

Fisheries Act 1995
FISHERIES NOTICE 2019

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 Section 152 of the Act:

Dated: 19/09/19


Travis Dowling
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (COMMERCIAL SNAPPER CATCH LIMIT) NOTICE 2019

1. Title

This Notice may be cited as the Fisheries (Commercial Snapper Catch Limit) Notice 2019.

2. Objective

The objective of this Notice is to implement measures that will protect snapper populations by establishing catch and trip limits and reporting requirements for the Trawl (Inshore) Fishery.

3. Authorising provision

This Notice is made under Section 152 of the Act.

4. Commencement and superseding of previous Fisheries Notice

This Notice comes into operation on the day it is published in the *Victoria Government Gazette* and the Victorian Fisheries Authority website.

5. Definitions

In this Notice –

Fishing trip means the interval between the vessel leaving a port or mooring and returning to a port or mooring.

Eastern Zone means Victorian waters east of the line of longitude 146° 20' not including Corner Inlet.

Landing means the place where fish: –

- (a) are taken ashore; or
- (b) make contact with any man-made fixed structure, including a pier, jetty, or wharf; or
- (c) make contact with any artificial extension of land.

Western Zone means Victorian waters west of the line of longitude 146° 20'

Snapper means *Pagrus auratus*.

Snapper Zone means any one of the following:

- (a) Eastern Zone; or
- (b) Western Zone.

Aggregated amount means the total amount of snapper taken by all fishers operating in the Trawl (Inshore) Fishery from 1 September 2019.

Specified snapper details means –

- (1) for the purposes of clause 10(1)(a) of this Fisheries Notice –
 - (a) the number allocated by the Secretary to identify the access licence;
 - (b) the estimated weight (in kilograms) of snapper on board the vessel;
 - (c) the snapper zone from which the snapper were taken;
 - (d) the vessel name and identifying mark;
 - (e) the port or mooring area the vessel will enter;
 - (f) the estimated time at which the vessel will enter the port or mooring area; and
 - (g) the estimated time of fish being landed
- (2) for the purposes of clause 10(1)(f) of this Fisheries Notice –
 - (a) the number allocated by the Secretary to identify the access licence; and
 - (b) the total net weight (in kilograms) of snapper landed under the licence.

6. *Daily trip limit*

The holder of a Trawl (Inshore) Fishery Access must not –

- (a) take during any fishing trip or on any day;
- (b) land following a fishing trip or on any day; or
- (c) possess on board a boat;

more than 50 kilograms of snapper.

Penalty: 50 penalty units

7. *Snapper must be landed before boat departs port or mooring*

The holder of a Trawl (Inshore) Fishery Access Licence must ensure that when the boat authorised to be used under the licence departs any port or mooring, there are no snapper in or on the boat.

Penalty: 50 penalty units

8. *Fishing in more than one zone prohibited*

- (1) The holder of a Trawl (Inshore) Fishery Access Licence must not take snapper in more than one snapper zone during any fishing trip or on any day.

Penalty: 50 penalty units

- (2) The holder of a Trawl (Inshore) Fishery Access Licence must not use commercial fishing equipment in more than one snapper zone on any fishing trip or on any day if –

- (a) the licence holder has snapper in their possession or control; or
- (b) there are snapper on-board the boat authorised to be used under the licence.

Penalty: 50 penalty units

9. *Exemptions*

- (1) A Trawl (Inshore) Fishery Access Licence holder is exempt from clause 6 of this Fisheries Notice, if –

- (a) Eastern zone –
 - i. the person is operating in the Eastern Zone; and

- ii. an aggregated amount of less than 10 tonnes of snapper has been caught under Trawl (Inshore) Fishery Access Licences in the Eastern Zone since 1 September 2019; or
- (b) Western Zone –
 - i. the person is operating in the Western Zone; and
 - ii. an aggregated amount of less than 35 tonnes of snapper has been caught under Trawl (Inshore) Fishery Access Licences in the Western Zone since 1 September 2019.
- (2) A Trawl (Inshore) Fishery Access Licence holder is exempt from sub-clause 10(1)(f) of this Fisheries Notice, if –
 - (a) Eastern Zone –
 - i. the person is operating in the Eastern Zone; and
 - ii. an aggregated amount of more than 10 tonnes of snapper has been caught under Trawl (Inshore) Fishery Access Licences in the Eastern Zone since 1 September 2019; or
 - (b) Western Zone –
 - i. the person is operating in the Western Zone; and
 - ii. an aggregated amount of more than 35 tonnes of snapper has been caught under Trawl (Inshore) Fishery Access Licences in the Western Zone since 1 September 2019.

10. Reporting, landing and record keeping

- (1) A Trawl (Inshore) Fishery Access Licence holder must –
 - (a) ensure that the specified snapper details are provided to the Secretary at least 2 hours before the vessel specified in the licence enters a port or mooring area on any day if the vessel has any snapper on board; and
 - (b) ensure that any snapper on-board the boat are landed at the port or mooring specified to the Secretary under sub-clause (a); and
 - (c) ensure that no snapper are landed from the boat specified in the licence before the estimated time for entering a port or mooring area provided to the Secretary under sub-clause (a); and
 - (d) ensure that all snapper on-board the boat specified in the licence are landed no later than one hour after the estimated landing time specified to the Secretary under sub-clause (a); and
 - (e) ensure that any snapper landed from the boat specified in the licence are weighed no later than 2 hours after landing; and
 - (f) ensure that the specified snapper details are provided to the Secretary no later than 2 hours after landing; and
 - (g) ensure that all details of the daily catch record are completed in the manner required by the Secretary before providing any details to the Secretary under sub-clause (f); and
 - (h) ensure that no snapper taken under the licence enters any vehicle that already contains fish, is sold or leaves the place of landing of the snapper or enters any premises to which fish is processed or held, until the licence holder has complied with sub-clause (f).

Penalty: 50 penalty units

- (2) A Trawl (Inshore) Fishery Access Licence holder must ensure that the daily catch record book is on board the boat specified in the licence at all times –
 - (a) when the licence holder or any person acting on behalf of the licence holder is on-board the boat; or
 - (b) when snapper is on board the boat.

Penalty: 50 penalty units

Note: Reporting and record keeping requirements specified in clause 10 of this Fisheries Notice are in addition to the reporting requirements specified in the *Fisheries Regulations 2009*.

11. Transfer of snapper at sea prohibited

- (1) The holder of a Trawl (Inshore) Fishery Access Licence must ensure that snapper are not –
 - (a) transferred in, under or on any waters from the boat specified in the licence to any other boat; or
 - (b) sold, transferred or delivered to another person in, under or on any waters.

Penalty: 50 penalty units

- (2) The holder of a Trawl (Inshore) Fishery Access Licence must ensure that snapper taken by a person who is not acting on behalf of the licence holder are not transferred in, under or on any waters to the possession or control of the licence holder or any person acting on behalf of the licence holder (whether on board the boat or not).

Penalty: 50 penalty units

- (3) Sub-clause (1) does not apply to a licence holder who allows snapper to be transferred to a tender boat prior to landing, if that boat proceeds directly to the port or mooring notified to the Secretary in accordance with clause 10(1)(a).

12. Fisheries reserves

For the purposes of section 152(4) of the Act, this notice also applies to any fisheries reserve.

13. Revocation

- (1) The Fisheries (Commercial Snapper Catch Limit) Notice 2018 is revoked.
- (2) Unless sooner revoked, this Notice will be automatically revoked 12 months after the day on which it comes into operation.

Note: Section 152(3) of the Act provides that if a Fisheries Notice is inconsistent with any regulations, management plan, Ministerial direction, licence or permit, the Fisheries Notice prevails to the extent of the inconsistency.

Note: Penalties under this notice are set in accordance with section 152(7)(c) of the *Fisheries Act* which allow the imposition of penalties not exceeding 50 penalty units for a contravention of an offence under a fisheries notice.