



Victoria Government Gazette

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SPECIAL

Fisheries Act 1968

FISHERIES NOTICE No. 18/1995

Fisheries (Scallop—Port Phillip Bay Fishery) Notice No. 18/1995

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

Dated 19 September 1995

C. G. COLEMAN
Minister for Natural Resources

Title

1. This Notice may be cited as the Fisheries (Scallop—Port Phillip Bay Fishery) Notice No. 18/1995.

Objectives

2. The objectives of this Notice are—

- (a) to fix periods when and places where fishing for scallops in the waters of Port Phillip Bay is permitted; and
- (b) to fix a catch rate limit (bag limit) for scallops taken from those waters; and
- (c) to prohibit fishing for scallops and the use or possession of scallop dredging equipment in specified areas of Port Phillip Bay—

during the period commencing on and including 20 September 1995 and ending on 9 November 1995.

Authorising provisions

3. This Notice is made under sections 52 and 80 of the Fisheries Act 1968.

Commencement

4. This Notice commences on 20 September 1995.

Revocation

5. The *Fisheries (Scallop—Port Phillip Bay Fishery) (Close Season) Notice No. 17/1995 is revoked.

Definitions

6. "Act" means the Fisheries Act 1968;
"crate" has the same meaning as in the Fisheries (Scallop) Regulations 1995.

Scallop fishing permitted in certain areas of Port Phillip Bay during period of this Notice

7. Subject to the Fisheries (Scallop) Regulations 1995 and to clauses 8, 9 and 10 of this Notice, the holder of a master fisherman's licence operating a boat in respect of which a scallop licence has been issued under section 14 of the Act and endorsed as "valid for scallop fishing in all Victorian waters" or "valid for scallop fishing in the waters of Port Phillip Bay" may dredge for or take scallops for sale from the waters of Port Phillip Bay other than the areas described in the Schedule during the period commencing on and including 20 September 1995 and ending on 9 November 1995.

Periods when scallop fishing is not permitted

8. (1) A person specified in clause 7 must not, during the period commencing on and including 20 September 1995 and ending on 9 November 1995—

- (a) use a dredge in or on the waters of Port Phillip Bay outside the hours of 5 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday or Thursday; or
- (b) use a dredge or have scallop dredging equipment on board or attached to a boat in or on the waters of Port Phillip Bay on any more than 3 of the days specified in paragraph (a), in any one week.

Penalty: 20 penalty units.

* Fisheries Notice No. 17/1995 published in Special Government Gazette No. S65 on Friday 25 August 1995.

** S.R. No. 84/1995.

(2) Sub-clause (1) (b) does not apply when the boat is berthed at its mooring.

(3) A person specified in clause 7 must not, during the period commencing on and including 20 September 1995 and ending on 9 November 1995—

- (a) dredge for or take scallops from the waters of Port Phillip Bay outside the hours of 5 a.m. and 5 p.m. on any Monday, Tuesday, Wednesday or Thursday; or
- (b) dredge for or take scallops from the waters of Port Phillip Bay on any more than 3 of the days specified in paragraph (a), in any one week.

Penalty: 20 penalty units.

Places where scallop fishing, use of dredge, etc. is not permitted

9. (1) During the period commencing on and including 20 September 1995 and ending on 9 November 1995 a person specified in clause 7 must not take scallops from the waters of Port Phillip Bay described in the Schedule.

Penalty: 20 penalty units.

(2) During the period commencing on and including 20 September 1995 and ending on 9 November 1995 the use of scallop dredging equipment in or on the waters of Port Phillip Bay described in the Schedule, is prohibited.

(3) During the period commencing on and including 20 September 1995 and ending on 9 November 1995, a person must not have scallop dredging equipment on board or attached to a boat in the waters of Port Phillip Bay described in the Schedule.

Penalty: 20 penalty units.

(4) Sub-clause (3) does not apply to a person who is proceeding via the most direct route through waters described in the Schedule to waters outside those described in the Schedule.

(5) A person must not use a scallop dredge within 200 metres of any aquacultural farming or spat collection structure established or operating under the Act.

Penalty: 20 penalty units.

Catch rate limit

10. (1) A person authorised to take scallops under clause 7 must not take from the waters of Port Phillip Bay or have on board a boat on those waters, more than the catch rate limit of

scallops specified in sub-clause (2) on any one day on which dredging for scallops is permitted under clause 7.

Penalty: 20 penalty units.

(2) For the purposes of sub-clause (1) the catch rate limit is 8 crates per day.

(3) Subject to sub-clauses (1) and (2), a person authorised to take scallops under clause 7, must not take more than 24 crates of scallops in any one week.

Penalty: 20 penalty units.

Notes:

(1) In addition to the areas specified in the Schedule to this Notice, regulation 10 of the Fisheries (Scallop) Regulations 1995 prohibits the taking of scallops and prohibits having on board or attached to a boat scallop dredging equipment in the waters of Port Phillip Bay in the area known as the "St Leonard's Reference Area".

(2) Section 52 of the Act provides that it is an offence to use equipment that is prohibited by a fisheries notice. A penalty of up to 20 penalty units or 6 months imprisonment applies.

SCHEDULE

Areas of Port Phillip Bay in which scallop dredging is not permitted

Area 1

The area east of a line from Ricketts Point to Martha Point.

Area 2

All waters of Port Phillip Bay including Corio Bay west of a straight line commencing at the north-west corner of Portarlington Pier and then bisecting number 1 Point Richards Channel pylon continuing to a point on the opposite shore north-east of Little River mouth. (Geelong Arm).



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