



Victoria Government Gazette

No. S 206 Friday 7 May 2021
By Authority of Victorian Government Printer

Fisheries Act 1995

FISHERIES NOTICE 2021

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate for the Minister for Fishing and Boating, having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Fisheries Notice under sections 67, 68A, 114 and 152 of the Act.

Dated 5 May 2021

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (ABALONE DISEASE CLOSURE) NOTICE 2021

1. Title

This Notice may be cited as the Fisheries (Abalone Disease Closure) Notice 2021.

2. Objectives

The objectives of this Notice are to protect the abalone fishery and abalone aquaculture activities by reducing the risk of Abalone Viral Ganglioneuritis spread due to specified activities.

3. Authorising provision

This Notice is made under sections 67, 68A, 114 and 152 of the Act.

4. Commencement

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

5. Definitions

In this Fisheries Notice –

‘inspector’ means an inspector of livestock appointed under the **Livestock Disease Control Act 1994**;

‘control area’ means all marine waters shown hatched on the plan in the Schedule;

‘substrate’ means any part of the sea bed and sub-soil lying beneath the waters;

‘the Act’ means the **Fisheries Act 1995**;

‘dive equipment’ includes any mask, snorkel or underwater breathing apparatus;

‘VFA’ means the Victorian Fisheries Authority established under the **Victorian Fisheries Authority Act 2016**.

6. Prohibition on fishing in control area

(1) For the purposes of section 67 of the Act –

(a) the taking of any fish from the control area; or

(b) the possession of any fish in the control area is prohibited.

(2) For the purposes of the Act, the catch limit with respect to –

(a) the taking of any species of fish in the control area is 0; or

(b) the possession of any species of fish in the control area is 0.

(3) Subclause (1)(b) or (2)(b) does not apply to a person travelling by the shortest practicable route from a point outside the control area to another point outside the control area.

SPECIAL

- (4) For the purposes of section 114 of the Act, the use of any fishing equipment (including but not limited to recreational fishing equipment, commercial fishing equipment or commercial abalone equipment) in the control area is prohibited.
- (5) Subclauses (1), (2) and (4) do not apply to a person who uses a rod and line or handline from the Port of Portland Breakwater structures for recreational fishing.
- (6) For the purposes of section 114 of the Act, the use of any dive equipment in the control area is prohibited.

7. Prohibition on the use of boats in control area

- (1) For the purposes of section 114 of the Act, the use of any boat that is anchored in the control area is prohibited.
- (2) Subclause (1) does not apply to a commercial boat greater than 35 metres in length anchoring in the area marked on the plan in the Schedule as the Portland Anchorage with approval of the Harbour Master for the port waters of Portland.

8. Prohibition on collecting substrate in control area

A person must not collect any substrate from the control area.

Penalty: 50 Penalty units.

9. Exemptions

- (1) This notice does not apply to an inspector, authorised officer or police officer acting in the execution of their duties.
- (2) One or more provisions of this notice do not apply to a person specifically authorised in writing for the purpose of this clause by the VFA, authorised officer or an inspector.

10. Application to Fisheries Reserves

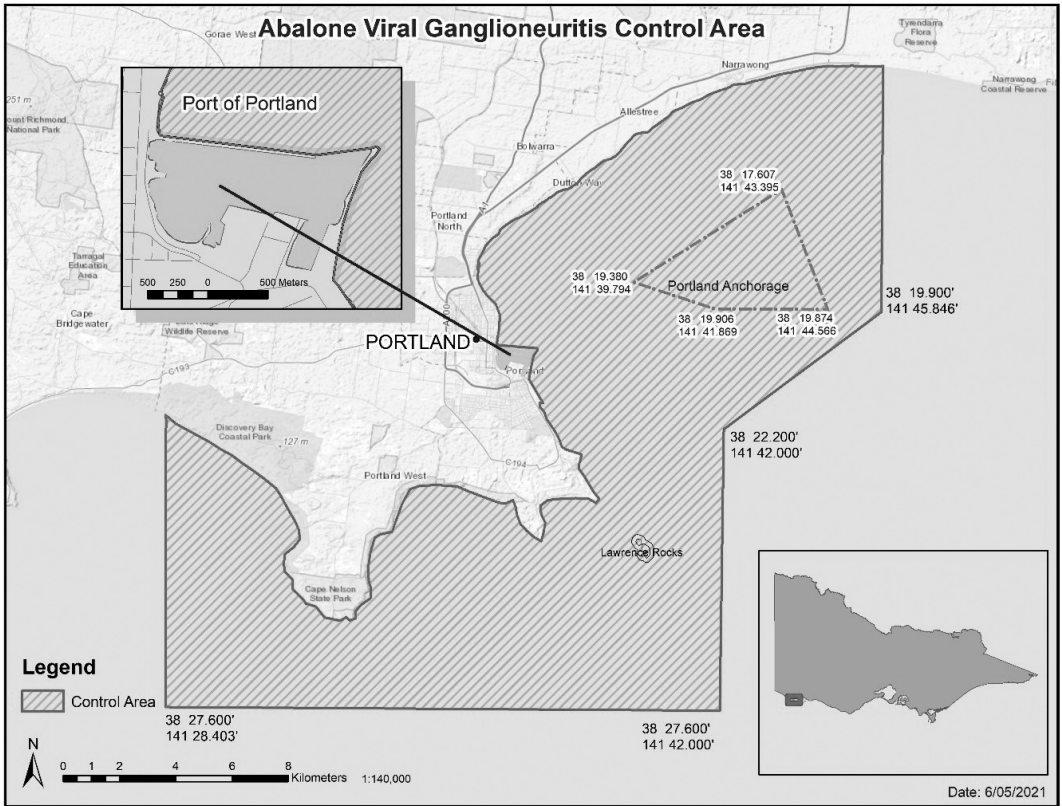
For the purposes of section 152(4), this notice applies to all Fisheries Reserves.

11. Revocation

Unless sooner revoked, this Notice will be revoked on 31 May 2021.

Notes: Contravention of any prohibition under sections 67 or 114 of the Act, as set out in this Fisheries Notice, is an offence under that section of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

SCHEDULE



Geocentric Datum of Australia (GDA) 94

Coordinate Labels: Degrees and decimal minutes

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Level 2, 1 Macarthur Street
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Victoria Australia

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Ground Floor, Building 8,
658 Church Street,
Richmond 3121

DX 106 Melbourne



Telephone

(03) 8523 4601

email

gazette@ivegroup.com.au

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