



Victoria Government Gazette

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Fisheries Act 1995

FISHERIES NOTICE 2024

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate for the Minister for Outdoor Recreation, 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 28 February 2024

TRAVIS DOWLING
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (ABALONE DISEASE CONTROL NO. 2) NOTICE 2024

1. **Title**

This Notice may be cited as the Fisheries (Abalone Disease Control No. 2) Notice 2024.

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 into Victoria from South Australia.

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 –

Abalone viral ganglioneuritis or **AVG** means the aquatic animal disease caused by abalone herpesvirus (Family Malacoherpesviridae);

Code of Practice means the Biosecurity control measures for abalone viral ganglioneuritis Code of Practice published by Agriculture Victoria, September 2023;

designated port or mooring means a port or mooring area specified in Schedule 19 of the Fisheries Regulations 2019;

fisheries notification service has the same meaning as in the Fisheries Regulations 2019;

fresh abalone product means abalone product that is not processed abalone product;

licence operator has the same meaning as in the Fisheries Regulations 2019;

processed abalone product means abalone product that has been treated in a manner that is generally recognized as being effective to inactivate Abalone Viral Ganglioneuritis and is preserved in a can or other sealed packaging for human consumption;

restricted area means South Australian waters east of the meridian of longitude 139° East (as outlined in the Schedule);

South Australian waters means waters as defined by the **Fisheries Management Act 2007** (SA) within the limits of the state of South Australia;

specified recreational fishing equipment means any hoop net, bait trap, recreational hauling net, abalone lever, or catch bag;

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

unprocessed abalone means live abalone or fresh abalone product;

use has the same meaning as in the Fisheries Regulations 2019;

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

6. Prohibition on the use of specified equipment in Victorian waters

For the purposes of section 114 of the Act, the use or possession of any commercial fishing equipment, commercial abalone equipment or specified recreational fishing equipment, in or on any Victorian waters is prohibited if the equipment has been used within the restricted area at any time commencing 20 February 2024.

7. Prohibition on the possession of unprocessed abalone sourced from South Australia

(1) For the purposes of section 67 of the Act, the possession of unprocessed abalone –

- (a) sourced from South Australia or South Australian waters; or
- (b) that has been in contact with live abalone sourced from South Australia or South Australian waters; or
- (c) that has been in contact with any water that has held, or is holding, unprocessed abalone sourced from South Australia or South Australian waters; or
- (d) that has been in contact with any fittings that have been in contact with live abalone sourced from South Australia or South Australian waters; or
- (e) processed in an abalone processor at which live abalone sourced from South Australia or South Australian waters are also processed –

is prohibited.

(2) Sub-clause (1)(d) does not apply if the fittings have been decontaminated in accordance with the Code of Practice.

(3) Sub-clause (1)(e) does not apply if the processor has complied with the Code of Practice.

(4) A person must not bring into Victoria, transport, or cause to be brought into Victoria, unprocessed abalone sourced from South Australia or South Australian waters.

Penalty: 50 penalty units

8. Rock lobster vessels to remain in Victorian waters during fishing trip

The holder of a Rock Lobster Fishery (Western Zone) Access Licence and the licence operator in relation to the licence must ensure that –

- (a) any fishing trip carried out under the licence commences at a designated Victorian port or mooring; and
- (b) before the boat specified in the licence leaves the port or mooring on a fishing trip under the licence, the trip is set up on the Fisheries notification service (Vic E-Catch) by submitting the following details –
 - (i) the boat registration;
 - (ii) the crew members; and
 - (iii) the licence details; and
- (c) the boat used under the licence does not enter the restricted area; and
- (d) any fish taken under the licence are landed at a designated port or mooring.

Penalty: 50 penalty units

9. Exemptions

- (1) This notice does not apply to an inspector of livestock, authorised officer or police officer acting in the execution of their duties.
- (2) The VFA or an authorised officer may in writing exempt a person from a specified provision of this Notice if the VFA or officer considers it necessary or reasonable in the circumstances of a particular case to do so.
- (3) The VFA or an authorised officer may impose conditions on an exemption under sub-clause (2).

10. Application to Fisheries Reserves

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

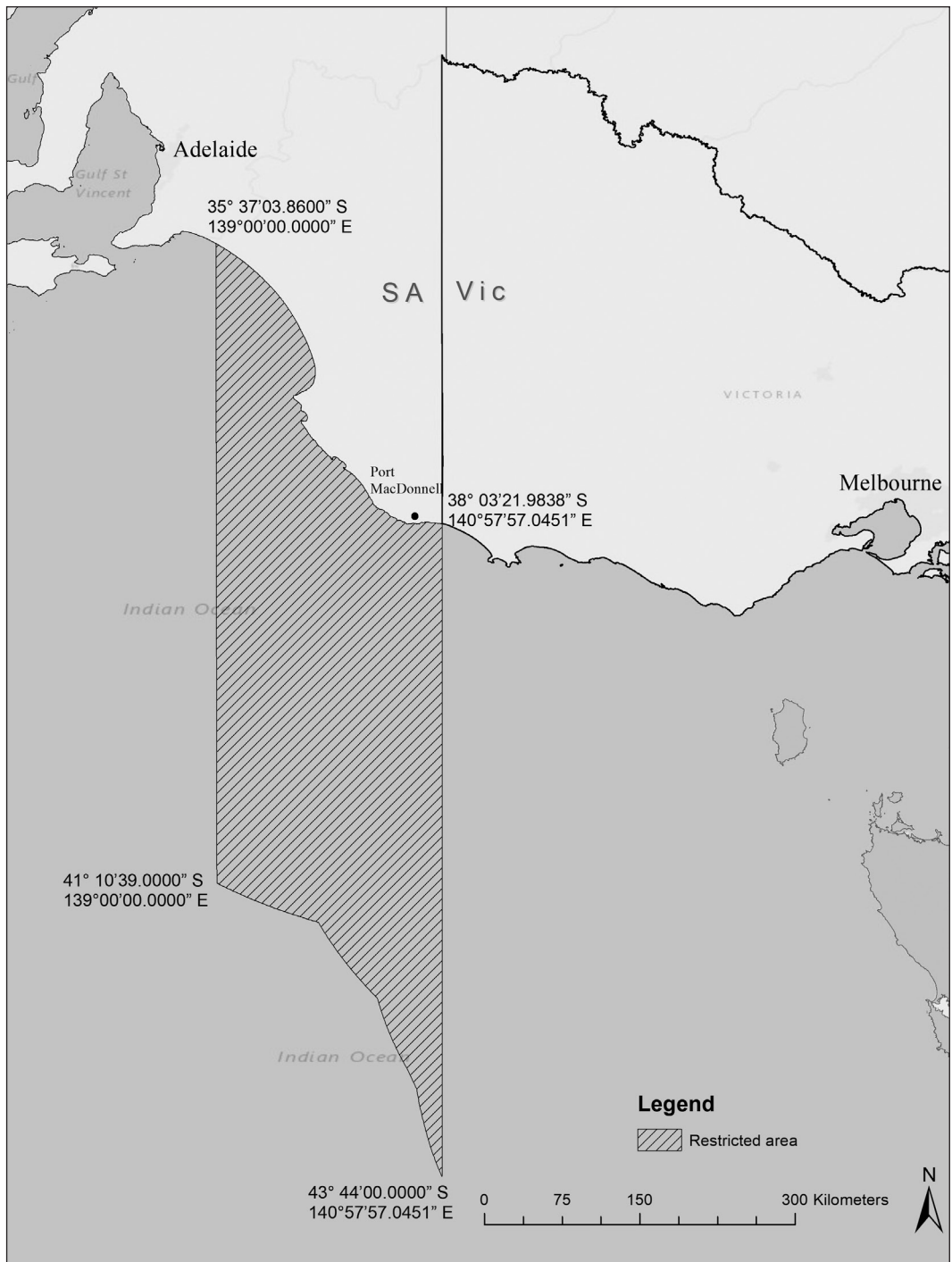
11. Revocation

- (1) The Fisheries (Abalone Disease Control) Notice 2024, published in the Government Gazette No. S 84 on Monday 26 February 2024 is revoked.
- (2) Unless sooner revoked, this Notice will be revoked on 26 February 2025.

Notes:

- (1) 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.
- (2) 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.
- (3) Under section 68 of the Act, a prohibition under section 67 prevails over any other provision to the contrary in the Act.

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