



Victoria Government Gazette

No. S 28 Wednesday 27 March 1996
By Authority, Victorian Government Printer

SPECIAL

Subordinate Legislation Act 1994 NOTICE OF DECISION—PROPOSED FISHERIES (ABALONE) REGULATIONS 1996

I, Charles Geoffrey Coleman, Minister for Natural Resources and Minister responsible for administering the **Fisheries Act 1968**, give notice under section 12 of the **Subordinate Legislation Act 1994**, as follows—

A regulatory impact statement (RIS) was prepared in relation to the proposed Fisheries (Abalone) Regulations 1996 and advertised inviting public comment and submissions. Twelve submissions were received commenting on various issues relating to the RIS and proposed Regulations, in particular, on the proposed new licence conditions for abalone divers, processors and storers.

After considering these comments, I have decided that the proposed Fisheries (Abalone) Regulations 1996, be made with a number of amendments. Essentially, these amendments are of a minor nature, however, the most significant of these are detailed below.

- (1) To address concerns raised by abalone divers, provision was made to allow bins of abalone to be sealed with 1 or 2 bin tags, when previously only 1 tag was permitted.
- (2) Provisions relating to interstate transfer of abalone by licensed divers were redrafted to clarify the requirements for divers. These provisions do not impose any additional burden on divers. The abalone docket was amended to reflect the redrafted provisions. Details relating to interstate transfer are now contained in a new Part C of the docket and processor details are now in Part D. The docket was also amended to remove the requirement for abalone divers to duplicate some information and to clarify other requirements.
- (3) Both abalone divers and processors expressed concern that the Regulations effectively allowed processors 48 hours after landing of abalone in which to comply with the weighing requirements. As both divers and processors indicated that any period in excess of 24 hours after landing was unnecessary, the regulation was amended to reflect the original intention. To ensure consistency with other requirements, processors must now weigh abalone within 25 hours after the time it was landed.
- (4) Following representatives from abalone processors, the Regulations were amended to cater for the situation when several deliveries of abalone are received at the same time and the requirement to weigh within 30 minutes cannot be complied with. The Regulations now allow processors to obtain an approval from the Secretary for an extension of the period to comply in respect of a particular transaction. The approval will be provided on an "as needs" basis, by facsimile.
- (5) The Regulations have been amended to incorporate the undertaking given to industry that licensees would not be requested to complete stock records any more than 6 times in a 12 month period.
- (6) Proposed provisions relating to the re-declaration of the eastern and central zones (simply for the purposes of consolidation of all abalone regulations) have been omitted. These zones will continue as at present by virtue of existing Regulations.
- (7) Other minor amendments were made to the Regulations either as a consequence of other amendments or for reasons of consistency or improved clarity.

It is anticipated that the proposed Regulations will come into operation on 1 April 1996 to coincide with the commencement of the new licensing and quota year.

Dated 21 March 1996

C. G. COLEMAN
Minister for Natural Resources

Fisheries Act 1968
NOTICE FIXING TOTAL ALLOWABLE
CATCH FOR DECLARED ABALONE
ZONES

I, Charles Geoffrey Coleman, Minister for Natural Resources, under section 13C (3) of the Fisheries Act 1968 and having regard to the recommendation of the Fisheries Management Committee, fix the total allowable catch for the abalone fishery for the twelve months from 1 April 1996, as follows:

Eastern Zone	460 tonnes
Central Zone	700 tonnes
Western Zone	280 tonnes

Dated 21 March 1996

CHARLES GEOFFREY COLEMAN
Minister for Natural Resources

Fisheries Act 1968
FISHERIES NOTICE NO. 5/1996
Fishing (Shark Fishing) Notice No. 5/1996

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

Dated 26 March 1996

C. G. COLEMAN
Minister for Natural Resources

Title

1. This Notice may be cited as the Fisheries (Shark Fishing) Notice No. 5/1996.

Objective

2. The objective of this Notice is to prohibit the commercial targeting of shark in all Victorian waters other than Port Phillip Bay, Western Port and Corner Inlet as a consequence of State and Commonwealth management arrangements.

Commencement

3. This Notice commences on 30 March 1996.

Authorising provision

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

Certain shark gillnets and longlines not to be used

5. (1) A person must not in any Victorian waters during the period commencing on 30 March 1996 and ending on 29 March 1997—

- (a) use any mesh net containing any meshes measuring greater than 150 millimetres; or
- (b) use any one line or combination of lines with more than 200 hooks attached where the mainline is of a sinking rope with a diameter of 6 millimetres or more.

(2) Sub-clause (1) does not apply to a person who uses mesh nets and lines in the waters of Port Phillip Bay, Western Port and Corner Inlet.

By-catch

6. (1) A person must not during the period commencing on 30 March 1996 and ending on 29 March 1997—

- (a) take or retain on board any vessel gummy shark (*Mustelus antarcticus*) or school (snapper) shark (*Galeorhinus galeus*) with a total combined weight of more than 50 kilograms in or adjacent to Victorian waters; or
- (b) be in possession of gummy shark (*Mustelus antarcticus*) or school (snapper) shark (*Galeorhinus galeus*) with a total combined weight of more than 50 kilograms in or adjacent to Victorian waters.

(2) A person must not land gummy shark (*Mustelus antarcticus*) or school (snapper) shark (*Galeorhinus galeus*) otherwise than in the form of a carcass.

(3) Sub-clauses (1) and (2) do not apply to a person who takes gummy shark (*Mustelus antarcticus*) or school (snapper) shark (*Galeorhinus galeus*) from the waters of Port Phillip Bay, Western Port or Corner Inlet.

(4) Sub-clause (1) (b) does not apply to a person who holds a Fishing permit issued under section 32 (1) of the Commonwealth Fisheries Management Act 1991 authorising the boat

specified in the permit to have on board more than 50 kilograms combined weight of school and gummy shark.

(5) For the purpose of this clause "carcass" means the body of a shark which is not cut or mutilated in any manner whatsoever other than to remove the gut and head forward and clear of the posterior (fifth) gill slit.

Penalty

7. Any person who contravenes this Notice is liable to a penalty of 20 penalty units.

Gazette Services

The *Victoria Government Gazette* (VGG) is published by AGPS Publications for the State of Victoria and is produced in three editions.

VGG General is published each Thursday and provides information regarding Acts of Parliament and their effective date of operation; Government notices; requests for tenders; as well as contracts accepted. Private notices are also published.

VGG Special is published any day when required for urgent or special Government notices. VGG Special is made available automatically to subscribers of VGG General.

VGG Periodical is published on Monday when required and includes specialised information eg. Medical, Dental, Pharmacist's Registers, etc.

Subscriptions

VGG is available by three subscription services:

General and Special—\$165.00 each year

General, Special and Periodical—\$220.00 each year

Periodical—\$110.00 each year

Subscriptions are payable in advance and accepted for a period of one year. All subscriptions are on a firm basis and refunds for cancellations will not be given.

All payments should be made payable to AGPS Publications.

Subscription inquiries (03) 9387 8135

Fax (03) 9387 3404

An AGPS Publication

Published by AGPS Publications

Printed by AGPS Printing

a business unit of

Department of Administrative Services

Brunswick Victoria Australia

© State of Victoria 1996

ISSN 0819—548X

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

Address all inquiries to:

Subscriptions

AGPS Publications

PO Box 263, Brunswick 3056

Telephone inquiries (03) 9387 8135

Fax (03) 9387 3404

Retail Sales

Information Victoria Bookshop

318 Little Bourke Street Melbourne 3000

Telephone inquiries (03) 9651 4100

Price Code A