



# Victoria Government Gazette

No. S 154 Monday 28 March 2022  
By Authority of Victorian Government Printer

## Fisheries Act 1995

### FISHERIES NOTICE 2022

I, Chris Padovani, Acting Director Fisheries Management, Science, Policy, Licensing and Communications Division 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, 114 and 152 of the Act:  
Dated 25 March 2022

Chris Padovani  
Acting Director Fisheries Management, Science,  
Policy, Licensing and Communications  
Victorian Fisheries Authority

### FISHERIES (WESTERN ZONE ABALONE DISEASE MANAGEMENT) NOTICE 2022

**1. Title**

This Notice may be cited as the Fisheries (Western Zone Abalone Disease Management) Notice 2022.

**2. Objectives**

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

**3. Authorising provision**

This Notice is made under sections 67, 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 –

**‘commercial abalone equipment’** has the same meaning as in the Act;

**‘specified waters’** means all marine waters shown hatched on the plan in the Schedule 1; including the area from the high water mark around the western side of Cape Bridgewater encompassed by points A) to D), the area north of a straight line between point E) 38° 24.103' S, 141° 34.003' E; and, point F) 38° 24.103' S, 141° 37.152' E in Nelson Bay, and an area around Lawrence rock extending from the highwater mark at Point Danger (Point G) seaward in a straight line due east to point H) 38° 23.511' S 141° 40.634' E, continuing south in a straight line to point I) 38° 25.352' S, 141° 40.634' E west in a straight line to point J) 38° 25.352' S, 141° 38.905' E returning north in a straight line to Point Danger (Point G);

**‘prohibited equipment’** means any commercial abalone equipment, rock lobster pot or recreational hoop net;

**‘rock lobster pot’** and **‘recreational hoop net’** have the same meaning as in the Fisheries Regulations 2019;

**‘aquaculture protection area’** means all marine waters shown hatched on the plan in Schedule 2;

**‘coff’** has the same meaning as in the Fisheries Regulations 2019;

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

**‘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;

**SPECIAL**

**'the Act'** means the **Fisheries Act 1995**;

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

**6. Prohibition on abalone and rock lobster fishing within specified waters**

- (1) For the purposes of section 67 of the Act –
  - (a) the taking of abalone or rock lobster from specified waters; or
  - (b) the possession of abalone rock lobster in or on specified waters; or
  - (c) the landing or sale of abalone or rock lobster taken from specified waters – is prohibited.
- (2) For the purposes of section 114 of the Act,
  - (a) the use of any prohibited equipment in specified waters; or
  - (b) the possession of any prohibited equipment in or on specified waters – is prohibited.
- (3) Sub-clause (2)(b) does not apply to a person if the equipment is stored or secured on board a boat and the boat is travelling by the shortest practicable route from a place outside of the specified waters to another place outside of those waters.
- (4) For the purposes of the Act, the catch limit with respect to the taking of abalone or rock lobster from, or the possession of abalone or rock lobster in or on, specified waters is 0.

**7. Prohibition on collecting substrate in the aquaculture protection area**

A person must not collect any substrate from the aquaculture protection area as defined in Schedule 2.

Penalty: 50 Penalty units.

**8. Prohibition on fishing within the aquaculture protection area**

- (5) For the purposes of section 114 of the Act, the use of any recreational fishing equipment, commercial fishing equipment or commercial abalone equipment in the aquaculture protection area as defined in Schedule 2 is prohibited.
- (6) For the purposes of section 114 of the Act, the use of any –
  - a. dive equipment; or
  - b. boat that is anchored –in the aquaculture protection area is prohibited.
- (7) For the purposes of the Act, the catch limit with respect to the taking or possession of any species of fish in or on waters in the aquaculture protection area is 0.
- (8) Sub clauses (1) and (3) do not apply to the use of a rod and line from the beach to take a species of fish other than shellfish, aquatic crustaceans or echinoderms if the person is otherwise fishing in accordance with the Fisheries Regulations 2019.

**9. Prohibition on using abalone as bait or berley**

A person must not use abalone as bait or berley in Victorian waters.

Penalty: 50 Penalty units.

**10. Prohibition on depositing abalone shells**

A person must not deposit abalone shells in any Victorian waters.

Penalty: 50 Penalty units.

**11. Prohibition on using a coff for abalone**

- (1) For the purposes of section 114 of the Act, the use of any coff for holding abalone in marine waters is prohibited.

- (2) Sub-clause (1) does not apply to the holder of an Aquaculture (Crown Land – Abalone) Licence acting in accordance with the licence.

**12. Exemptions**

- (1) This notice does not apply to an authorised officer, police officer or employee or agent of the VFA acting in the execution of their duties.
- (2) An authorised officer may issue a permit authorising a person to carry out one or more activities prohibited or restricted by this fisheries notice –
- a. subject to any conditions; and
  - b. to be effective for any period of time – that the officer specifies in the permit.
- (3) The holder of a permit issued under sub-clause (2) must comply with any condition to which the permit is subject.

Penalty: 50 penalty units.

**13. Application to Fisheries Reserves**

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

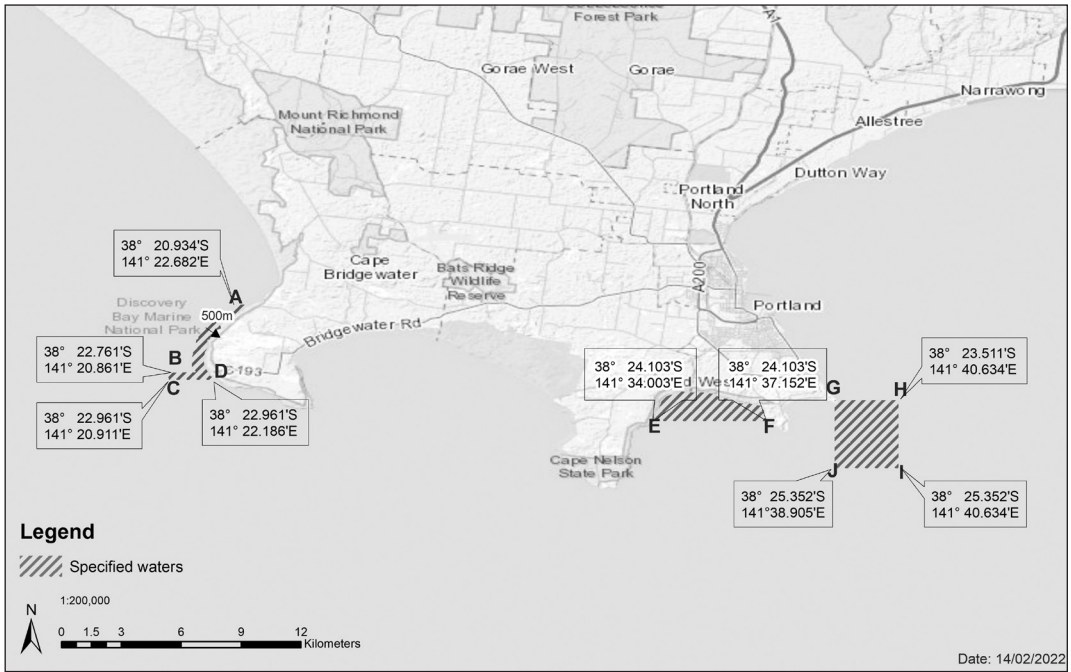
**14. Revocation**

- (1) Unless sooner revoked, this Notice will be revoked on 28 May 2022.

**Notes:**

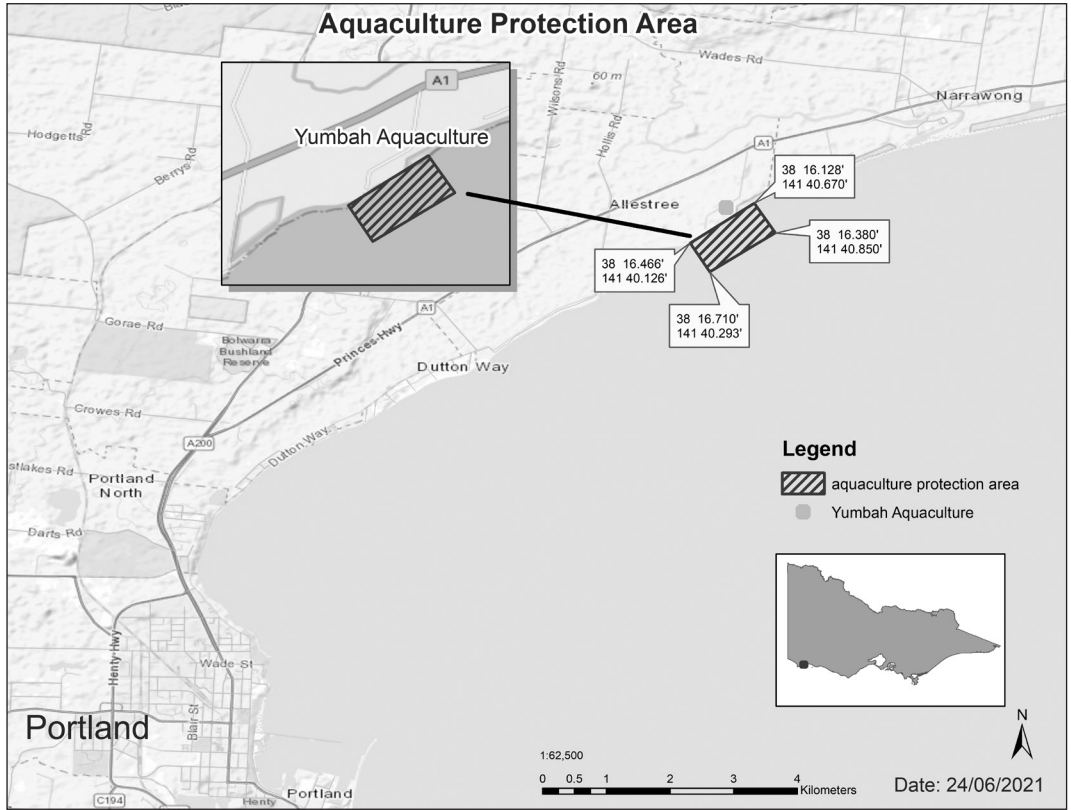
Contravention of any prohibition under sections 67 and 114 of the Act, as set out in this Fisheries Notice, is an offence under that section of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

**SCHEDULE 1**



Geocentric Datum of Australia (GDA) 94  
 Coordinate Labels: Degrees and decimal minutes

SCHEDULE 2



Geocentric Datum of Australia (GDA) 94  
Coordinate Labels: Degrees and decimal minutes

This page was left blank intentionally

This page was left blank intentionally

# ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2022

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria  
Level 2, 1 Macarthur Street  
Melbourne 3002  
Victoria Australia

## How To Order



**Retail &  
Mail Sales**

**Victoria Government Gazette**

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

DX 106 Melbourne



**Telephone**

(03) 8523 4601

**email**

[gazette@ivegroup.com.au](mailto:gazette@ivegroup.com.au)

**Price Code A**