

Fisheries Act 1995

FISHERIES NOTICE 2021

I, Travis Dowling, Chief Executive Officer of the Victorian Fisheries Authority, as delegate of the Minister for Fishing and Boating and having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act) make the following Fisheries Notice under sections 114 and 152 of that Act:

Date:

Travis Dowling
Chief Executive Officer
Victorian Fisheries Authority

FISHERIES (ROCK FISHING SAFETY) NOTICE 2021

1. Title

This Notice may be cited as the Fisheries (Rock Fishing Safety) Notice 2021.

2. Objectives

The objective of this Notice is to improve recreational fisher safety at specified rock fishing platforms across the State.

3. Authorising provision

This Notice is made under sections 114 and 152 of the Act.

4. Commencement

This Notice comes into operation on 1 March 2022.

5. Definitions

(1) In this Fisheries Notice –

approved life jacket means a Personal Flotation Device Type 1, 2 or 3 as defined in Parts 2, 3 and 4, respectively, of Schedule 1 of the Marine Safety Regulations 2012;

child means a person who is under the age of 12 years;

hand-held spear has the same meaning as defined in Regulation 5 of the Fisheries Regulations 2019;

PFD Type 1 lifejacket means a Personal Flotation Device Type 1 as defined in Part 2 of Schedule 1 of the Marine Safety Regulations 2012;

recreational fishing equipment has the same meaning as defined in Regulation 6 of the Fisheries Regulations 2019;

spear gun has the same meaning as defined in Regulation 5 of the Fisheries Regulations 2019;

specified rock fishing platform means all natural rock structures found between the high tide mark and the low tide mark and the spray zone of the areas shown hatched on the plans in the Schedule;

spray zone means any area of natural rock that is dampened by ocean spray from high waves, including any natural rocks that may be submerged during high tides or storms;

use includes assist in the use of;

wear in relation to a lifejacket, means wear with all closing or fastening devices such as zippers, buckles and tapes correctly secured as specified by the manufacturer.

- (2) Despite subclause (1), a lifejacket is not an approved lifejacket for the purposes of this clause if:
 - (a) the lifejacket relies solely on oral inflation for buoyancy; or
 - (b) the lifejacket is not the correct size for the wearer; or
 - (c) the lifejacket is not in good condition.
- (3) Despite subclause (1), an inflatable lifejacket is not an approved lifejacket for the purposes of this clause unless:
 - (a) the lifejacket was purchased or otherwise acquired new by the current owner no more than 12 months ago; or
 - (b) the lifejacket has been serviced:
 - (i) at intervals of 12 months or less; or
 - (ii) at least at such longer intervals as are indicated by the manufacturer's instructions (if any) provided for the lifejacket.

6. Prohibition on the possession and use of recreational fishing equipment at specified rock fishing platforms

- (1) For the purposes of section 114 of the Act, the possession or use of recreational fishing equipment on any specified rock fishing platform is prohibited.

Note

Contravention of any prohibition under section 114 of the Act, as set out in this Fisheries Notice, is an offence under section 114(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

- (2) Sub-clause (1) does not apply to a person who is –
 - (a) wearing an approved life jacket, and any child under their care or supervision on the specified rock fishing platform is wearing a PFD Type 1 lifejacket; or
 - (b) in possession of a hand-held spear or spear gun and who is not in possession of any other recreational fishing equipment other than an abalone tool; or
 - (c) wearing, or in the process of donning or removing, diving equipment and who is not in possession of any other recreational fishing equipment other than an abalone tool.

7. Application to fisheries reserves

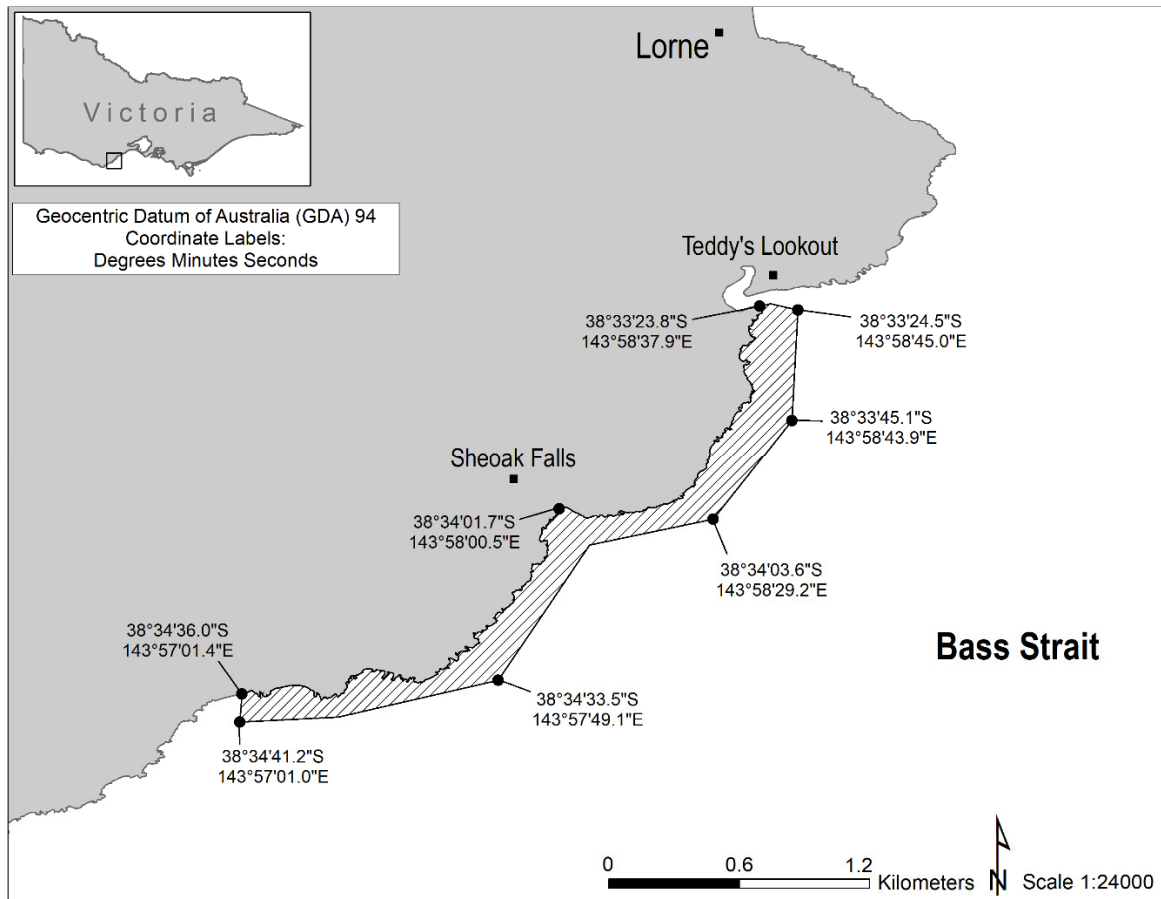
For the purposes of section 152(4) of the Act, this notice applies to all fisheries reserves.

8. Revocation

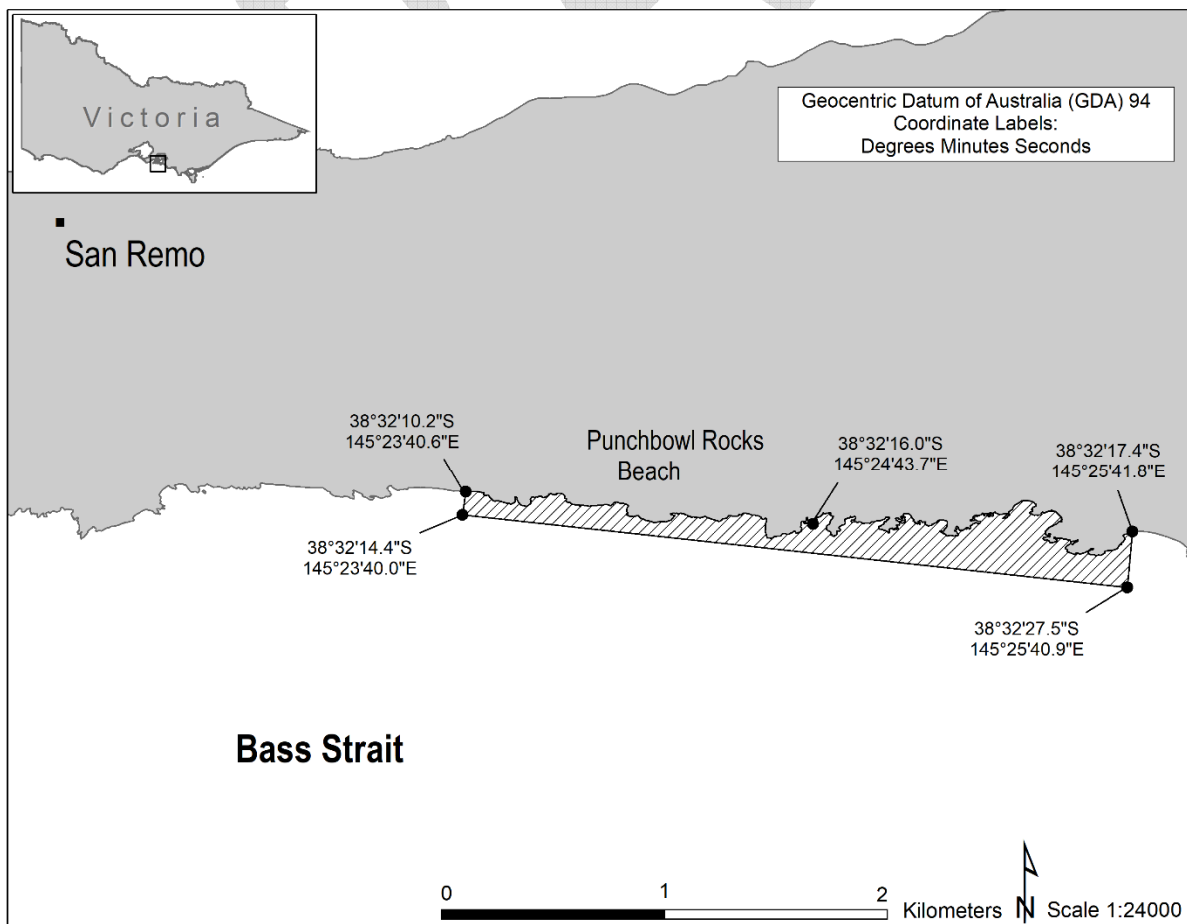
Unless sooner revoked, this Notice will be revoked on 28 February 2023.

SCHEDULE

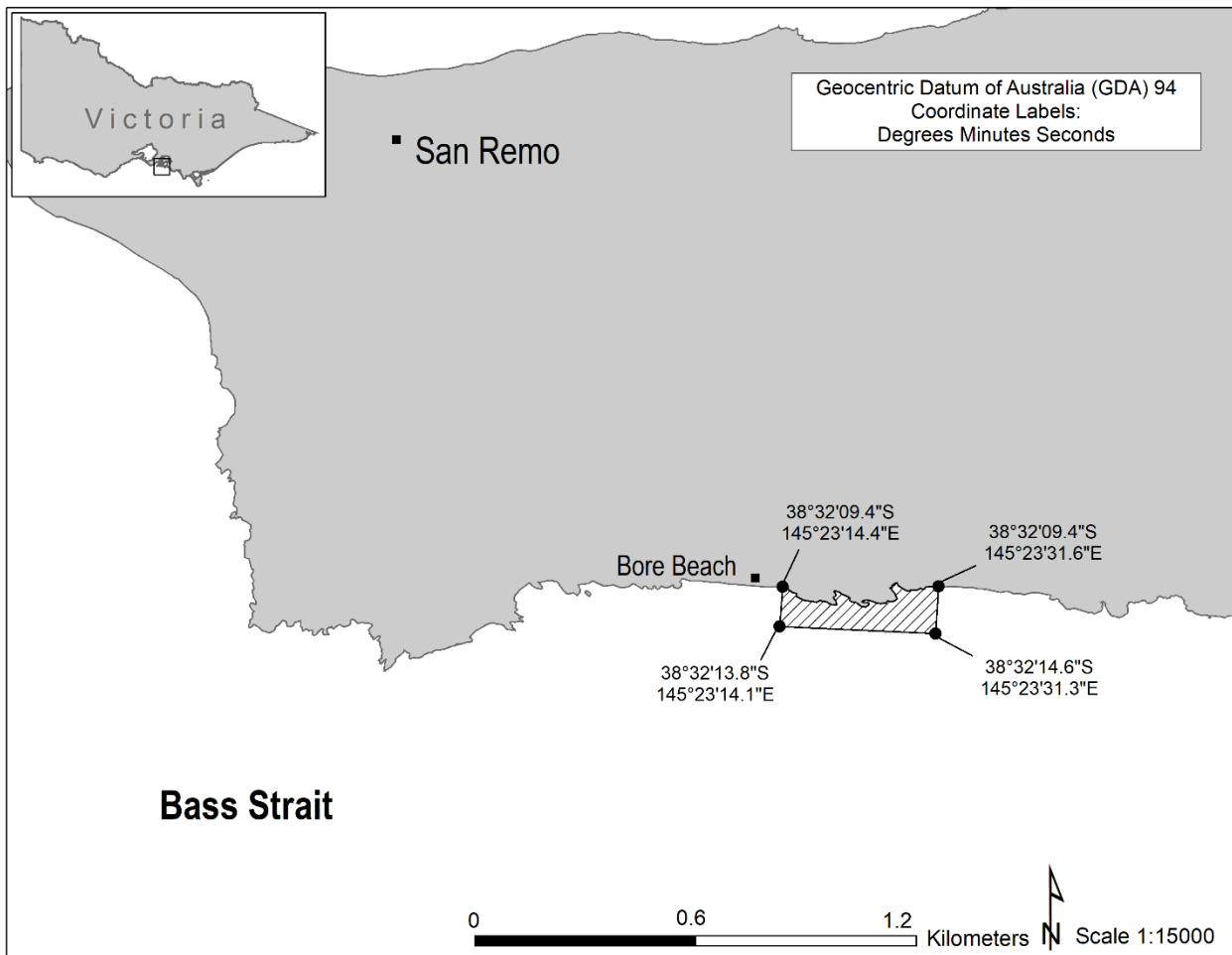
Specified rock fishing platform – Sheoak Falls, near Lorne



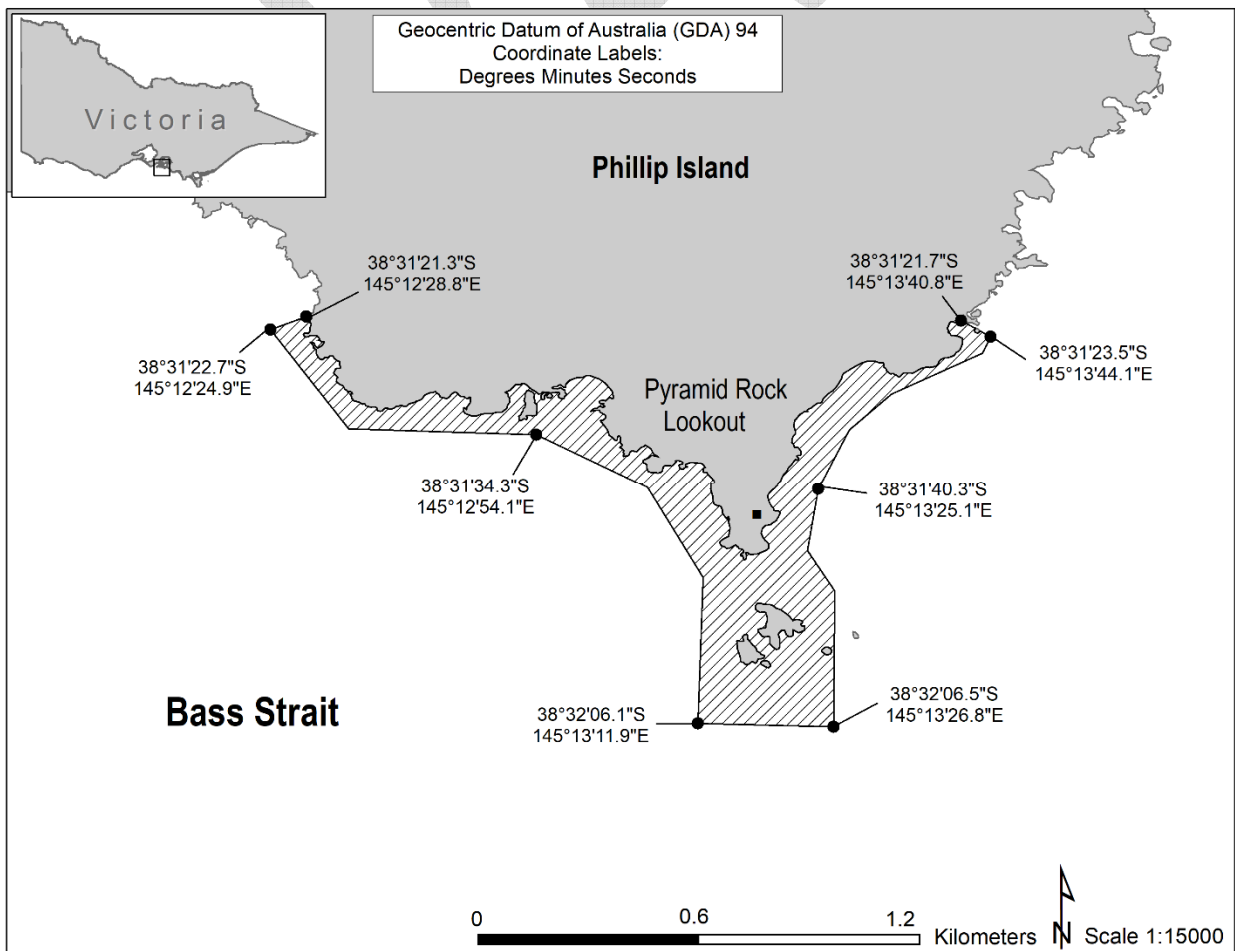
Specified rock fishing platform – Punchbowl Rocks, near San Remo



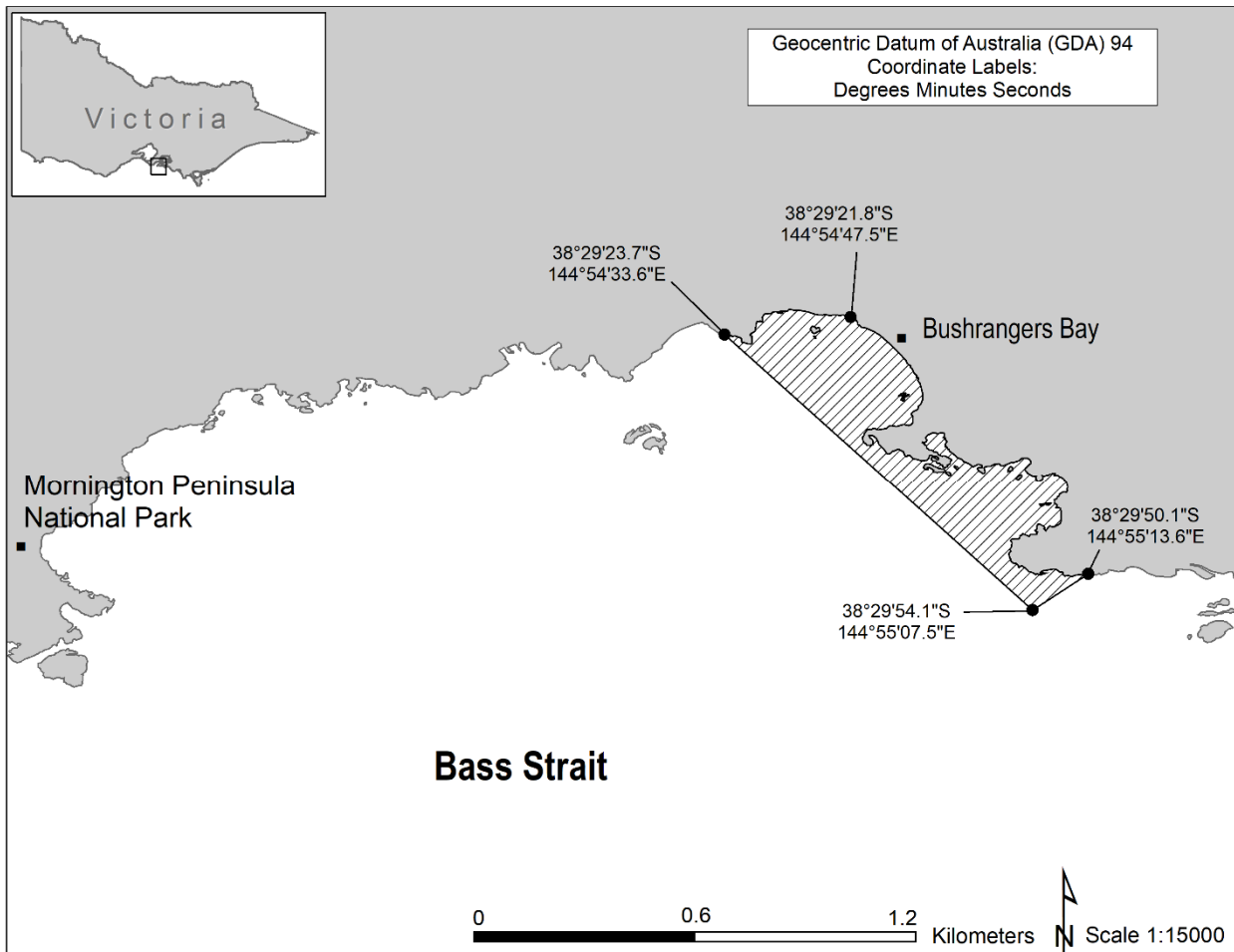
Specified rock fishing platform – Potters Hill Road, near San Remo



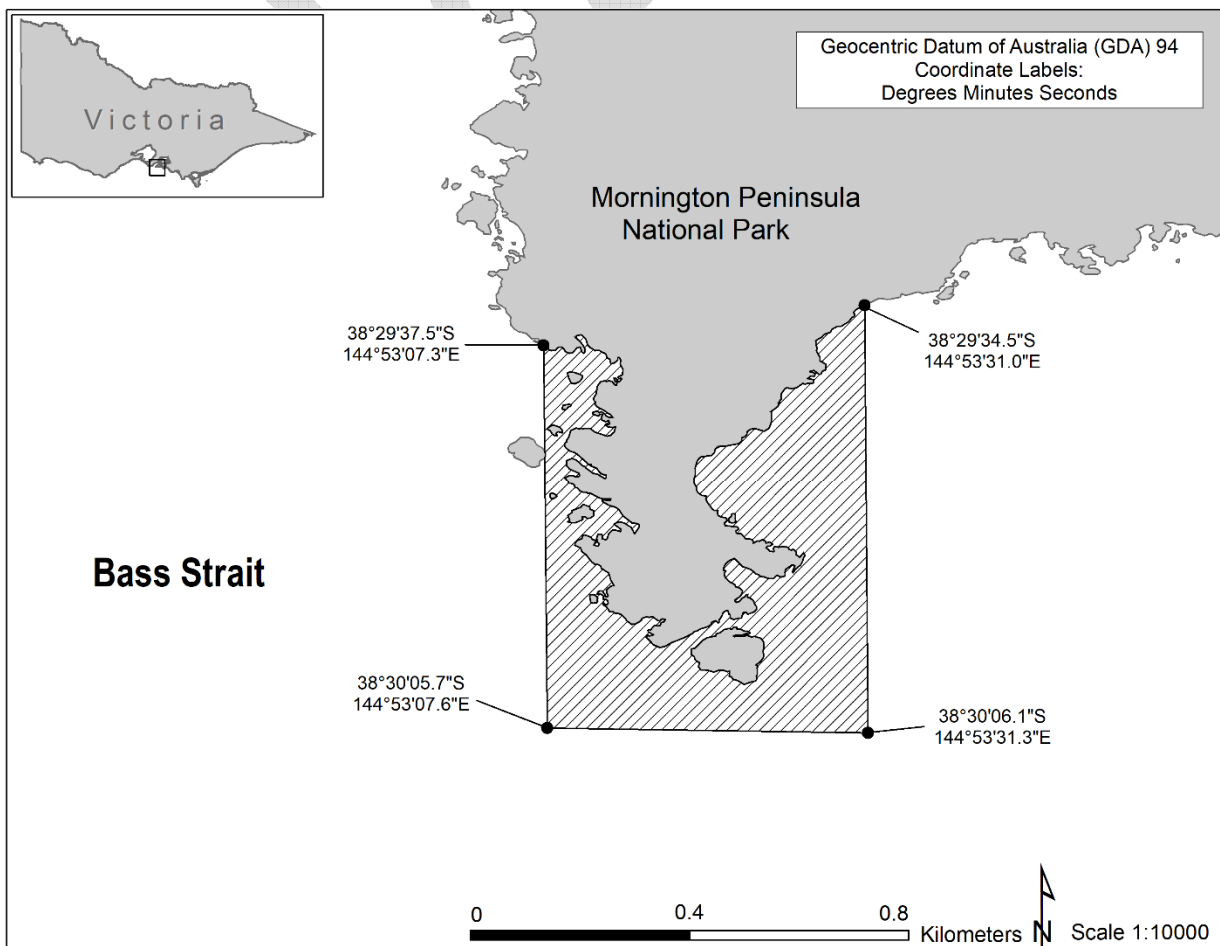
Specified rock fishing platform – Pyramid Rocks, Phillip Island



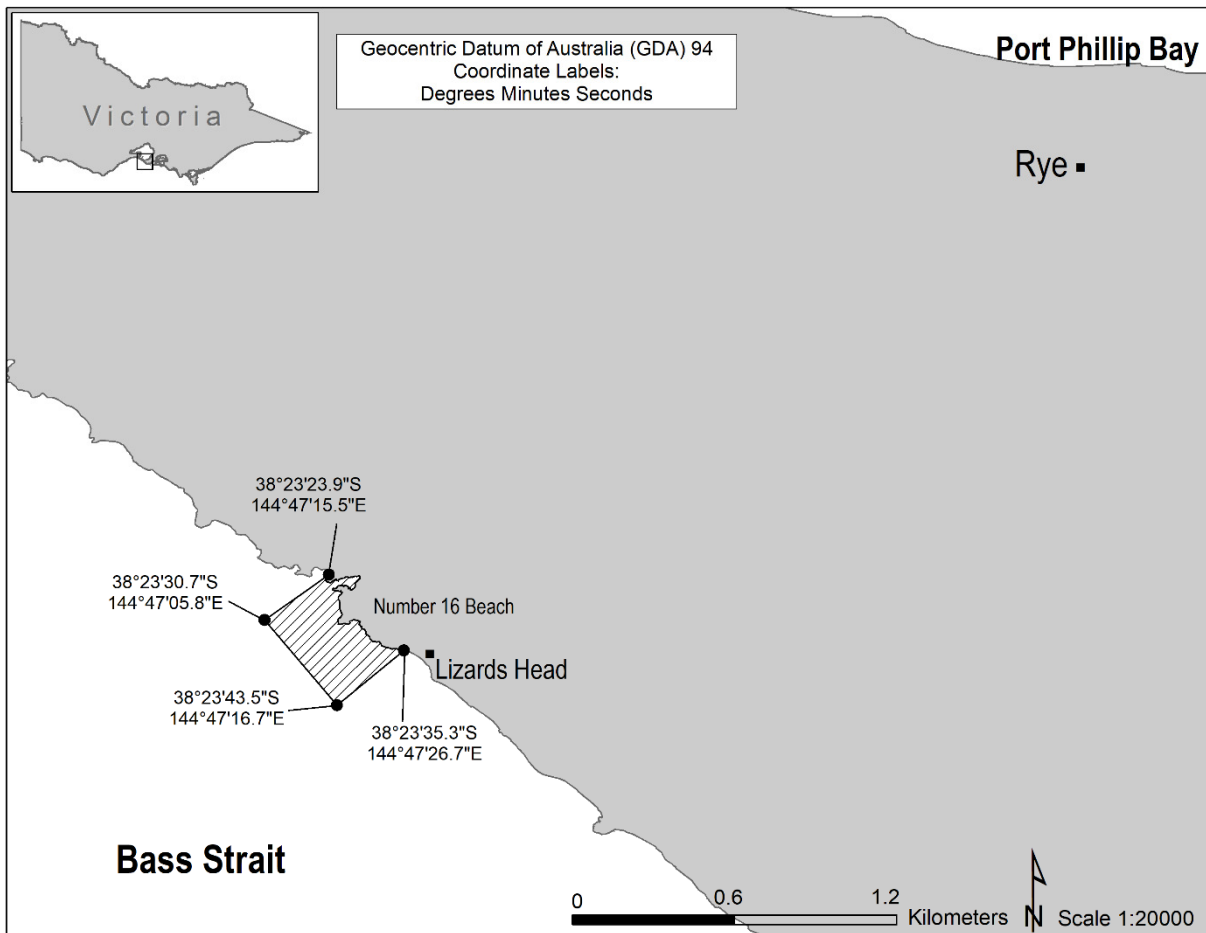
Specified rock fishing platform – Bushrangers Bay, Cape Schanck



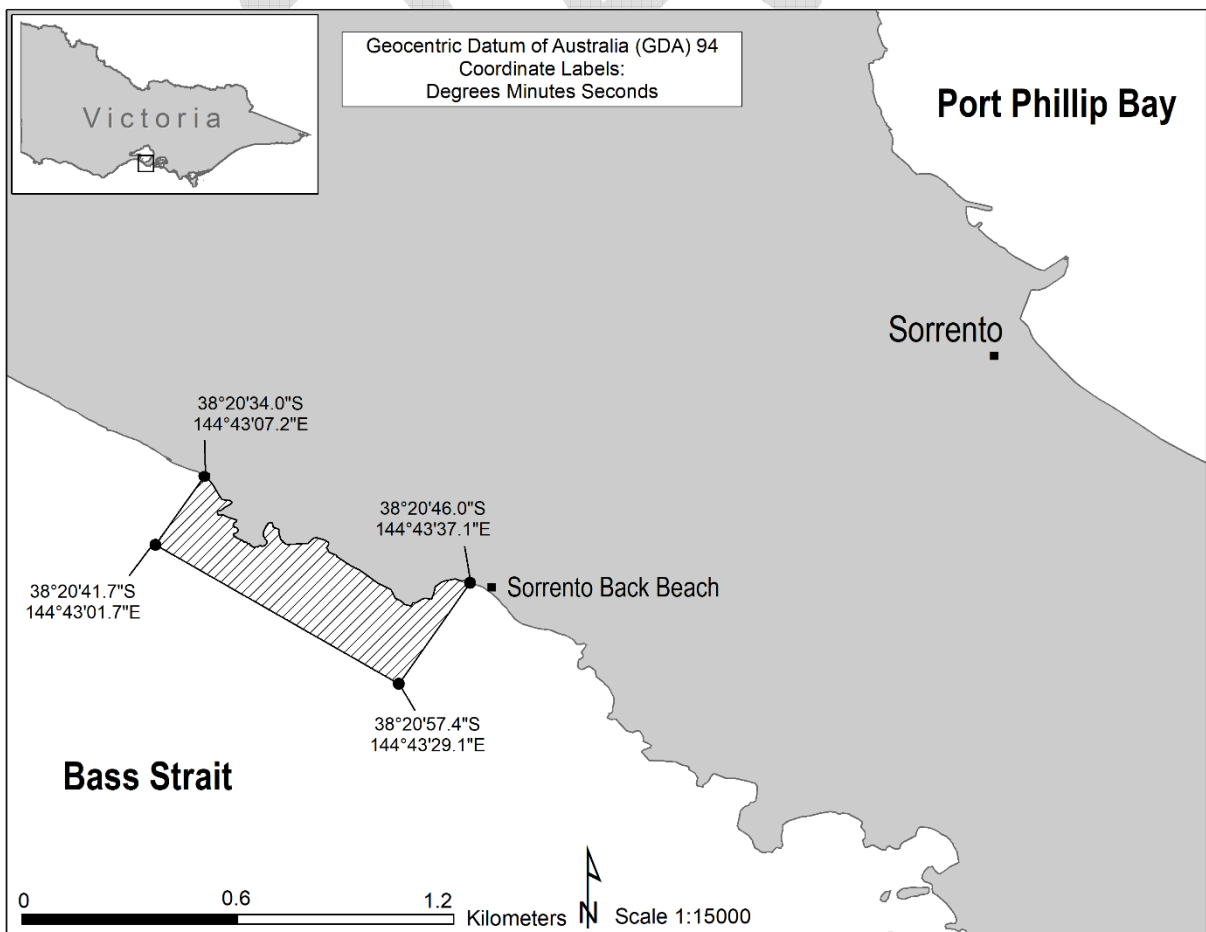
Specified rock fishing platform – Cape Schanck lighthouse, Cape Schanck



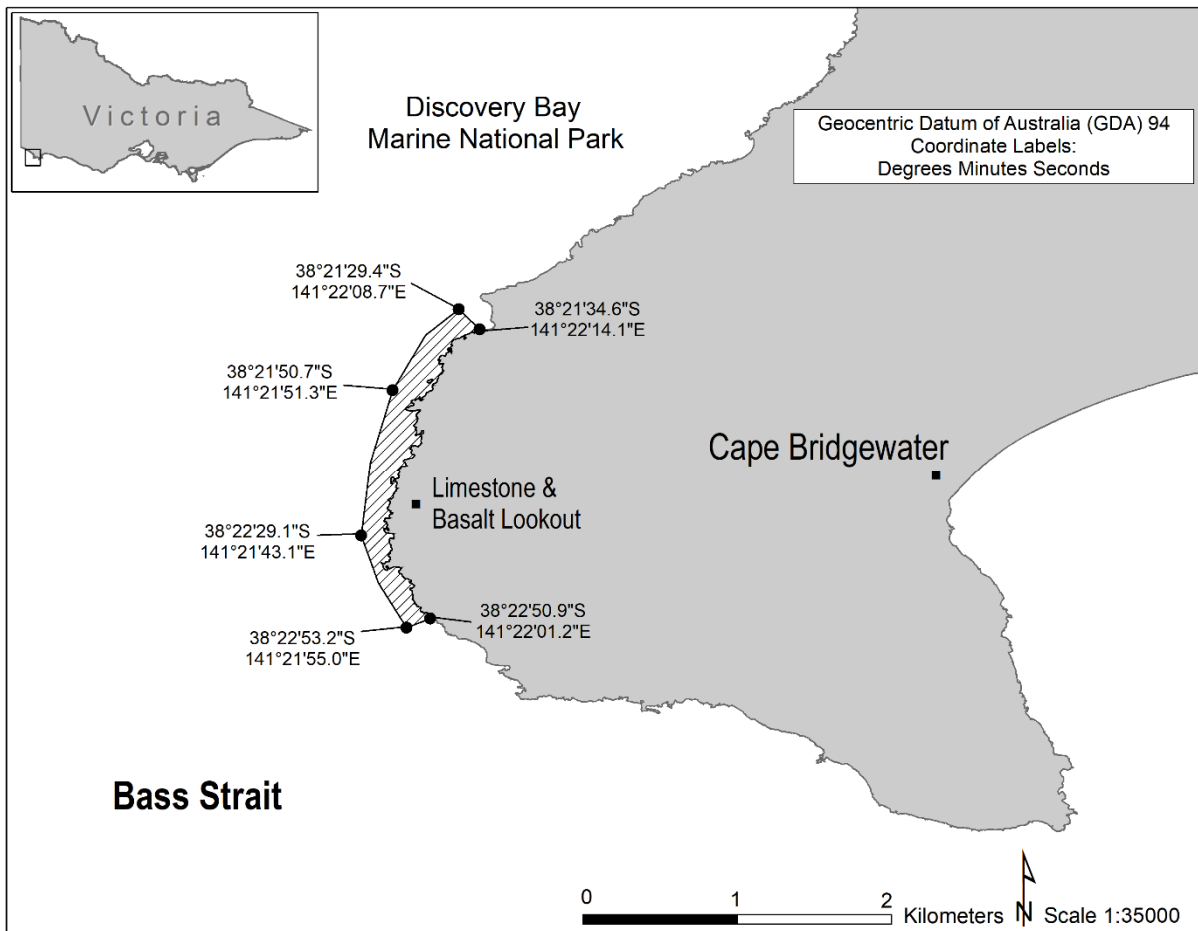
Specified rock fishing platform – No. 16 Beach, Rye back beach



Specified rock fishing platform – Sorrento Back Beach, near Sorrento



Specified rock fishing platform – Cape Bridgewater blowholes, near Cape Bridgewater



Specified rock fishing platform – Artillery Rocks, near Lorne

