

Flora and Fauna Guarantee Act 1988

FLORA AND FAUNA GUARANTEE

(TAKING, TRADING IN OR KEEPING OF LISTED FISH) ORDER NO. 1/2020

Order in Council

The Governor in Council makes the following Order:

- 1. Title**
This Order may be cited as the Flora and Fauna Guarantee (Taking, Trading in or Keeping of Listed Fish) Order No. 1/2020.
- 2. Objective**
The objective of this Order is to authorise the taking, trading in or keeping of fish that is a member of a listed taxon or community of fauna under the **Flora and Fauna Guarantee Act 1988**, subject to certain terms and conditions.
- 3. Authorising provision**
This Order is made under section 53(2) of the **Flora and Fauna Guarantee Act 1988**.
- 4. Commencement**
This Order commences on 1 February 2020.
- 5. Revocation**
The following Orders in Council are revoked on the day this Order commences:
 - (a) The 'Flora and Fauna Guarantee (Taking, Trading in or Keeping of Listed Fish) Order No. 1/2009' made on 18 March 2009 and published in Government Gazette G12 on 19 March 2009 (pages 694 to 699);
 - (b) The 'Amending Order Flora and Fauna Guarantee (Taking, Trading in or Keeping of Listed Fish) Order No. 1/2009' made on 21 October 2014 and published in Government Gazette G43 on 23 October 2014 (pages 2479 to 2480); and
 - (c) The 'Order Amending Flora and Fauna Guarantee (Taking, Trading in or Keeping of Listed Fish) Order No. 1/2009' made on 21 July 2015 and published in the Government Gazette G29 on 23 July 2015 (pages 1618 to 1620).
- 6. Definitions**
In this Order –
 - 'Act' means the **Flora and Fauna Guarantee Act 1988**;
 - 'carapace length' is the measurement from the rear of the eye orbit depression to the nearest part of the posterior edge of the carapace;
 - 'carcass' has the same meaning as in the Fisheries Regulations 2019;
 - 'catch limit' has the same meaning as in the **Fisheries Act 1995**;
 - 'closed season' has the same meaning as in the **Fisheries Act 1995**;
 - 'commercial quantity' has the same meaning as in the **Fisheries Act 1995**;
 - 'inland waters' has the same meaning as in the **Fisheries Act 1995**;
 - 'legally obtained' has the same meaning as in the Fisheries Regulations 2019;
 - 'listed fish' means a fish which is a member of a taxon or community of fauna that is listed as threatened by an Order made under section 10 of the **Flora and Fauna Guarantee Act 1988**;
 - 'marine waters' has the same meaning as in the **Fisheries Act 1995**;
 - 'Nagambie Weir' means all impounded waters upstream of Nagambie Weir to Chinamans Bridge on the Goulburn River and inclusive of Lake Nagambie;
 - 'private aquarium' means an aquarium for which an aquaculture licence under section 43 of the **Fisheries Act 1995** is not required;
 - 'specified waters' means any lake or impoundment specified in the Appendix of this Order in Council;
 - 'Victorian waters' has the same meaning as in the **Fisheries Act 1995**.

7. Authority to take listed fish from or keep listed fish in accordance with an aquaculture licence

A person who is the holder of, or is acting on behalf of the holder of, an aquaculture licence issued under the **Fisheries Act 1995** which authorises the hatching, rearing, breeding, growing or displaying of a species of listed fish may in accordance with that licence –

- (a) take those listed fish from the waters, area or premises that are specified in the aquaculture licence; and
- (b) keep those listed fish in the waters, area or premises that are specified in the aquaculture licence.

8. Authority to keep listed fish in a private aquarium

A person may keep listed fish in a private aquarium provided that the listed fish were legally obtained.

9. Authority to take listed fish from or keep listed fish in a private dam or lake

A person may take listed fish from, or keep listed fish in, a dam or lake on private land provided that –

- (a) the listed fish occur naturally in the dam or lake; or
- (b) the dam or lake was stocked in accordance with the **Fisheries Act 1995** or regulations made under that Act.

10. Authority to trade in listed fish

A person may trade in listed fish provided that –

- (a) the listed fish were hatched, reared, bred or grown in accordance with an aquaculture licence issued under section 43(2) of the **Fisheries Act 1995**; or
- (b) the listed fish were legally obtained from outside Victoria and the person can provide documentary evidence that the listed fish were legally obtained.

[Note that, under the **Fisheries Act 1995** and the Fisheries Regulations 2019, holders of a Victorian recreational fishing licence are not permitted to sell fish taken under that licence.]

11. Authority to take certain listed fish for the purpose of recreation

A person who is –

- (a) the holder of a recreational fishery licence issued under section 45(2) of the **Fisheries Act 1995**; or
- (b) exempt under section 47 of the **Fisheries Act 1995** from the requirement to hold a recreational fishery licence; or
- (c) exempt under regulation 97(1) of the Fisheries Regulations 2019 from the requirement to hold a recreational fishing licence –

may take the listed fish specified in Column 1 of the Schedule to this Order subject to the terms and conditions specified in Column 2 of that Schedule.

12. Authority to take or keep certain listed fish for the purpose of commercial bait collection

A person who is the holder of an access licence issued under section 38(2) of the **Fisheries Act 1995** may take or keep listed fish as by-catch incidental to a commercial bait collection operation, subject to the terms and conditions of the access licence.

Dated 29 January 2020

Responsible Minister:

LILY D'AMBROSIO MP

Minister for Energy, Environment and Climate Change

JACLYN SYMES

Minister for Agriculture

ANDREW ROBINSON
Acting Clerk of the Executive Council

SCHEDULE

Column 1 Listed fish	Column 2 Terms and conditions
Flat-headed Gudgeon or Bull-headed Gudgeon (<i>Philypnodon grandiceps</i>)	<p><i>Location</i></p> <p>1. Flat-headed Gudgeon or Bull-headed Gudgeon may be taken from or possessed in, on, or next to all Victorian waters.</p> <p><i>Catch limit</i></p> <p>2. The catch limit in relation to the taking of Flat-headed Gudgeon or Bull-headed Gudgeon is a daily limit of 40.</p> <p>3. The catch limit in relation to the possession of Flat-headed Gudgeon or Bull-headed Gudgeon is 40.</p>
Freshwater Catfish (<i>Tandanus tandanus</i>)	<p><i>Location</i></p> <p>1. Freshwater Catfish may only be taken from or possessed in, on or next to inland waters within the Wimmera Basin.</p> <p><i>Catch limit</i></p> <p>2. The catch limit in relation to the taking of Freshwater Catfish is a daily limit of 2.</p> <p>3. The catch limit in relation to the possession of Freshwater Catfish is 2.</p> <p><i>Form</i></p> <p>4. The possession of any Freshwater Catfish must not be in any form other than whole, or in the form of carcass.</p> <p><i>Size*</i></p> <p>5. A minimum size limit of 30 centimetres applies to all Freshwater Catfish taken or possessed.</p>
Golden Perch (<i>Macquaria ambigua</i>)	<p><i>Location</i></p> <p>1. Golden Perch may be taken from or possessed in, on or next to all Victorian waters.</p> <p><i>Catch limit</i></p> <p>2. The catch limit in relation to the taking of Golden Perch is a daily limit of 5.</p> <p>3. The catch limit in relation to the possession of Golden Perch is 5.</p> <p><i>Size*</i></p> <p>4. A minimum size limit of 30 centimetres applies to all Golden Perch taken or possessed.</p>

Column 1 Listed fish	Column 2 Terms and conditions
Macquarie Perch (<i>Macquaria australasica</i>)	<p><i>Location</i></p> <p>1. Macquarie Perch may only be taken from or possessed in, on or next to Lake Dartmouth and tributaries or the Upper Coliban Reservoir and its tributaries.</p> <p><i>Catch limit</i></p> <p><i>Upper Coliban Reservoir and its tributaries</i></p> <p>2. The catch limit in relation to the taking of Macquarie Perch from the Upper Coliban Reservoir and its tributaries is a daily limit of 2.</p> <p>3. The catch limit in relation to the possession of Macquarie Perch in, on or next to the Upper Coliban Reservoir and its tributaries is 2.</p> <p><i>Lake Dartmouth and its tributaries</i></p> <p>4. The catch limit in relation to the taking of Macquarie Perch from Lake Dartmouth and its tributaries is a daily limit of 1.</p> <p>5. The catch limit in relation to the possession of Macquarie Perch in, on or next to Lake Dartmouth and its tributaries is 1.</p> <p><i>Form</i></p> <p>6. The possession of any Macquarie Perch must not be in any form other than whole or in the form of a carcass.</p> <p><i>Size*</i></p> <p>7. A minimum size of 35 centimetres applies to all Macquarie Perch taken or possessed.</p> <p><i>Closed season</i></p> <p>8. A closed season on the taking and possession of Macquarie Perch from all Victorian waters applies from 1 October to 31 December in each year.</p>

Column 1 Listed fish	Column 2 Terms and conditions
Murray Cod (<i>Maccullochella peelii</i>)	<p><i>Location</i></p> <p>1. Murray Cod may be taken from or possessed in, on or next to specified waters and any Victorian waters other than specified waters.</p> <p><i>Catch limit</i></p> <p><i>Specified waters</i></p> <p>2. The catch limit in relation to the taking of Murray Cod from specified waters is a daily limit of 2.</p> <p>3. The catch limit in relation to the possession of Murray Cod in, on or next to specified waters is 2.</p> <p><i>Any Victorian waters other than specified waters</i></p> <p>4. The catch limit in relation to the taking of Murray Cod from any Victorian waters, other than specified waters, is a daily limit of 1.</p> <p>5. The catch limit in relation to the possession of Murray Cod in, on or next to any Victorian waters, other than specified waters, is 1.</p> <p><i>All Victorian waters</i></p> <p>6. The catch limit in relation to Murray Cod taken from all Victorian waters is a combined daily limit of 2.</p> <p>7. The catch limit in relation to Murray Cod possessed in, on or next to all Victorian waters is a combined limit of 2.</p> <p><i>Form</i></p> <p>8. The possession of Murray Cod must not be in any form other than whole or in the form of a carcass.</p> <p><i>Closed season</i></p> <p>9. A closed season on the taking of Murray Cod applies to all inland waters from 1 September to 30 November in each year except south of the Great Dividing Range and Lake Eildon, which are open year round.</p> <p><i>Commercial quantity</i></p> <p>10. The commercial quantity of Murray Cod is 6 in carcass form.</p> <p>11. The commercial quantity of Murray Cod is 30 kilograms in any other form.</p> <p>12. Sections 111A, 111B and 111C of the Fisheries Act 1995 must be complied with in respect of any commercial quantity of Murray Cod.</p>

Column 1 Listed fish	Column 2 Terms and conditions
Murray Spiny Freshwater Crayfish (<i>Euastacus armatus</i>)	<p><i>Location</i></p> <ol style="list-style-type: none"> 1. Murray Spiny Freshwater Crayfish may be taken from or possessed in, on or next to all Victorian waters. <p><i>Catch limit</i></p> <ol style="list-style-type: none"> 2. The catch limit in relation to the taking of Murray Spiny Freshwater Crayfish is a daily limit of 2. 3. The catch limit in relation to the possession of Murray Spiny Freshwater Crayfish is daily limit of 4. <p><i>Form</i></p> <ol style="list-style-type: none"> 4. The possession of Murray Spiny Freshwater Crayfish must not be in any form other than whole or in the form of a carcass. 5. The taking, causing to land or possession is not permitted for any female Murray Spiny Freshwater Crayfish in berry or with young attached. 6. The removal of eggs, spawn, setae or fibres from any female Murray Spiny Freshwater Crayfish is not permitted. <p><i>Size*</i></p> <ol style="list-style-type: none"> 7. The minimum size for Murray Spiny Freshwater Crayfish is 10 centimetres. 8. The maximum size for Murray Spiny Freshwater Crayfish is 12 centimetres.
Silver Perch (<i>Bidyanus bidyanus</i>)	<p><i>Location</i></p> <ol style="list-style-type: none"> 1. Silver Perch may be taken from or possessed in lakes and impoundments of inland waters north of the Great Dividing Range, excluding the Wimmera Basin. 2. Silver Perch may be taken from or possessed in all inland waters south of the Great Dividing Range, including the Wimmera Basin. 3. Silver Perch must not be taken from or possessed in, on or next to any rivers or streams north of the Great Dividing Range. <p><i>Catch limit</i></p> <ol style="list-style-type: none"> 4. The catch limit in relation to the taking of Silver Perch is a daily limit of 5. 5. The catch limit with respect to the possession of Silver Perch is 5. <p><i>Form</i></p> <ol style="list-style-type: none"> 6. The possession of Silver Perch must not be in any form other than whole or in the form of a carcass. <p><i>Size*</i></p> <ol style="list-style-type: none"> 7. A minimum size limit of 30 centimetres applies for all Silver Perch taken or possessed.

Column 1 Listed fish	Column 2 Terms and conditions
Southern Bluefin Tuna (<i>Thunnus maccoyii</i>)	<p><i>Location</i></p> <p>1. Southern Bluefin Tuna may be taken from or possessed in, on or next to marine waters.</p> <p><i>Catch limit</i></p> <p>2. The catch limit in relation to the taking of Southern Bluefin Tuna from marine waters is a daily limit of 2.</p> <p>3. The catch limit in relation to the possession of Southern Bluefin Tuna in, on or next to marine waters is 2.</p>
Trout Cod (<i>Maccullochella macquariensis</i>)	<p><i>Location</i></p> <p>1. Trout Cod may only be taken from or possessed in, on or next to Lake Kerferd and Lake Sambell in the Indigo Shire.</p> <p><i>Catch limit</i></p> <p>2. The catch limit in relation to the taking of Trout Cod from Lakes Kerferd and Sambell is a daily limit of 1.</p> <p>3. The catch limit in relation to the possession of Trout Cod anywhere in Victoria is 2.</p> <p><i>Form</i></p> <p>4. The possession of Trout Cod in, on or next to Victorian waters must not be in any form other than whole or in the form of a carcass.</p> <p><i>Size*</i></p> <p>5. A minimum size limit of 40 centimetres applies for all Trout Cod taken or possessed.</p> <p>6. The maximum size limit of 50 centimetres applies for all Trout Cod taken or possessed.</p> <p><i>Commercial quantity prohibited</i></p> <p>7. The sale, taking or possession anywhere in Victoria of a commercial quantity of Trout Cod is prohibited.</p>
Western Carp Gudgeon (<i>Hypseleotris kluzingeri</i>)	<p><i>Location</i></p> <p>1. Western Carp Gudgeon may be taken from or possessed in, on, or next to all Victorian waters.</p> <p><i>Catch limit</i></p> <p>2. The catch limit in relation to the taking of Western Carp Gudgeon is a daily limit of 40.</p> <p>3. The catch limit in relation to the possession of Western Carp Gudgeon is 40.</p>

*Note: The size of fish must be measured in accordance with Regulation 160 of the Fisheries Regulations 2019.

APPENDIX
Specified waters

Albert Park Lake	Harrierville Dredge Hole
Benalla Lake	Hume Lake
Big Meran Lake	Kangaroo Lake
Boga Lake	Kow Swamp
Booroopki Swamp	Laanecoorie Reservoir
Buffalo Lake	Lascelles Lake
Cairn Curran Reservoir	Moodemere Lake
Charlegrark Lake	Nagambie Weir
Charm Lake	Nillahcootie Lake
Cooper Lake	Numurkah Lake
Cullulleraine Lake	Taylor's Lake
Eildon Lake	Victoria Lake (Shepparton)
Eppalock Lake	Walkers Lake
First Reedy Lake	Waranga Basin
Greens Lake	

Land Acquisition and Compensation Act 1986

CERTIFICATION PURSUANT TO SECTION 5(3) OF THE
LAND ACQUISITION AND COMPENSATION ACT 1986

Order in Council

The Governor in Council under section 5(3) of the **Land Acquisition and Compensation Act 1986** certifies the land known as 14, 16 and 18–24 Dundas Street, Miners Rest, Victoria 3352 and more particularly described in certificates of title volume 10506 folio 616; volume 10506 folio 617; volume 10506 folio 615; volume 12013 folio 806; and volume 11882 folio 937 as land for which reservation is undesirable and contrary to the public interest.

This Order comes into effect on the date it is published in the Government Gazette.

Dated 29 January 2020

Responsible Minister:

HON JILL HENNESSY MP

Attorney-General

ANDREW ROBINSON
Acting Clerk of the Executive Council