



Victoria Government Gazette

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Fisheries Act 1995

FISHERIES NOTICE 2017

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Agriculture and 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 17 August 2017

TRAVIS DOWLING
Chief Executive Officer

FISHERIES (CENTRAL ABALONE ZONE – REVISED) NOTICE 2017

1. Title

This Notice may be cited as the Fisheries (Central Abalone Zone – Revised) Notice 2017

2. Objectives

The objective of this Notice is to:

- a. fix minimum size limits for blacklip abalone and greenlip abalone taken under an Abalone Fishery Access Licence in the central abalone zone.
- b. address sustainability concerns for Victorian Central Abalone Zone abalone stocks and related management issues by closing specified marine waters to commercial abalone harvest.

3. Authorising provision

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

4. Commencement

This Notice comes into operation at the time it is published in the Victoria Government Gazette and the VFA website.

5. Revocation

The Fisheries (Central Abalone Zone) Notice 2017 is revoked.

6. Definitions

In this fisheries notice –

‘**AFAL**’ means an Abalone Fishery (Central Zone) Access Licence;

‘**central abalone zone**’ means all Victorian waters between longitude 142° 31’ East and longitude 148° East;

‘**CEO**’ means the Chief Executive Officer of the VFA;

‘**closed waters**’ means the marine waters within a spatial management unit for which the upper limit has been reached or exceeded as specified in Column 3 of Schedule 3;

‘**nominated operator**’ means –

- (a) a licence holder permitted under section 39(1) of the Act; or
- (b) a person listed on an access licence for the purposes of section 39(2) of the Act;

‘**size zone**’ means each area of Victorian marine waters between the coordinates specified in Column 1 of Schedule 1 for blacklip abalone and Column 1 of Schedule 2 for greenlip abalone;

‘**spatial management unit**’ means each area of Victorian marine waters specified in Column 1 of Schedule 3;

SPECIAL

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

‘upper limit’ for the spatial management unit specified in Column 1 of Schedule 3 means the amount of abalone specified in Column 3 of Schedule 3 corresponding to that spatial management unit;

‘VFA’ means the Victorian Fisheries Authority.

7. Minimum sizes for abalone taken from the central abalone zone

- (1) For the purposes of the Act, the minimum size with respect to the taking of blacklip abalone under an AFAL from the waters specified in columns 1 of Schedule 1 is the size specified for those waters in Column 2 of Schedule 1.
- (2) For the purposes of the Act, the minimum size with respect to the taking of greenlip abalone under an AFAL from the waters specified in column 1 of Schedule 2 is the size specified for those waters in Column 2 of Schedule 2.

Notes: There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species that are less than the minimum size specified for that species of fish in this Notice. Various penalties apply.

Under section 152(3) of the Act, if a provision of this Notice is inconsistent with any regulations, the Fisheries Notice prevails to the extent of the inconsistency. The general size limits specified in the Fisheries Regulations 2009 will continue to apply in circumstances where the size limits specified in clauses 6 and 7 do not apply.

8. Abalone not to be taken from more than one size zone

For the purposes of section 67 of the Act –

- (a) the taking of blacklip abalone under an AFAL from more than one size zone on any fishing trip; or
- (b) the possession of blacklip abalone taken from more than one size zone on-board any boat being used under an AFAL; or
- (c) the landing of blacklip abalone taken under an AFAL from more than one size zone; is prohibited.

Note: It is an offence under section 67(3) of the **Fisheries Act 1995** to fail to comply with a prohibition

9. Closed waters

- (1) For the purposes of section 67 of the Act –
 - (a) the taking of abalone from closed waters; or
 - (b) the possession of abalone in or on closed waters –by the holder of an access licence, or a person acting or purporting to act under an access licence, is prohibited.

Note: Failure to comply with this prohibition is an offence under section 67 of the **Fisheries Act 1995**. A maximum penalty of 100 penalty units and/or six months imprisonment applies.

Sub-clause (1)(b) does not apply to a person possessing abalone on-board a boat under way and travelling by the most direct route to reach a point of landing or specified open waters for the purpose of commercial abalone diving.

10. Application to fisheries reserves

This Notice applies to a Fisheries Reserve, as declared under section 88 of the Act, to the extent that fishing is permitted in the Fisheries Reserve.

11. Revocation

Unless sooner revoked, this Notice will be revoked on 31 March 2018.

SCHEDULES

SCHEDULE 1

| Column 1 Waters taken from: Victorian Marine waters – | Column 2 Minimum size (Millimetres) |
|---|--|
| a) Reef codes 4.01 (Lake Gilllear) to 8.02 (Cumberland). i.e. between longitude 142°30.50'E and longitude 143°58.01'E. | 123 |
| b) Reef codes 8.03 (Eastern View) to 10.05 (The Anchor) i.e. between longitude 143° 58.01' E and a straight line connecting coordinates longitude 144° 12.63' E, latitude 38° 24.19' S and longitude 144° 12.48' E, latitude 38° 28.13' S (the western boundary of Point Addis Marine National Park), between a straight line connecting coordinates longitude 144° 17.1' E, latitude 38° 22.06' S and longitude 144° 16.95' E, latitude 38° 26.06' S (the eastern boundary of Point Addis Marine National Park and between a straight line connecting coordinates longitude 144° 36.34' E, latitude 38° 17.36' S, longitude 144° 36.15' E, latitude 38° 17.59' S, longitude 144° 37.31' E, latitude 38° 18.04' S and longitude 144° 38.04' E, latitude 38° 17.51' S (the western and southern boundaries of Port Phillip Heads Marine National Park – Point Lonsdale), and between a straight line connecting coordinates longitude 144° 38.04' E, latitude 38° 17.51' S and longitude 144° 37.55' E, latitude 38° 16.44' S (the eastern boundary of Port Phillip Heads Marine National Park - Point Lonsdale) and a straight line connecting coordinates longitude 144° 43.14' E, latitude 38° 10.45' S and longitude 144° 42.99' E, latitude 38° 14.88' S. | 110 |
| c) Reef codes 11.01 (Indented Head) to 11.18 (Portsea Bayside). i.e. the portions of Port Phillip Bay extending north of latitude 38° 10.24' S and east of a straight line connecting coordinates longitude 144° 42.84' E, latitude 38° 19.13' S and longitude 144° 42.85' E, latitude 38° 18.75' S, extending from the shoreline to a depth of 10 metres (Port Phillip Bay except reef codes 10.05 (The Anchor) and 12.01 (Nepean Bay)) | 105 |
| d) Reef codes 12.01 (Nepean Bay) to 12.05 (Gunnamatta). i.e. between a straight line connecting coordinates longitude 144°42.84'E, latitude 38°19.13'S and longitude 144° 42.85' E, latitude 38° 18.75' S and a straight line connecting coordinates longitude 144° 38.88' E, latitude 38° 18.08' S, longitude 144° 38.85'E, latitude 38° 18.08'S and longitude 144° 38.4' E, latitude 38° 18.27'S (excluding areas within 250 metres of the High Water Mark west of longitude 144° 41.22' E (the northern boundary of Port Phillip Heads Marine National Park - Point Nepean) and the area bounded by coordinates longitude 144° 42.68' E, latitude 38° 18.57' S, longitude 144° 42.87' E, latitude 38° 18.72' S, longitude 144° 42.75' E, latitude 38° 18.82' S and longitude 144° 42.55' E, latitude 38° 18.67' S (Port Phillip Heads Marine National Park - Portsea Hole)), extending to a maximum depth of 10 metres, and between a straight line connecting coordinates longitude 144° 38.4'E, latitude 38° 18.27' S, longitude 144° 39.01' E, latitude 38° 19.55' S and longitude 144° 39.99' E, latitude 38° 18.76' S (the southern boundary of Port Phillip Heads Marine National Park – Point Nepean) and latitude 38°28.75' S (extends from red rock structure onshore), extending to a maximum depth of 30 metres. | 117 |

| Column 1 Waters taken from: Victorian Marine waters – | Column 2 Minimum size (Millimetres) |
|--|--|
| e) Reef codes 12.06 (Cape Schanck) to 14.11(Summerlands). i.e. between latitude 38° 28.75' S (extending from red rock structure onshore) and a straight line connecting coordinates longitude 145° 7.70' E, latitude 38° 23.46' S and longitude 145° 8.72' E, latitude 38° 24.03' S (Cape Schanck to Westernport West), and between a straight line connecting coordinates longitude 145° 9.92' E, latitude 38° 27.93' S and longitude 145° 9.64' E, latitude 38° 27.62' S and a straight line connecting coordinates longitude 145° 21.85' E, latitude 38° 31.10' S, longitude 145° 21.10' E, latitude 38° 31.45' S and longitude 145° 22.29' E, latitude 38° 32.95' S (Ventnor – Flynnns to Cape Woolamai East) | 110 |
| f) Reef codes 15.01 (San Remo) and 15.02 (Powlett River). i.e. between a straight line connecting coordinates longitude 145°21.85' E, latitude 38°31.10' S, longitude 145° 21.10' E, latitude 38° 31.45' S and longitude 145° 22.29' E, latitude 38° 32.95' S and a straight line connecting coordinates longitude 145°33.63' E, latitude 38° 39.05' S and longitude 145°32.40' E, latitude 38°40.47' S. | 115 |
| g) Reef codes 15.03 (Hamers Haven) to 16.03 (Cape Liptrap West). i.e. between a straight line connecting coordinates longitude 145° 33.63' E, latitude 38° 39.05' S and longitude 145° 32.40' E, latitude 38° 40.47' S and a straight line connecting coordinates longitude 145° 37.96' E, latitude 38° 40.42' S and longitude 145° 37.9' E, latitude 38° 43.49' S (western boundary of Bunurong Marine National Park), and between a straight line connecting coordinates longitude 145° 40.44' E, latitude 38° 40.00' S and longitude 145° 40.38' E, latitude 38° 43.52' S (eastern boundary of Bunurong Marine National Park) and longitude 145° 55.32' E | 110 |
| h) Reef codes 16.04 (Cape Liptrap East) to 16.06 (Waratah Reef). i.e. between longitude 145°55.32'E and longitude 146°2.42'E. | 105 |
| i) Reef codes 16.07 (Cotters Beach), 17.02 (Tongue Point), 17.04 (Leonard Point) and 17.05 (Pillar Point). i.e. longitude 146°2.42'E to a straight line connecting coordinates longitude 146° 19.58' E, latitude 39° 2.48' S and longitude 146° 13.81' E, latitude 39° 4.14' S (the north-western boundary of the Wilsons Promontory Marine National Park). | 115 |

| Column 1 Waters taken from: Victorian Marine waters – | Column 2 Minimum size (Millimetres) |
|--|--|
| j) Reef codes 17.01 (Shellback Island), 17.03 (Norman Island) and 17.10 (Great Glennie Island) to 17.13 (McHugh Island). i.e. the area between longitudes 146° 13.04' E and 146° 14.38' E and between latitudes 38° 57.66' S and 38° 58.46' S (Shellback Island), the waters around Norman Island extending to a maximum depth of 30 metres, and the area bounded on the east by waters within 300 metres of the Low Water Marks on McHugh, Dannevig and Great Glennie Islands (the western boundary of the Wilsons Promontory Marine National Park), on the south by latitude 39° 7.18' S, on the north by latitude 39° 3.81' S and on the west by a straight line connecting coordinates longitude 146° 13.20' E, latitude 39° 3.81' S, longitude 146° 13.20' E, latitude 39° 5.16' S, longitude 146° 14.00' E, latitude 39° 6.03' S and longitude 146° 14.00' E, latitude 39° 7.18' S (Great Glennie Island, Dannevig Island, Citadel Island and McHugh Island). | 120 |
| k) Reef codes 18.03 (Refuge Cove) to 18.08 (Seal Island Group) i.e. between a straight line connecting coordinates longitude 146° 28.72' E, latitude 39° 3.99' S and longitude 146° 28.69' E, latitude 39° 4.05' S (the eastern boundary of the Wilsons Promontory Marine National Park) and longitude 146° 44.73' E. | 110 |

SCHEDULE 2

| Column 1 Waters taken from Victorian marine waters— | Column 2 Minimum size (Millimetres) |
|--|--|
| a) Mouth of Hopkins River to Point Nepean i.e. between longitude 142°30.498'E and longitude 144°38.88'E | 145 |
| b) Point Nepean to Lakes Entrance i.e. between longitude 144°38.88'E and longitude 148°E | 150 |

SCHEDULE 3

| Column 1 Spatial management unit name | Column 2 Coordinates bordering spatial management unit | Column 3 Upper limit |
|--|--|---------------------------------------|
| Shipwreck Coast spatial management unit that includes: a. Reef Code 4.01 Lake Gilllear b. Reef Code 4.02 Antares c. Reef Code 5.01 Peterborough d. Reef Code 5.02 Point Hesse e. Reef Code 5.03 Port Campbell | 1. 38°24'14"S 142°31'00"E 2. 38°26'29"S 142°31'00"E 3. 38°39'19"S 143°03'00"E 4. 38°38'52"S 143°03'18"E | 27.6 tonnes |

| Column 1 Spatial management unit name | Column 2 Coordinates bordering spatial management unit | Column 3 Upper limit |
|---|--|---------------------------------------|
| Cape Otway spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 6.01 Moonlight Head b. Reef Code 6.02 Milanesia Beach c. Reef Code 6.03 Rotten Point d. Reef Code 7.03 East Otway e. Reef Code 7.04 Blanket Bay f. Reef Code 7.05 Apollo Bay g. Reef Code 7.06 Skenes Creek h. Reef Code 7.07 Franklin - Parker i. Reef Code 7.08 Parker River West Outside j. Reef Code 8.01 Kennett & Wye | <ol style="list-style-type: none"> 1. 38°44'01"S 143°11'08"E 2. 38°44'46"S 143°09'58"E 3. 38°38'06"S 143°55'30"E 4. 38°38'06"S 143°53'29"E | 60.1 tonnes |
| Surf Coast spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 8.02 Cumberland b. Reef Code 8.03 Eastern View c. Reef Code 9.01 Anglesea d. Reef Code 9.02 Jan Juc e. Reef Code 10.01 Point Impossible f. Reef Code 10.02 Thirteenth Beach g. Reef Code 10.03 Ocean Grove h. Reef Code 10.04 Lonsdale Back Beach i. Reef Code 10.05 The Anchor | <ol style="list-style-type: none"> 1. 38°38'06"S 143°53'29"E 2. 38°38'06"S 143°55'30"E 3. 38°18'32"S 144°36'17"E 4. 38°18'00"S 144°37'11"E 5. 38°16'29"S 144°42'55"E 6. 38°10'27"S 144°43'08"E | 5.2 tonnes |

| Column 1 Spatial management unit name | Column 2 Coordinates bordering spatial management unit | Column 3 Upper limit |
|--|---|---------------------------------------|
| Port Phillip Bay spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 11.01 Indented Head b. Reef Code 11.02 Bellarine c. Reef Code 11.03 Point Wilson d. Reef Code 11.04 Kirks Point e. Reef Code 11.05 Werribee f. Reef Code 11.06 Sheoak g. Reef Code 11.07 Point Cook h. Reef Code 11.08 Altona Bay i. Reef Code 11.09 Sticks Reef j. Reef Code 11.10 Williamstown k. Reef Code 11.11 St Kilda l. Reef Code 11.12 Brighton m. Reef Code 11.13 Black Rock n. Reef Code 11.14 Mordialloc o. Reef Code 11.15 Frankston p. Reef Code 11.16 Canadian Bay q. Reef Code 11.17 Mount Martha r. Reef Code 11.18 Portsea Bayside | <ol style="list-style-type: none"> 1. 38°10'14"S 144°43'08"E 2. 38°10'14"S 144°44'27"E 3. 38°18'44"S 144°42'50"E 4. 38°19'07"S 144°42'50"E | 5.0 tonnes |
| Back Beaches spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 12.01 Nepean Bay b. Reef code 12.02 Portsea Ocean Beach c. Reef Code 12.03 Sorrento Ocean Beach d. Reef Code 12.04 Rye Ocean Beach e. Reef Code 12.05 Gunnamatta | <ol style="list-style-type: none"> 1. 38°19'07"S 144°42'50"E 2. 38°18'44"S 144°42'50"E 3. 38°19'28"S 144°38'58"E 4. 38°21'41"S 144°38'49"E 5. 38°28'45"S 144°51'09"E 6. 38°28'45"S 144°53'09"E | 86.1 tonnes |
| Flinders spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 12.06 Cape Schanck b. Reef code 13.01 Bushrangers Bay c. Reef Code 13.02 Symmonds Bay West d. Reef Code 13.03 Symmonds Bay East e. Reef Code 13.04 Cairns Bay f. Reef Code 13.05 Flinders g. Reef Code 13.06 Western Port West h. Reef Code 13.07 West Head Tide | <ol style="list-style-type: none"> 1. 38°28'45"S 144°53'09"E 2. 38°28'45"S 144°51'09"E 3. 38°30'23"S 145°00'32"E 4. 38°31'11"S 145°06'19"E 5. 38°27'38"S 145°09'39"E 6. 38°24'01"S 145°08'43"E 7. 38°23'27"S 145°07'42"E | 30.0 tonnes |

| Column 1 Spatial management unit name | Column 2 Coordinates bordering spatial management unit | Column 3 Upper limit |
|--|--|-------------------------|
| Phillip Island spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 14.01 Ventnor – Flynnns b. Reef Code 14.02 Cat Bay c. Reef Code 14.03 Seal Rocks d. Reef Code 14.04 Penguin Reserve e. Reef Code 14.05 Summerlands – Berry f. Reef Code 14.06 Pyramid Rock West g. Reef Code 14.07 Pyramid Rock East h. Reef Code 14.08 Sunderland Bay i. Reef Code 14.09 Cape Woolamai West j. Reef Code 14.10 Cape Woolamai East k. Reef Code 14.11 Summerlands | <ol style="list-style-type: none"> 1. 38°27'55"S 145°09'55"E 2. 38°27'38"S 145°09'39"E 3. 38°31'11"S 145°06'19"E 4. 38°32'33"S 145°06'38"E 5. 38°33'55"S 145°23'03"E 6. 38°31'27"S 145°21'06"E 7. 38°31'06"S 145°21'50"E 8. 38°31'00"S 145°21'42"E | 48.0 tonnes |
| Kilcunda spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 15.01 San Remo b. Reef Code 15.02 Powlett c. Reef Code 15.03 Harmers Haven d. Reef Code 15.04 Cape Patterson e. Reef Code 15.05 Inverloch | <ol style="list-style-type: none"> 1. 38°31'12"S 145°22'02"E 2. 38°31'06"S 145°21'50"E 3. 38°31'27"S 145°21'06"E 4. 38°33'55"S 145°23'03"E 5. 38°41'43"S 145°43'43"E 6. 38°38'33"S 145°43'43"E 7. 38°38'21"S 145°43'30"E | 18.3 tonnes |
| Cape Liptrap spatial management unit that includes: <ol style="list-style-type: none"> a. Reef code 16.01 Venus Bay b. Reef Code 16.02 Morgans Beach c. Reef Code 16.03 Cape Liptrap West d. Reef Code 16.04 Cape Liptrap East e. Reef Code 16.05 Walkerville f. Reef Code 16.06 Waratah Reef | <ol style="list-style-type: none"> 1. 38°38'33"S 145°43'43"E 2. 38°41'43"S 145°43'43"E 3. 38°53'14"S 146°02'24"E 4. 38°48'41"S 146°02'24"E | 16.3 tonnes |

| Column 1 Spatial management unit name | Column 2 Coordinates bordering spatial management unit | Column 3 Upper limit |
|--|---|---------------------------------------|
| Prom Westside spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 16.07 Cotters Beach b. Reef Code 17.01 Shellback Island c. Reef Code 17.02 Tongue Point d. Reef Code 17.03 Norman Island e. Reef Code 17.04 Leonard Point f. Reef Code 17.05 Pillar Point g. Reef Code 17.10 Great Glennie Island h. Reef Code 17.11 Dannevig Island i. Reef Code 17.12 Citadel Island j. Reef Code 17.13 McHugh Island | <ol style="list-style-type: none"> 1. 38°48'41"S 146°02'24"E 2. 38°53'14"S 146°02'24"E 3. 39°02'59"S 146°17'47"E 4. 39°02'28"S 146°19'34"E 5. Between the High Water Mark of Norman Island and a maximum depth of 30 m 6. 39°03'48"S 146°13'11"E 7. 39°05'09"S 146°13'11"E 8. 39°06'01"S 146°14'00"E 9. 39°07'10"S 146°14'00"E 10. Within 300 m of the High Water Marks of Great Glennie, Dannevig and McHugh Islands | 26.0 tonnes |
| Prom Eastside spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 18.03 Refuge Cove b. Reef Code 18.04 Five Mile Beach c. Reef Code 18.05 Monkey Point d. Reef Code 18.06 Rabbit Island & Rock e. Reef Code 18.07 Three Mile Beach f. Reef Code 18.09 Ninety Mile Beach | <ol style="list-style-type: none"> 1. 39°03'59"S 146°28'43"E 2. 39°04'02"S 146°28'41"E 3. 38°57'34"S 146°36'36"E 4. 38°53'29"S 146°36'36"E 5. 38°53'29"S 146°44'43"E 6. 38°54'12"S 146°44'43"E 7. 37°55'45"S 148°00'00"E 8. 37°52'52"S 148°00'00"E | 8.1 tonnes |
| Clifffy Group spatial management unit that includes: <ol style="list-style-type: none"> a. Reef Code 18.08 Seal Island Group | <ol style="list-style-type: none"> 1. 38°57'34"S 146°36'36"E 2. 38°53'29"S 146°36'36"E 3. 38°53'29"S 146°44'43"E 4. 38°54'12"S 146°44'43"E | 6.5 tonnes |

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