



# Victoria Government Gazette

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## Fisheries Act 1995

### FURTHER ABALONE QUOTA ORDER

I, Dr Peter Appleford, Executive Director Fisheries Victoria, as a delegate of the Minister for Agriculture, make the following Order under section 66D of the **Fisheries Act 1995** –

1. This Order applies for the period commencing on 1 April 2008 and ending on 31 March 2009 ('the quota period').
2. The total allowable catch for blacklip abalone in the eastern abalone zone for the quota period is 490 tonnes of unshucked blacklip abalone.
3. The total allowable catch for blacklip abalone in the central abalone zone for the quota period is 462 tonnes of unshucked blacklip abalone.
4. The total allowable catch for blacklip abalone in the western abalone zone for the quota period is 16 tonnes of unshucked blacklip abalone.
5. The total allowable catch for greenlip abalone in the central abalone zone for the quota period is 3.4 tonnes of unshucked greenlip abalone.
6. The total allowable catch for greenlip abalone in the western abalone zone for the quota period is 8.4 tonnes of unshucked greenlip abalone.
7. The quantity of fish comprising an individual blacklip abalone quota unit in the eastern abalone zone for the quota period is 1,065 kilograms of unshucked blacklip abalone.
8. The quantity of fish comprising an individual blacklip abalone quota unit in the central abalone zone for the quota period is 680 kilograms of unshucked blacklip abalone.
9. The quantity of fish comprising an individual blacklip abalone quota unit in the western abalone zone for the quota period is 57 kilograms of unshucked blacklip abalone.
10. The quantity of fish comprising an individual greenlip abalone quota unit in the central abalone zone for the quota period is 100 kilograms of unshucked greenlip abalone.
11. The quantity of fish comprising an individual greenlip abalone quota unit in the western abalone zone for the quota period is 600 kilograms of unshucked greenlip abalone.

This Order commences on the date it is published in the Government Gazette and amends the previous Order gazetted on 27 March 2008 (G13). This Order remains in force until 31 March 2009.

Dated 28 November 2008

DR PETER APPLEFORD  
Executive Director Fisheries Victoria

**SPECIAL**

**Fisheries Act 1995**

## FISHERIES NOTICE NO. 15/2008

I, Dr Peter Appleford, Executive Director Fisheries Victoria and delegate of the Minister for Agriculture, make the following Fisheries Notice:

Dated 28 November 2008

DR PETER APPLEFORD  
Executive Director Fisheries Victoria

## FISHERIES (WESTERN ABALONE ZONE) NOTICE NO. 15/2008

**1. Title**

This Notice may be cited as the Fisheries (Western Abalone Zone) Notice No. 15/2008.

**2. Objectives**

The objective of this Notice is to specify measures to rebuild the western abalone zone fishery.

**3. Authorising provision**

This Notice is made under section 152 of the **Fisheries Act 1995**.

**4. Commencement**

This Notice comes into operation on the day it is published in the Government Gazette.

**5. Definitions**

In this Notice –

**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**;

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

**6. Prohibitions**

(1) For the purpose of section 67 of the Act, the taking or possession of the following fish is prohibited in the area described in Schedule 1 –

(a) abalone and any other shellfish

(b) sea urchins.

(2) Despite sub-clause (1) a person may possess abalone in the area described in Schedule 1 if the person is travelling by boat by the shortest practicable route from a point outside that area to the mouth of the Moyne River.

(3) For the purpose of section 114 of the Act, the use of commercial abalone equipment is prohibited in the area described in Schedule 1.

(4) A person must not collect any substrate from the area described in Schedule 1.

Penalty: 50 Penalty units.

(5) This clause does not apply to a person authorised by the Secretary to undertake activities within the area described in Schedule 1.

**7. Minimum size for abalone**

For the purposes of the Act, the minimum size with respect to –

(a) the taking of blacklip abalone from the western abalone zone is 13 centimetres; or

(b) the possession of blacklip abalone in, on or next to waters in the western abalone zone is 13 centimetres.

Note: There are offences in sections 68A and 68B of the Act relating to taking or possessing fish that are less than the minimum size specified in a fisheries notice. Various penalties apply. Minimum size offences apply to commercial and recreational fishers.

**8. Closed seasons**

- (1) For the purposes of section 67 of the Act, the closed season for all species of abalone in the waters specified in Column 1 of Schedule 2, is specified in Column 2 of the Schedule corresponding to those waters and applies to the persons or class of person specified in Column 3 of the Schedule corresponding to those waters.
- (2) For the purposes of section 67 of the Act, the taking or possession of any abalone from the waters specified in Column 1 of Schedule 2 during the period specified as the closed season for those waters in Column 2 of the Schedule by a person specified in Column 3 of the Schedule corresponding to those waters is prohibited.

Note: A failure to comply with this regulation is an offence under section 67(3) of the Act. A penalty of 100 penalty units or 6 months imprisonment or both applies.

**9. Revocation**

Unless sooner revoked, this Fisheries Notice will be automatically revoked on 31 March 2009.

**Schedule 1**

An area along the Victorian coastline west of Port Fairy that includes marine waters. The area is bounded by the high water mark from Point 1 (approximately 1 kilometre west of Craggs Car Park) to Point 6 (Killarney Beach Car Park) and includes an area of marine waters within the lines joining the following points as shown on the attached map:

Point 1 38° 21.900 S – 142° 5.900 E

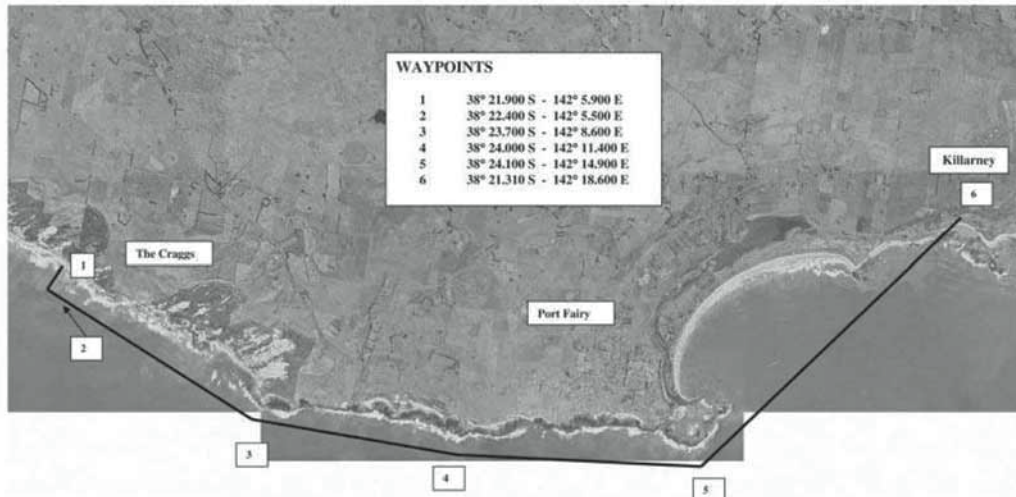
Point 2 38° 22.400 S – 142° 5.500 E

Point 3 38° 23.700 S – 142° 8.600 E

Point 4 38° 24.000 S – 142° 11.400 E

Point 5 38° 24.100 S – 142° 14.900 E

Point 6 38° 21.310 S – 142° 18.600 E

**CRAGGS TO KILLARNEY CONTROL AREA**

Western Boundary is approximately 1 kilometre west of the Craggs Carpark

Eastern Boundary is the Killarney Beach Carpark

## Schedule 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Waters closed</i>	<i>Period of closed season</i>	<i>Person or class of person to whom closed season applies</i>
western abalone zone, except: (a) the waters from the high water mark to a depth of 30 metres extending east from longitude 140°57.983' (the South Australian Border) to latitude 38°19.99'S <sup>1</sup> ; (b) the waters bounded by a line extending south from the high water mark at longitude 141°38.905' until latitude 38°23.692', then extending east until longitude 141°40.634', then extending south until latitude 38°23.692', then extending in an easterly direction at a depth of 30 metres until longitude 141°02.472', then extending north to the high water mark <sup>2</sup> .	1 April 2008 to 31 May 2008	The holder of an abalone fishery access licence or a person acting under the licence
western abalone zone, except: (a) the waters from the high water mark to a depth of 30 metres extending clockwise around Lady Julia Percy Island from longitude 141°59.879' to latitude 38°24.899'; (b) the waters from the high water mark to a depth of 30 metres extending east from longitude 140°57.983' (the South Australian Border) to latitude 38°19.99'S <sup>1</sup> ; (c) the waters bounded by a line extending south from the high water mark at longitude 141°38.905' until latitude 38°23.692', then extending east until longitude 141°40.634', then extending south until latitude 38°23.692', then extending in an easterly direction at a depth of 30 metres until longitude 141°02.472', then extending north to the high water mark, then extending in a westerly direction along the high water mark until longitude 141°38.905' <sup>2</sup> .	1 June 2008 to 31 March 2009	The holder of an abalone fishery access licence or a person acting under the licence

Western Abalone Zone, except:	1 October 2008 to 31 March 2009	The holder of an abalone fishery access licence or a person acting under the licence
(a) the waters from the high water mark to a depth of 30 metres extending clockwise around Lady Julia Percy Island from longitude 141°59.879' to latitude 38°24.899 <sup>3</sup> ;		
(b) the waters from the high water mark to a depth of 30 metres extending east from longitude 140°57.983' (the South Australian Border) to latitude 38°19.99'S <sup>1</sup> ;		
(c) the waters bounded by a line extending south from the high water mark at longitude 141°38.905' until latitude 38°23.692', then extending east until longitude 141°40.634', then extending south until latitude 38°23.692', then extending in an easterly direction at a depth of 30 metres until longitude 141°02.472', then extending north to the high water mark, then extending in a westerly direction along the high water mark until longitude 141°38.905' <sup>2</sup> .		
(d) the waters bounded by a line extending south on longitude 141°38.905' to latitude 38°20.658', then extending west to longitude 141°37.270' (end of Portland breakwall), then following the coastline clockwise to the co-ordinate 141°38.905' longitude and 38°17.060 latitude. <sup>4</sup>		

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- Note: 1. The reef in these waters is known as reefcode 1.01 (Discovery Bay).  
 2. The reef in these waters is known as reefcode 2.14 (Julia Bank).  
 3. The reefs in these waters are known as reefcodes 3.04 (Julia Percy – Prop Bay), 3.01 (Julia Percy – North) and 3.02 (Julia Percy – North East Reef).  
 4. The reefs in these water are known as reefcodes 2.13 (Dutton Way) and 2.12 (Hospital Reef).

Coordinate Datum used: WGS84

This Notice revokes the Fisheries (Western Abalone Zone) Notice No. 5/2008 gazetted on 27 March 2008 (G13).

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