**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 Sections 67, 68A, 114 and 152 of the Act:

Date: 31/01/2019

# Travis Dowling

# Chief Executive Officer

## Fisheries (EASTERN Abalone ZONE) Notice 2019

***1. Title***

This Notice may be cited as the Fisheries (Eastern Abalone Zone) Notice 2019

***2. Objectives***

The objective of this Notice is to:

1. fix minimum size limits for blacklip abalone taken under an Abalone Fishery Access Licence in the Eastern Abalone Zone.
2. address sustainability concerns for Victorian Eastern 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.

1. ***Commencement***

This Notice comes into operation on 1 April 2019.

1. ***Definitions***

In this fisheries notice –

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

 “***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 2 and/or the marine waters within a reef code for which the upper limit has been reached or exceeded as specified in Column 3 of Schedule 3;

***"eastern abalone zone"*** means all Victorian waters east of longitude 148° East;

**“*nominated operator”***means –

1. a licence holder permitted under section 39(1) of the Act; or
2. 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 1 of Schedule 1;

 ***“spatial management unit”*** means each area of Victorian marine waters specified in Column 1 of Schedule 2;

***“reef code”*** 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 2 means the amount of abalone specified in Column 3 of Schedule 2 corresponding to that spatial management unit and for the reef code specified in Column 1 of Schedule 3 means the amount of abalone specified in Column 3 of Schedule 3 corresponding to that reef code;

***“VFA”*** means the Victorian Fisheries Authority.

***6. Minimum sizes for blacklip abalone taken from the eastern 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 Column 1 of Schedule 1 is the size specified for those waters in Column 2 of Schedule 1.

**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 2009* 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 -

1. the taking of abalone under an AFAL from more than one size zone on any fishing trip; or
2. the possession of abalone taken from more than one size zone on-board any boat being used under an AFAL; or
3. 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 to commercial abalone harvest when the upper limit specified in Column 3 of Schedule 2 has been reached or exceeded.

***9. Determination that a reef code catch target exceeded***

1. The CEO may determine that the total amount of abalone taken under Abalone Fishery (Eastern Zone) Access Licences from a reef code has exceeded the upper limit.
2. Without limiting the generality of sub-clause (1), a determination may:
3. specify one or more reef codes;
4. specify that it comes into effect on a particular date and time; and
5. be varied or revoked at any time.
6. The CEO must ensure that a copy of the determination is sent to each holder of an Abalone Fishery (Eastern Zone) Access Licence as soon as possible after it is made.

***10. Closed waters***

1. For the purposes of section 67 of the Act -
2. the taking of abalone from closed waters; or
3. 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.

***11. 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.

***12. Revocation***

Unless sooner revoked, this Notice will be revoked on 31 March 2020.

**SCHEDULES**

**SCHEDULE 1**

| **Column 1****Spatial management unit name** | **Column 2****Coordinates bordering spatial management unit** | **Column 3****Minimum size (Millimetres)** |
| --- | --- | --- |
| Marlo spatial management unit that includes:1. Reef Code 21.00 Lakes Entrance
2. Reef Code 22.01 Marlo
3. Reef Code 22.02 French’s
4. Reef Code 22.03 Point Ricardo
5. Reef Code 22.04 Cape Conran
6. Reef Code 22.05 East Cape
7. Reef Code 22.06 Yeerung Reef
8. Reef Code 22.08 Pearl Point
9. Reef Code 22.09 Tamboon Reef
10. Reef Code 22.10 Clinton Rocks
11. Reef Code 23.01 Point Hicks
 | 1. 37°52'53"S 148°00'04"E2. 37°55'46"S 148°00'04"E3. 37°47'59"S 149°12'56"E4. 37°46'39"S 149°12'54"E | 120mm |
| Mallacoota West spatial management unit that includes:1. Reef Code 23.02 Whaleback
2. Reef Code 23.03 Mueller
3. Reef Code 23.04 Petrel Point
4. Reef Code 23.05 Island Point
 | 1. 37°47'53"S 149°16'54"E2. 37°48'26"S 149°16'55"E3. 37°48'25"S 149°17'40"E4. 37°48'30"S 149°17'40"E5. 37°47'17"S 149°27'12"E6. 37°46'11"S 149°27'12"E | 125mm |
| Mallacoota Large spatial management unit that includes:1. Reef Code 23.06 Big Rame
2. Reef Code 24.00 The Skerries
3. Reef Code 24.03 Easby Creek
 | 1. 37°46'11"S 149°27'12"E2. 37°47'17"S 149°27'12"E3. 37°45'05"S 149°32'45"E4. 37°43'45"S 149°32'45"E | 138mm |
| Mallacoota Central spatial management unit that includes:1. Reef Code 24.04 Red River
2. Reef Code 24.05 Secret Reef
3. Reef Code 24.06 Sandpatch Point
4. Reef Code 24.07 Sandpatch Point Lee
5. Reef Code 24.08 Benedore
 | 1. 37°43'45"S 149°32'45"E2. 37°45'05"S 149°32'45"E3. 37°42'10"S 149°39'22"E4. 37°41'23"S 149°39'22"E | 125mm |
| Mallacoota Small spatial management unit that includes:1. Reef Code 24.09 Little Rame
2. Reef Code 24.14 Bastion Point
 | Little Rame1. 37°41' 23"S 149°39' 22"E2. 37°42' 10"S 149°39' 22"E3. 37°41' 27"S 149°41' 22"E4. 37°41' 04"S 149°40' 39"EBastion Point 1. 37°35'05"S 149°44'19"E2. 37°36'42"S 149°46'10"E3. 37°34'23"S 149°50'16"E4. 37°33'07"S 149°50'16"E5. 37°33'07"S 149°51'36"E6. 37°33'59"S 149°51'36"E7. 37°33'41"S 149°53'30"E8. 37°32'28"S 149°53'30"E | 115mm |
| Airport spatial management unit that includes:1. Reef Code 24.10 Little Rame Lee
2. Reef Code 24.11 Shipwreck – Seal Ck
3. Reef Code 24.15 Tullaberga Island
4. Reef Code 24.16 Gabo Harbour
5. Reef Code 24.21 Quarry/ Betka Beach
 | 1. 37°41' 04"S 149°40' 39"E2. 37°41' 27"S 149°41' 22"E3. 37°36' 42"S 149°46' 10"E4. 37°35' 05"S 149°44' 19"E5. 37°34' 23"S 149°50' 16"E6. 37°33' 07"S 149°50' 16"E7. 37°33' 07"S 149°51' 36"E8. 37°33' 59"S 149°51' 36"E9. 37°32' 28"S 149°53' 30"E10. 37°33' 41"S 149°53' 30"E11. 37°33' 57"S 149°54' 02"E12. 37°33' 50"S 149°54' 20"E13. 37°32' 55"S 149°54' 20"E14. 37°32' 34"S 149°54' 16"E | 120mm |
| Airport spatial management unit that includes:1. Reef Code 25.10 Little Rame Lee
2. Reef Code 25.11 Shipwreck – Seal Ck
3. Reef Code 25.15 Tullaberga Island
4. Reef Code 25.16 Gabo Harbour
5. Reef Code25.21 Quarry / Betka Beach
 | 1. 37°41' 04"S 149°40' 39"E2. 37°41' 27"S 149°41' 22"E3. 37°36' 42"S 149°46' 10"E4. 37°35' 05"S 149°44' 19"E5. 37°34' 23"S 149°50' 16"E6. 37°33' 07"S 149°50' 16"E7. 37°33' 07"S 149°51' 36"E8. 37°33' 59"S 149°51' 36"E9. 37°32' 28"S 149°53' 30"E10. 37°33' 41"S 149°53' 30"E11. 37°33' 57"S 149°54' 02"E12. 37°33' 50"S 149°54' 20"E13. 37°32' 55"S 149°54' 20"E14. 37°32' 34"S 149°54' 16"E | 110mm |
| Mallacoota East spatial management unit that includes:1. Reef Code 24.17 Gabo Island
2. Reef Code 24.18 Gunshot
3. Reef Code 24.19 Iron Prince
 | 1. 37°32' 34"S 149°54' 16"E2. 37°32' 55"S 149°54' 20"E3. 37°33' 50"S 149°54' 20"E4. 37°33' 57"S 149°54' 02"E5. 37°32' 56”S 149°55' 58”E6. 37°32' 07"S 149°54' 45"E7. 37°31' 09"S 149°56' 34"E8. 37°32' 02"S 149°57' 37"E9. 37°31' 14"S 149°58' 22"E10. 37°30' 46"S 149°57' 49"E | 120mm |

**SCHEDULE 2**

| **Column 1****Spatial management unit name** | **Column 2****Coordinates bordering spatial management unit** | **Column 3****Upper limit** |
| --- | --- | --- |
| Marlo spatial management unit that includes:1. Reef Code 21.00 Lakes Entrance
2. Reef Code 22.01 Marlo
3. Reef Code 22.02 French’s
4. Reef Code 22.03 Point Ricardo
5. Reef Code 22.04 Cape Conran
6. Reef Code 22.05 East Cape
7. Reef Code 22.06 Yeerung Reef
8. Reef Code 22.08 Pearl Point
9. Reef Code 22.09 Tamboon Reef
10. Reef Code 22.10 Clinton Rocks
11. Reef Code 23.01 Point Hicks
 | 1. 37°52'53"S 148°00'04"E2. 37°55'46"S 148°00'04"E3. 37°47'59"S 149°12'56"E4. 37°46'39"S 149°12'54"E | 93.0 tonnes |
| Mallacoota West spatial management unit that includes:1. Reef Code 23.02 Whaleback
2. Reef Code 23.03 Mueller
3. Reef Code 23.04 Petrel Point
4. Reef Code 23.05 Island Point
 | 1. 37°47'53"S 149°16'54"E2. 37°48'26"S 149°16'55"E3. 37°48'25"S 149°17'40"E4. 37°48'30"S 149°17'40"E5. 37°47'17"S 149°27'12"E6. 37°46'11"S 149°27'12"E | 61.1 tonnes |
| Mallacoota Large spatial management unit that includes:1. Reef Code 23.06 Big Rame
2. Reef Code 24.00 The Skerries
3. Reef Code 24.03 Easby Creek
 | 1. 37°46'11"S 149°27'12"E2. 37°47'17"S 149°27'12"E3. 37°45'05"S 149°32'45"E4. 37°43'45"S 149°32'45"E | 30.6 tonnes |
| Mallacoota Central spatial management unit that includes:1. Reef Code 24.04 Red River
2. Reef Code 24.05 Secret Reef
3. Reef Code 24.06 Sandpatch Point
4. Reef Code 24.07 Sandpatch Point Lee
5. Reef Code 24.08 Benedore
 | 1. 37°43'45"S 149°32'45"E2. 37°45'05"S 149°32'45"E3. 37°42'10"S 149°39'22"E4. 37°41'23"S 149°39'22"E | 74.1 tonnes |
| Mallacoota Small spatial management unit that includes:1. Reef Code 24.09 Little Rame
2. Reef Code 24.14 Bastion Point
 | Little Rame1. 37°41' 23"S 149°39' 22"E2. 37°42' 10"S 149°39' 22"E3. 37°41' 27"S 149°41' 22"E4. 37°41' 04"S 149°40' 39"EBastion Point 1. 37°35'05"S 149°44'19"E2. 37°36'42"S 149°46'10"E3. 37°34'23"S 149°50'16"E4. 37°33'07"S 149°50'16"E5. 37°33'07"S 149°51'36"E6. 37°33'59"S 149°51'36"E7. 37°33'41"S 149°53'30"E8. 37°32'28"S 149°53'30"E | 27.3 tonnes |
| Airport spatial management unit that includes:1. Reef Code 24.10/25.10 Little Rame Lee
2. Reef Code 24.11/25.11 Shipwreck – Seal Ck
3. Reef Code 24.15/25.15 Tullaberga Island
4. Reef Code 24.16/25.16 Gabo Harbour
5. Reef Code 24.21/25.21 Quarry / Betka Beach
 | 1. 37°41' 04"S 149°40' 39"E2. 37°41' 27"S 149°41' 22"E3. 37°36' 42"S 149°46' 10"E4. 37°35' 05"S 149°44' 19"E5. 37°34' 23"S 149°50' 16"E6. 37°33' 07"S 149°50' 16"E7. 37°33' 07"S 149°51' 36"E8. 37°33' 59"S 149°51' 36"E9. 37°32' 28"S 149°53' 30"E10. 37°33' 41"S 149°53' 30"E11. 37°33' 57"S 149°54' 02"E12. 37°33' 50"S 149°54' 20"E13. 37°32' 55"S 149°54' 20"E14. 37°32' 34"S 149°54' 16"E | 117.0 tonnes |
| Mallacoota East spatial management unit that includes:1. Reef Code 24.17 Gabo Island
2. Reef Code 24.18 Gunshot
3. Reef Code 24.19 Iron Prince
 | 1. 37°32' 34"S 149°54' 16"E2. 37°32' 55"S 149°54' 20"E3. 37°33' 50"S 149°54' 20"E4. 37°33' 57"S 149°54' 02"E5. 37°32' 56”S 149°55' 58”E6. 37°32' 07"S 149°54' 45"E7. 37°31' 09"S 149°56' 34"E8. 37°32' 02"S 149°57' 37"E9. 37°31' 14"S 149°58' 22"E10. 37°30' 46"S 149°57' 49"E | 46.2 tonnes |

**SCHEDULE 3**

| **Column 1****Reef code name** | **Column 2****Coordinates bordering reef code** | **Column 3****Upper limit** |
| --- | --- | --- |
| Reef Code 22.01 Marlo | Coordinates bordering Marlo reef code1. 37°48’36’’S 148°18’00’’E2. 37°50’13’’S 148°18’00’’E3. 37°50’07’’S 148°32’24’’E4. 37°48’08’’S 148°32’24’’E | 0 tonnes |
| Reef Code 22.02 French’s | Coordinates bordering French’s reef code1. 37°48’08’’S 148°32’24’’E2. 37°50’07’’S 148°32’24’’E3. 37°50’14’’S 148°36’26’’E4. 37°48’11’’S 148°36’26’’E | 8.5 tonnes |
| Reef Code 22.03 Point Ricardo | Coordinates bordering Point Ricardo reef code1. 37°48’11’’S 148°36’26’’E2. 37°50’14’’S 148°36’26’’E3. 37°50’02’’S 148°39’04’’E4. 37°48’12’’S 148°39’04’’E | 6.5 tonnes |
| Reef Code 22.04 Cape Conran | Coordinates bordering Cape Conran reef code1. 37°48’12’’S 148°39’04’’E2. 37°50’02’’S 148°39’04’’E3. 37°49’30’’S 148°44’21’’E4. 37°48’24’’S 148°44’21’’E | 19.5 tonnes |
| Reef Code 22.05 East Cape | Coordinates bordering East Cape reef code1. 37°48’24’’S 148°44’21’’E2. 37°49’30’’S 148°44’21’’E3. 37°49’25’’S 148°46’24’’E4. 37°47’29’’S 148°46’24’’E | 22.1 tonnes |
| Reef Code 22.06 Yeerung Reef | Coordinates bordering Yeerung Reef reef code1. 37°47’29’’S 148°46’24’’E2. 37°49’25’’S 148°46’24’’E3. 37°48’33’’S 148°52’14’’E4. 37°47’10’’S 148°52’14’’E | 10.4 tonnes |
| Reef Code 22.08 Pearl Point | Coordinates bordering Pearl Point reef code1. 37°47’10’’S 148°52’14’’E2. 37°48’33’’S 148°52’14’’E3. 37°48’40’’S 149°01’08’’E4. 37°46’51’’S 149°01’08’’E | 26.0 tonnes |
| Reef Code 22.09 Tamboon Reef | Coordinates bordering Tamboon Reef reef code1. 37°46’51’’S 149°01’08’’E2. 37°48’40’’S 149°01’08’’E3. 37°48’02’’S 149°10’03’’E4. 37°46’41’’S 149°10’03’’E | 0 tonnes |
| Reef Code 22.10 Clinton Rocks | Coordinates bordering Clinton Rocks reef code1. 37°46’41’’S 149°10’03’’E2. 37°48’02’’S 149°10’03’’E3. 37°47’46’’S 149°11’43’’E4. 37°46’43’’S 149°11’43’’E | 0 tonnes |
| Reef Code 23.01 Point Hicks | Coordinates bordering Point Hicks reef code1. 37°46’43’’S 149°11’43’’E2. 37°47’46’’S 149°11’43’’E3. 37°47’59’’S 149°12’56’’E4. 37°46’39’’S 149°12’54’’E | 0 tonnes |
| Reef Code 23.02 Whaleback | Coordinates bordering Whaleback reef code1. 37°47’53’’S 149°16’54’’E2. 37°48’26’’S 149°16’55’’E3. 37°48’25’’S 149°17’40’’E4. 37°48’30’’S 149°17’40’’E5. 37°48’36’’S 149°18’33’’E6. 37°46’57’’S 149°18’33’’E | 10.4 tonnes |
| Reef Code 23.03 Mueller | Coordinates bordering Mueller reef code1. 37°46’57’’S 149°18’33’’E2. 37°48’36’’S 149°18’33’’E3. 37°48’09’’S 149°20’26’’E4. 37°46’36’’S 149°20’26’’E | 7.8 tonnes |
| Reef Code 23.04 Petrel Point | Coordinates bordering Petrel Point reef code1. 37°46’36’’S 149°20’26’’E2. 37°48’09’’S 149°20’26’’E3. 37°47’22’’S 149°24’15’’E4. 37°46’27’’S 149°24’15’’E | 19.5 tonnes |
| Reef Code 23.05 Island Point | Coordinates bordering Island Point reef code1. 37°46’27’’S 149°24’15’’E2. 37°47’22’’S 149°24’15’’E3. 37°47’17’’S 149°27’12’’E4. 37°46’11’’S 149°27’12’’E | 23.4 tonnes |
| Reef Code 23.06 Big Rame | Coordinates bordering Big Rame reef code1. 37°46’11’’S 149°27’12’’E2. 37°47’17’’S 149°27’12’’E3. 37°46’17’’S 149°30’58’’E4. 37°45’20’’S 149°30’21’’E5. 37°45’20’’S 149°29’47’’E | 23.4 tonnes |
| Reef Code 24.00 The Skerries | Coordinates bordering The Skerries reef code1. 37°45' 20"S 149°29' 47"E2. 37°45' 20"S 149°30' 21"E3. 37°46' 17"S 149°30' 58"E4. 37°45' 27"S 149°32' 01"E5. 37°44' 22"S 149°31' 17"E | 5.2 tonnes |
| Reef Code 24.03 Easby Creek | Coordinates bordering Easby Creek reef code1. 37°44' 22"S 149°31' 17"E2. 37°45' 27"S 149°32' 01"E3. 37°45' 05"S 149°32' 45"E4. 37°43' 45"S 149°32' 45"E | 2.0 tonnes |
| Reef Code 24.04 Red River | Coordinates bordering Red River reef code1. 37°43' 45"S 149°32' 45"E2. 37°45' 05"S 149°32' 45"E3. 37°44' 30"S 149°34' 00"E4. 37°43' 28"S 149°34' 00"E | 2.6 tonnes |
| Reef Code 24.05 Secret Reef | Coordinates bordering Secret Reef reef code1. 37°43' 28"S 149°34' 00"E2. 37°44' 30"S 149°34' 00"E3. 37°44' 10"S 149°35' 19"E4. 37°43' 21"S 149°35' 19"E | 0 tonnes |
| Reef Code 24.06 Sandpatch Point | Coordinates bordering Sandpatch Point reef code1. 37°43' 21"S 149°35' 19"E2. 37°44' 10"S 149°35' 19"E3. 37°43' 48"S 149°36' 12"E4.37°43' 30"S 149°35' 53"E | 23.4 tonnes |
| Reef Code 24.07 Sandpatch Point Lee | Coordinates bordering Sandpatch Point Lee reef code1. 37°43' 30"S 149°35' 53"E2. 37°43' 48"S 149°36' 12"E3. 37°42' 27"S 149°37' 35"E4. 37°41' 56"S 149°37' 17"E | 39.0 tonnes |
| Reef Code 24.08 Benedore | Coordinates bordering Benedore reef code1. 37°41' 56"S 149°37' 17"E2. 37°42' 27"S 149°37' 35"E3. 37°42' 10"S 149°39' 22"E4. 37°41' 23"S 149°39' 22"E | 9.1 tonnes |
| Reef Code 24.09 Little Rame | Coordinates bordering Little Rame reef code1. 37°41' 23"S 149°39' 22"E2. 37°42' 10"S 149°39' 22"E3. 37°41' 27"S 149°41' 22"E4. 37°41' 04"S 149°40' 39"E | 19.5 tonnes |
| Reef Code 24.14 Bastion Point | Coordinates bordering Bastion Point reef code1. 37°35’05’’S 149°44’19’’E2. 37°36’42’’S 149°46’10’’E3. 37°34’23’’S 149°50’16’’E4. 37°33’07’’S 149°50’16’’E5. 37°33’07’’S 149°51’36’’E6. 37°33’59’’S 149°51’36’’E7. 37°33’41’’S 149°53’30’’E8. 37°32’28’’S 149°53’30’’E | 7.8 tonnes |
| Reef Code 24.17 Gabo Island | Coordinates bordering Gabo Island reef code1. 37°32' 34"S 149°54' 16"E2. 37°32' 55"S 149°54' 20"E3. 37°33' 50"S 149°54' 20"E4. 37°33' 57"S 149°54' 02"E5. 37°32' 56"S 149°55' 58"E6. 37°32' 07"S 149°54' 45"E | 28.6 tonnes |
| Reef Code 24.18 Gunshot | Coordinates bordering Gunshot reef code1. 37°31' 21"S 149°56' 49"E2. 37°32' 02"S 149°57' 37"E3. 37°31' 14"S 149°58' 22"E4. 37°30' 56"S 149°58' 01"E | 2.0 tonnes |
| Reef Code 24.19 Iron Prince | Coordinates bordering Iron Prince reef code1. 37°31' 09"S 149°56' 34"E2. 37°31' 21"S 149°56' 49"E3. 37°30' 56"S 149°58' 01"E4. 37°30' 46"S 149°57' 49"E | 15.0 tonnes |