

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 67, 114 and 152 of the Act:

Dated 28 June 2021

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (ABALONE DISEASE CLOSURE NO. 3) NOTICE 2021

1. Title

This Notice may be cited as the Fisheries (Abalone Disease Closure No. 3) Notice 2021.

2. Objectives

The objectives of this Notice are to protect the abalone fishery and abalone aquaculture activities by reducing the risk of abalone viral ganglioneuritis spread due to specified activities.

3. Authorising provision

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

4. Commencement

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

5. Definitions

In this Fisheries Notice –

‘approved recreational fishing equipment’ means a rod and line or handline (which does not have a sinker attached), a lure or bait (live or dead) trolled under propulsion or a neutrally or positively buoyant lure, but does not include a weighted jig or a weighted bait jig;

‘aquaculture protection area’ means all marine waters shown hatched on the plan in the Schedule;

‘control area’ means all marine waters within a control area declared under section 29 of the **Livestock Disease Control Act 1995** for the purpose of preventing, controlling or eradicating the exotic disease, abalone viral ganglioneuritis, except any waters in an aquaculture protection area;

‘dive equipment’ includes any mask, snorkel or underwater breathing apparatus;

‘inspector’ means an inspector of livestock appointed under the **Livestock Disease Control Act 1994**;

‘shellfish’ means all species in the phylum Mollusca except squid, octopus and cuttlefish;

‘substrate’ means any part of the sea-bed and sub-soil lying beneath the waters;

‘the Act’ means the **Fisheries Act 1995**;

‘VFA’ means the Victorian Fisheries Authority established under the **Victorian Fisheries Authority Act 2016**.

6. Prohibition on the use of specified equipment in the control area

(1) For the purposes of section 114 of the Act, the use of any recreational fishing equipment, commercial fishing equipment or commercial abalone equipment in the control area is prohibited.

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

(a) the taking of any species of fish in the control area is 0; or

(b) the possession of any species of shellfish, aquatic crustaceans or echinoderms in the control area is 0.

- (3) Sub-clause (1) and (2)(a) do not apply to a person who uses approved recreational fishing equipment anywhere in the control area to take a species of fish other than shellfish, aquatic crustaceans or echinoderms and who is otherwise fishing in accordance with the Fisheries Regulations 2019.
- (4) Sub-clause (1) and (2)(a) do not apply to a person who uses a rod and line or handline to take a species of fish other than shellfish, aquatic crustaceans or echinoderms from the Port of Portland Breakwater structures and who is otherwise fishing in accordance with the Fisheries Regulations 2019.
- (5) Sub-clause (2)(b) does not apply to a person travelling by the shortest practicable route from a point outside the control area to another point outside the control area.
- (6) For the purposes of section 114 of the Act, the use of any dive equipment in the control area is prohibited.

7. Prohibition on the use of anchored boats in the control area

- (1) For the purposes of section 114 of the Act, the use of any boat that is anchored in the control area is prohibited.
- (2) Sub-clause (1) does not apply to a commercial boat greater than 35 metres in length anchoring in the Portland Anchorage, with approval of the Harbour Master for the port waters of Portland.

8. Prohibition on collecting substrate in the control area or aquaculture protection area

A person must not collect any substrate from the control area or aquaculture protection area.
Penalty: 50 Penalty units.

9. Prohibition on fishing within the aquaculture protection area

- (1) For the purposes of section 114 of the Act, the use of any recreational fishing equipment, commercial fishing equipment or commercial abalone equipment in the aquaculture protection area is prohibited.
- (2) For the purposes of section 114 of the Act, the use of any-
 - a. dive equipment; or
 - b. boat that is anchored –in the aquaculture protection area is prohibited.
- (3) For the purposes of the Act, the catch limit with respect to the taking or possession of any species of fish in or on waters in the aquaculture protection area is 0.

10. Exemptions

- (1) This notice does not apply to an inspector, authorised officer, police officer or employee or agent of the VFA or Agriculture Victoria acting in the execution of their duties.
- (2) An authorised officer or inspector may issue a permit authorising a person to carry out one or more activities prohibited or restricted by this fisheries notice –
 - a. subject to any conditions; and
 - b. to be effective for any period of time –that the officer or inspector specifies in the permit.
- (3) The holder of a permit issued under sub-clause (2) must comply with any condition to which the permit is subject.
Penalty: 50 penalty units

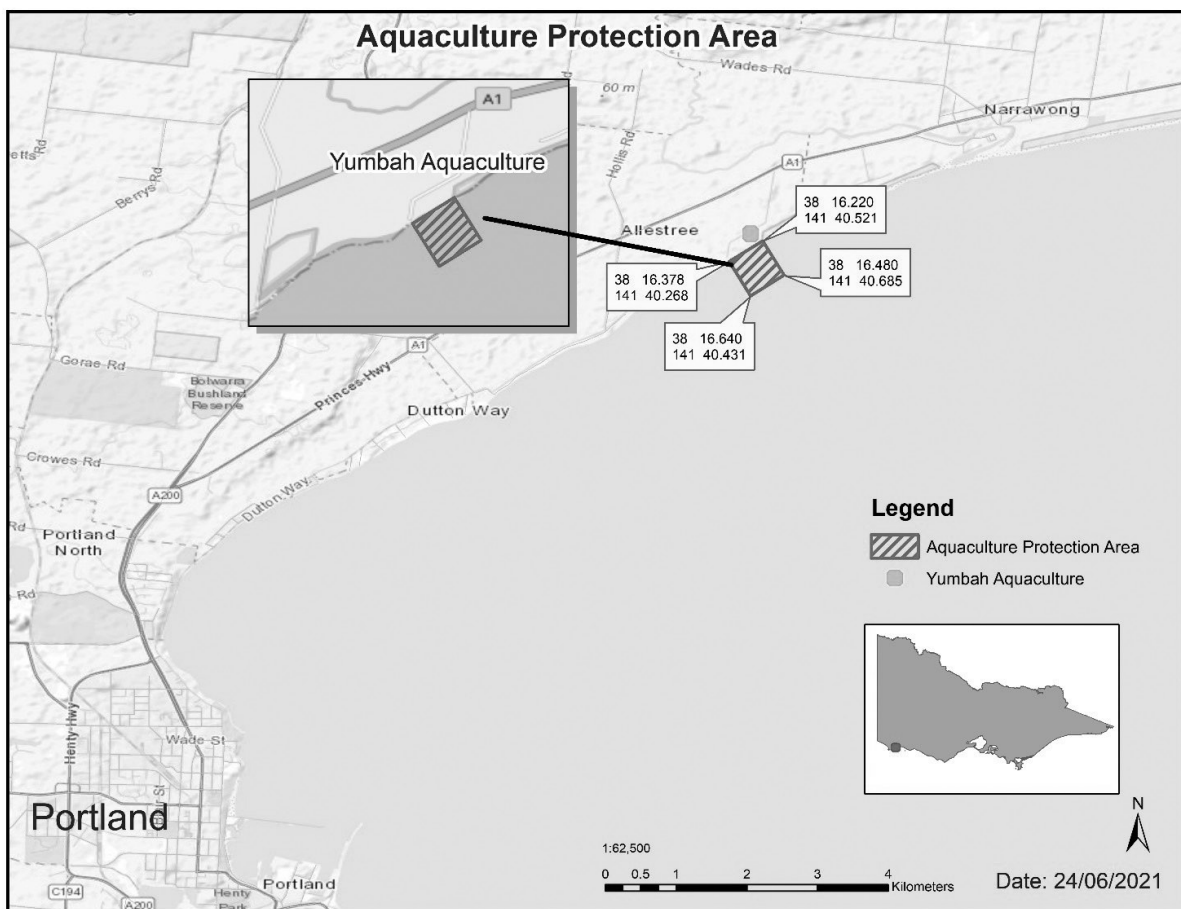
11. Application to Fisheries Reserves

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

12. Revocation

- (1) The Fisheries (Abalone Disease Closure No 2) Notice 2021, gazetted on 31 May 2021 (No. S257), is revoked.
- (2) Unless sooner revoked, this Notice will be revoked on 31 August 2021.

Notes: Contravention of any prohibition under Sections 67 and 114 of the Act, as set out in this Fisheries Notice, is an offence under that section of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

SCHEDULE

Geocentric Datum of Australia (GDA) 94

Coordinate Labels: Degrees and decimal minutes