

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:

Date: 11 / 11 / 2021



Travis Dowling
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (WESTERN ABALONE ZONE STOCK PROTECTION) NOTICE 2021

1. *Title*

This Notice may be cited as the Fisheries (Western Abalone Zone Stock Protection) Notice 2021.

2. *Objectives*

The objectives of this Notice are to protect abalone stocks impacted by abalone viral ganglioneuritis in the Western abalone zone.

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 –

‘commercial abalone equipment’ has the same meaning as in the Act

‘specified waters’ means all marine waters shown hatched on the plan in the Schedule; including the area of 1nm seaward from the high-water mark sounding Cape Bridgewater and the area north of a straight line between 141° 34.003' E; 38° 24.103' S and 141° 37.152' E; 38° 24.103' S

‘prohibited equipment’ means any commercial abalone equipment, rock lobster pot or recreational hoop net;

‘rock lobster pot’ and **“recreational hoop net”** have 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 and rock lobster fishing within specified waters*

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

(a) the taking of abalone or rock lobster from specified waters; or

(b) the possession of abalone rock lobster in or on specified waters; or

(c) the landing or sale of abalone or rock lobster taken from specified waters – is prohibited.

(2) For the purposes of section 114 of the Act,

(a) the use of any prohibited equipment in specified waters; or

(b) the possession of any prohibited equipment in or on specified waters – is prohibited.

(3) Sub-clause (2)(b) does not apply to a person if the equipment is stored or secured on board a boat and the boat is travelling by the shortest practicable route from a place outside of the specified waters to another place outside of those waters.

(3) For the purposes of the Act, the catch limit with respect to the taking of abalone or rock lobster from, or the possession of abalone or rock lobster in or on, specified waters is 0.

7. 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

8. Application to Fisheries Reserves

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

9. Revocation

(1) Unless sooner revoked, this Notice will be revoked on 12 February 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