



Victoria Government Gazette

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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 Fishing and Boating 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 29 January 2019

TRAVIS DOWLING
Chief Executive Officer

FISHERIES (HAZELWOOD PONDAGE) NOTICE 2019

1. Title

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

2. Objectives

The objectives of this Notice is to regulate fishing on Hazelwood Pondage.

3. Authorising provision

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

4. Commencement

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

5. Definitions

In this fisheries notice –

the Act means the **Fisheries Act 1995**;

Hazelwood Pondage means the waterbody adjoining Hazelwood Power Station in the Latrobe City municipality and includes all the waters of the pondage to its junction with the mouth of Eel Hole Creek to the east of Nadenbouschs Road.

‘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**;

6. Requirement to hold a recreational fishing licence

A person must not take or attempt to take fish from Hazelwood Pondage unless he or she –

- (a) holds a recreational fishery licence; or
- (b) is exempted under the Act from taking fish for any purpose other than for sale without holding a recreational fishery licence.

Penalty: 20 penalty units

Note: it is an offence under section 44(1)(b) of the Act for a person to possess recreational fishing equipment in, on or next to Victorian waters unless authorised to do so by a recreational fishery licence or is otherwise authorised under the Act.

SPECIAL

7. Application of Fisheries Regulations 2009

- (1) The Fisheries Regulations 2009 apply as if a reference to inland waters includes a reference to Hazelwood Pondage.
- (2) A person in, on or next to Hazelwood Pondage must comply with the Fisheries Regulations 2009.

Penalty: 20 penalty units

Note: Provisions of the Act or regulations that apply to Victorian waters (i.e. not limited to inland waters or marine waters) apply automatically in respect of Hazelwood Pondage. This includes catch limits, size limits and closed seasons.

8. Catch and possession limits

- (1) For the purposes of the Act, the catch limit with respect to –
 - (a) the taking of barramundi from Hazelwood Pondage; or
 - (b) the possession of barramundi in, on or next to Hazelwood Pondage –is 1 fish.
- (2) For the purposes of the Act, the catch limit with respect to –
 - (a) the taking of any species of fish other than barramundi from Hazelwood Pondage; or
 - (b) the possession of any species of fish other than barramundi in, on or next to Hazelwood Pondage –is 0 fish.

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. Offence to use live fish as bait

A person must not use any live fish as bait in or on Hazelwood Pondage.

Penalty: 20 penalty units

Note: under section 76 of the Act it is an offence to possess any live noxious aquatic species. A maximum penalty of 100 penalty units applies.

10. Revocation

Unless sooner revoked, this Notice will be automatically revoked 12 months after the day it was published in the Government Gazette.

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.

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