

VICTORIA GOVERNMENT
GAZETTE

No. S 56 Friday 30 October 1992

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SPECIAL

Fisheries Act 1968

FISHERIES NOTICE No. 21/1992

I, Charles Geoffrey Coleman, Minister for Natural Resources, after consultation with the Victorian Fishing Industry Federation, make the following Fisheries Notice:

Dated 29 October 1992

C. G. Coleman

Minister for Natural Resources

**FISHERIES (SCALLOP FISHING—OCEAN FISHERY) NOTICE
No. 21/1992**

Title

1. This notice may be cited as the Fisheries (Scallop Fishing—Ocean Fishery) Notice No. 21/1992.

Commencement

2. This Notice comes into operation on 1 November 1992.

Objectives

3. The objectives of this Notice are to—

- (a) fix and enforce bag limits and possession limits;
- (b) set times for when fishing can occur and
- (c) provide for the return of unused tags and the retention by processors of used tags.

for scallops taken from Victorian waters, other than Port Phillip Bay, and/or landed in Victoria, for a period commencing on 1 November 1992 and ending on 19 December 1992.

Authorising provision

4. This Notice is made under section 80 of the *Fisheries Act 1968*.

Definitions

5. "Act" means the *Fisheries Act 1968*.

"Authorised Officer" means an authorised officer appointed under Part 9 of the

Conservation, Forests and Lands Act 1987 for the purposes of the *Fisheries Act 1968*.

"Crate" means a wire mesh container with external dimensions not exceeding 100 centimetres by 50 centimetres by 50 centimetres and constructed as specified in the diagrams in Form 1 in the Schedule to this Notice.

"Tag" means a tag as specified in the diagram in Form 2 in the Schedule to this Notice.

"Bag" means a mesh bag of a rectangular shape measuring 900 millimetres high by 580 millimetres wide and having a volume of 0.08 cubic metres.

"Bag tag" means a tag as specified in the diagram in Form 3 in the Schedule to this Notice.

"Sack" means a standard jute sack as approved and supplied by the Victorian Fishing Industry Federation and marked with the words "Victorian Scallops" in lettering no less than 30 mm in height across the front and down both sides as outlined in the diagram in Form 4 in the Schedule to this Notice.

Fishing Times

6. Subject to section 15 (1) (h) of the Act the holder of a scallop licence may dredge for or take scallops for sale from Victorian waters, other than Port Phillip Bay, on any day during the period commencing on 1 November 1992 and ending on 19 December 1992.

Catch Limits

7. A master fisherman operating a registered fishing boat for which a scallop licence has been issued must not take from that boat from Victorian waters other than Port Phillip Bay, or have on board that boat on Victorian waters other than Port Phillip Bay—

- (a) more than forty crates of scallops; or
- (b) more than 112 sacks of scallops—

during a seven-day period commencing each Sunday from 1 November 1992 for the period this notice is in operation.

Tagging of Crates and Sacks

8. (1) Every holder of a scallop licence permitting the dredging or taking of scallops from any Victorian waters other than Port Phillip Bay may on production of his or her scallop licence make application to an authorised officer for an allocation of the number and colour of tags prescribed in the Table to this clause for the period prescribed in the Table to this clause.

<i>Period</i>	<i>Number of Tags of Crates</i>	<i>Number of Tags of Sacks</i>	<i>Colour of Tags</i>
1/11/92 to 7/11/92	40	112	Green
8/11/92 to 14/11/92	40	112	Yellow
15/11/92 to 21/11/92	40	112	Blue
22/11/92 to 28/11/92	40	112	Red
29/11/92 to 5/12/92	40	112	Black
6/12/92 to 12/12/92	40	112	Royal Blue
13/12/92 to 19/12/92	40	112	Orange

(2) Tags are only valid for the period set out against the tag colour in the Table to Clause 8 of this Notice.

9. (1) A person in charge of a boat must ensure that—

- (a) in respect of scallops taken from Victorian waters, other than Port Phillip Bay, that those scallops are not contained on board or landed in any container other than a crate or sack;
- (b) in respect of scallops taken from Commonwealth waters and landed in Victoria that those scallops are not contained on board a boat on Victorian waters or landed in any container other than a bag;
- (c) while a registered fishing boat for which a scallop licence has been issued is on the waters of the Gippsland Lakes, Corner Inlet, Western Port Bay or Port Phillip Bay every crate of scallops, either full or partly filled, on board the boat, must be secured in the manner specified in paragraph (d);
- (d) when a crate containing scallops is landed the crate lid is closed and secured with a tag so that the crate lid cannot be opened without cutting or breaking the tag;
- (e) when a crate containing scallops is land the crate lid is closed and secured with a tag until the scallops are to be

removed from the crate at a fish processing premises specified in a processor's licence;

- (f) while a registered fishing boat for which a scallop licence has been issued is on the waters of the Gippsland Lakes, Corner Inlet, Western Port Bay or Port Phillip Bay every sack of scallops, either full or partly filled, on board the boat must be secured in the manner specified in paragraph (g);
- (g) when a sack containing scallops is landed the sack must be securely closed edge to edge at the top in three places equidistant apart across the total width of the sack until the scallops are to be removed from the bag at a fish processing premises specified in a processor's licence. The middle fastening is to be by a tag and the two other fastenings by either the use of a lip or by sewing as illustrated in the diagram in Form 5 in the Schedule to this Notice;
- (h) when a bag containing scallops taken from Commonwealth waters is landed the bag must be stitched along its upper edges with both sides meeting and secured with a bag tag until the scallops are to be removed from the bag at a fish processing premises specified in a processor's licence;
- (i) only tags with the prefix "CE" are used to secure crates on a licensed scallop boat for which crate tags have been allocated by an authorised officer;
- (j) only tags with the prefix "BCE" are used to secure sacks on a licensed scallop boat for which sack tags have been allocated by an authorised officer;
- (k) tags are not transferred to any other person;
- (l) tags are not re-used;
- (m) unused tags are to be returned to the issuing point as soon as practicable at the end of each tag period;
- (n) in respect of scallops taken from Victorian waters, other than Port Phillip Bay, that the entire catch of scallops must be contained on board and landed in only the type of container advised in Clause 11;

(o) in respect of scallops taken from any waters, the entire catch of scallops must be contained on board and landed in only one of the types of containers specified in this Notice;

(p) all sacks containing scallops are intact at all times and are not patched or mended in any way.

10. The holder of a Processor's Licence must ensure that tags removed from approved crates and sacks (at licensed processor's premises) must be retained at those premises until further notice.

11. (1) A master fisherman operating a registered fishing boat for which a scallop licence has been issued which authorises the taking of scallops from Victorian waters, other than Port Phillip Bay, must prior to receiving their first allocation of tags in the period covered by this notice advise an authorised officer if he or she intends to land scallops in sacks.

(2) A master fisherman operating a registered fishing boat for which a scallop licence has been issued which authorises the taking of scallops from Victorian waters, other than Port Phillip Bay, having advised an authorised officer under sub-clause (1) that he or she will use sacks must

continue to use sacks unless he or she provides four weeks notice to the authorised officer of his or her intention to change from sacks to crates.

(3) A master fisherman operating a registered fishing boat for which a scallop licence has been issued which authorises the taking of scallops from Victorian waters, other than Port Phillip Bay, who uses crates must continue to use crates unless he or she provides four weeks notice to the authorised officer of his or her intention to change from crates to sacks.

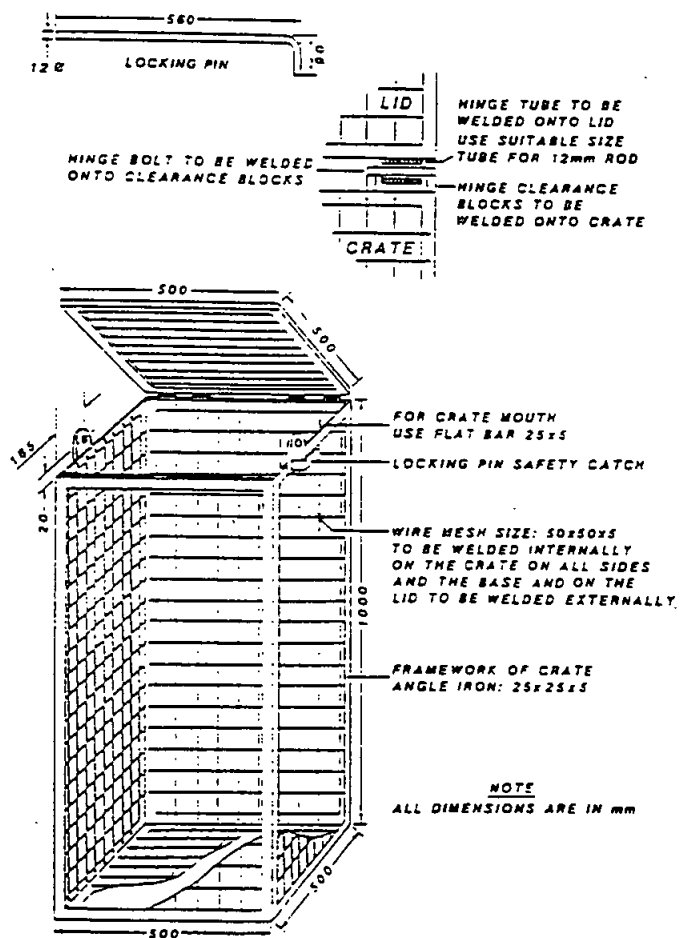
(4) Any advice to change from sacks to crates or from crates to sacks will not take effect until the first Sunday following the expiration of four complete periods as set out in the table contained within Clause 8 (1).

(5) A master fisherman operating a registered fishing boat for which a scallop licence has been issued, which authorises the taking of scallops from Victorian waters other than Port Phillip Bay, must use crates unless he or she advises an authorised officer of the intention of using sacks to land scallops in accordance with sub-clauses (1) and (3).

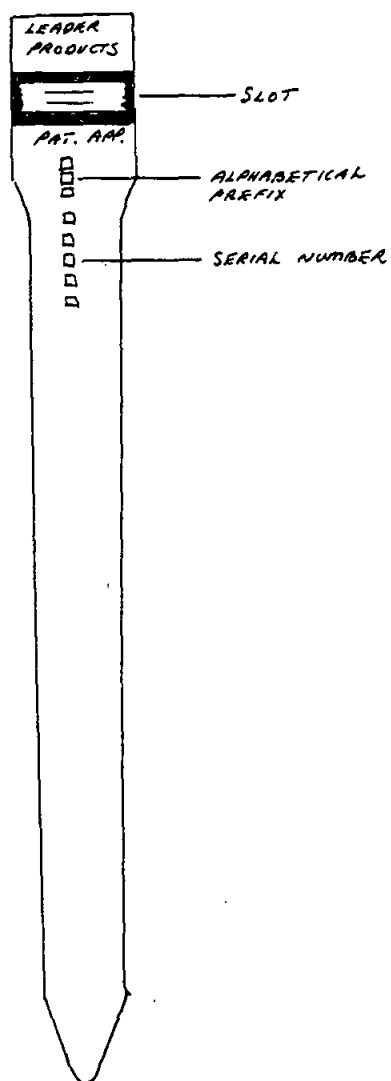
Penalty

12. Any person who contravenes any provision of this Notice is liable to a penalty of 20 penalty units.

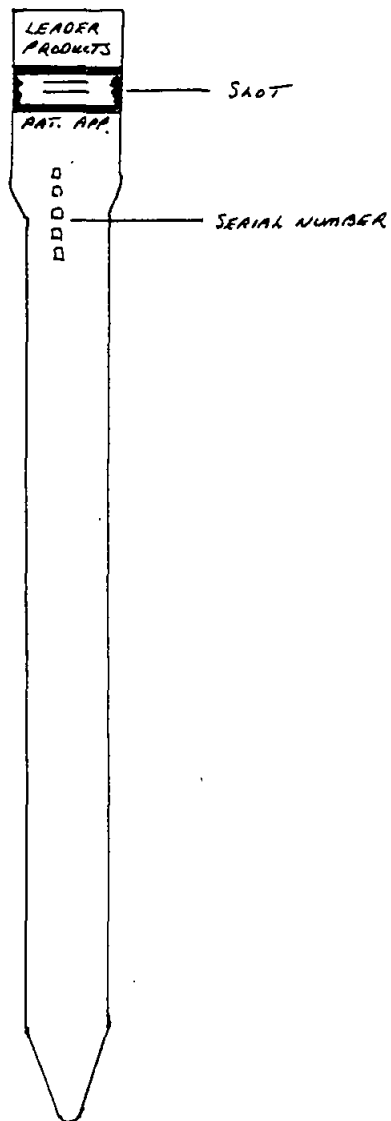
SCHEDULE
Form 1
CONSTRUCTION OF CRATE



Form 2
CONSTRUCTION OF CRATE AND SACK TAG



Form 3
CONSTRUCTION OF BAG TAG



Form 4
DESCRIPTION OF SACK

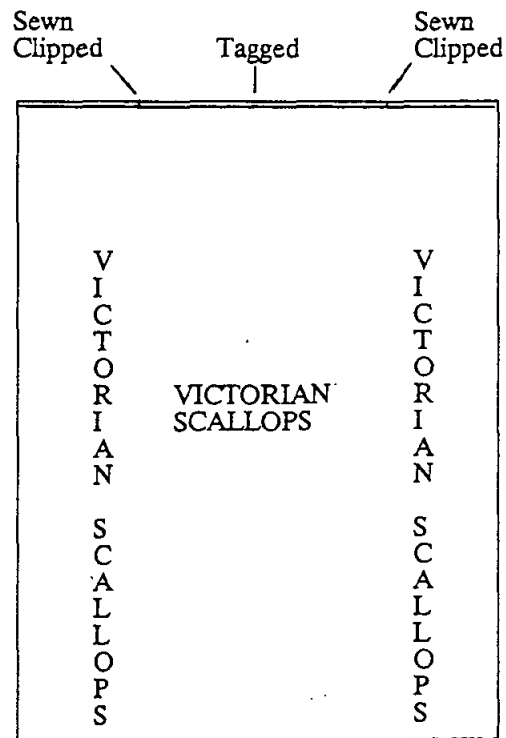
V I C T O R I A N S C A L L O P S	VICTORIAN SCALLOPS	V I C T O R I A N S C A L L O P S
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* All lettering on the sack is to be at least 30mm in height.

Form 5

METHOD OF CLOSING

(For illustrative purposes only)



Fisheries Act 1968

FISHERIES NOTICE No. 22/1992

I, Charles Geoffrey Coleman, Minister for Natural Resources, after consultation with the Victorian Fishing Industry Federation, make the following Fisheries Notice:

Dated 23 October 1992

C. G. COLEMAN

Minister for Natural Resources

FISHERIES (SCALLOP FISHING—PORT PHILLIP BAY FISHERY) NOTICE

No. 22/1992

Title

1. This notice may be cited as the Fisheries (Scallop Fishing—Port Phillip Bay Fishery) Notice No. 22/1992.

Commencement

2. This Notice comes into operation on 2 November 1992.

Objectives

3. The objectives of this Notice are to—

- (a) fix and enforce crate limits and possession limits; and
- (b) set times when fishing for scallops is permitted in Port Phillip Bay, for the period commencing on 2 November 1992 and ending on 17 December 1992.

Authorising Provision

4. This notice is made under section 80 of the *Fisheries Act 1968*.

Definitions

5. "Act" means the *Fisheries Act 1968*.

Fishing Time

6. Subject to section 15 (1) (h) of the Act, the holder of a scallop licence endorsed—"valid for scallop fishing in all Victorian waters" or "valid for scallop fishing in the waters of Port Phillip Bay only" may only dredge for or take for sale scallops from the waters of Port Phillip Bay—

- (a) on any Monday, on any Tuesday, on any Wednesday and on any Thursday until 17 December 1992; and
- (b) during the hours between 5.00 a.m. and 5.00 p.m. on the days on which dredging for or taking scallops is permitted under paragraph (a).

Catch Limits

7. A master fisherman operating a registered fishing boat for which an appropriately

endorsed scallop licence has been issued must not take from that boat from Port Phillip Bay or have on board that boat on Port Phillip Bay more than nine (9) crates on any one day until 17 December 1992.

8. A master fisherman in charge of a boat must ensure that any scallops taken from Port Phillip Bay are not contained on board or landed in any container other than a crate.

9. A master fisherman in charge of a boat must ensure that when a crate containing scallops is landed that the crate lid is closed and the pin inserted.

Penalty

10. Any person who contravenes any provision of this Notice is liable to a penalty of 20 penalty units.

Replacement of regulation 6 (2) (a) of Scallop Regulations 1985

11. The provisions of this Notice replace the Provisions of regulation 6 (2) (a) of the Scallop Regulations 1985 for the duration of this Notice.





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