**Fisheries Act 1995**

**FISHERIES NOTICE 2024**

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Outdoor Recreation, 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: / /2024

# Travis Dowling

# Chief Executive Officer

## Fisheries (WESTERN Abalone ZONE) Notice 2024

***1. Title***

This Notice may be cited as the Fisheries (Western Abalone Zone) Notice 2024.

***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 July 2024.

1. ***Definitions***

In this Fisheries Notice –

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

***“size zone****”* means each area of Victorian marine waters between the coordinates specified in Column 1 of Schedule 1 for blacklip abalone and Column 1 of Schedule 2 for greenlip abalone;

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

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

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

1. For the purposes of the Act, the minimum size with respect to the taking of blacklip abalone under an AFAL from Victorian waters as specified in Column 1 of Schedule 1 is the size specified for those waters in Column 2 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 Victorian waters as 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 2019* will continue to apply in circumstances where the size limits specified in clause 6 does not apply.

***7. 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 AFAL 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 AFAL; or
3. the landing of blacklip abalone taken under an Abalone Fishery Access Licence from more than one size zone;

is prohibited.

(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.

**Note:** It is an offence under section 67(3) of the Act to fail to comply with a prohibition

***8. Revocation***

Unless sooner revoked, this Notice will be revoked on 30 June 2025.

**SCHEDULES**

**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 |
| Yambuck sub-zone (i.e. reef code 2.15)  The Yambuck sub-zone comprises all Victorian waters West of longitude 142 degrees 5.5 minutes E, and East of longitude 142 degrees 2.472 minutes E. | 125 |
| Killarney sub-zone (i.e. reef codes 3.10, 3.11, 3.09)  The Killarney sub-zone comprises all Victorian waters West of longitude 142 degrees 26.5 minutes E and East of 142 degrees 14.4 minutes E.  North of latitude 38 degrees 22.5 minutes S | 125 |
| Western abalone zone with the exception of the Discovery Bay sub-zone and the Yambuck sub-zone | 130 |

**SCHEDULE 2**

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