



Victoria Government Gazette

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Fisheries Act 1995

FISHERIES NOTICE 2018

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 31 August 2018

TRAVIS DOWLING
Chief Executive Officer

FISHERIES (TROUT) NOTICE 2018

1. Title

This Notice may be cited as the Fisheries (Trout) Notice 2018.

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 Saturday 1 September 2018.

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 meters 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.

SPECIAL

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> Item	<i>Column 2</i> Species of Trout	<i>Column 3</i> Waters	<i>Column 4</i> Minimum size (centimetres)
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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