

Fisheries Act 1995
FISHERIES NOTICE 2021

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Fishing and Boating, and having undertaken consultation in accordance with Section 3A of the *Fisheries Act 1995* (the Act), make the following Fisheries Notice under Sections 67, 68A, 114 and 152 of the Act:

Date: 24 / 12 / 2021



Travis Dowling
Chief Executive Officer

FISHERIES (CENTRAL ABALONE ZONE) NOTICE 2021

1. Title

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

2. Objectives

The objective of this Notice is to:

- a. fix minimum size limits for blacklip abalone and greenlip abalone taken under an Abalone Fishery Access Licence in the Central Abalone Zone.
- b. address sustainability concerns for Victorian Central Abalone Zone abalone stocks and related management issues by closing specified marine waters to commercial abalone harvest.

3. Authorising provision

This Notice is made under sections 67, 68A, 114 and 152 of the Act.

4. Commencement

This Notice comes into operation on 29 December 2021.

5. Definitions

In this fisheries notice –

“**AFAL**” means an Abalone Fishery (Central Zone) Access Licence;

“**central abalone zone**” means all Victorian waters between longitude 142° 31' East and longitude 148° East;

“**CEO**” means the Chief Executive Officer of the VFA;

“**closed waters**” means the marine waters within a spatial management unit for which the upper limit has been reached or exceeded as specified in Column 3 of Schedule 3;

“**nominated operator**” means –

- (a) a licence holder permitted under section 39(1) of the Act; or
- (b) a person listed on an access licence for the purposes of section 39(2) of the Act;

“*size zone*” means each area of Victorian marine waters between the coordinates specified in Column 2 of Schedule 1 for blacklip abalone and Column 1 of Schedule 2 for greenlip abalone;

“*spatial management unit*” means each area of Victorian marine waters specified in Column 1 of Schedule 3;

“*the Act*” means the **Fisheries Act 1995**;

“*upper limit*” for the spatial management unit specified in Column 1 of Schedule 3 means the amount of abalone specified in Column 3 of Schedule 3 corresponding to that spatial management unit;

“*VFA*” means the Victorian Fisheries Authority.

6. *Minimum sizes for abalone taken from the central abalone zone*

- (1) For the purposes of the Act, the minimum size with respect to the taking of blacklip abalone under an AFAL from the waters specified in columns 1 and 2 of Schedule 1 is the size specified for those waters in Column 3 of Schedule 1.
- (2) For the purposes of the Act, the minimum size with respect to the taking of greenlip abalone under an AFAL from the waters specified in column 1 of Schedule 2 is the size specified for those waters in Column 2 of Schedule 2.

Notes: There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species that are less than the minimum size specified for that species of fish in this Notice. Various penalties apply.

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.

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

For the purposes of section 67 of the Act -

- (a) the taking of abalone under an AFAL from more than one size zone on any fishing trip; or
- (b) the possession of abalone taken from more than one size zone on-board any boat being used under an AFAL; or
- (c) the landing of abalone taken under an AFAL 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

8. *Spatial management unit catch target exceeded*

Marine waters within a spatial management unit are immediately closed (“closed waters”) to commercial abalone harvest when “Upper limit” specified in Column 3 of Schedule 3 has been reached or exceeded.

9. *Closed waters*

- (1) For the purposes of section 67 of the Act -

- (a) the taking of abalone from closed waters; or
- (b) the possession of abalone in or on closed waters -

by the holder of an access licence, or a person acting or purporting to act under an access 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.

Sub-clause (1)(b) does not apply to a person possessing abalone on-board a boat under way and travelling by the most direct route to reach a point of landing or specified open waters for the purpose of commercial abalone diving.

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

- (1) The Fisheries (Central Abalone Zone) Notice 2021, gazetted on 24 June 2021, is revoked.
- (2) Unless sooner revoked, this Notice will be revoked on 30 June 2022.

SCHEDULES

SCHEDULE 1

Column 1 Spatial management unit name	Column 2 Coordinates bordering spatial management unit	Column 3 Minimum size (Millimetres)
Shipwreck Coast spatial management unit that includes: a. Reef Code 4.01 Lake Gilliar b. Reef Code 4.02 Antares c. Reef Code 5.01 Peterborough d. Reef Code 5.02 Point Hesse e. Reef Code 5.03 Port Campbell	1. 38°24'14"S 142°31'00"E 2. 38°26'29"S 142°31'00"E 3. 38°39'19"S 143°03'00"E 4. 38°38'52"S 143°03'18"E	130
Cape Otway spatial management unit that includes: a. Reef Code 6.01 Moonlight Head b. Reef Code 6.02 Milanesia Beach c. Reef Code 6.03 Rotten Point d. Reef Code 7.03 East Otway e. Reef Code 7.04 Blanket Bay f. Reef Code 7.05 Apollo Bay	1. 38°44'01"S 143°11'08"E 2. 38°44'46"S 143°09'58"E 3. 38°38'06"S 143°55'30"E 4. 38°38'06"S 143°53'29"E	125

Column 1 Spatial management unit name	Column 2 Coordinates bordering spatial management unit	Column 3 Minimum size (Millimetres)
g. Reef Code 7.06 Skenes Creek h. Reef Code 7.07 Franklin - Parker i. Reef Code 7.08 Parker River West Outside j. Reef Code 8.01 Kennett & Wye		
Surf Coast spatial management unit that includes: a. Reef Code 8.02 Cumberland b. Reef Code 8.03 Eastern View c. Reef Code 9.01 Anglesea d. Reef Code 9.02 Jan Juc e. Reef Code 10.01 Point Impossible f. Reef Code 10.02 Thirteenth Beach g. Reef Code 10.03 Ocean Grove h. Reef Code 10.04 Lonsdale Back Beach i. Reef Code 10.05 The Anchor	1. 38°38'06"S 143°53'29"E 2. 38°38'06"S 143°55'30"E 3. 38°18'32"S 144°36'17"E 4. 38°18'00"S 144°37'11"E 5. 38°16'29"S 144°42'55"E 6. 38°10'27"S 144°43'08"E	110
Port Phillip Bay spatial management unit that includes: a. Reef Code 11.01 Indented Head b. Reef Code 11.02 Bellarine c. Reef Code 11.03 Point Wilson d. Reef Code 11.04 Kirks Point e. Reef Code 11.05 Werribee f. Reef Code 11.06 Sheoak g. Reef Code 11.07 Point Cook h. Reef Code 11.08 Altona Bay i. Reef Code 11.09 Sticks Reef j. Reef Code 11.10 Williamstown k. Reef Code 11.11 St Kilda l. Reef Code 11.12 Brighton m. Reef Code 11.13 Black Rock n. Reef Code 11.14 Mordialloc o. Reef Code 11.15 Frankston p. Reef Code 11.16 Canadian Bay q. Reef Code 11.17 Mount Martha r. Reef Code 11.18 Portsea Bayside	1. 38°10'14"S 144°43'08"E 2. 38°10'14"S 144°44'27"E 3. 38°18'44"S 144°42'50"E 4. 38°19'07"S 144°42'50"E	105
Back Beaches spatial management	1. 38°19'07"S 144°42'50"E	119

Column 1 Spatial management unit name	Column 2 Coordinates bordering spatial management unit	Column 3 Minimum size (Millimetres)
unit that includes: a. Reef Code 12.01 Nepean Bay b. Reef code 12.02 Portsea Ocean Beach c. Reef Code 12.03 Sorrento Ocean Beach d. Reef Code 12.04 Rye Ocean Beach e. Reef Code 12.05 Gunnamatta	2. 38°18'44"S 144°42'50"E 3. 38°19'28"S 144°38'58"E 4. 38°21'41"S 144°38'49"E 5. 38°28'45"S 144°51'09"E 6. 38°28'45"S 144°53'09"E	
Flinders spatial management unit that includes: a. Reef Code 12.06 Cape Schanck b. Reef code 13.01 Bushrangers Bay c. Reef Code 13.02 Symmonds Bay West d. Reef Code 13.03 Symmonds Bay East e. Reef Code 13.04 Cairns Bay f. Reef Code 13.05 Flinders g. Reef Code 13.06 Western Port West h. Reef Code 13.07 West Head Tide	1. 38°28'45"S 144°53'09"E 2. 38°28'45"S 144°51'09"E 3. 38°30'23"S 145°00'32"E 4. 38°31'11"S 145°06'19"E 5. 38°27'38"S 145°09'39"E 6. 38°24'01"S 145°08'43"E 7. 38°23'27"S 145°07'42"E	112
Phillip Island spatial management unit that includes: a. Reef Code 14.01 Ventnor – Flynn's b. Reef Code 14.02 Cat Bay c. Reef Code 14.03 Seal Rocks d. Reef Code 14.04 Penguin Reserve e. Reef Code 14.05 Summerlands – Berry f. Reef Code 14.06 Pyramid Rock West g. Reef Code 14.07 Pyramid Rock East h. Reef Code 14.08 Sunderland Bay i. Reef Code 14.09 Cape Woolamai West j. Reef Code 14.10 Cape Woolamai East k. Reef Code 14.11 Summerlands	1. 38°27'55"S 145°09'55"E 2. 38°27'38"S 145°09'39"E 3. 38°31'11"S 145°06'19"E 4. 38°32'33"S 145°06'38"E 5. 38°33'55"S 145°23'03"E 6. 38°31'27"S 145°21'06"E 7. 38°31'06"S 145°21'50"E 8. 38°31'00"S 145°21'42"E	112
Kilcunda spatial management unit that includes:	1. 38°31'12"S 145°22'02"E	115

Column 1 Spatial management unit name	Column 2 Coordinates bordering spatial management unit	Column 3 Minimum size (Millimetres)
a. Reef Code 15.01 San Remo b. Reef Code 15.02 Powlett River	2. 38°31'06"S 145°21'50"E 3. 38°31'27"S 145°21'06"E 4. 38°33'55"S 145°23'03"E 5. 38°40'28"S 145°32'24"E 6. 38°39'03"S 145°33'38"E	
Kilcunda spatial management unit that includes: a. Reef Code 15.03 Harmers Haven b. Reef Code 15.04 Cape Patterson c. Reef Code 15.05 Inverloch	1. 38°39'03"S 145°33'38"E 2. 38°40'28"S 145°32'24"E 3. 38°41'43"S 145°43'43"E 4. 38°38'33"S 145°43'43"E 5. 38°38'21"S 145°43'30"E	110
Cape Liptrap spatial management unit that includes: a. Reef code 16.01 Venus Bay b. Reef Code 16.02 Morgans Beach c. Reef Code 16.03 Cape Liptrap West d. Reef Code 16.04 Cape Liptrap East e. Reef Code 16.05 Walkerville f. Reef Code 16.06 Waratah Reef	1. 38°38'33"S 145°43'43"E 2. 38°41'43"S 145°43'43"E 3. 38°53'14"S 146°02'24"E 4. 38°48'41"S 146°02'24"E	110
Prom Westside spatial management unit includes: a. Reef Code 16.07 Cotters Beach b. Reef Code 17.02 Tongue Point c. Reef Code 17.04 Leonard Point d. Reef Code 17.05 Pillar Point	1. 146°02'25"E to a straight line connecting coordinates longitude 146° 19'35"E, latitude 39°02'28"S and longitude 146°13'48"E, latitude 39°04'08"S (the north-western boundary of the Wilsons Promontory Marine National Park).	115
Prom Westside spatial management unit that includes: a. Reef Code 17.01 Shellback Island b. Reef Code 17.03 Norman Island c. Reef Code 17.10 Great Glennie Island d. Reef Code 17.11 Dannevig Island e. Reef Code 17.12 Citadel Island f. Reef Code 17.13 McHugh	1. The area between longitudes 146°13'02"E and 146°14'22"E and between latitudes 38°57'39"S and 38°58'27"S (Shellback Island), the waters around Norman Island extending to a maximum depth of 30 metres, and the area bounded on the east by waters within 300 metres of the Low Water Marks on McHugh, Dannevig and Great	120

Column 1 Spatial management unit name	Column 2 Coordinates bordering spatial management unit	Column 3 Minimum size (Millimetres)
Island	Glennie Islands (the western boundary of the Wilsons Promontory Marine National Park), on the south by latitude 39°07'10"S, on the north by latitude 39°03'48"S and on the west by a straight line connecting coordinates longitude 146°13'12"E, latitude 39°03'48"S, longitude 146°13'12"E, latitude 39°05'09"S, longitude 146°14'00"E, latitude 39°06'02"S and longitude 146°14'00"E, latitude 39°07'10"S (Great Glennie Island, Dannevig Island, Citadel Island and McHugh Island)	
Prom Eastside spatial management unit that includes: a. Reef Code 18.03 Refuge Cove b. Reef Code 18.04 Five Mile Beach c. Reef Code 18.05 Monkey Point d. Reef Code 18.06 Rabbit Island & Rock e. Reef Code 18.07 Three Mile Beach f. Reef Code 18.09 Ninety Mile Beach	1. 39°03'59"S 146°28'43"E 2. 39°04'02"S 146°28'41"E 3. 38°57'34"S 146°36'36"E 4. 38°53'29"S 146°36'36"E 5. 38°53'29"S 146°44'43"E 6. 38°54'12"S 146°44'43"E 7. 37°55'45"S 148°00'00"E 8. 37°52'52"S 148°00'00"E	110
Cliffy Group spatial management unit that includes: a. Reef Code 18.08 Seal Island Group	1. 38°57'34"S 146°36'36"E 2. 38°53'29"S 146°36'36"E 3. 38°53'29"S 146°44'43"E 4. 38°54'12"S 146°44'43"E	110

SCHEDULE 2

<i>Column 1</i> Waters taken from Victorian marine waters—	<i>Column 2</i> Minimum size (Millimetres)
a) Mouth of Hopkins River to Point Nepean i.e. between longitude 142°30.498'E and longitude 144°38.88'E	145
b) Point Nepean to Lakes Entrance i.e. between longitude 144°38.88'E and longitude 148°E	150

SCHEDULE 3

Column 1 Spatial management unit name	Column 2 Coordinates bordering spatial management unit	Column 3 Upper limit
Shipwreck Coast spatial management unit that includes: f. Reef Code 4.01 Lake Gilliear g. Reef Code 4.02 Antares h. Reef Code 5.01 Peterborough i. Reef Code 5.02 Point Hesse j. Reef Code 5.03 Port Campbell	1. 38°24'14"S 142°31'00"E 2. 38°26'29"S 142°31'00"E 3. 38°39'19"S 143°03'00"E 4. 38°38'52"S 143°03'18"E	41.6 tonnes
Cape Otway spatial management unit that includes: k. Reef Code 6.01 Moonlight Head l. Reef Code 6.02 Milanesia Beach m. Reef Code 6.03 Rotten Point n. Reef Code 7.03 East Otway o. Reef Code 7.04 Blanket Bay p. Reef Code 7.05 Apollo Bay q. Reef Code 7.06 Skenes Creek r. Reef Code 7.07 Franklin - Parker s. Reef Code 7.08 Parker River West Outside t. Reef Code 8.01 Kennett & Wye	1. 38°44'01"S 143°11'08"E 2. 38°44'46"S 143°09'58"E 3. 38°38'06"S 143°55'30"E 4. 38°38'06"S 143°53'29"E	67.0 tonnes
Surf Coast spatial management unit that includes: j. Reef Code 8.02 Cumberland k. Reef Code 8.03 Eastern View l. Reef Code 9.01 Anglesea m. Reef Code 9.02 Jan Juc n. Reef Code 10.01 Point Impossible o. Reef Code 10.02 Thirteenth Beach p. Reef Code 10.03 Ocean Grove q. Reef Code 10.04 Lonsdale Back Beach r. Reef Code 10.05 The Anchor	1. 38°38'06"S 143°53'29"E 2. 38°38'06"S 143°55'30"E 3. 38°18'32"S 144°36'17"E 4. 38°18'00"S 144°37'11"E 5. 38°16'29"S 144°42'55"E 6. 38°10'27"S 144°43'08"E	5.0 tonnes

Column 1 Spatial management unit name	Column 2 Coordinates bordering spatial management unit	Column 3 Upper limit
Port Phillip Bay spatial management unit that includes: s. Reef Code 11.01 Indented Head t. Reef Code 11.02 Bellarine u. Reef Code 11.03 Point Wilson v. Reef Code 11.04 Kirks Point w. Reef Code 11.05 Werribee x. Reef Code 11.06 Sheoak y. Reef Code 11.07 Point Cook z. Reef Code 11.08 Altona Bay aa. Reef Code 11.09 Sticks Reef bb. Reef Code 11.10 Williamstown cc. Reef Code 11.11 St Kilda dd. Reef Code 11.12 Brighton ee. Reef Code 11.13 Black Rock ff. Reef Code 11.14 Mordialloc gg. Reef Code 11.15 Frankston hh. Reef Code 11.16 Canadian Bay ii. Reef Code 11.17 Mount Martha jj. Reef Code 11.18 Portsea Bayside	1. 38°10'14"S 144°43'08"E 2. 38°10'14"S 144°44'27"E 3. 38°18'44"S 144°42'50"E 4. 38°19'07"S 144°42'50"E	5.0 tonnes
Back Beaches spatial management unit that includes: f. Reef Code 12.01 Nepean Bay g. Reef code 12.02 Portsea Ocean Beach h. Reef Code 12.03 Sorrento Ocean Beach i. Reef Code 12.04 Rye Ocean Beach j. Reef Code 12.05 Gunnamatta	1. 38°19'07"S 144°42'50"E 2. 38°18'44"S 144°42'50"E 3. 38°19'28"S 144°38'58"E 4. 38°21'41"S 144°38'49"E 5. 38°28'45"S 144°51'09"E 6. 38°28'45"S 144°53'09"E	42.0 tonnes
Flinders spatial management unit that includes: i. Reef Code 12.06 Cape Schanck j. Reef code 13.01 Bushrangers Bay k. Reef Code 13.02 Symmonds Bay West l. Reef Code 13.03 Symmonds Bay East m. Reef Code 13.04 Cairns Bay n. Reef Code 13.05 Flinders o. Reef Code 13.06 Western Port West p. Reef Code 13.07 West Head Tide	1. 38°28'45"S 144°53'09"E 2. 38°28'45"S 144°51'09"E 3. 38°30'23"S 145°00'32"E 4. 38°31'11"S 145°06'19"E 5. 38°27'38"S 145°09'39"E 6. 38°24'01"S 145°08'43"E 7. 38°23'27"S 145°07'42"E	26.6 tonnes
Phillip Island spatial management unit that includes: l. Reef Code 14.01 Ventnor – Flynn's m. Reef Code 14.02 Cat Bay n. Reef Code 14.03 Seal Rocks o. Reef Code 14.04 Penguin Reserve p. Reef Code 14.05 Summerlands – Berry	1. 38°27'55"S 145°09'55"E 2. 38°27'38"S 145°09'39"E 3. 38°31'11"S 145°06'19"E 4. 38°32'33"S 145°06'38"E 5. 38°33'55"S 145°23'03"E	35.7 tonnes

Column 1 Spatial management unit name	Column 2 Coordinates bordering spatial management unit	Column 3 Upper limit
q. Reef Code 14.06 Pyramid Rock West r. Reef Code 14.07 Pyramid Rock East s. Reef Code 14.08 Sunderland Bay t. Reef Code 14.09 Cape Woolamai West u. Reef Code 14.10 Cape Woolamai East v. Reef Code 14.11 Summerlands	6. 38°31'27"S 145°21'06"E 7. 38°31'06"S 145°21'50"E 8. 38°31'00"S 145°21'42"E	
Kilcunda spatial management unit that includes: c. Reef Code 15.01 San Remo d. Reef Code 15.02 Powlett e. Reef Code 15.03 Harmers Haven f. Reef Code 15.04 Cape Patterson g. Reef Code 15.05 Inverloch	1. 38°31'12"S 145°22'02"E 2. 38°31'06"S 145°21'50"E 3. 38°31'27"S 145°21'06"E 4. 38°33'55"S 145°23'03"E 5. 38°41'43"S 145°43'43"E 6. 38°38'33"S 145°43'43"E 7. 38°38'21"S 145°43'30"E	15.0 tonnes
Cape Liptrap spatial management unit that includes: g. Reef code 16.01 Venus Bay h. Reef Code 16.02 Morgans Beach i. Reef Code 16.03 Cape Liptrap West j. Reef Code 16.04 Cape Liptrap East k. Reef Code 16.05 Walkerville l. Reef Code 16.06 Waratah Reef	1. 38°38'33"S 145°43'43"E 2. 38°41'43"S 145°43'43"E 3. 38°53'14"S 146°02'24"E 4. 38°48'41"S 146°02'24"E	13.0 tonnes
Prom Westside spatial management unit that includes: g. Reef Code 16.07 Cotters Beach h. Reef Code 17.01 Shellback Island i. Reef Code 17.02 Tongue Point j. Reef Code 17.03 Norman Island k. Reef Code 17.04 Leonard Point l. Reef Code 17.05 Pillar Point m. Reef Code 17.10 Great Glennie Island n. Reef Code 17.11 Dannevig Island o. Reef Code 17.12 Citadel Island p. Reef Code 17.13 McHugh Island	1. 38°48'41"S 146°02'24"E 2. 38°53'14"S 146°02'24"E 3. 39°02'59"S 146°17'47"E 4. 39°02'28"S 146°19'34"E 5. Between the High Water Mark of Norman Island and a maximum depth of 30m 6. 39°03'48"S 146°13'11"E 7. 39°05'09"S 146°13'11"E 8. 39°06'01"S 146°14'00"E 9. 39°07'10"S 146°14'00"E 10. Within 300m of the High Water Marks of Great Glennie, Dannevig and McHugh Islands	27.3 tonnes
Prom Eastside spatial management unit that includes: g. Reef Code 18.03 Refuge Cove h. Reef Code 18.04 Five Mile Beach	1. 39°03'59"S 146°28'43"E 2. 39°04'02"S 146°28'41"E 3. 38°57'34"S 146°36'36"E	6.6 tonnes

Column 1 Spatial management unit name	Column 2 Coordinates bordering spatial management unit	Column 3 Upper limit
i. Reef Code 18.05 Monkey Point j. Reef Code 18.06 Rabbit Island & Rock k. Reef Code 18.07 Three Mile Beach l. Reef Code 18.09 Ninety Mile Beach	4. 38°53'29"S 146°36'36"E 5. 38°53'29"S 146°44'43"E 6. 38°54'12"S 146°44'43"E 7. 37°55'45"S 148°00'00"E 8. 37°52'52"S 148°00'00"E	
Clifty Group spatial management unit that includes: b. Reef Code 18.08 Seal Island Group	1. 38°57'34"S 146°36'36"E 2. 38°53'29"S 146°36'36"E 3. 38°53'29"S 146°44'43"E 4. 38°54'12"S 146°44'43"E	7.2 tonnes