**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:

Date: 5/3/2019

# Travis Dowling

## Chief Executive Officer

## Fisheries (WESTERN Abalone ZONE) Notice 2019

***1. Title***

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

***2. Objectives***

The objective of this Notice is to fix minimum size limits for blacklip and greenlip abalone taken under an Abalone Fishery Access Licence in the western abalone zone.

***3. Authorising provision***

This Notice is made under section 152 of the Act.

1. ***Commencement***

This Notice comes into operation on 1 April 2019.

1. ***Definitions***

In this Fisheries Notice –

**"western abalone zone"** means all Victorian waters west of longitude 142° 31' East.

***6. Minimum sizes for abalone taken from the western abalone zone***

For the purposes of the Act, the minimum size with respect to the taking of blacklip abalone under an Abalone Fishery Access Licence from Victorian waters as specified in column 1 of Schedule 1 is the size specified for those waters in Column 2 of Schedule 1.

**Schedule 1**

| ***Column 1*****Waters taken from:****Victorian Marine waters –**  | ***Column 2*****Minimum size (Millimetres)** |
| --- | --- |
| Discovery Bay sub-zone (i.e. reef code 1.01) The Discovery Bay sub-zone comprises all Victorian waters north of latitude 38 degrees 19.99 minutes S, between longitude 141 degrees 24.08 minutes E and the Victorian-South Australian border at latitude 140 degrees 57.983 minutes E. | 125 |
| Western abalone zone with the exception of the Discovery Bay sub-zone | 130 |

***7. Minimum sizes for greenlip abalone taken from the western abalone zone***

For the purposes of the Act, the minimum size with respect to the taking of greenlip abalone under an Abalone Fishery Access Licence from Victorian waters as specified in column 1 of Schedule 2 is the size specified for those waters in Column 2 of Schedule 2.

**Schedule 2**

|  |  |
| --- | --- |
| ***Column 1*****Waters taken from****Victorian marine waters―** | ***Column 2*****Minimum size****(Millimetres)** |
| Western abalone zonei.e. all Victorian waters west of longitude 142° 31' East. | 135 |

Coordinate Datum used: WGS84

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. This includes abalone taken by a person who is not acting under an abalone fishery access licence.

***8. Abalone not to be taken from more than one size zone***

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

1. the taking of blacklip abalone under an Abalone Fishery Access Licence from more than one size zone on any fishing trip; or
2. the possession of blacklip abalone taken from more than one size zone on-board any boat being used under an Abalone Fishery Access Licence; or
3. the landing of blacklip abalone taken under an Abalone Fishery Access Licence 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

(2) A person who contravenes the prohibition in sub-clause (1) is liable to a further penalty –

1. in the case of a first offence, a penalty not exceeding 0.5 of a penalty unit for each fish taken, possessed or landed in contravention of the prohibition;
2. in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each fish taken, possessed or landed in contravention of the prohibition.

***9. Revocation***

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