

Fisheries Act 1995
FISHERIES NOTICE 2024

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Outdoor Recreation, 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.

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

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FISHERIES (INSHORE TRAWL BYCATCH MANAGEMENT) NOTICE 2024

1. Title

This Notice may be cited as the Fisheries (Inshore Trawl Bycatch Management) Notice 2024.

2. Objectives

The objectives of this Notice are to –

- (a) give further effect to the arrangement in force between the Commonwealth and Victoria in relation to the trawl fishery to be managed under State law in waters relevant to Victoria (Offshore Constitutional Settlement); and
- (b) fix and enforce limits on the taking of octopus as a bycatch species for the Trawl (Inshore) Fishery.

3. Authorising provisions

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

4. Commencement

This Notice comes into operation on the date it is published in the Government Gazette.

5. Definitions

In this Fisheries Notice –

aggregated amount means the total amount of octopus taken across all Trawl (Inshore) Fishery Access Licences over the 12 month period from the commencement of this notice;

bycatch means all species of fish other than –

- i) bay bug;
- ii) eastern king prawn;
- iii) sand crab; or
- iv) school prawn;

CEO means the Chief Executive Officer of the VFA;

closed season with respect to octopus is the period between the time a determination under clause 9 comes into effect and the time it is revoked;

fishing trip has the same meaning as in the **Fisheries Regulations 2019**;

licence operator has the same meaning as in the **Fisheries Regulations 2019**;

octopus means pale octopus (*Octopus pallidus*), Maori octopus (*Macroctopus maorum*) and gloomy octopus (*Octopus tetricus*);

place of landing has the same meaning as in the **Fisheries Regulations 2019**;

the Act means the **Fisheries Act 1995**;

upper limit means 30 tonnes of octopus;

VFA means the Victorian Fisheries Authority.

6. **Catch and possession limit for octopus**

(1) For the purposes of the Act, the catch limit with respect to –

- (a) the taking of octopus on any day or fishing trip; or
- (b) the possession of octopus on board any boat –

under a Trawl (Inshore) Fishery Access Licence by the holder of the licence, or any person acting or purporting to act under the licence, is 100 kilograms.

Note: There are offences in sections 68A and 68B of the Act relating to taking or possessing fish in excess of the catch limit in this fisheries notice. Various penalties apply.

(2) For the purposes of section 67 of the Act, the landing on any one day of more than 100 kilograms of octopus taken under a Trawl (Inshore) Fishery Access Licence, by the holder of the licence, or any person acting or purporting to act under the licence, is prohibited.

Note: A failure to comply with a prohibition is an offence under section 67(3) of the Act. A penalty of 100 penalty units or 6 months imprisonment or both applies.

(3) The holder of Trawl (Inshore) Fishery Access Licence or any person acting or purporting to act under the licence must not take, possess or land octopus under the licence on any fishing trip the person undertakes under an Octopus Fishery Access Licence or General Permit authorising the taking of octopus.

Penalty: 50 penalty units

7. **Weighing of octopus taken and notification of post-fishing details**

(1) The holder of a Trawl (Inshore) Fishery Access Licence and the licence operator of the licence must ensure that all octopus taken under the licence is weighed no later than 60 minutes after the boat arrives at a place of landing.

Penalty: 50 penalty units

(2) The holder of a Trawl (Inshore) Fishery Access Licence or the licence operator, must, no later than 60 minutes after the boat arrives at a place of landing and before the octopus leave that place of landing, provide the following details to the VFA via the fisheries notification service in relation to octopus taken under the licence —

- (a) the licence number of the access licence;

- (b) the estimated time at which the octopus are to be moved from the place of landing;
- (c) the total net weight (in kilograms) of octopus taken under the licence.

Penalty: 50 penalty units

- (3) Until the holder of a Trawl (Inshore) Fishery Access Licence, or the licence operator, has complied with sub-clause (1) and (2) in respect of octopus taken under the licence, they must not allow that octopus to—
 - (a) enter any vehicle that already contains octopus; or
 - (b) be sold, consigned or given to another person; or
 - (c) enter any premises on which octopus is processed or held.

Penalty: 50 penalty units

8. Determination that upper limit reached

- (1) The CEO may determine that the upper limit for the aggregated amount of octopus taken by Trawl (Inshore) Fishery Access Licence holders is met or exceeded.
- (2) Without limiting the generality of sub-clause (1), a determination may:
 - (a) specify that it comes into effect on a particular date and time; and
 - (b) be varied or revoked at any time.
- (3) The CEO must ensure that a copy of the determination is sent to each Trawl (Inshore) Fishery Access Licence holder as soon as possible after it is made.

9. Closed season

- (1) For the purposes of section 67 of the Act –
 - (a) the taking of octopus; or
 - (b) the possession of octopus in or on Victorian waters; or
 - (c) the landing of octopus –

during the closed season under a Trawl (Inshore) Fishery Access Licence by the holder of the licence, or a person acting or purporting to act under the licence, is prohibited.

Note: Failure to comply with this prohibition is an offence under section 67 of the Fisheries Act 1995. A maximum penalty of 100 penalty units and/or six months imprisonment applies.

10. Application to fisheries reserves

This Notice applies to a Fisheries Reserve, as declared under section 88 of the Act, to the extent that fishing is permitted in the Fisheries Reserve.

11. Revocation

Unless sooner revoked, this Notice is revoked on the day which is 12 months after the date on which it comes into operation.

Notes:

This Notice applies to the fishery which is subject to Victorian law pursuant to the Offshore Constitutional Settlement arrangements made under S 72 of the *Fisheries Management Act 1991* (Cwlth).

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 and catch limits specified in the *Fisheries Regulations 2009* will continue to apply in circumstances where the size and catch limits specified in this Notice do not apply.

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