

Fisheries Act 1995

FISHERIES NOTICE 2021

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Boating and Fishing, 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: 09 / 06 / 2021



Travis Dowling
Chief Executive Officer

FISHERIES (WESTERN ABALONE ZONE) NOTICE 2021

1. Title

This Notice may be cited as the Fisheries (Western Abalone Zone) Notice 2021.

2. Objectives

The objective of this Notice is to fix minimum size limits for blacklip and greenlip abalone taken under an Abalone Fishery Access Licence in the western abalone zone.

3. Authorising provision

This Notice is made under section 152 of the Act.

4. Commencement

This Notice comes into operation on 1 July 2021.

5. Definitions

In this Fisheries Notice –

"**western abalone zone**" means all Victorian waters west of longitude 142° 31' East.

6. Minimum sizes for abalone taken from the western abalone zone

For the purposes of the Act, the minimum size with respect to the taking of blacklip abalone under an Abalone Fishery Access Licence from Victorian waters as specified in column 1 of Schedule 1 is the size specified for those waters in Column 2 of Schedule 1.

Schedule 1

Column 1 Waters taken from: Victorian Marine waters –	Column 2 Minimum size (Millimetres)
Discovery Bay sub-zone (i.e. reef code 1.01) The Discovery Bay sub-zone comprises all Victorian waters north of latitude 38 degrees 19.99 minutes S, between longitude 141 degrees 24.08 minutes E and the Victorian-South Australian border at latitude 140 degrees 57.983 minutes E.	125
Western abalone zone with the exception of the Discovery Bay sub-zone	130

7. Minimum sizes for greenlip abalone taken from the western abalone zone

For the purposes of the Act, the minimum size with respect to the taking of greenlip abalone under an Abalone Fishery Access Licence from Victorian waters as specified in column 1 of Schedule 2 is the size specified for those waters in Column 2 of Schedule 2.

Schedule 2

Column 1 Waters taken from Victorian marine waters—	Column 2 Minimum size (Millimetres)
Western abalone zone i.e. all Victorian waters west of longitude 142° 31' East.	135

Coordinate Datum used: WGS84

Under section 152(3), of the Act, if a provision of this Notice is inconsistent with any regulations, the Fisheries Notice prevails to the extent of the inconsistency. The general size limits specified in the *Fisheries Regulations 2019* will continue to apply in circumstances where the size limits specified in clauses 6 and 7 do not apply. This includes abalone taken by a person who is not acting under an abalone fishery access licence.

8. Abalone not to be taken from more than one size zone

- (1) For the purposes of section 67 of the Act -
- a) the taking of blacklip abalone under an Abalone Fishery Access Licence from more than one size zone on any fishing trip; or
 - b) the possession of blacklip abalone taken from more than one size zone on-board any boat being used under an Abalone Fishery Access Licence; or
 - c) the landing of blacklip abalone taken under an Abalone Fishery Access Licence from more than one size zone;
- is prohibited.

Note: It is an offence under section 67(3) of the **Fisheries Act 1995** to fail to comply with a prohibition

- (2) A person who contravenes the prohibition in sub-clause (1) is liable to a further penalty –
- a) in the case of a first offence, a penalty not exceeding 0.5 of a penalty unit for each fish taken, possessed or landed in contravention of the prohibition;
 - b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each fish taken, possessed or landed in contravention of the prohibition.

9. Revocation

Unless sooner revoked, this Notice will be revoked on 30 June 2022.