement

1. This Order commences on the date it is published in the Government Gazette and remains in force for a period of five years from the date of publication in the Government Gazette.

Definitions

2. In this Order –

Agreement Area is the public land to which the Natural Resource Agreement is subject, being the area referred to in clause 6 of the Recognition and Settlement Agreement;

Category A Wildlife means the wildlife listed in the table called ‘Category A Wildlife’ in clause 4.1 of this Order;

Category B Wildlife means the wildlife listed in the table called ‘Category B Wildlife’ in clause 4.1 of this Order;

Category C Wildlife means the wildlife listed in the table called ‘Category C Wildlife’ in clause 4.1 of this Order;

Dja Dja Wurrung member has the same meaning as it does in the definitions of **Dja Dja Wurrung** and **Dja Dja Wurrung People** in clause 18.1 of the Recognition and Settlement Agreement;

Corporation means the Dja Dja Wurrung Clans Aboriginal Corporation (ICN 4421), an Aboriginal Corporation under the **Corporations (Aboriginal and Torres Strait Islander) Act 2006** of the Commonwealth;

Game duck means any Category C Wildlife that is a species of duck;

Natural Resource Agreement means the natural resource agreement made under section 80 of the **Traditional Owner Settlement Act 2010** forming part of the Recognition and Settlement Agreement;

Recognition and Settlement Agreement means the recognition and settlement agreement entered into by the Corporation and the State of Victoria under section 4 of the **Traditional Owner Settlement Act 2010** dated 28 March 2013;

public land has the same meaning as it does in section 3 of the **Traditional Owner Settlement Act 2010**;

traditional purposes has the same meaning as it does in the **Traditional Owner Settlement Act 2010**;

Verification Document has the same meaning as it does in the Recognition and Settlement Agreement;

Waterfowl Identification Test means the test referred to in regulation 14 of the Wildlife (Game) Regulations 2012.

Land to which this Order applies

3. This Order applies to the Agreement Area.

Note

Under section 88 of the **Traditional Owner Settlement Act 2010**, this Order may not apply to any land that is not subject to the Recognition and Settlement Agreement.

Particular terms and conditions

4. The authorisation to hunt, take and destroy wildlife is subject to the following terms and conditions –
- 4.1. A Dja Dja Wurrung member may only hunt, take or destroy wildlife under this Order if the wildlife is specified as Category A, Category B or Category C Wildlife in the tables below.

Category A Wildlife

<i>Common Name</i>	<i>Scientific Name</i>	<i>Quota per annum</i>
Eastern Grey Kangaroo	<i>Macropus giganteus</i>	200
Common Brushtail Possum	<i>Trichosurus vulpecula</i>	50
Little Corella	<i>Cacatua pastinator</i>	50
Crested Pigeon	<i>Geophaps lopotes</i>	100

Category B Wildlife

<i>Common Name</i>	<i>Scientific Name</i>
Sulphur-crested Cockatoo	<i>Cacatua galerita</i>
Long-billed Corella	<i>Cacatua tenuirostris</i>
Galah	<i>Cacatua roseicapilla</i>

Category C Wildlife

<i>Common Name</i>	<i>Scientific Name</i>
Stubble Quail	<i>Corturnix pectoralis</i>
Pheasants	<i>Phasianus spp.</i>
Partridge	<i>Alectoris and Perdix spp.</i>
European Quail	<i>Corturnix corturnix</i>
Californian Quail	<i>Lophortyx californicus</i>
Pacific Black Duck	<i>Anas superciliosa</i>
Grey Teal	<i>Anas gibberifrons</i>
Mountain Duck	<i>Tadorna tadornoides</i>
Wood Duck	<i>Chenonetta jubata</i>
Chestnut Teal	<i>Anas castanea</i>
Blue-winged Shoveler	<i>Anas rhynchotis</i>
Hardhead Duck	<i>Aythya australias</i>
Pink-eared Duck	<i>Malacorhynchus membranaceus</i>
Hog Deer	<i>Axis porcinus</i>
Red Deer	<i>Cervus elaphus</i>
Sambar Deer	<i>Cervus unicolour</i>
Fallow Deer	<i>Dama dama</i>
Rusa Deer	<i>Cervus timorensis</i>
Chital Deer	<i>Axis axis</i>

- 4.2. Dja Dja Wurrung members must not hunt, take or destroy a species of Category A Wildlife under this Order once the applicable quota per annum for that species has been reached by the members as a collective. The applicable quota is shown in the table for Category A Wildlife in clause 4.1 of this Order. The quota applies per calendar year.
- 4.3. In respect of any Category A Wildlife or Category B Wildlife that is a bird, a Dja Dja Wurrung member –
- 4.3.1. must not take any bird from a nest or hollow; and
- 4.3.2. may only hunt, take or destroy adult birds.
- 4.4. In respect of all Category C Wildlife, the open seasons, bag limits and approved methods of take prescribed in the Wildlife (Game) Regulations 2012 as in force from time to time apply as if they formed part of the terms and conditions of this Order.
- 4.5. The authorisation under this Order is suspended during any period in which an order under sections 86 or 86A of the **Wildlife Act 1975** is in force, to the extent that any such order relates to the particular kind or taxon of wildlife that may be hunted, taken or destroyed under this Order.
- 4.6. The Code of Practice for the Welfare of Animals in Hunting, (Revision Number 1), published in the Government Gazette on 17 March 2005, being a code of practice made under section 7 of the **Prevention of Cruelty to Animals Act 1986**, must be complied with as if it formed part of the terms and conditions of this Order.
- 4.7. The National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes, First Edition, 7 November 2008, published by the Commonwealth of Australia, must be complied with as if it formed part of the terms and conditions of this Order.
- 4.8. A Dja Dja Wurrung member who takes Category A Wildlife or Category B Wildlife must report the take to the Corporation each calendar month for the preceding calendar month.
- 4.9. A Dja Dja Wurrung member may only carry out activities under this Order if they have been issued with a Verification Document by the Corporation.
- 4.10. A Dja Dja Wurrung member who takes wildlife which is alive when recovered must immediately and humanely kill that wildlife.
- 4.11. A Dja Dja Wurrung member may not hunt game ducks under this Order unless the member has sat (without paying a fee) and passed the Waterfowl Identification Test.
- 4.12. A Dja Dja Wurrung member may not hunt Category A Wildlife or Category B Wildlife with a firearm unless the member complies with the calibre/bore and projectile weight restrictions for the firearm specified in Table 1.1 below.

Table 1.1: Minimum firearm calibre for non-game wildlife

<i>Species</i>	<i>Minimum Calibre</i>	<i>Minimum projectile weight</i>
Kangaroo	.222 centre fire	50 grains
Possum	.22 rimfire	30 grains
Small bird	.22 rimfire	30 grains

- 4.13. A Dja Dja Wurrung member may not hunt Category A Wildlife or Category B Wildlife with a shotgun unless the member complies with the gauge and shot size for the shotgun specified in Table 1.2 below.

Table 1.2: Minimum shotgun gauge, shot size / projectile weight for non-game wildlife

<i>Species</i>	<i>Minimum Gauge</i>	<i>Minimum shot size / projectile weight</i>
Kangaroo	12 gauge	No. 2
Possum	12 gauge	No. 2
Small bird	12 gauge	No. 9

Note

This Order replaces the need for Dja Dja Wurrung members to hold a game licence or other authorisation under the **Wildlife Act 1975** in respect of the activities authorised by this Order. It does not replace the need for members to comply with other applicable laws including laws regulating access to and use of public land.

Dated 7 October 2014

Responsible Minister:

RYAN SMITH

Minister for Environment and Climate Change

PETER WALSH

Minister for Agriculture and Food Security

YVETTE CARISBROOKE
Clerk of the Executive Council

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