
Fisheries Act 1995**FISHERIES NOTICE 2026**

I, Luke O'Sullivan, Director of Fisheries Management and Boating of the Victorian Fisheries Authority, as delegate to the Minister for Ports and Freight, having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Fisheries Notice under sections 67 and 152 of the Act.

Dated 11 August 2026

LUKE O'SULLIVAN
Director of Fisheries Management and Boating
Victorian Fisheries Authority

FISHERIES (ABALONE DATA LOGGING SYSTEMS) NOTICE 2026**1. Title**

This Notice may be cited as the Fisheries (Abalone Data Logging Systems) Notice 2026.

2. Objectives

The objectives of this Notice are to protect the abalone fishery through the collection of commercial fishing activity data to inform fishery management decisions by –

- a) requiring the installation and operation of approved boat-based data logging systems on all boats used in the abalone (commercial) fishery; and
- b) requiring the possession and operation of approved diver activity logging systems by abalone divers operating in the abalone (commercial) fishery.

3. Authorising Provisions

This Notice is made under sections 67 and 152 of the Act.

4. Commencement

This Notice comes into operation on 1 September 2026.

5. Definitions

In this Fisheries Notice –

abalone diver means a responsible person who undertakes underwater dive fishing for abalone using underwater breathing apparatus in accordance with an abalone fishery access licence;

abalone fishery access licence means any one of the following classes of access licence –

- a) Abalone Fishery (Western Zone) Access Licence;
- b) Abalone Fishery (Central Zone) Access Licence;
- c) Abalone Fishery (Eastern Zone) Access Licence;

approved boat-based data logger means an electronic data logging device that is of a type approved by the Victorian Fisheries Authority;

approved diver activity logger means an electronic diver activity logging device that is of a type approved by the Victorian Fisheries Authority;

fishing operation means the carrying out of any activities authorised under a specified licence or permit and includes –

- a) the use of commercial abalone equipment in or on Victorian waters; and
- b) the use of a boat on Victorian waters in connection with the carrying out of activities authorised under an abalone fishery access licence (including the activities specified in sub-clause (a) of this definition);

immediate possession in relation to an approved diver activity logger means that the approved diver activity logger is carried by the diver;

responsible person – means the holder of an abalone fishery access licence or a person acting or purporting to act under an abalone fishery access licence;

specified period – starts 15 minutes before the commencement of a fishing operation and ends when the latter of the following happens –

- a) when the boat used to carry out fishing activities has been retrieved from the water; or
- b) all activities under the fishing operation are completed;

VFA means the Victorian Fisheries Authority established under the **Victorian Fisheries Authority Act 2016**.

6. Prohibition on fishing without boat-based data logger

- (1) For the purposes of section 67 of the Act –
 - (a) the taking or landing of abalone; or
 - (b) the possession of abalone in, on or next to Victorian waters; or
 - (c) the use of commercial abalone equipment in connection with taking or attempting to take abalone –
 by a responsible person acting or purporting to act under an abalone fishery access licence, is prohibited unless the responsible person has installed an approved boat-based data logger on any boat used to engage in fishing activities authorised by that licence and complies with the conditions for the use of the approved boat-based data logger as set out in clause 7 of this notice.
- (2) For the avoidance of doubt, the responsible person is also required to comply with regulation 77 of the Fisheries Regulations 2009.

7. Conditions for use of boat-based data logger

- (1) For the purposes of clause 6 of this notice, the conditions that a responsible person must comply with when using a boat-based data logger are set out in this clause.
- (2) A responsible person must ensure that the boat-based data logger used by the person is of a type that has been approved by the VFA.
- (3) A responsible person must ensure that –
 - (a) the boat-based data logger is operated in the manner approved by the VFA; and
 - (b) the boat-based data logger is maintained in accordance with the manufacturer's instructions; and
 - (c) all reasonable steps are taken to ensure the boat-based data logger is not –
 - i. interfered with or tampered with in any way; or
 - ii. altered, damaged or disabled; and
 - (d) at all times while undertaking a fishing operation, the boat-based data logger is operating in a state that is using a power mode that is not less than the power mode used in normal operation of the system; and
 - (e) if the boat-based data logger is not fully operational, the responsible person does not undertake the fishing operation unless authorised by the VFA.

- (4) For the purposes of sub-clause (3)(e), the VFA may authorise in writing a responsible person to undertake a fishing operation if the VFA is satisfied that there are special circumstances justifying such an authorisation.
- (5) The VFA must specify in an authority under sub-clause (4) –
 - (a) the place at which the authority applies; and
 - (b) the period during which the authority applies; and
 - (c) the circumstances in which the authority applies; and
 - (d) any conditions which apply to the authority.

8. Requirement for diver activity logger

An abalone diver engaged in fishing activities authorised under an abalone fishery access licence must –

- (a) during the specified period, have in their immediate possession and control, an approved diver activity logger; and
- (b) comply with the conditions for the use of an approved diver activity logger as set out in clause 9 of this notice.

Penalty: 50 penalty units.

9. Conditions for use of diver activity logger

- (1) For the purposes of clause 8 of this notice, the conditions that an abalone diver must comply with when using a diver activity logger are set out in this clause.
- (2) An abalone diver must ensure that the diver activity logger used by that person is of a type that has been approved by the VFA.
- (3) An abalone diver must ensure that –
 - (a) the diver activity logger is operated in the manner approved by the VFA; and
 - (b) the diver activity logger is maintained in accordance with the manufacturer's instructions; and
 - (c) reasonable steps are taken to ensure the diver activity logger is not –
 - i. interfered with or tampered with in any way; or
 - ii. altered, damaged or disabled; and
 - (d) at all times while undertaking a fishing operation, the diver activity logger is operating in a state that is using a power mode that is not less than the power mode used in normal operation of the system; and
 - (e) if the diver activity logger is not fully operational, the abalone diver does not undertake the fishing operation unless authorised by the VFA.
- (4) For the purposes of sub-clause (3)(e), the VFA may authorise in writing an abalone diver to undertake a fishing operation if the VFA is satisfied that there are special circumstances justifying such an authorisation.
- (5) The VFA must specify in an authority under sub-clause (4) –
 - (a) the place at which the authority applies; and
 - (b) the period during which the authority applies; and
 - (c) the circumstances in which the authority applies; and
 - (d) any conditions which apply to the authority.

10. Application to Fisheries Reserves

For the purposes of section 152(4), this notice applies to all Fisheries Reserves.

11. Revocation

In accordance with section 152(5)(e) of the Act, unless sooner revoked, this Notice is revoked on the day which is 12 months from the date on which it came into operation.

Note: Contravention of any prohibition under sections 67 or 114 of the Act, as set out in this Fisheries Notice, is an offence under that section of the Act. A maximum penalty of 100 penalty units or six months imprisonment or both applies.