



Victoria Government Gazette

No. S 15 Saturday 20 March 1993
By Authority L. V. North, Government Printer Melbourne

SPECIAL

CORRIGENDUM

In the "Notice of Closure of Areas to Hunting" published in the *Special Government Gazette* No. S 14 dated Saturday, 20 March 1993, the penalty in paragraph (b) of "\$200" should read "25 penalty units".

M. A. BIRRELL
Minister for Conservation and Environment

Wildlife Act 1975 NOTICE OF CLOSURE OF AREA TO HUNTING—SECOND MARSH, SHIRE OF KERANG

After considering the advice of the Chairperson of the Advisory Committee, after considering the advice of the Secretary, and being satisfied that protected wildlife other than game is under threat of disturbance by hunting, I give notice under section 86A of the *Wildlife Act 1975* that—

- (a) the taking, destroying or hunting of wildlife is prohibited in the area described in the Schedule, during the period specified in the Schedule; and
- (b) a person who takes, destroys or hunts any kind or species of wildlife in an area specified in the Schedule during the period specified in the Schedule, is guilty of an offence and liable to a penalty not exceeding 25 penalty units.

SCHEDULE

Second Marsh, Shire of Kerang—situated 4 km west of Lake Charm Township and 7 km south of Mystic Park Township.	The period beginning on Saturday, 20 March 1993 and ending on Friday, 26 March 1993.
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Dated Saturday, 20 March 1993

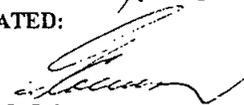
M. A. BIRRELL
Minister for Conservation and Environment

Fisheries Act 1968

FISHERIES NOTICE No. 2/1993

I, Charles Geoffrey Coleman, Minister for Natural Resources, after consultation with the Victorian Fishing Industry Federation, make the following Fisheries Notice No 2/1993.

DATED: 18/3/93


C G Coleman
MINISTER FOR NATURAL RESOURCES

FISHERIES (SCALLOP FISHING - OCEAN FISHERY) NOTICE No. 2/1993

TITLE

1. This Notice may be cited as the Fisheries (Scallop Fishing - Ocean Fishery) Notice No 2/1993.

COMMENCEMENT

2. This Notice comes into operation on 20 March 1993.

OBJECTIVES

3. The objectives of this Notice are to:
 - (a) fix maximum catch rate limits (bag limits); and
 - (b) set times for when fishing can occur; and
 - (c) in consultation with the Victorian Fishing Industry Federation specify the mechanism for fixing the precise catch rate limit (bag limits).

for scallops taken from Victorian waters, other than Port Phillip Bay, and/or landed in Victoria, for a period commencing on 20 March 1993 and ending on 29 May 1993.

AUTHORISING PROVISION

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

DEFINITIONS

5. "ACT" means the Fisheries Act 1968.

"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.

"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.

"CRATE TAG" means a tag as specified in the diagram in FORM 2 in the Schedule to this Notice.

"MANAGER" means the General Manager, South West Division in the Department of Conservation and Natural Resources.

"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 3 in the Schedule to this Notice.

"SACK TAG" means a tag as specified 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 21 March 1993 and ending on 29 May 1993.

CATCH RATE LIMITS (BAG LIMITS)

7 (1) Having regard to the circumstances as set out in sub clause (2) the Manager in consultation with the Victorian Fishing Industry Federation will determine catch rate limits (bag limits), expressed as crates per week or sacks per week of not more than 50 crates or 140 sacks per week per holder of a scallop licence permitting the dredging or taking of scallops from any Victorian waters, other than Port Phillip Bay.

(2) The Manager will determine weekly catch rate limits (bag limits) having regard to the following circumstances

- (a) discard rates at sea; and
- (b) meat yields and weights; and
- (c) marketability; and
- (d) catch/effort data from fishers' monthly returns; and

- (e) any other relevant matter contained within an application made by the Victorian Fishing Industry Federation under sub clause 4 of this Notice.

(3) The Victorian Fishing Industry Federation may make application to the Manager at any time during the harvesting season to adjust the existing catch rate limit (bag limit) in accordance with sub clause (1).

(4) An application under sub clause (3) must be in writing and set out reasons for -

- (a) the change in circumstances which require a review of the catch rate limit (bag limit); and
- (b) the proposed time of introduction of the varied catch rate limit (bag limit) and the reasons for selecting that timing; and
- (c) the numbers of licence holders electing to use either crates or sacks.

(5) The Manager will respond to an application from the Victorian Fishing Industry Federation under sub clause (3) within 5 working days in one of the following ways:

- (a) agree to the proposal; or
- (b) refuse to agree to the proposal; or
- (c) call for further discussions.

(6) If the Manager agrees to an application made under sub clause (3) he or she must advise the Victorian Fishing Industry Federation of the change in catch rate limits (bag limits) and when that change in catch rate limits (bag limits) comes into effect.

(7) Whenever the Manager makes a determination under sub clause 7.1 he or she will provide the relevant quantity of tags to the Victorian Fishing Industry Federation for distribution to all holders of a scallop licence permitting the dredging or taking of scallops from any Victorian waters, other than Port Phillip Bay.

(8) If the Manager refuses an application made under sub clause (3) the Manager will provide written reasons for that refusal.

TAGGING OF CRATES AND SACKS

- 8. (1) The Victorian Fishing Industry Federation will distribute quantities of crate tags and sack tags corresponding to the catch rate limits (bag limits) determined under sub clause 7(1) and the colours in the Table to Clause 8 of this Notice.
- (2) Every holder of a scallop licence permitting the dredging or taking of scallops from any Victorian waters, other than Port Phillip Bay is entitled to an allocation of crate or sack tags corresponding with

- (a) the catch rate limit (bag limit) determined by the Manager under sub clause 7(1); and
- (b) the colour of tag prescribed in the Table to this clause for the period prescribed in the Table to this clause.

TABLE

PERIOD	COLOUR OF TAGS
21/3/93 to 27/3/93	Black
28/3/93 to 3/4/93	Royal Blue
4/4/93 to 10/4/93	Green
11/4/93 to 17/4/93	Yellow
18/3/93 to 24/4/93	Orange
25/4/93 to 1/5/93	Red
2/5/93 to 8/5/93	White
9/5/93 to 15/5/93	Blue
16/5/93 to 22/5/93	White
23/5/93 to 29/5/93	Yellow

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

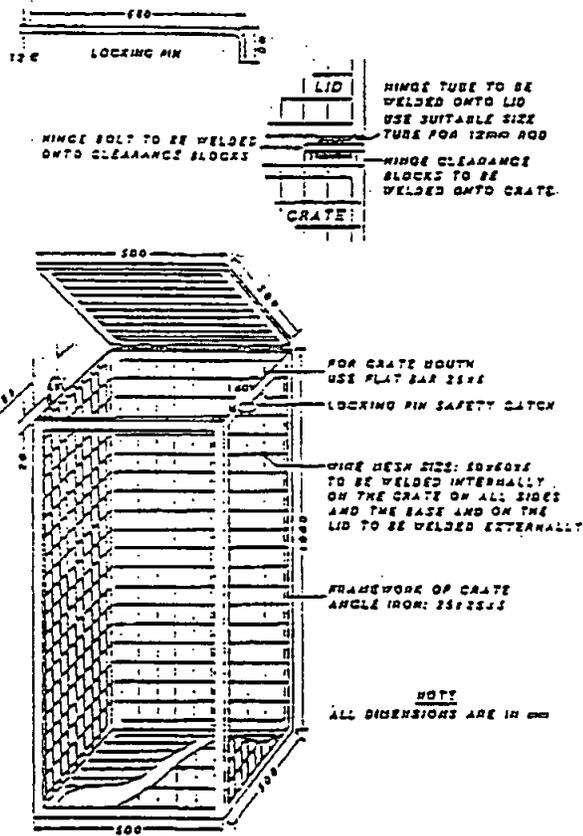
9. (1) A person in charge of a boat must ensure that-
- (a) in respect of scallops taken from Victorian waters, other than Port Phillip Bay, that those scallops are not contained on board or landed in any container other than a crate or sack;
 - (b) in respect of scallops taken from Commonwealth waters 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 crate tag so that the crate lid cannot be opened without cutting or breaking the tag;
 - (e) when a crate containing scallops is landed the crate lid is closed and secured with a crate 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 sack tag and the two other fastenings by either the use of a clip or by sewing as illustrated in the diagram in FORM 5 in the Schedule to this Notice;
 - (h) only crate tags are used to secure crates on a licensed scallop boat for which crate tags have been issued by the Victorian Fishing Industry Federation;
 - (i) only sack tags are used to secure sacks on a licensed scallop boat for which sack tags have been issued by the Victorian Fishing Industry Federation;
 - (j) tags are not re-used;
 - (k) 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;
 - (l) all sacks containing scallops are intact at all times and are not patched or mended in any way;
 - (m) crate tags and sack tags are not attached to empty crates and sacks;
 - (n) 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.

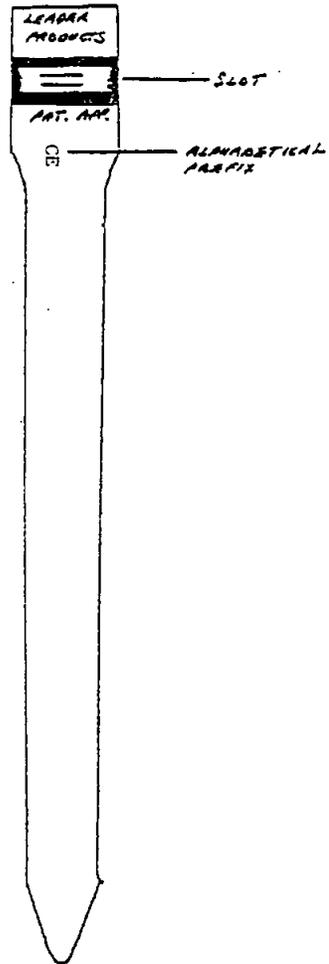
PENALTY

11. Any person who contravenes clause 9 of this Notice is liable to a penalty of 20 penalty units.

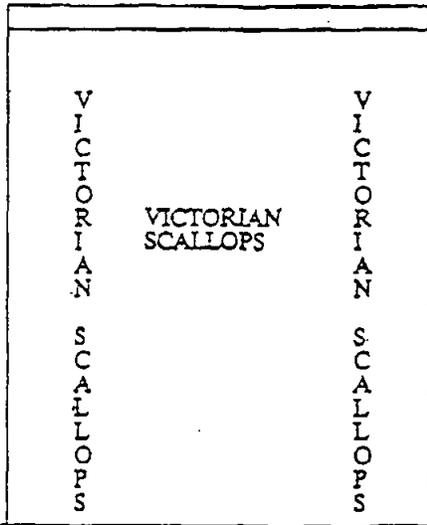
SCHEDULE
Form 1
CONSTRUCTION OF CRATE



Form 2
CONSTRUCTION OF CRATE TAG

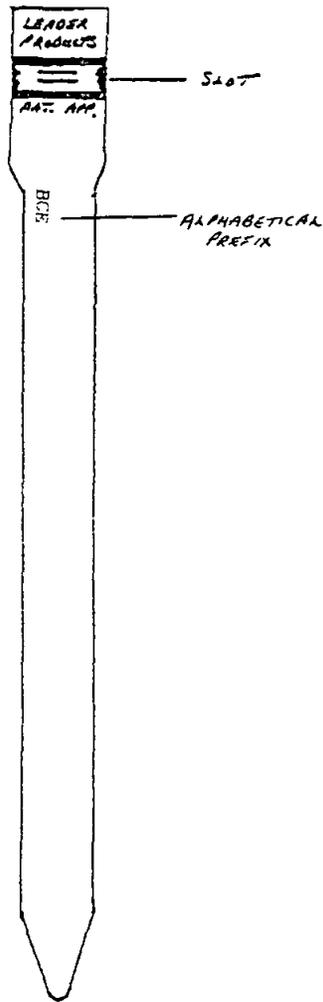


Form 3
DESCRIPTION OF SACK



* All lettering on the sack is to be at least 30mm in height.

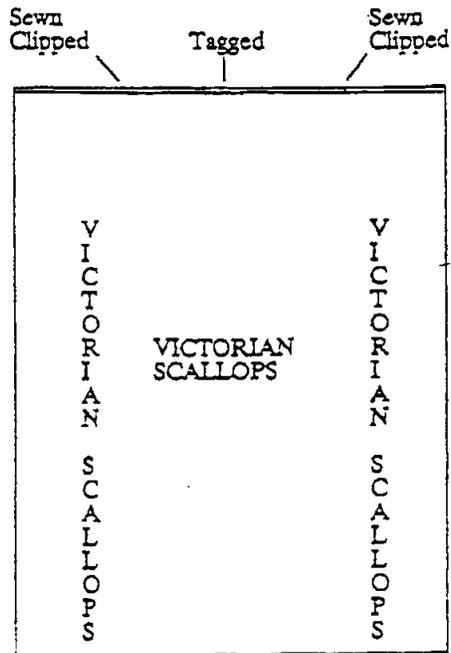
Form 4
CONSTRUCTION OF SACK TAG



Form 5

METHOD OF CLOSING

(For illustrative purposes only)



Fisheries Act 1968

FISHERIES NOTICE No. 3/1993

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

DATED: *18/3/93*

[Signature]
C G Coleman
MINISTER FOR NATURAL RESOURCES

FISHERIES (SCALLOP FISHING - PORT PHILLIP BAY FISHERY) NOTICE
No. 3/1993

TITLE

1. This Notice may be cited as the Fisheries (Scallop Fishing - Port Phillip Bay Fishery) Notice No 3/1993.

COMMENCEMENT

2. This Notice comes into operation on 20 March 1993.

OBJECTIVES

3. The objective of this Notice is to fix a close season for scallop fishing in Port Phillip Bay by prohibiting the taking of scallops or the use of any scallop dredge.

AUTHORISING PROVISION

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

PROHIBITION OF DREDGING OR THE TAKING OF SCALLOPS

5. A person must not during the currency of this Fisheries Notice:-
 - (a) take any scallops; or
 - (b) use any scallop dredgein the waters of Port Phillip Bay.

PENALTY

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

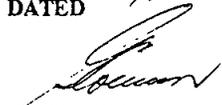
Fisheries Act 1968

FISHERIES NOTICE No. 4/1993

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

DATED

17/3/93


C G Coleman
MINISTER FOR NATURAL RESOURCES

FISHERIES (SHARK FISHING) NOTICE 1993

TITLE

1. This Notice may be cited as the Fisheries (Shark Fishing) Notice No. 4/1993.

COMMENCEMENT

2. This notice comes into operation on 24 March 1993.

OBJECTIVE

3. 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.

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 use in Victorian waters during the period commencing on the date of this notice and ending on 23 June 1993 -
 - (a) any mesh net containing any meshes measuring greater than 150 millimetres.
 - (b) 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) The provisions of sub clause (1) do not apply to persons using mesh nets and lines in the waters of Port Phillip Bay, Western Port and Corner Inlet.

BY CATCH

- 5.(1) A person must not -
- (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) The provisions of 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; or
- (4) The provisions of sub-clause (1)(b) does not apply to a person who:
- (a) holds a Commonwealth Fishing Boat Licence issued pursuant to Paragraph 9 (2) (a) of the Commonwealth Fisheries Act 1952 which is endorsed to exempt the licence holder from the prohibitions contained in Commonwealth Fisheries Notice 163A: or
 - (b) holds a Commonwealth Fishing Boat Licence issued pursuant to Paragraph 9 (2)(b) of the Commonwealth Fisheries Act 1952 which authorises use of the boat in the southern shark gillnet fishery; or
 - (c) holds a Fishing permit issued pursuant to section 32(1) of the Commonwealth Fisheries Management Act 1991.
- (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

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

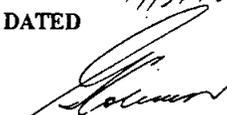
Fisheries Act 1968

FISHERIES NOTICE No.5/1993

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

DATED

17/3/93


C G COLEMAN
MINISTER FOR NATURAL RESOURCES

FISHERIES (GIPPSLAND LAKES MUSSEL FISHERY) NOTICE 1993

TITLE

1. This Notice may be cited as the Fisheries (Gippsland Lakes Mussel Fishery) Notice No. 5/1993.

COMMENCEMENT

2. This notice comes into operation on 24 March 1993.

OBJECTIVE

3. The objective of this Notice is to control the taking of mussels from mussel beds located in the Gippsland Lakes for a period of three months.

AUTHORISING PROVISION

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

DEFINITIONS

5. In this notice:

"Diving Equipment" means equipment which is specifically designed to assist breathing while the user is wholly or partly submerged in water and includes breathing regulators, S.C.U.B.A equipment, equipment which is capable of pumping air to a regulator and snorkels.

"Fish Bin" means a fish bin with a nominal capacity of 54.5 litres.

HOURS OF OPERATION FOR TAKING MUSSELS

6. The holder of a licence to take mussels for sale from the Gippsland Lakes must not take mussels from the waters of the Gippsland Lakes other than between the hours of 6.30 am and 4.30 p.m on any Monday.

CATCH LIMIT

7. The holder of a licence to take mussels from the Gippsland Lakes must not take, store, hold or possess more than a total of 150 kilograms of mussels on any one day.

OTHER RESTRICTIONS

8. The holder of a Master Fisherman's Licence-
- (a) must ensure that mussels are cleaned within 20 metres of the point where the mussels were harvested; and
 - (b) must ensure that other than when using a catch bag while diving, mussels are only contained in fish bins; and
 - (c) must not be in possession of more than 5 full or partly filled fish bins containing mussels; and
 - (d) must be present while mussels are taken; and
 - (e) must ensure that diving equipment is not used from the master fisherman's boat other than between the hours of 6.30 a.m and 4.30 p.m on any Monday.

PENALTY

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





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