

Fisheries Act 1995

DRAFT FISHERIES NOTICE 2022

I, Chris Padovani, A/Director of the Victorian Fisheries Authority, as delegate for the Minister for Fishing and Boating, 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:

Date: / / 2022

Chris Padovani

A/Director Fisheries Management, Science, Policy, Licensing and Communications

Victorian Fisheries Authority

FISHERIES (FURTHER CORNER INLET FISHERY) NOTICE 2022

1. Title

This Notice may be cited as the Fisheries (Further Corner Inlet Fishery) Notice 2022.

2. Objectives

The objectives of this Notice are to:

- i. Revoke the Fisheries (Corner Inlet Fishery) Notice 2022.
- ii. Prohibit the use of a seine net that does not have one end anchored by any individual Corner Inlet Fishery Access Licence holder.
- iii. Prohibit more than one repositioning of the anchored end of a seine net by any individual Corner Inlet Fishery Access Licence holder.
- iv. Prohibit the use of a seine net that has a rope or combination of ropes attached that are more than a total of 100 metres in length by any individual Corner Inlet Fishery Access Licence holder at any given time.
- v. Further prohibit the movement of both ends of the seine net at the same time by any individual Corner Inlet Fishery Access Licence holder at any given time.
- vi. Require the installation and operation of a Vessel Monitoring System on any motorised tender boat or any tender boat equipped with a mechanical device capable of propelling, hauling or retrieving a seine net by any individual Corner Inlet Fishery Access Licence holder.
- vii. Prohibit the operation of more than two seine net shots under each Corner Inlet Fishery Access Licence in any given 24-hour period (midnight to midnight).
- viii. Prohibit the use of more than one type of fishing gear under one or more Corner Inlet Fishery Access Licences by an individual licence holder or operator, at any given time, inclusive of mesh nets, seine nets, longline and hoop nets.
- ix. Prohibit the use of fishing gear under more than one Corner Inlet Fishery Access Licence by an individual licence holder or operator in any given 24-hour period (midnight to midnight), unless certain conditions are met.

3. Authorising provision

This Notice is made under sections 114 and 152 of the Act and section 27 of the **Interpretation of Legislation Act 1984**.

4. Commencement

This Notice comes into operation on 20 June 2022.

5. Definitions

In this Fisheries Notice –

'fishing gear' means any commercial hoop net, longline, seine net or mesh net.

'shot' in relation to a seine net means the act of setting a seine net using a boat, with or without the assistance of a tender boat, and the hauling or retrieval of the same seine net back on board the boat or tender boat, ready for a new shot.

6. Revocation of Fisheries Notice

The Fisheries (Corner Inlet Fishery) Notice 2022 is revoked.

7. Prohibition on the use of a seine net that does not have one end anchored

- (1) For the purposes of section 114 of the Act, the use of a seine net by the holder of a Corner Inlet Fishery Access Licence, or a person acting or purporting to act under the licence, is prohibited unless one end of the seine net or rope attached to one end of the seine net is at all times -
 - a) securely anchored or made fast to the seabed or shore; or
 - b) securely attached to a tender boat and that tender boat is securely anchored or made fast to the seabed or shore.
- (2) Sub-clause (1) does not apply to a Corner Inlet Fishery Access Licence holder, or a person acting or purporting to act under the licence, who -
 - a) has used a boat to tow one end of the seine net in a circular or tear drop manner to close the net and is retrieving or hauling the net to complete the shot once the net is closed; or
 - b) has lifted the anchored end of a seine net or lifted the anchor of a tender boat to which a seine net is attached to reposition the seine net to a location that will assist with the closing of the net or the completion of the shot.

8. Prohibition on repositioning the anchored end of a seine net more than once

For the purposes of section 114 of the Act, the lifting of the anchored end of a seine net or the lifting of the anchor of a tender boat to which a seine net is attached more than once during a seine net shot by a Corner Inlet Fishery Access Licence holder, or a person acting or purporting to act under the licence is prohibited.

9. Prohibition on the use of more than 100 meters of rope attached to a seine net

For the purposes of section 114 of the Act, the use of a rope or a combination of ropes more than 100 meters in length that are attached to a seine net by a Corner Inlet Fishery Access Licence holder, or a person acting or purporting to act under the licence is prohibited.

10. *Prohibition on the movement of both ends of the seine net at the same time*

- (1) For the purposes of section 114 of the Act, the use of any mechanical assistance to propel both ends of a seine net at the same time by the holder of a Corner Inlet Fishery Access Licence, or a person acting or purporting to act under the licence is prohibited.
- (2) For the purposes of section 114 of the Act, the use of any mechanical assistance in combination with a boat to propel both ends of a seine net at the same time by the holder of a Corner Inlet Fishery Access Licence, or a person acting or purporting to act under the licence is prohibited.
- (3) Sub-clauses (1) and (2) do not apply to a Corner Inlet Fishery Access Licence holder, or a person acting or purporting to act under the licence, who -
 - a) has used a boat to tow one end of the seine net in a circular or tear drop manner to close the net; and
 - b) is retrieving or hauling the net to complete the shot once the net is closed.

11. *Prohibition on the use of certain tender boats unless a Vessel Monitoring System is installed and operated*

- (1) For the purposes of section 114 of the Act, the use of a motorised tender boat to assist in any seine net shot authorised under a Corner Inlet Fishery Access Licence is prohibited.
- (2) For the purposes of section 114 of the Act, the use of a tender boat that is equipped with a mechanical device capable of propelling, hauling or retrieving a seine net to assist in any seine net shot authorised under a Corner Inlet Fishery Access Licence is prohibited.
- (3) Sub-clauses (1) and (2) do not apply to a Corner Inlet Fishery Access Licence holder, or a person acting or purporting to act under the licence, who -
 - a) has installed on the tender boat a vessel monitoring system that complies with the conditions set out in Subdivision 1 of Division 2 of Part 17 of the Fisheries Regulations 2019; and
 - b) is operating the vessel monitoring system on the tender boat in compliance with the conditions set out in Subdivision 1 of Division 2 of Part 17 of the Fisheries Regulations 2019.

12. *Prohibition on the operation of more than two seine net shots on any one day per licence*

For the purposes of section 114 of the Act, the operation of more than two seine net shots on any given 24 hour period (midnight to midnight) under a Corner Inlet Fishery Access Licence, by the licence holder or a person acting or purporting to act under the licence, is prohibited.

13. *Prohibition on the use of more than one type of fishing gear at any given time in Corner Inlet*

For the purposes of section 114 of the Act, the use of more than one type of fishing gear at any given time, under one or more Corner Inlet Fishery Access Licences, by a licence holder or a person acting or purporting to act under the licence, is prohibited.

14. *Prohibition on fishing activities under multiple Corner Inlet Fishery Access Licences at any given time, subject to conditions*

- (1) For the purposes of section 114 of the Act, the use of fishing gear under more than one Corner Inlet Fishery Access Licence on any given 24-hour period (midnight to midnight), by a licence holder or a person acting or purporting to act under the licence, is prohibited.
- (2) Sub-clause (1) does not apply to a Corner Inlet Fishery Access Licence holder, or a person acting or purporting to act under the licence, who –
 - (a) operates fishing gear in accordance with a Corner Inlet Fishery Access Licence and then removes all fishing gear from the water; and
 - (b) lands and weighs the catch from that fishing operation and accurately completes the catch and effort record in the manner specified by the VFA for that fishing operation prior to commencing a further fishing operation under a different Corner Inlet Fishery Access Licence; and
 - (c) ensures separation of catch taken under each Corner Inlet Fishery Access Licence at all times when the fish is in their possession or control.

15. *Application to Fisheries Reserves*

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

16. *Revocation*

Unless sooner revoked, this Notice will be revoked on 19 June 2023.

Notes:

The Fisheries (Corner Inlet Fishery) Notice 2022, which is revoked by clause 6 of this Notice, was originally published in the Victoria Government Gazette No. G 8, Thursday 24 February 2022, pages 876-878.

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 6 months imprisonment or both applies.

Regulation 71 of the Fisheries Regulations 2019 specifies that the licence holder or licence operator must at all times when in charge of any crew member ensure that crew member is not engaged in a separate fishing operation (however this is not applicable to underwater dive fishing).

Regulation 74 of the Fisheries Regulations 2019 prohibits the taking of fish by dragging or drawing a seine net containing fish on to dry land or into water less than 60 centimetres deep.

Regulation 182(2) of the Fisheries Regulations 2019 prohibits Corner Inlet Fishery Access Licence holders from using a boat or boats under propulsion to tow both ends of any seine net at the same time.

A Vessel Monitoring System is not required on a non-motorised tender boat.