

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: 31 / 08 / 2021



Travis Dowling
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (ABALONE DISEASE MANAGEMENT) NOTICE 2021

1. *Title*

This Notice may be cited as the Fisheries (Abalone Disease Management) Notice 2021.

2. *Objectives*

The objectives of this Notice are to protect the abalone fishery and abalone aquaculture activities by reducing the spread of abalone viral ganglioneuritis due to specified activities.

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 –

‘aquaculture protection area’ means all marine waters shown hatched on the plan in the Schedule;

“coff” has the same meaning as in the **Fisheries Regulations 2019**;

‘dive equipment’ includes any mask, snorkel or underwater breathing apparatus;

‘shellfish’ means all species in the phylum Mollusca except squid, octopus and cuttlefish;

‘substrate’ means any part of the sea-bed and sub-soil lying beneath the waters;

‘the Act’ means the **Fisheries Act 1995**;

‘VFA’ means the Victorian Fisheries Authority established under the **Victorian Fisheries Authority Act 2016**.

6. *Prohibition on collecting substrate in the aquaculture protection area*

A person must not collect any substrate from the aquaculture protection area.

Penalty: 50 Penalty units.

7. *Prohibition on fishing within the aquaculture protection area*

- (1) For the purposes of section 114 of the Act, the use of any recreational fishing equipment, commercial fishing equipment or commercial abalone equipment in the aquaculture protection area is prohibited.
- (2) For the purposes of section 114 of the Act, the use of any-

- a. dive equipment; or
 - b. boat that is anchored –
- in the aquaculture protection area is prohibited.

- (3) For the purposes of the Act, the catch limit with respect to the taking or possession of any species of fish in or on waters in the aquaculture protection area is 0.
- (4) Sub clauses (1) and (3) do not apply to the use of a rod and line from the beach to take a species of fish other than shellfish, aquatic crustaceans or echinoderms if the person is otherwise fishing in accordance with the **Fisheries Regulations 2019**.

8. *Prohibition on using abalone as bait or berley*

A person must not use abalone as bait or berley in Victorian waters.

Penalty: 50 Penalty units.

9. *Prohibition on depositing abalone shells*

A person must not deposit abalone shells in any Victorian waters.

Penalty: 50 Penalty units.

10. *Prohibition on using a coff for abalone*

- (1) For the purposes of section 114 of the Act, the use of any coff for holding abalone in marine waters is prohibited.
- (2) Sub-clause (1) does not apply to the holder of an Aquaculture (Crown Land – Abalone) Licence acting in accordance with the licence.

11. *Exemptions*

- (1) This notice does not apply to an inspector, authorised officer, police officer or employee or agent of the VFA or Agriculture Victoria 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

12. *Application to Fisheries Reserves*

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

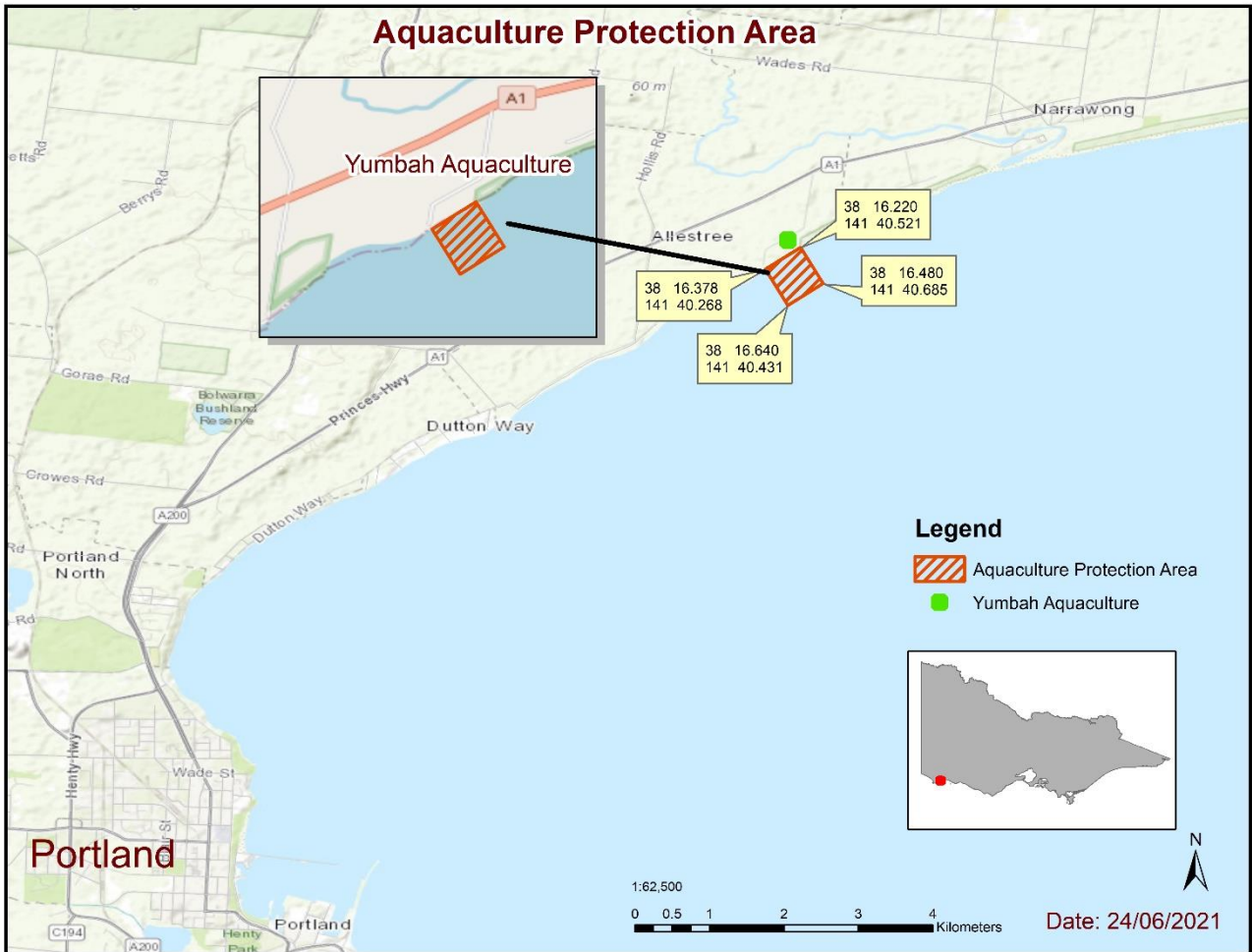
13. *Revocation*

- (1) The Fisheries (Abalone Disease Closure No 3) Notice 2021, gazetted on 1 July 2021 (No. G26), is revoked.
- (2) Unless sooner revoked, this Notice will be revoked on 30 November 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