



# Victoria Government Gazette

No. S 679 Friday 6 December 2024  
By Authority of Victorian Government Printer

## Fisheries Act 1995

### FISHERIES NOTICE 2024

I, Luke O’Sullivan, Director Fisheries Management, Science, Policy, Licensing and Communications division of the Victorian Fisheries Authority, as delegate for the Minister for Outdoor Recreation, having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Fisheries Notice under sections 114 and 152 of the Act:

Dated 2 December 2024

LUKE O’SULLIVAN  
Victorian Fisheries Authority

### FISHERIES (EEL FISHERY) NOTICE 2024

**1. Title**

This Notice may be cited as the Fisheries (Eel Fishery) Notice 2024.

**2. Objective**

The objective of this Notice is to prohibit commercial eel fishers from using fyke nets that do not have an approved bycatch exclusion device fitted.

**3. Authorising provision**

This Notice is made under sections 114 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**

In this Fisheries Notice –

**‘bycatch exclusion device’** means a barrier fitted to the entrance of the first fully enclosed section of a fyke net with barrier openings not exceeding 100 mm.

**‘commercial eel fishers’** means the holder of an Eel Fishery Access License, Aquaculture (Crown Land – Eels) Licence, Aquaculture (Private Land – Eels) Licence or a General Permit issued under section 49 of the Act that authorises the commercial harvesting of eels, or person acting or purporting to act under any of these licences or permits.

**6. Prohibition on the use of a fyke net that does not have a bycatch exclusion device fitted**

For the purposes of section 114 of the Act, the use of a fyke net by a commercial eel fisher is prohibited unless the entrance to the first fully enclosed section of the fyke net is fitted with an approved bycatch exclusion device.

**7. Exemption**

(1) The VFA may exempt the commercial eel fishers from the requirement to use fyke nets without an approved bycatch exclusion device fitted, if the VFA considers it necessary or reasonable in the circumstances of a particular case to do so.

(2) In granting an exemption, the VFA may impose conditions on the exemption that the VFA considers appropriate.

(3) In granting an exemption the VFA must specify –

- (a) the period during which the exemption applies; and
- (b) the circumstances in which the exemption applies; and
- (c) any other condition which applies to the exemption

**SPECIAL**

**8. Revocation**

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

**Notes:**

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.

Contravention of any prohibition under section 114 of the Act, as set out in this Fisheries Notice, is an offence under section 114(3) of the Act. A maximum penalty of 100 penalty units or six months imprisonment or both applies.

---

This page was left blank intentionally

# ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2024

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria  
Level 2, 1 Macarthur Street  
Melbourne 3002  
Victoria, Australia

## How To Order



**Retail &  
Mail Sales**

**Victoria Government Gazette**  
Ground Floor, Building 8,  
658 Church Street,  
Richmond 3121



**Telephone**

03 8523 4601

**email**

[gazette@ivegroup.com.au](mailto:gazette@ivegroup.com.au)

**Price Code A**