



Victoria Government Gazette

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Wildlife Act 1975

NOTICE OF THE PROPOSED DETERMINATION OF THE WILDLIFE (PORT PHILLIP BAY WHALE (DOLPHIN) SWIM TOUR LIMITED PERMIT AREA) ORDER 2010

I, Greg Wilson, Secretary to the Department of Sustainability and Environment, give notice that it is my intention to publish the following Order:

Objective

1. The objective of this Order is to –
 - a. proclaim the Port Phillip Bay Whale (Dolphin) Swim Tour Limited Permit Area as a whale swim tour area; and
 - b. specify the number of permits that can be issued within the Port Phillip Bay Whale (Dolphin) Swim Tour Limited Permit Area.

Authorising provision

2. This Order is made under section 83F of the **Wildlife Act 1975**.

Commencement

3. This Order commences operation on the 30 July 2010.

Definition

4. In this Order –

‘**dolphin**’ means any wildlife that is a member of the family Delphinidae of the sub-order Odontoceti of the Order Cetacea, excluding members of the sub-family Globicephalinae (small toothed whales);

‘**Port Phillip Bay Whale (Dolphin) Swim Tour Limited Permit Area**’ means the whale swim tour area proclaimed under clause 5.

Proclamation of Port Phillip Bay Whale (Dolphin) Swim Tour Area

5. The area described in Schedule 1 is proclaimed to be a whale swim tour area.

Maximum number of whale swim tour permits

6. The maximum number of whale swim tour permits to be granted for the Port Phillip Bay Whale (Dolphin) Swim Tour Limited Permit Area is four (4).

Fee for whale swim tour permits

7. The fee for a whale swim tour permit is the fee prescribed in Regulation 20(3) of the Wildlife (Marine Mammal) Regulations 2009.

Submissions are invited on the above proposed determination. Submissions must be submitted via electronic form (by email) or in written form and include evidence that supports or contradicts the above proposed determination. Submissions will be accepted until 5 pm on Wednesday 21 July 2010. Submissions can be sent to Kirsty Greengrass, Senior Policy Officer, Biodiversity and Ecosystem Services of the Department of Sustainability and Environment, PO Box 500, Melbourne East, Victoria 3002. Email: kirsty.greengrass@dse.vic.gov.au

For enquiries please contact Kirsty Greengrass on 9637 8025.

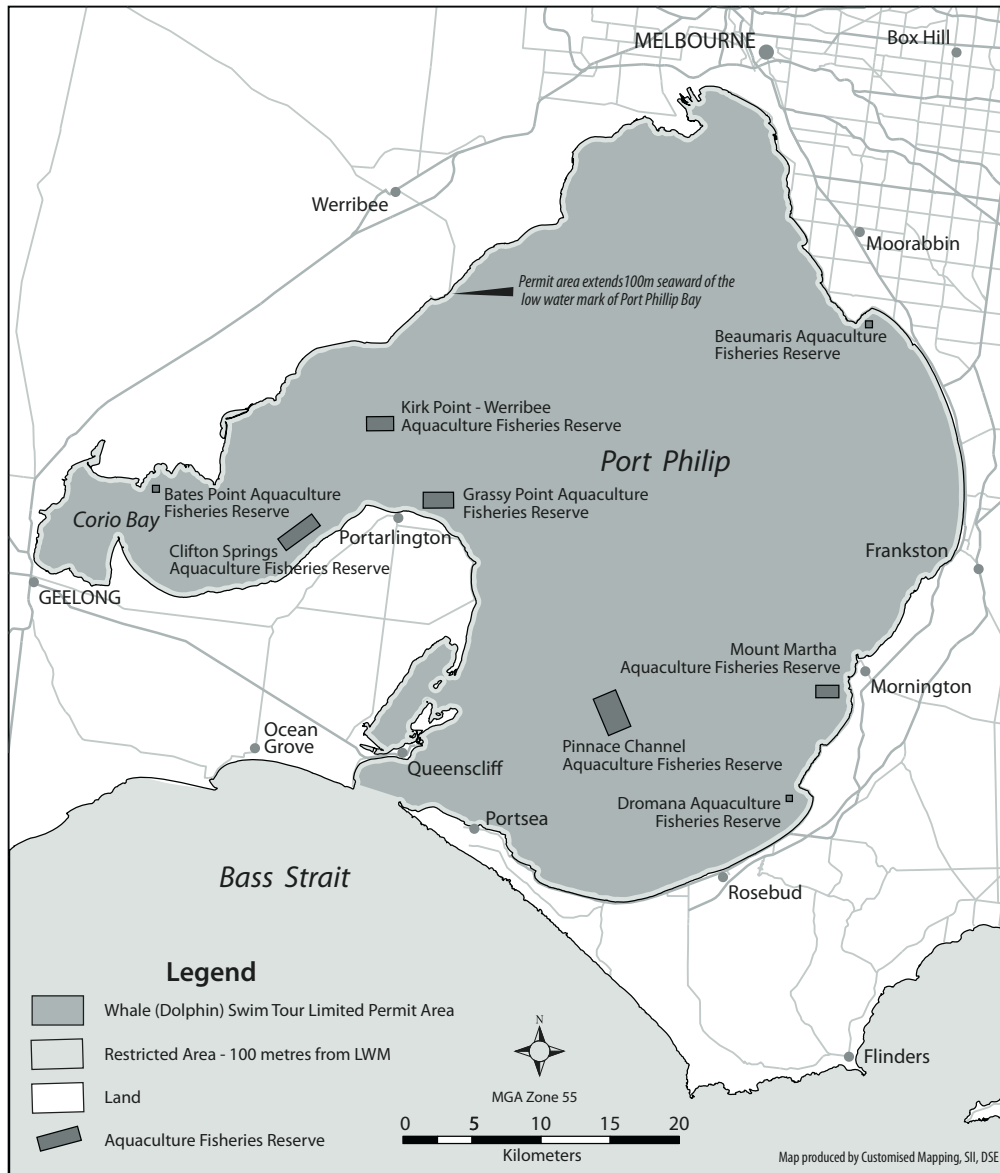
Dated 21 June 2010

GREG WILSON
Secretary to the Department of Sustainability and Environment

SPECIAL

SCHEDULE 1

**Port Phillip Bay Whale (Dolphin)
Swim Tour Limited Permit Area**



All the waters of Port Phillip Bay that are more than 100 metres seaward of the low water mark of Port Phillip Bay, except the waters of the following areas that are declared as fisheries reserves for aquaculture purposes under section 88 of the Fisheries Act 1975:

- Grassy Point Aquaculture Fisheries Reserve
- Clifton Springs Aquaculture Fisheries Reserve
- Kirk Point–Werribee Aquaculture Fisheries Reserve

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- Bates Point Aquaculture Fisheries Reserve
 - Beaumaris Aquaculture Fisheries Reserve
 - Mount Martha Aquaculture Fisheries Reserve
 - Dromana Aquaculture Fisheries Reserve
 - Pinnacle Channel Aquaculture Fisheries Reserve

NOTES

1. These fisheries reserves were declared by Orders in Council published in the Government Gazette G10 on 6 March 2003 at pages 399–407. The Orders define the boundaries of each fisheries reserve (map above).

Section 83I of the **Wildlife Act 1975** provides that the holder of a whale swim tour permit must comply with the conditions of the permit. Penalty: 100 penalty units or 6 months imprisonment or both the fine and imprisonment.

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