

LEGISLATIVE ASSEMBLY •

Read 1° 16 May 1991

(Brought in by Mr Crabb and Mr Spyker)

A BILL

to amend the **Fisheries Act 1968** to regulate the harvesting of scallops
for sale and for other purposes.

Fisheries (Scallops) Act 1991

The Parliament of Victoria enacts as follows:

1. *Purpose*

The purpose of this Act is—

- (a) to regulate the harvesting of scallops for sale; and
- 5 (b) to make transitional arrangements in relation to
the harvesting in the waters of Port Phillip Bay of
scallops for sale.

2. *Commencement*

10 This Act comes into operation on a day or days to be
proclaimed.

Section headings appear in bold italics and are not part of the Act
(see **Interpretation of Legislation Act 1984**).

3. Scallop licences

In the **Fisheries Act 1968**—

- (a) For section 14 (1) (b) **substitute**—
 “(b) for the harvesting of scallops for sale;”;
- (b) For section 14 (3) **substitute**— 5
 “(3) A licence for the harvesting of scallops for sale
 (in this Act called a “**scallop licence**”) may be
 issued only to the person for the time being
 registered as owner of the boat and entitles
 that person to harvest from the boat in the 10
 waters specified in the licence scallops for sale.
- (3A) Any scallop licence issued under this section
 before the commencement of section 3 of the
Fisheries (Scallops) Act 1991 and in force as 15
 at that commencement is deemed to have been
 issued under this section as amended by
 section 3 of the **Fisheries (Scallops) Act 1991**.”;
- (c) In section 15 (1) (h) for “dredging or taking”
substitute “harvesting”;
- (d) In sections 17 (1) and 17 (3) for “dredging for or 20
 taking” **substitute** “harvesting”.

4. Harvesting of scallops in the waters of Port Phillip Bay

After section 14 of the **Fisheries Act 1968** insert—

- “14AA. **Harvesting of scallops in the waters of Port 25**
Phillip Bay
- (1) This section applies despite anything to the
 contrary in this Act or in any scallop licence.
- (2) A person must not harvest from a boat in the
 waters of Port Phillip Bay scallops for sale 30
 during the period commencing on the
 commencement of section 4 of the **Fisheries**
(Scallops) Act 1991 and ending on 31
 December 1991.
- (3) A person must not harvest from a boat in the
 waters of Port Phillip Bay scallops for sale 35

after 31 December 1991 unless he or she uses
a method of harvesting approved by the
Minister under sub-section (4).

- 5 (4) The Minister, after consultation with the
Victorian Fishing Industry Federation, may
by notice published in the Government
Gazette, specify an approved method of
harvesting for the purposes of this section if
10 the Minister is satisfied that the method is
suitable, having regard to its effect on the
aquatic environment and aquatic flora and
living resources.”.

