

Fisheries Act 1995

FISHERIES NOTICE 2021

I, Travis Dowling, Chief Executive Officer 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: 05 / 03 / 2021



Travis Dowling
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (OCEAN SCALLOP) NOTICE 2021

1. Title

This Notice may be cited as the Fisheries (Ocean Scallop) Notice 2021.

2. Objectives

The objective of this Notice is to establish a temporary prohibition on the use and possession of commercial fishing equipment by holders of a Scallop (Ocean) Fishery Access Licence in specified scallop waters.

3. Authorising provision

This Notice is made under sections 114 and 152 of the Act.

4. Commencement

This Notice comes into operation on 1 April 2021.

5. Definitions

In this Fisheries Notice –

‘*specified scallop waters*’ means the marine waters enclosed by the line:

- (a) commencing at the point of latitude 38° 24.000' South, longitude 147° 30.000' East;
- (b) from there running generally east to the point of latitude 38° 24.000' South, longitude 147° 36.000' East;
- (c) from there running generally south to the point of latitude 38° 30.000' South, longitude 147° 36.000' East;
- (d) from there running generally west to the point of latitude 38° 30.000' South, longitude 147° 30.000' East;
- (e) from there running generally north to the point of commencement at latitude 38° 24.000' South, longitude 147° 30.000' East.

6. *Prohibition on the use of commercial fishing equipment in specified scallop waters*

For the purposes of section 114 of the Act, the use of commercial fishing equipment by the holder of a Scallop (Ocean) Fishery Access Licence, or a person acting or purporting to act under the licence, in specified scallop waters is prohibited.

7. *Prohibition on the possession of commercial fishing equipment in specified scallop waters*

- (1) For the purposes of section 114 of the Act, the possession of commercial fishing equipment by the holder of a Scallop (Ocean) Fishery Access Licence, or a person acting or purporting to act under the licence, in specified scallop waters is prohibited.
- (2) Sub-clause (1) does not apply to the holder of a Scallop (Ocean) Fishery Access Licence, or a person acting or purporting to act under the licence, who possesses commercial scallop fishing equipment on-board a boat, if there is an impending or actual threat to the safety of a person engaged in activities under the licence.

8. *Application to Fisheries Reserves*

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

9. *Revocation*

Unless sooner revoked, this Notice will be revoked on 31 March 2022.

Notes:

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.

For the purposes of this Fisheries Notice, a reference to the longitude or latitude of a geographical point is based on WGS84 geodetic datum.