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Fisheries Act 1995

INITIAL QUOTA ORDER UNDER SECTION 64 OF THE FISHERIES ACT 1995 FOR SNAPPER FISHING IN THE WESTERN PORT/PORT PHILLIP BAY (COMMERCIAL) FISHERY

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995**, make the following Initial Quota Order under section 64 of the Act for snapper fishing in the Western Port/Port Phillip Bay (Commercial) Fishery.

1. Snapper fishing in the Western Port/Port Phillip Bay (Commercial) Fishery will be managed by the allocation of quota to Western Port/Port Phillip Bay Fishery Access Licences.
2. The number of individual snapper quota units in the Western Port/Port Phillip Bay (Commercial) Fishery will be equal to the total allowable commercial catch (TACC) of snapper divided by the value of an individual snapper quota unit, as determined in a Further Quota Order pursuant to section 64A of the **Fisheries Act 1995**.
3. The quota units are to be allocated as follows:
 - (a) All quota units are to be allocated evenly to those licence holders holding a Western Port/Port Phillip Bay Fishery Access Licence on 1 April 2022.
 - (b) No quota units are to be allocated to those licence holders granted a Western Port/Port Phillip Bay Fishery Access Licence after 1 April 2022. These licence holders need to acquire individual quota units by transfer pursuant to section 65A of the **Fisheries Act 1995**.
4. Individual Western Port/Port Phillip Bay (Commercial) Fishery quota units may be transferred permanently or temporarily to a holder of a Western Port/Port Phillip Bay Fishery Access Licence.
5. Individual quota units that are not taken during a quota period cannot be carried over in the next quota period.

Dated 11 March 2022

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

SPECIAL

Fisheries Act 1995

**FURTHER QUOTA ORDER UNDER SECTION 64A OF THE FISHERIES ACT 1995
FOR SNAPPER FISHING IN THE WESTERN PORT/PORT PHILLIP BAY
(COMMERCIAL) FISHERY**

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Further Quota Order under section 64A of the Act for snapper fishing in the Western Port/Port Phillip Bay (Commercial) Fishery.

1. This Order applies for the period commencing 1 April 2022 and ending on 31 March 2023, both dates inclusive (the quota period).
2. The total allowable commercial catch of snapper in the Western Port/Port Phillip Bay (Commercial) Fishery for the quota period is 88,000 kilograms.
3. The quantity of snapper comprising an individual snapper quota unit in the Western Port/Port Phillip Bay (Commercial) Fishery for the quota period is 1,000 kilograms.

This Order commences on 1 April 2022 and remains in force until the end of 31 March 2023.

Dated 11 March 2022

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

Fisheries Act 1995**FISHERIES (WESTERN PORT/PORT PHILLIP BAY FISHERY
CATCH LIMITS) NOTICE 2022**

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Fishing and Boating and having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** make the following Fisheries Notice:

Dated 11 March 2022

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

1. Title

This Fisheries Notice may be cited as the Fisheries (Western Port / Port Phillip Bay Fishery Catch Limits) Notice 2022.

2. Objectives

The objectives of this Fisheries Notice are to –

- (a) fix and enforce catch limits for the taking of fish other than snapper;
- (b) fix periods during which the taking, possession, landing or sale of certain species of fish is prohibited;

in the Western Port/Port Phillip Bay (Commercial) Fishery.

3. Authorising provision

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

4. Commencement

This Fisheries Notice comes into operation on the day it is published in the Government Gazette in accordance with the requirements of section 152(5) of the Act.

5. Definitions

(1) In this Fisheries Notice –

licensing year means a period from 1 April in any year to 31 March of the following year inclusive;

Port Phillip Bay has the same meaning as in the Fisheries Regulations 2019;

relevant access licence means a Western Port/Port Phillip Bay Fishery Access Licence;

restricted species means calamari, yellowtail kingfish, King George whiting and mulloway;

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

Western Port has the same meaning as in the Fisheries Regulations 2019.

(2) For the purposes of this Fisheries Notice, a person is **engaged in recreational fishing** only if the person –

- (a) takes or attempts to take fish for a purpose other than sale; and
- (b) holds a current recreational fishing licence or an exemption under Regulation 98 of the Fisheries Regulations 2019; and
- (c) does not use or possess commercial fishing equipment while taking or attempting to take fish; and
- (d) does not use a boat registered under Part 5 of the Fisheries Regulations 2019 unless prior to commencing the trip –
 - (i) the person has notified the Victorian Fisheries Authority in the manner required by the Authority; and
 - (ii) makes an entry in the boat's log with the date, time and launching place/port of departure and the words 'recreational trip', and a record with the date and time of completion of the trip; and
 - (iii) all commercial fishing equipment is removed from the boat.

6. Annual combined catch limits for fish other than snapper

- (1) For the purposes of the Act, the combined catch limit with respect to the taking of fish other than snapper, gummy shark or school shark by the holder of a relevant access licence in any licensing year is 2 tonnes.
- (2) For the purposes of the Act, the combined catch limit with respect to the taking of gummy shark or school shark by the holder of a relevant access licence in any licensing year is 1 tonne (of one species or a combination of both species).
- (3) In addition to the annual catch limits specified in this Clause, the licence holder is also subject to any –
 - (a) daily and trip catch limit specified in the Fisheries Regulations 2019 or a fisheries notice;
 - (b) species specific catch limit contained in Clause 9 of this notice.

Note: It is an offence under section 68A of the Act to take or possess more fish than the catch limit for that species of fish. Various penalties apply.

7. Catch limit for restricted species

- (1) For the purposes of the Act, the catch limit with respect to –
 - (a) the taking of any restricted species of fish from Port Phillip Bay or Western Port; or
 - (b) the possession of any restricted species of fish in, on or next to Port Phillip Bay or Western Port –
 by the holder of, or a person acting under, a relevant access licence is 0 fish.
- (2) Sub-Clause (1) does not apply to the holder of a relevant access licence, when engaged in recreational fishing.

Note: It is an offence under section 68A of the Act to take or possess more fish than the catch limit for that species of fish. Various penalties apply.

8. Prohibition on taking specified species

- (1) For the purposes of section 67(1) of the Act –
 - (a) the taking of any restricted species of fish from Port Phillip Bay or Western Port; or
 - (b) the possession of any restricted species of fish in or on Port Phillip Bay or Western Port; or
 - (c) the landing or sale of any restricted species of fish –
 by the holder of, or a person acting under, a relevant access licence is prohibited.

Note: Contravention of any prohibition under section 67(1) of the Act set out in this Notice is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

- (2) For the purposes of section 67(1) of the Act, if the annual catch limit specified in Clause 6(1) is reached by the holder of a relevant licence –
 - (a) the possession of any fish other than snapper, gummy shark or school shark in or on Port Phillip Bay or Western Port; or
 - (b) the landing or sale of any fish other than snapper, gummy shark or school shark – by the holder of, or a person acting under, that licence is prohibited.
- (3) For the purposes of section 67(1) of the Act, if the annual catch limit specified in Clause 6(2) is reached by the holder of a relevant licence –
 - (a) the possession of gummy shark or school shark in or on Port Phillip Bay or Western Port; or
 - (b) the landing or sale of any gummy shark or school shark – by the holder of, or a person acting under, that licence is prohibited.

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- (4) The prohibition in sub-clauses (1)(b) and (c) applies at any time during the period of this notice unless the person proves that the fish were taken prior to the commencement of this notice.
 - (5) The prohibition in sub-clauses (2)(b) and (3)(b) applies at any time during the period of this notice unless the person proves that the fish were taken prior to the annual catch limit being reached.
 - (6) Despite sub-clauses (1), (2) and (3), the holder of a relevant licence may take, possess or land fish specified in those sub-clauses, when engaged in recreational fishing.

9. Application to Fisheries Reserves

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

10. Revocation

- (1) The Fisheries (Western Port/Port Phillip Bay Fishery Catch Limit) Notice 2021 gazetted on 18 June 2021 (No. S312), is revoked.
 - (2) Unless sooner revoked, this Fisheries Notice is automatically revoked twelve (12) months after the date on which it comes into operation.
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