



# Victoria Government Gazette

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## Fisheries Act 1995

FISHERIES NOTICE NO. 14/2012

I, Anthony Hurst, Executive Director Fisheries Victoria and delegate of the Minister for Agriculture and Food Security make the following Fisheries Notice under section 152 of the **Fisheries Act 1995** (the Act) and after conducting consultation in accordance with section 3A of the Act.

Dated 15 November 12

ANTHONY HURST  
Executive Director Fisheries Victoria

FISHERIES (YABBY) NOTICE NO. 14/2012

1. **Title**  
This Notice may be cited as the Fisheries (Yabby) Notice No. 14/2012.
2. **Objective**  
The objectives of this Notice are to set recreational catch limit, prohibit the take of females in berry and prohibit the taking, possession or sale of commercial quantities for freshwater yabbies (*Cherax* spp.) in Victorian inland public waters.
3. **Authorising Provision**  
This Notice is made under sections 67, 68A and 152 of the **Fisheries Act 1995** ('the Act').
4. **Commencement**  
This Notice comes into operation the day it is published in the Victoria Government Gazette.
5. **Catch Limits**  
For the purposes of section 68A of the Act;  
The catch limit with respect to the –
  - (a) taking of yabby (*Cherax* spp.) from Victorian inland waters; or
  - (b) possession of yabby (*Cherax* spp.) in, on or next to Victorian waters – is 30 litres whole yabby or 200 whole yabbies of any size (whichever is the lesser), or 5 litres yabby meat, claws or other parts or 200 parts of yabby meat, claws or other parts (whichever is the lesser).
6. **Prohibition on taking, selling or possessing commercial quantities of yabby**
  - (1) In this fisheries notice:  
**'commercial quantity'** in relation to yabby (*Cherax* spp.) means one or more of the following –
    - (a) 90 litres or more of whole yabby or 600 or more whole yabby of any size (whichever is the lesser); or
    - (b) 15 litres of yabby in any other form (meat, claws or other parts) or 600 parts of yabby meat, claws or other parts (whichever is the lesser).
  - (2) For the purposes of section 67 of the Act, the
    - (a) taking within any 24 hr period; or
    - (b) possession; or
    - (c) sale –of a commercial quantity of yabby (*Cherax* spp.) is prohibited.

**Note:** It is an offence under section 67(3) of the **Fisheries Act 1995** to fail to comply with a prohibition. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

**SPECIAL**

- (3) A person who contravenes the prohibition in sub-clause (2) is liable to a further penalty –
  - (a) in the case of a first offence, a penalty not exceeding 0.5 of a penalty unit for each fish taken, possessed or sold in contravention of the prohibition;
  - (b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each fish taken, possessed or sold in contravention of the prohibition.
- (4) Sub-clauses (2)(a) and (b) do not apply to the holder of a fishery access licence or a permit that authorises the taking of yabby when acting in accordance with that licence or permit.
- (5) Sub-clause (2)(b) does not apply to a person who is the holder of, or acting on behalf of, an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of yabby and who is acting in accordance with the licence.
- (6) Sub-clause (2)(b) does not apply to a person who –
  - (a) received the fish from another person; and
  - (b) the fish were legally obtained; and
  - (c) the fish are accompanied by a receipt containing –
    - (i) the date the receipt was issued and the fish were obtained; and
    - (ii) the quantity (net weight), form and species of the fish; and
    - (iii) the name and address of the person from whom the fish was received.
- (7) Sub-clause (2)(c) does not apply to a person who –
  - (a) is a person to whom sub-clauses (4), (5) or (6) applies; and
  - (b) the person, at the time of the sale of the fish, issues a receipt in respect of that fish containing the following—
    - (i) the date the fish were sold; and
    - (ii) the quantity, form and species of the fish sold; and
    - (iii) the person's name and address; and
    - (iv) if the person is acting under an aquaculture licence, fishery access licence or permit, the identifying letters and number of that licence or permit.
  - (c) the person keeps a copy of that receipt.

#### 7. **Taking, processing or possession of berried yabbies prohibited**

For the purposes of section 67 of the Act the taking, processing (including removing eggs) or possession of berried yabby is prohibited.

**Note 1:** It is an offence under section 67(3) of the **Fisheries Act 1995** to fail to comply with a prohibition. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

**Note 2:** Under section 11(4) of the Act, a person does commit an offence under the Act (including this fisheries notice) by unintentionally taking or possessing a fish if the fish is not killed or put into any container; and all reasonable steps are taken to return the fish to its natural habitat with the least possible injury or damage.

#### 8. **Revocation**

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

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