

Fisheries Act 1995

FISHERIES NOTICE 2019

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

Date: 27/06/19.



Travis Dowling
Chief Executive Officer, Victorian Fisheries Authority

FISHERIES (Yabby Pot) NOTICE 2019

1. Title

This Notice may be cited as the Fisheries (Yabby Pot) Notice 2019

2. Objective

The objective of this Notice is to prohibit the use of Yabby Pots (Opera house nets) in Victoria

3. Authorising provision

This Notice is made under sections 152 of the Act.

4. Commencement and superseding of previous Fisheries Notice

This Notice comes into operation on 1 July 2019.

5. Definitions

In this Notice –

‘opera house net’ means a **Yabby pot**

‘protected waters’ means-

- a) Victorian waters; and
- b) Any aquarium or hatchery or any other waters in Victoria whether or not private property;

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

‘the Act’ means the Fisheries Act 1995.

‘yabby pot’ means- any pot or net not exceeding 90 centimetres long or more than 30 centimetres high or more than 90 centimetres wide that is designed for use, or is capable of being used, in connection with the taking of yabby.

6. Prohibition - A person must not use or possess any yabby pot in Victoria unless that person is authorised to do so under the Act.

7. Exemptions - A person may possess a yabby pot if:

- a) The person possesses the yabby pot for use in another State or territory; and the possession and use of that yabby pot is authorised under the laws of that State or territory; and
- b) The person does not possess the yabby pot in, on or next to protected waters.

8. *Revocation*

Unless sooner revoked, this Fisheries 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.

Penalties under this notice are set in accordance with section 152(7)(c) of the Fisheries Act which allow the imposition of penalties not exceeding 50 penalty units for a contravention of an offence under a fisheries notice.