

## **Fisheries Act 1995**

### **FISHERIES NOTICE 2023**

I, Ian Parks, A/ Chief Executive Officer of the Victorian Fisheries Authority, as delegate for 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 Sections 67, 114 and 152 of the Act:

Date: 22/06/2023



**Ian Parks**  
**A/ Chief Executive Officer**  
**Victorian Fisheries Authority**

### **FISHERIES (WESTERN ABALONE STOCK PROTECTION) NOTICE 2023**

#### **1. Title**

This Notice may be cited as the Fisheries (Western Abalone Stock Protection) Notice 2023.

#### **2. Objectives**

The objectives of this Notice are to protect the abalone fishery by protecting areas decimated by the Abalone Viral Ganglioneuritis (AVG) and reducing the risk of spread of AVG 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 1 July 2023.

#### **5. Definitions**

In this Fisheries Notice –

**“commercial abalone equipment”** has the same meaning as in the Act;

**“specified waters”** means all marine waters shown on the plan in the Schedule 1. This includes all Victorian waters up to the high tide mark, between Cape Bridgewater, shown at point A (38° 20.920' S, 141° 23.130' E), to Point Danger shown at point B (38° 23.591' S, 141° 39.00' E); and all waters south of the area between point B and point C (38° 23.591' S, 141° 40.634' E), encompassing Lawrence Rocks. All areas extend from the high tide mark within these boundaries, out to a depth of 30 metres;

**“coff”** has the same meaning as in the **Fisheries Regulations 2019**;

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

**“VFA”** means the Victorian Fisheries Authority established under the **Victorian Fisheries Authority Act 2016**.

**6. *Prohibition on abalone fishing within specified waters***

- (1) For the purposes of section 67 of the Act –
- (a) the taking of abalone from specified waters; or
  - (b) the possession of abalone in or on specified waters; or
  - (c) the landing or sale of abalone taken from specified waters –
- is prohibited.
- (2) For the purposes of the Act, the catch limit with respect to the taking of abalone from, or the possession of abalone in or on specified waters is 0.

**7. *Prohibition on using abalone as bait or berley***

A person must not use abalone as bait or berley in Victorian waters.

Penalty: 50 Penalty units.

**8. *Prohibition on depositing abalone shells***

A person must not deposit abalone shells in any Victorian waters.

Penalty: 50 Penalty units.

**9. *Prohibition on using a coff for abalone***

- (1) For the purposes of section 114 of the Act, the use of any coff for holding abalone in marine waters is prohibited.
- (2) Sub-clause (1) does not apply to the holder of an Aquaculture (Crown Land – Abalone) Licence acting in accordance with the licence.

**10. *Exemptions***

- (1) This notice does not apply to an authorised officer, police officer or employee or agent of the VFA acting in the execution of their duties.
- (2) An authorised officer 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 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) Unless sooner revoked, this Notice will be revoked on 30 June 2024.

**Note:** 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 1



Geocentric Datum of Australia (GDA) 94

Coordinate Labels: Degrees and decimal minutes