**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: 5/3/2019

# Travis Dowling

# Chief Executive Officer

## Fisheries (Central Abalone ZONE) Notice 2019

***1. Title***

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

***2. Objectives***

The objective of this Notice is to:

1. fix minimum size limits for blacklip abalone and greenlip abalone taken under an Abalone Fishery Access Licence in the Central Abalone Zone.
2. address sustainability concerns for Victorian Central 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 (Central Zone) Access Licence;

**"*central abalone zone*"** means all Victorian waters between longitude 142° 31' East and longitude 148° East;

“***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 4 of Schedule 1;

**“*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 2 of Schedule 1 for blacklip abalone and Column 1 of Schedule 2 for greenlip abalone;

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

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

***“upper limit”*** for the spatial management unit specified in Column 1 of Schedule 1 means the amount of abalone specified in Column 4 of Schedule 1 corresponding to that spatial management unit;

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

***6. Minimum sizes for abalone taken from the central 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 3 of Schedule 1.

(2) For the purposes of the Act, the minimum size with respect to the taking of greenlip abalone under an AFAL from the waters specified in column 1 of Schedule 2 is the size specified for those waters in Column 2 of Schedule 2.

**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. 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.

***9. 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.

***10. 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)** | **Column 4**  **Upper limit (tonnes)** |
| --- | --- | --- | --- |
| Shipwreck Coast spatial management unit that includes:   1. Reef Code 4.01 Lake Gillear 2. Reef Code 4.02 Antares 3. Reef Code 5.01 Peterborough 4. Reef Code 5.02 Point Hesse 5. Reef Code 5.03 Port Campbell | 1. 38°24′14′′S 142°31′00′′E  2. 38°26′29′′S 142°31′00′′E  3. 38°39′19′′S 143°03′00′′E  4. 38°38′52′′S 143°03′18′′E | 125 | 36.3 |
| Cape Otway spatial management unit that includes:   1. Reef Code 6.01 Moonlight Head 2. Reef Code 6.02 Milanesia Beach 3. Reef Code 6.03 Rotten Point 4. Reef Code 7.03 East Otway 5. Reef Code 7.04 Blanket Bay 6. Reef Code 7.05 Apollo Bay 7. Reef Code 7.06 Skenes Creek 8. Reef Code 7.07 Franklin - Parker 9. Reef Code 7.08 Parker River West Outside 10. Reef Code 8.01 Kennett & Wye | 1. 38°44′01′′S 143°11′08′′E  2. 38°44′46′′S 143°09′58′′E  3. 38°38′06′′S 143°55′30′′E  4. 38°38′06′′S 143°53′29′′E | 123 | 63.1 |
| Surf Coast spatial management unit that includes:   1. Reef Code 8.02 Cumberland 2. Reef Code 8.03 Eastern View 3. Reef Code 9.01 Anglesea 4. Reef Code 9.02 Jan Juc 5. Reef Code 10.01 Point Impossible 6. Reef Code 10.02 Thirteenth Beach 7. Reef Code 10.03 Ocean Grove 8. Reef Code 10.04 Lonsdale Back Beach 9. Reef Code 10.05 The Anchor | 1. 38°38′06′′S 143°53′29′′E  2. 38°38′06′′S 143°55′30′′E  3. 38°18′32′′S 144°36′17′′E  4. 38°18′00′′S 144°37′11′′E  5. 38°16′29′′S 144°42′55′′E  6. 38°10′27′′S 144°43′08′′E | 110 | 5.0 |
| Port Phillip Bay spatial management unit that includes:   1. Reef Code 11.01 Indented Head 2. Reef Code 11.02 Bellarine 3. Reef Code 11.03 Point Wilson 4. Reef Code 11.04 Kirks Point 5. Reef Code 11.05 Werribee 6. Reef Code 11.06 Sheoak 7. Reef Code 11.07 Point Cook 8. Reef Code 11.08 Altona Bay 9. Reef Code 11.09 Sticks Reef 10. Reef Code 11.10 Williamstown 11. Reef Code 11.11 St Kilda 12. Reef Code 11.12 Brighton 13. Reef Code 11.13 Black Rock 14. Reef Code 11.14 Mordialloc 15. Reef Code 11.15 Frankston 16. Reef Code 11.16 Canadian Bay 17. Reef Code 11.17 Mount Martha 18. Reef Code 11.18 Portsea Bayside | 1. 38°10′14′′S 144°43′08′′E  2. 38°10′14′′S 144°44′27′′E  3. 38°18′44′′S 144°42′50′′E  4. 38°19′07′′S 144°42′50′′E | 105 | 5.0 |
| Back Beaches spatial management unit that includes:   1. Reef Code 12.01 Nepean Bay 2. Reef code 12.02 Portsea Ocean Beach 3. Reef Code 12.03 Sorrento Ocean Beach 4. Reef Code 12.04 Rye Ocean Beach 5. Reef Code 12.05 Gunnamatta | 1. 38°19′07′′S 144°42′50′′E  2. 38°18′44′′S 144°42′50′′E  3. 38°19′28′′S 144°38′58′′E  4. 38°21′41′′S 144°38′49′′E  5. 38°28′45′′S 144°51′09′′E  6. 38°28′45′′S 144°53′09′′E | 117 | 58.1 |
| Flinders spatial management unit that includes:   1. Reef Code 12.06 Cape Schanck 2. Reef code 13.01 Bushrangers Bay 3. Reef Code 13.02 Symmonds Bay West 4. Reef Code 13.03 Symmonds Bay East 5. Reef Code 13.04 Cairns Bay 6. Reef Code 13.05 Flinders 7. Reef Code 13.06 Western Port West 8. Reef Code 13.07 West Head Tide | 1. 38°28′45′′S 144°53′09′′E  2. 38°28′45′′S 144°51′09′′E  3. 38°30′23′′S 145°00′32′′E  4. 38°31′11′′S 145°06′19′′E  5. 38°27′38′′S 145°09′39′′E  6. 38°24′01′′S 145°08′43′′E  7. 38°23′27′′S 145°07′42′′E | 110 | 28.1 |
| Phillip Island spatial management unit that includes:   1. Reef Code 14.01 Ventnor – Flynns 2. Reef Code 14.02 Cat Bay 3. Reef Code 14.03 Seal Rocks 4. Reef Code 14.04 Penguin Reserve 5. Reef Code 14.05 Summerlands – Berry 6. Reef Code 14.06 Pyramid Rock West 7. Reef Code 14.07 Pyramid Rock East 8. Reef Code 14.08 Sunderland Bay 9. Reef Code 14.09 Cape Woolamai West 10. Reef Code 14.10 Cape Woolamai East 11. Reef Code 14.11 Summerlands | 1. 38°27′55′′S 145°09′55′′E  2. 38°27′38′′S 145°09′39′′E  3. 38°31′11′′S 145°06′19′′E  4. 38°32′33′′S 145°06′38′′E  5. 38°33′55′′S 145°23′03′′E  6. 38°31′27′′S 145°21′06′′E  7. 38°31′06′′S 145°21′50′′E  8. 38°31′00′′S 145°21′42′′E | 110 | 35.7 |
| Kilcunda spatial management unit that includes:   1. Reef Code 15.01 San Remo 2. Reef Code 15.02 Powlett 3. Reef Code 15.03 Harmers Haven 4. Reef Code 15.04 Cape Patterson 5. Reef Code 15.05 Inverloch | 1. 38°31′12′′S 145°22′02′′E  2. 38°31′06′′S 145°21′50′′E  3. 38°31′27′′S 145°21′06′′E  4. 38°33′55′′S 145°23′03′′E  5. 38°41′43′′S 145°43′43′′E  6. 38°38′33′′S 145°43′43′′E  7. 38°38′21′′S 145°43′30′′E | 115 | 16.5 |
| Cape Liptrap spatial management unit that includes:   1. Reef code 16.01 Venus Bay 2. Reef Code 16.02 Morgans Beach 3. Reef Code 16.03 Cape Liptrap West 4. Reef Code 16.04 Cape Liptrap East 5. Reef Code 16.05 Walkerville 6. Reef Code 16.06 Waratah Reef | 1. 38°38′33′′S 145°43′43′′E  2. 38°41′43′′S 145°43′43′′E  3. 38°53′14′′S 146°02′24′′E  4. 38°48′41′′S 146°02′24′′E | 110 | 15.2 |
| Prom Westside spatial management unit that includes:   1. Reef Code 16.07 Cotters Beach 2. Reef Code 17.01 Shellback Island 3. Reef Code 17.02 Tongue Point 4. Reef Code 17.03 Norman Island 5. Reef Code 17.04 Leonard Point 6. Reef Code 17.05 Pillar Point 7. Reef Code 17.10 Great Glennie Island 8. Reef Code 17.11 Dannevig Island 9. Reef Code 17.12 Citadel Island 10. Reef Code 17.13 McHugh Island | 1. 38°48′41′′S 146°02′24′′E  2. 38°53′14′′S 146°02′24′′E  3. 39°02′59′′S 146°17′47′′E  4. 39°02′28′′S 146°19′34′′E  5. Between the High Water Mark of Norman Island and a maximum depth of 30m  6. 39°03′48′′S 146°13′11′′E  7. 39°05′09′′S 146°13′11′′E  8. 39°06′01′′S 146°14′00′′E  9. 39°07′10′′S 146°14′00′′E  10. Within 300m of the High Water Marks of Great Glennie, Dannevig and McHugh Islands | 120 | 27.3 |
| Prom Eastside spatial management unit that includes:   1. Reef Code 18.03 Refuge Cove 2. Reef Code 18.04 Five Mile Beach 3. Reef Code 18.05 Monkey Point 4. Reef Code 18.06 Rabbit Island & Rock 5. Reef Code 18.07 Three Mile Beach 6. Reef Code 18.09 Ninety Mile Beach | 1. 39°03′59′′S 146°28′43′′E  2. 39°04′02′′S 146°28′41′′E  3. 38°57′34′′S 146°36′36′′E  4. 38°53′29′′S 146°36′36′′E  5. 38°53′29′′S 146°44′43′′E  6. 38°54′12′′S 146°44′43′′E  7. 37°55′45′′S 148°00′00′′E  8. 37°52′52′′S 148°00′00′′E | 110 | 7.7 |
| Cliffy Group spatial management unit that includes:   1. Reef Code 18.08 Seal Island Group | 1. 38°57′34′′S 146°36′36′′E  2. 38°53′29′′S 146°36′36′′E  3. 38°53′29′′S 146°44′43′′E  4. 38°54′12′′S 146°44′43′′E | 110 | 7.2 |

**SCHEDULE 2**

|  |  |
| --- | --- |
| ***Column 1***  **Waters taken from**  **Victorian marine waters―** | ***Column 2***  **Minimum size**  **(Millimetres)** |
| 1. Mouth of Hopkins River to Point Nepean   i.e. between longitude 142°30.498′E and longitude 144°38.88′E | 145 |
| 1. Point Nepean to Lakes Entrance   i.e. between longitude 144°38.88′E and longitude 148°E | 150 |