



Victoria Government Gazette

No. S 461 Thursday 19 December 2013
By Authority of Victorian Government Printer

Fisheries Act 1995

FISHERIES NOTICE NO. 12/2013

I, Ross McGowan, Executive Director Regulation and Compliance (Fisheries) and delegate of the Minister for Agriculture and Food Security, make the following Fisheries Notice under section 152 of the Act and after conducting consultation in accordance with section 3A of the Act.

Dated 17 December 2013

ROSS MCGOWAN

Executive Director Regulation and Compliance (Fisheries)

FISHERIES (WESTERN VICTORIA MOLLUSC VEHICLE LIMIT) NOTICE NO. 12/2013

1. Title

This Notice may be cited as the Fisheries (Western Victoria Mollusc Vehicle Limit) Notice No. 12/2013

2. Objectives

The objectives of this Fisheries Notice are to make precautionary measures for the protection of the abalone fishery, inshore ecosystems, abalone and other molluscs by means of imposing vehicle limits.

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 on which it is published in the Victoria Government Gazette.

5. Definitions

In this fisheries notice –

‘**abalone docket**’, ‘**abalone label**’, ‘**abalone receipt**’, and ‘**abalone transfer certificate**’ have the same meaning as in the Fisheries Regulations 2009.

‘**person in charge of a vehicle**’ includes –

- (a) the driver of the vehicle; and
- (b) a person who is attempting to start or drive the vehicle; and
- (c) a person with respect to whom there are reasonable grounds for the belief that he or she intends to start or drive the vehicle, or has just driven the vehicle; and
- (d) the registered owner of the vehicle if that person is in, on or near the vehicle.

‘**prescribed area**’ means the area shown hatched on the plan in the Schedule

6. Vehicle limits for abalone and other molluscs

(1) A person in charge of a vehicle in the prescribed area must ensure that there are no more than –

- (a) 10 abalone; or
- (b) 10 litres (or 2 litres if shucked) of molluscs (other than abalone, mussels, pipi, scallops or cephalopods);

in or on the vehicle.

Penalty 50 penalty units

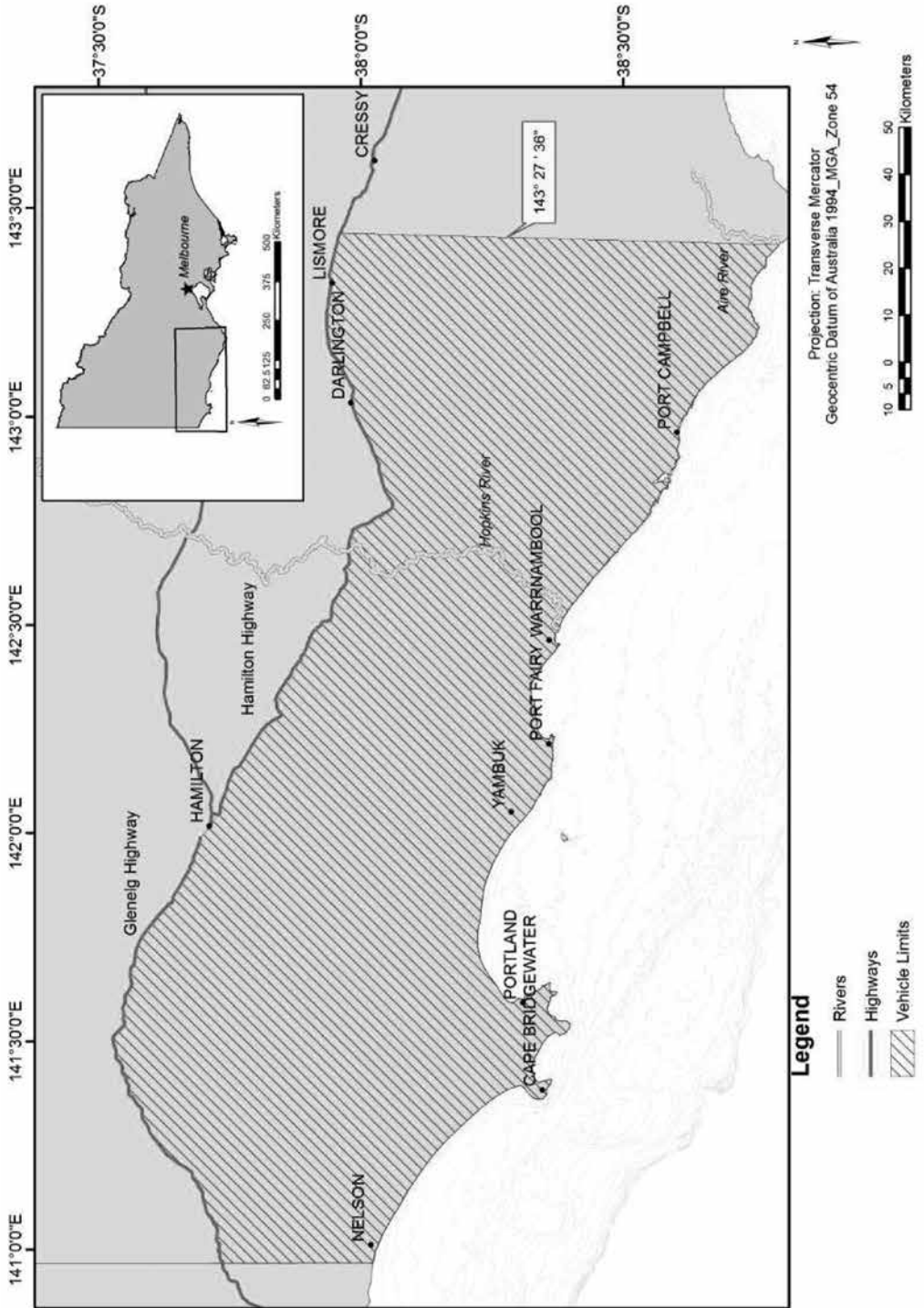
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- (2) A person must not be in or on a vehicle in the prescribed area in or on which there are more than –
- (a) 10 abalone; or
 - (b) 10 litres (or 2 litres if shucked) of molluscs (other than abalone, mussels, pipi scallops or cephalopods).
- Penalty 50 penalty units
- (3) Sub-clauses (1) and (2), in relation to abalone, do not apply to –
- (a) the holder of an Abalone Fishery Access Licence or Fish Receivers (Abalone) Licence acting in accordance with that licence or a person acting under that licence; or
 - (b) a person who received the abalone from another person and the abalone –
 - (i) is sealed in packaging that is marked or labelled with an abalone label; and
 - (ii) is accompanied by an abalone receipt or abalone transfer certificate in respect of that abalone that was issued by the supplier of the abalone; or
 - (c) a person acting in accordance with a general permit that authorises the taking or possession of abalone; or
 - (d) a person transporting abalone in sealed bins and accompanied by an abalone docket from the holder of an Abalone Fishery Access Licence to premises specified in a Fish Receivers (Abalone) Licence.
- (4) Sub-clauses (1) and (2), in relation to molluscs other than abalone, do not apply to –
- (a) the holder of an Fishery Access Licence acting in accordance with that licence or a person acting under that licence; or
 - (b) a person who received the molluscs from another person (including the holder of an Fishery Access Licence) and the molluscs are accompanied by a receipt in respect of those molluscs that was issued by the supplier of the molluscs that contain the following details –
 - (i) the full name of the person selling the molluscs;
 - (ii) the business address from which the molluscs were sold;
 - (iii) the number of the receipt;
 - (iv) the date of sale of the molluscs;
 - (v) the net weight of the molluscs.
 - (c) a person acting in accordance with a general permit that authorises the taking or possession of molluscs.
- (5) Sub-clauses (1) and (2) does not apply in respect of a vehicle that is –
- (a) a train, tram, bus, or other public transport vehicle; and
 - (b) the vehicle was being used for a public purpose at the time the offence was committed.

7. Revocation

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

SCHEDULE: PRESCRIBED AREA



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