



Victoria Government Gazette

No. S 275 Wednesday 16 August 2017
By Authority of Victorian Government Printer

Fisheries Act 1995

FISHERIES NOTICE 2017

I, Travis Dowling, Executive Director Fisheries Victoria, 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 14 August 2017

TRAVIS DOWLING
Chief Executive Officer Victorian Fisheries Authority

FISHERIES (TROUT COD) NOTICE 2017

1. Title

This Notice may be cited as the Fisheries (Trout Cod) Notice 2017

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 meters 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.

SPECIAL

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 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.

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 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) 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 2017

I, Travis Dowling, Chief Executive Officer 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 and 152 of the Act:

Dated 14 August 2017

TRAVIS DOWLING

Chief Executive Officer Victorian Fisheries Authority

FISHERIES (MURRAY COD) NOTICE 2017

1. Title

This Notice may be cited as the Fisheries (Murray Cod) Notice 2017.

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 on 1 December 2017.

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 meters 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.

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

BOOROOKI SWAMP

BOGA LAKE

BUFFALO LAKE

CAIRN CURRAN RESERVOIR

CHARLEGRARK LAKE

CHARM LAKE

COOPER LAKE

CULLULLERAIN 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 Goulbourn River and Inclusive of lake Nagambie)

NILLAHCOOTIE LAKE

TAYLORS LAKE

VICTORIA LAKE (Shepparton)

WALKERS LAKE

WARANGA BASIN

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