



Victoria Government Gazette

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Fisheries Act 1995

FISHERIES NOTICE NO. 3/2009

I, Mr Anthony Hurst, A/Executive Director Fisheries Victoria and delegate of the Minister for Agriculture, make the following Fisheries Notice:

Dated 1 April 2009

MR ANTHONY HURST
A/Executive Director Fisheries Victoria

FISHERIES (WESTERN AND EASTERN ABALONE ZONE) NOTICE NO. 3/2009

1. Title

This Notice may be cited as the Fisheries (Western and Eastern Abalone Zone) Notice No. 3/2009.

2. Objectives

The objective of this Notice is to:

- a) implement measures to rebuild the abalone fishery in the western zone; and
- b) implement stock protection measures for the commercial abalone fishery in the eastern zone.

3. Authorising provision

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

4. Commencement

This Notice comes into operation on 1 April 2009.

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.

eastern abalone zone means all Victorian waters east of longitude 148° 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.

SPECIAL

- (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 taken from the western abalone zone

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; and
- (b) the possession of blacklip abalone in, on or next to waters in the western abalone zone is 13 centimetres.
- (c) Despite sub-clause (b) a person may possess abalone in the western zone if the person is travelling by boat by the shortest practicable route from the central zone to the Warrnambool boat ramp.

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.

The minimum sizes fixed by clause 7 apply despite any minimum size limits established under the Fisheries Regulations 2009.

8. Minimum size for abalone taken from the eastern 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 is 11.2 centimetres between the marine waters enclosed by a line running from the trig. point on Little Rame Head through Little Rame Rock to the point latitude 37°41.203'S and longitude 149°41.430'E, to the line extending from latitude 37°35.15'S and longitude 149°43.73'E to latitude 37°37.36'S and longitude 149°46.18'E.

- (1) The reefs in these waters are known as reefcodes 25.10 (Little Rame), 25.11 (Shipwreck to Seal Creek), 25.12 (Quarry Beach) and 25.13 (Betka Beach).

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.

9. 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 the period 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 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.
- (3) For the purposes of section 152 of the Act, when the time period listed in Column 2 of Schedule 2 is given as 'at a date specified by the Secretary', then the Secretary will inform those persons to whom the closed season applies by written notice.

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.

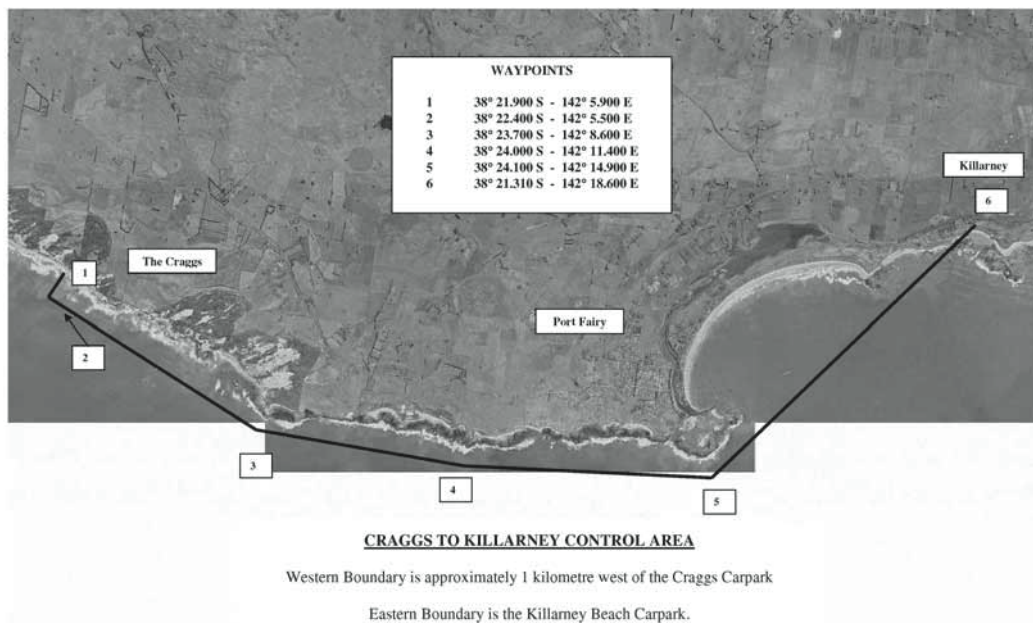
10. Revocation

Unless sooner revoked, this Fisheries Notice will be automatically revoked on 31 March 2010.

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



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:	1 April 2009 to 31 March 2010	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 east from longitude 140°57.983'E (the South Australian Border) to latitude 38°19.99'S ¹ ;		
(b) the waters bounded by a line extending south from the high water mark at longitude 141°38.905'E until latitude 38°23.692'S, then extending east until longitude 141°40.634'E, then extending south until latitude 38°23.692'S, then extending in an easterly direction at a depth of 30 metres until longitude 141°02.472'E, then extending north to the high water mark, then extending in a westerly direction along the high water mark until longitude 141°38.905'E ² ; and		
(c) 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'E to latitude 38°24.899'S ³ .		
(d) the waters from the high water mark to the end of the Portland breakwall and extending east at latitude 38°30.658'S until longitude 141°38.905'E and then north to the high water mark ⁴ .		
(e) the waters from the high water mark to a depth of 30 metres between longitude 149°32.76'E and longitude 149°35.4'E ⁵ ;	1 April 2009 to 31 March 2010	The holder of an abalone fishery access licence or a person acting under the licence
(f) the waters from the high water mark to a depth of 30 metres between the line extending from latitude 37°42.05'E longitude 149°36.9'S and latitude 37°42.45'E longitude 149°37.3'S to longitude 149°39.37'S ⁶ ;	At a date specified by the Secretary	The holder of an abalone fishery access licence or a person acting under the licence

- 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 waters are known as reefcodes 2.12 (Hospital Reef) and 2.13 (Dutton Way).
5. The reefs in these waters are known as reefcodes 24.04 (Red River) and 24.05 (Secret Reef).
6. The reef in these waters is known as reefcode 24.08 (Benedore).

Coordinate Datum used: WGS84

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