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Fisheries Act 1995

FISHERIES NOTICE 2019

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Agriculture and having considered the outcome of consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Fisheries Notice under section 152 of the Act:

Dated 9 September 2019

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (MURRAY COD) NOTICE 2019

1. Title

This Notice may be cited as the Fisheries (Murray Cod) Notice 2019.

2. Objectives

The objectives of this Notice is to fix catch and size limits for Murray cod across all Victorian waters and open Lake Eildon to Murray Cod fishing the whole year.

3. Authorising provision

This Notice is made under sections 67 and 152 of the Act.

4. Commencement

This Notice comes into operation 1 December 2019.

5. Definitions and interpretive provisions

(1) In this Notice –

‘**Impoundment**’ means a reservoir, dam, tank, channel or works for water storage or distribution vested in or under the control of a the Crown or a public authority;

‘**Lake**’ means a natural collection of water into or through or out of which a current that forms the whole or part of the flow of a river, creek, stream or watercourse passes continuously or intermittently and includes Lake Hume and Lake Mulwala as defined in the Fisheries Regulations 2009;

‘**Murray cod**’ means *Maccullochella peelii*;

‘**Specified waters**’ means any lake or impoundment specified in the Schedule;

‘**the Act**’ means the **Fisheries Act 1995**;

‘**next to**’ in relation to waters includes –

- (a) within 100 metres of those waters; or
- (b) on any public land adjacent to the waters; or
- (c) on any road or public car park near the waters.

(2) For the purposes of determining waters relating to catch limits specified in this fisheries notice, the boundary between a lake or impoundment and a river or stream flowing into the lake or impoundment is the point at which the flowing water of the river or stream meets the backed up waters of the lake or impoundment, regardless of the water level of the lake or reservoir.

SPECIAL

6. Size limits

For the purposes of the Act –

- (a) the minimum size for Murray cod is 55 centimetres; and
- (b) the maximum size for Murray cod is 75 centimetres.

Note: There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species that are less than the minimum size or more than the maximum size specified for that species of fish in a Fisheries Notice. Various penalties apply.

7. Catch and possession limits

(1) For the purposes of the Act, the daily catch limit with respect to –

- (a) the taking of Murray cod from, or the possession of Murray cod in, on or next to specified waters is 2 Murray cod (of which 0 fish may exceed 75 centimetres in length and 0 fish may be less than 55 centimetres in length); and
- (b) the taking of Murray cod from, or the possession of Murray cod in, on or next to any Victorian waters other than specified waters is 1 Murray cod (of which 0 fish may exceed 75 centimetres in length and 0 fish may be less than 55 centimetres in length).

Note: There are offences in sections 68A and 68B of the Act relating to taking or possessing more fish of a species than the catch limit specified in a Fisheries Notice. Various penalties apply.

(2) For the purposes of the Act, the maximum combined number of Murray cod that may be taken from all Victorian waters on any one day is 2 Murray cod.

Example: If a person takes 2 Murray cod from specified waters on any day, they may not also take Murray cod from other waters as they have reached the combined daily limit. Similarly if a person takes 1 Murray cod from waters other than specified waters, they may only take 1 more Murray cod from specified waters on the same day before they have reached the daily limit.

(3) For the purposes of the definition of **commercial quantity** in the Act, the catch limit for Murray cod is 2 Murray cod.

Note: The commercial quantity specified under the Act for Murray cod in carcass form is 3 times the catch limit or more; or 30 kilograms in any other form. It is an offence under section 111C to possess a commercial quantity of Murray cod anywhere in Victoria. This means the maximum Murray cod in carcass form that a person may possess in Victoria is 5.

8. Open season for Murray cod in Lake Eildon

(1) For the purposes of section 67 of the Act, the open season for the taking of Murray cod from Lake Eildon is the whole year.

(2) Despite regulation 123(2) of the Fisheries Regulations 2009 –

- (a) the taking of Murray cod from Lake Eildon; and
 - (b) the possession of Murray cod in, on or next to Lake Eildon –
- during the open season is allowed.

9. Revocation

Unless sooner revoked, this Notice will be automatically revoked 12 months after the day on which it comes into operation.

Note: Section 152(3) of the Act provides that if a Fisheries Notice is inconsistent with any regulations, management plan, Ministerial direction, licence or permit, the Fisheries Notice prevails to the extent of the inconsistency.

SCHEDULE

Stocked lakes and impoundments:

ALBERT PARK LAKE

BENALLA LAKE

BIG MERAN LAKE

BOOROOPKI SWAMP

BOGA LAKE

BUFFALO LAKE

CAIRN CURRAN RESERVOIR

CHARLEGRARK LAKE

CHARM LAKE

COOPER LAKE

CULLULLERAINA LAKE

EILDON LAKE

EPPALOCK LAKE

FIRST REEDY LAKE

GREENS LAKE

HARRIETVILLE DREDGE HOLE

HUME LAKE

KANGAROO LAKE

KOW SWAMP

LAANECOORIE RESERVOIR

LASCELLES LAKE

MOODEMERE LAKE

NAGAMBIE WEIR (Defined as all impounded waters upstream of Nagambie Weir to Chinamans Bridge on the Goulburn River and inclusive of Lake Nagambie)

NILLAHCOOTIE LAKE

ROCKLANDS RESERVOIR

TAYLORS LAKE

VICTORIA LAKE (Shepparton)

WALKERS LAKE

WARANGA BASIN

Fisheries Act 1995

FISHERIES NOTICE 2019

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Agriculture and having considered the outcome of consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Fisheries Notice under section 152 of the Act:

Dated 9 September 2019

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (TROUT COD) NOTICE 2019

1. Title

This Notice may be cited as the Fisheries (Trout Cod) Notice 2019.

2. Objectives

The objectives of this Notice is to open a Trout cod fishery in specified Victorian waters and set a catch limit and size limit for Trout cod.

3. Authorising provision

This Notice is made under sections 67, 68A and 152 of the Act.

4. Commencement

This Notice comes into operation on the day it is published in the Victoria Government Gazette.

5. Definitions and interpretive provisions

(1) In this Notice –

‘**commercial quantity**’ in relation to trout cod means 3 or more trout cod;

‘**next to**’ in relation to waters includes –

- (a) within 100 metres of those waters; or
- (b) on any public land adjacent to the waters; or
- (c) on any road or public car park near the waters.

‘**public land**’ has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

‘**Specified waters**’ means Lake Kerferd and Lake Sambell in the Indigo Shire.

‘**trout cod**’ means *Maccullochella macquariensis*;

‘**the Act**’ means the **Fisheries Act 1995**;

6. Prohibition on take or possession of trout cod from waters other than specified waters

(1) For the purposes of section 67 of the Act –

- (a) the taking of trout cod from any Victorian waters other than specified waters; or
- (b) the possession of trout cod in, on or next to any Victorian waters other than specified waters –

is prohibited.

Note: A failure to comply with this prohibition is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

(2) Sub-clause (1) does not apply to the holder of, or a person acting on behalf of the holder of, a permit under the **Flora and Fauna Guarantee Act 1988** issued in relation to trout cod if the person is acting in accordance with the permit.

7. Size limits

For the purposes of the Act the minimum size for trout cod is 40 centimetres and the maximum size for trout cod is 50 cm.

Note: There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species that are less than the minimum size or more than the maximum size specified for that species of fish in a Fisheries Notice. Various penalties apply.

8. Catch and possession limits

(1) For the purposes of the Act, the catch limit with respect to –

- (a) the taking of trout cod from specified waters is 1 trout cod (of which 0 fish may be less than 40 centimetres in length or more than 50 centimetres in length); and
- (b) the taking of trout cod from any Victorian waters other than specified waters is 0 trout cod; and
- (c) the possession of trout cod anywhere in Victoria is 1 trout cod (of which 0 fish may be less than 40 centimetres in length or more than 50 cm in length).

Note: There are offences in sections 68A and 68B of the Act relating to taking or possessing more fish of a species than the catch limit specified in a Fisheries Notice. Various penalties apply.

(2) Sub-clause (1) does not apply to –

- (a) the holder of, or a person acting on behalf of the holder of, a permit under the **Flora and Fauna Guarantee Act 1988** issued in relation to trout cod if the person is acting in accordance with the permit; or
- (b) a person authorised by an Order in Council under the **Flora and Fauna Guarantee Act 1988** to take, trade in or keep trout cod who is acting in accordance with that Order.

9. Prohibition on sale, taking or possession of a commercial quantity of trout cod

(1) For the purposes of section 67 of the Act, the sale, taking or possession anywhere in Victoria of a commercial quantity of trout cod is prohibited.

Note: A failure to comply with this prohibition is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

(2) Sub-clause (1) does not apply to –

- (a) the holder of, or a person acting on behalf of the holder of, a permit under the **Flora and Fauna Guarantee Act 1988** issued in relation to trout cod if the person is acting in accordance with the permit; or
- (b) a person authorised by an Order in Council under the **Flora and Fauna Guarantee Act 1988** to take, trade in or keep trout cod who is acting in accordance with that Order.

10. Person must not possess trout cod other than whole or in the form of a carcass

A person must not in, on or next to inland waters, possess any trout cod in any form other than whole or in the form of a carcass.

Penalty: 50 penalty units.

11. Fisheries reserves

For the purposes of section 152(4) of the Act, this notice also applies to any fisheries reserve.

12. Revocation

Unless sooner revoked, this Notice will be automatically revoked 12 months after the day on which it comes into operation.

Note: Section 152(3) of the Act provides that if a Fisheries Notice is inconsistent with any regulations, management plan, Ministerial direction, licence or permit, the Fisheries Notice prevails to the extent of the inconsistency.

Fisheries Act 1995

FISHERIES NOTICE 2019

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Agriculture and having considered the outcome of consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Fisheries Notice under sections 67, 68A and 152 of the Act:

Dated 9 September 2019

TRAVIS DOWLING
Chief Executive Officer

FISHERIES (TROUT) NOTICE 2019

1. Title

This Notice may be cited as the Fisheries (Trout) Notice 2019.

2. Objectives

The objectives of this Notice are to set daily bag limits and a minimum legal size for the taking of trout in certain waters and to remove the closed season for trout in the Hopkins and Merri Rivers.

3. Authorising provision

This Notice is made under sections 67, 68A and 152 of the Act.

4. Commencement

This Notice comes into operation on the day it is published in the Victoria Government Gazette.

5. Definitions

In this Notice –

‘**Crown land**’ has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

‘**next to**’ in relation to waters includes –

- (a) within 100 metres of those waters; or
- (b) on any Crown land adjacent to the waters; or
- (c) on any road or public car park near the waters;

‘**Specified waters**’ means the waters specified in Schedule 1;

‘**the Act**’ means the **Fisheries Act 1995**;

‘**the regulations**’ means the Fisheries Regulations 2009;

‘**trout**’ includes Rainbow trout and Brown trout.

6. Open season for salmonids in the Merri and Hopkins Rivers

- (1) For the purposes of section 67 of the Act, and despite anything to the contrary in regulation 153 of the regulations, the open season for salmonids in the Merri River and Hopkins River is the whole year.
- (2) For the purposes of section 67 of the Act, and despite anything to the contrary in regulation 153 of the regulations, the taking of salmonids from the Merri River and Hopkins River during the open season is allowed.

7. Size limit for trout

For the purposes of the Act, the minimum size with respect to –

- (a) the taking of trout of a species specified in column 2 of Schedule 2 from the waters specified in column 3 of Schedule 2 corresponding to that species is the size specified in column 4 of Schedule 2 that corresponds to that species; or

- (b) the possession of trout of a species specified in column 2 of Schedule 2 in, on or next to the waters specified in column 3 of Schedule 2 corresponding to that species is the size specified in column 4 of Schedule 2 that corresponds to that species.

Note:

- (1) There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species that are less than the minimum size or more than the maximum size specified for that species of fish in a Fisheries Notice. Various penalties apply.
- (2) Regulation 122(1)(d) of the Fisheries Regulations 2009 prescribes the method for measuring trout.

8. Catch and possession limits for trout

- (1) For the purposes of the Act, and subject to sub-clause (2), the catch limit with respect to –
 - (a) the taking of trout from Specified Waters is 3 trout, of which no more than 2 trout may exceed 35 centimetres in length; or
 - (b) the possession of trout in, on or next to Specified Waters is 3 trout, of which no more than 2 trout may exceed 35 centimetres in length; or
 - (c) the taking of trout from Lake Toolondo and Hepburn Lagoon is 3 trout; or
 - (d) the possession of trout in, on or next to Lake Toolondo and Hepburn Lagoon is 3 trout.
- (2) For the purpose of the Act, and despite anything to the contrary in sub-clause (1), the catch limit with respect to –
 - (a) the taking of trout of a species specified in column 2 of Schedule 2 from the waters specified in column 3 of Schedule 2 corresponding to that species that is less than the minimum size specified in column 4 of Schedule 2 that corresponds to that species of trout; or
 - (b) the possession of trout of a species specified in column 2 of Schedule 2 in, on or next to the waters specified in column 3 of Schedule 2 corresponding to that species that is less than the minimum size specified in column 4 of Schedule 2 that corresponds to that species of trout – is 0 trout.

Note: There are offences in sections 68A and 68B of the Act relating to taking or possessing more fish of a species than the catch limit specified in a Fisheries Notice. Various penalties apply.

9. Revocation

Unless sooner revoked, this Notice will be automatically revoked 12 months after the day on which it comes into operation.

Note: Section 152(3) of the Act provides that if a Fisheries Notice is inconsistent with any regulations, management plan, Ministerial direction, licence or permit, the Fisheries Notice prevails to the extent of the inconsistency.

SCHEDULE 1

Clause 5

SPECIFIED WATERS

Nariel Creek upstream of the Colac Colac Bridge
 Rubicon River
 Mitta Mitta River upstream of Dartmouth Dam
 Ovens River upstream of the Porepunkah Bridge

SCHEDULE 2

Clauses 7 and 8

SIZE LIMITS FOR TROUT

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of Trout</i>	<i>Waters</i>	<i>Minimum size (centimetres)</i>
1	All species	All specified waters	25
2	All species	Hepburn Lagoon	45
3	Rainbow trout	Lake Toolondo	30
4	Brown trout	Lake Toolondo	45

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