



Victoria Government Gazette

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Fisheries Act 1995

FISHERIES NOTICE NO. 11/2011

I, Anthony Hurst, Executive Director Fisheries Victoria and delegate of the Minister for Agriculture and Food Security, make the following Fisheries Notice under section 152 of the **Fisheries Act 1995** (the Act) and after conducting consultation in accordance with section 3A of the Act.

Dated 27 October 2011

ANTHONY HURST
Executive Director Fisheries Victoria

FISHERIES (RECREATIONAL BAIT NET PROHIBITION) NOTICE NO. 11/2011

- 1. Title**

This Notice may be cited as the Fisheries (Recreational Bait Net Prohibition) Notice No. 11/2011
- 2. Purpose**

The purpose of this Notice is to provide increased protection for recreational bait resources in Sydenham Inlet and Tamboon Inlet.
- 3. Authorising provision**

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

This Fisheries Notice comes into operation following its publication in the Victoria Government Gazette and in a newspaper circulating in the area affected by this notice.
- 5. Definitions**

In this Notice:

 - 'Regulations'** means the Fisheries Regulations 2009.
 - 'recreational bait net'** has the same meaning as in regulation 5 of the Regulations.
 - 'Sydenham inlet'** means the total area of Sydenham inlet bounded by a straight line running between the mean high water mark on the seaward extremities of each side of the inlet entrance and an imaginary line running between the extreme outward point of each side of Bemm River.
 - 'Tamboon inlet'** means the total area of that inlet bounded by a straight line running between the mean high water mark on the seaward extremities of each side of the inlet entrance and an imaginary line running between the extreme outward point of each side of Cann River.
- 6. Prohibition on use or possession of recreational bait nets**

For the purposes of section 114 of the Act, the use or possession of a recreational bait net in or on any of the waters of Sydenham Inlet or Tamboon Inlet is prohibited.

Note: A failure to comply with this prohibition is an offence under section 114(3) of the **Fisheries Act 1995**. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.
- 7. Revocation**

Unless sooner revoked, this Notice will be automatically revoked 12 months after the day on which it commenced.

SPECIAL

Fisheries Act 1995

FISHERIES NOTICE NO. 13/2011

I, Anthony Hurst, Executive Director Fisheries Victoria and delegate of the Minister for Agriculture and Food Security, make the following Fisheries Notice under section 152 of the **Fisheries Act 1995** and after conducting consultation in accordance with section 3A of the Act.

Dated 27 October 2011

ANTHONY HURST
Executive Director Fisheries Victoria

FISHERIES (SHRIMP) NOTICE NO. 13/2011

1. Title

This Notice may be cited as the Fisheries (Shrimp) Notice No. 13/2011.

2. Objectives

The objectives of this Notice are to set separate recreational catch limits for swimming shrimp and burrowing shrimp (including Bass yabby) and to allow for the take of burrowing shrimp (including Bass yabby) in the intertidal zone of Port Phillip Bay.

3. Authorising provision

This Notice is made under sections 68A and 152 of the **Fisheries Act 1995** ('the Act').

4. Commencement

This Notice comes into operation on 1 November 2011.

5. Catch Limits

For the purposes of section 68A of the Act:

- (1) The catch limit with respect to the –
 - (a) taking of swimming shrimp from Victorian waters; or
 - (b) possession of swimming shrimp in, on or next to Victorian waters – is 0.5 litres.
- (2) The catch limit with respect to the –
 - (a) taking of burrowing shrimp (including Bass yabby) from Victorian waters; or
 - (b) possession of burrowing shrimp (including Bass yabby) in, on or next to Victorian waters – is 100.

Note: There are offences in sections 68A and 68B of the Act relating to taking or possessing fish in excess of the catch limit in this fisheries notice for that species of fish. Various penalties apply.

6. Intertidal collection of burrowing shrimp allowed in Port Phillip Bay

Despite regulation 96(1) of the Fisheries Regulations 2009, but subject to any other law, the taking or attempt to take of burrowing shrimp (including Bass yabby) from Port Phillip Bay in the intertidal zone is allowed.

Note: Under section 152(3) of the Act, if a provision of a fisheries notice is inconsistent with any regulations the fisheries notice prevails to the extent of the inconsistency.

7. Exemption for commercial fishing

- (1) This fisheries notice does not apply to a person who takes or possesses fish of a species specified in this fisheries notice in a quantity in excess of the catch limit for that species of fish if –
 - (a) the person –
 - (i) is the holder of, or is acting on behalf of the holder of, an access licence authorising the taking and possession of that species of fish; and
 - (ii) takes or possesses the fish in accordance with the licence, the Act and these Regulations; or

- (b) the person –
 - (i) is the holder of, or is acting on behalf of the holder of, an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of fish of that species; and
 - (ii) takes or possesses the fish in accordance with the licence, the Act and these Regulations; or
 - (c) the person –
 - (i) is the holder of, or is acting on behalf of the holder of, a general permit authorising the taking or possession of that species of fish in that quantity; and
 - (ii) takes or possesses the fish in accordance with the permit, the Act and these Regulations.
- (2) This fisheries notice does not apply to a person who possesses fish of a species specified in the fisheries notice in a quantity in excess of the catch limit for that species of fish, and which the person received from a person referred to in exemption (1).

8. Threatened species

Some species of shrimp may be listed under the **Flora and Fauna Guarantee Act 1988**. Notwithstanding this Fisheries Notice, it is an offence under section 52 of that Act, it is an offence to take, trade in or keep fish of those species unless licenced under that Act or authorised to do so by an Order of the Governor in Council under that Act published in the Government Gazette.

9. Revocation

Unless sooner revoked, this Fisheries Notice will be automatically revoked 12 months after the day on which it comes into operation.

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