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Authorised Version No. 021
Fisheries Regulations 2009

S.R. No. 2/2009

Authorised Version incorporating amendments as at
14 August 2018

Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

- (a) to provide for the control and management of fisheries in Victoria on a sustainable basis; and
- (b) to provide for any other matters authorised to be prescribed under the **Fisheries Act 1995**; and
- (c) to make consequential amendments to the Fisheries (Fees, Royalties and Levies) Regulations 2008.

2 Authorising provision

These Regulations are made under section 153 of the **Fisheries Act 1995**.

3 Commencement

These Regulations come into operation on 2 March 2009.

4 Revocations

The Regulations listed in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

Reg. 5 def. of
abalone
confirmation
number
amended by
S.R. No.
10/2017
reg. 36(1)(a).

abalone confirmation number means the number provided by the Victorian Fisheries Authority—

- (a) to the holder of an abalone fishery access licence under regulation 304(1) or 304(3); or
- (b) to the holder of a Fish Receivers' (Abalone) Licence under regulation 306(1) or 306(3); or
- (c) under regulation 627(2) or 627AA(2) of the old regulations;

Reg. 5 def. of
abalone
docket
amended by
S.R. No.
10/2017
reg. 36(1)(b).

abalone docket means—

- (a) an individually numbered docket in the form approved by the Victorian Fisheries Authority that is used to record information about abalone taken under an abalone fishery access licence as required under Part 8; or
- (b) an abalone docket within the meaning of regulation 105(1) of the old regulations;

Reg. 5 def. of
abalone
docket book
amended by
S.R. No.
10/2017
reg. 36(1)(c).

abalone docket book means a book containing abalone dockets issued by the Victorian Fisheries Authority to the holder of an abalone fishery access licence;

abalone fishery access licence means any one of the following classes of access licence—

- (a) Abalone Fishery (Western Zone) Access Licence;
- (b) Abalone Fishery (Central Zone) Access Licence;

- (c) Abalone Fishery (Eastern Zone) Access Licence;

abalone internet notification service means the internet-based contact service through which specified abalone details and stock records may be notified by the holder of a Fish Receivers' (Abalone) Licence to the Victorian Fisheries Authority;

Reg. 5 def. of
*abalone
internet
notification
service*
amended by
S.R. No.
10/2017
reg. 36(1)(d).

abalone label means the marking or labelling of the packaging of abalone—

- (a) by the holder of a Fish Receivers' (Abalone) Licence in accordance with regulation 276; or
- (b) in accordance with regulation 301; or
- (c) by the holder of an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore Abalone) Licence in accordance with regulation 444;

abalone receipt means any of the following documents issued or created in respect of the sale or consignment of abalone—

- (a) a receipt issued by the holder of a Fish Receivers' (Abalone) Licence in accordance with regulation 294(1)(a); or
- (b) a document created in accordance with regulation 307; or
- (c) a receipt issued by the holder of an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore Abalone) Licence in accordance with regulation 443;

Reg. 5 def. of
abalone
telephone
notification
service
amended by
S.R. No.
10/2017
reg. 36(1)(e).

abalone telephone notification service means the interactive voice response telephone service and number through which specified abalone details may be notified by the holder of an abalone fishery access licence or a Fish Receivers' (Abalone) Licence to the Victorian Fisheries Authority and includes the automated response system which captures the information provided;

abalone tool means a blunt lever with rounded ends and does not include a screwdriver or a knife;

Reg. 5 def. of
abalone
transfer
certificate
amended by
S.R. No.
10/2017
reg. 36(1)(f).

abalone transfer certificate means—

- (a) an individually numbered certificate in the form approved by the Victorian Fisheries Authority that is used to record information about abalone received or sold under a Fish Receivers' (Abalone) Licence as required under Part 8; or
- (b) an abalone transfer certificate within the meaning of paragraph (a) of the definition of ***abalone transfer certificate*** in regulation 105(1) of the old regulations;

Reg. 5 def. of
abalone
transfer
certificate
book
amended by
S.R. No.
10/2017
reg. 36(1)(g).

abalone transfer certificate book means a book containing abalone transfer certificates issued by the Victorian Fisheries Authority to the holder of a Fish Receivers' (Abalone) Licence;

abalone zone means any of the following abalone zones—

- (a) the central abalone zone;

(b) the eastern abalone zone;

(c) the western abalone zone;

Anderson Inlet means the total area of the inlet bounded by a straight line running between the mean high water marks on the seaward extremities of each side of the Anderson Inlet entrance;

animal means any animal except a human or fish, whether vertebrate or invertebrate, in any stage of biological development and whether alive or dead;

approved AQIS number means the registered establishment number issued to a holder of a Fish Receivers' (Abalone) Licence under the Export Control Act 1982 of the Commonwealth by AQIS;

AQIS has the same meaning as it has in the Customs Act 1901 of the Commonwealth;

aquaculture incoming stock record means the record required to be kept and maintained by the holder of an aquaculture licence under regulation 440;

aquaculture production return means a return in the form approved by the Victorian Fisheries Authority that is used by an aquaculture licence holder to record information about activities carried out under an aquaculture licence as required under Part 12 and which includes the information set out in Schedule 2;

Reg. 5 def. of
*aquaculture
production
return*
amended by
S.R. No.
10/2017
reg. 36(1)(h).

bait jig means a continuous series of no more than 6 unbaited lures with hooks that are less than 2 centimetres in length and less than 3 metres in total length that is attached to a fishing line;

bait pump means a hand operated suction pump with a barrel diameter not exceeding 8.5 centimetres;

bait trap means a net or trap not exceeding 50 centimetres long, 25 centimetres high and 25 centimetres wide with funnel entrances with an inside diameter not exceeding 5 centimetres;

bay fish trap means a net or trap that is no more than 2 metres in length, 1 metre high and 1.5 metres wide and has no more than one entrance;

bin insert means any type of non-absorbent material used as a protective layer for the purposes of packaging live abalone;

bin tag means—

- (a) an individually numbered tag in the form issued by the Victorian Fisheries Authority to the holder of an abalone fishery access licence that is used to seal bins of abalone as required under Part 8; or
- (b) a bin tag within the meaning of paragraph (a) of the definition of **bin tag** in regulation 105(2) of the old regulations;

black sea urchin means the species *Centrostephanus rodgersii*;

book of account includes ledger, day book, cash book, account book, and any other document used in the ordinary business of a bank, or in the ordinary course of any other business for recording the financial transactions of the

Reg. 5 def. of
bin tag
amended by
S.R. No.
10/2017
reg. 36(1)(f).

Reg. 5 def. of
black sea urchin
inserted by
S.R. No.
96/2014
reg. 4(1).

business and also includes any document used in the ordinary course of any business to record goods produced in, or stock in trade held for, the business;

boundary post means any post or sign which bears the words "netting boundary" or "fishing boundary";

bug means a marine animal of the family Scyllaridae, commonly known as bug or shovelnose lobster;

Cape Liptrap Coastal Park means the areas of land described in Part 15 of Schedule 3 to the **National Parks Act 1975**;

Reg. 5 def. of
*Cape Liptrap
Coastal Park*
inserted by
S.R. No.
18/2013 reg. 5.

carcass means—

- (a) in relation to shark or elephantfish, the body of a shark or elephantfish which is not cut or mutilated in any manner other than to remove the gut and head forward and clear of the posterior gill slit; and
- (b) in relation to scale fish, the body of a fish which is not cut or mutilated in any manner other than to remove the gut or gills or scale the fish; and
- (c) in relation to spiny freshwater crayfish, the body of a crayfish which—
 - (i) is not cut in any way other than to remove one or more legs or claws;
or
 - (ii) is not mutilated in any way other than the absence of one or more legs or claws;

Reg. 5 def. of
*catch and
effort record*
amended by
S.R. No.
10/2017
reg. 36(1)(j).

catch and effort record means a record in the form approved by the Victorian Fisheries Authority that is used to record information about fish taken—

- (a) under an access licence (other than an abalone fishery access licence, a rock lobster fishery access licence, a Giant Crab Fishery (Western Zone) Access Licence or a Scallop (Ocean) Fishery Access Licence) as required under Parts 2 and 7 of these Regulations; or
- (b) under a permit, as required by a condition to which that permit is subject;

Reg. 5 def. of
*catch and
effort record
book*
amended by
S.R. Nos
168/2013
reg. 5(2)(a),
96/2014
reg. 4(2)(a),
10/2017
reg. 36(1)(k).

catch and effort record book means the book containing catch and effort records issued by the Victorian Fisheries Authority to the holder of—

- (a) an access licence (other than an abalone fishery access licence, a rock lobster fishery access licence, a Giant Crab Fishery (Western Zone) Access Licence, a Scallop (Ocean) Fishery Access Licence, a Scallop Dive (Port Phillip Bay) Fishery Access Licence or a Sea Urchin Fishery Access Licence); or
- (b) a permit;

central abalone zone means all Victorian waters between longitude 142° 31' East and longitude 148° East;

Reg. 5 def. of
*central sea
urchin zone*
inserted by
S.R. No.
96/2014
reg. 4(1).

central sea urchin zone means all the Victorian waters between longitude 142° 31' East and longitude 148° East, excluding Port Phillip Bay, shown on the plan in Part 1 of Schedule 21;

central Victorian waters means the marine waters between longitude 143° 27' 36" East (mouth of the Aire River) and 145° 53' 35" East, 38° 50' 19" South (north-western part of Arch Rock) where the eastern boundary is a line running due west from the most north-western part of Arch Rock to the seaward limit of State waters;

coff means any thing used to hold or keep fish alive in or on Victorian waters except, in relation to rock lobster, where that thing is part of or attached to a boat;

commercial abalone reef code means the code relating to an area of Victorian waters notified by the Victorian Fisheries Authority to the holder of an abalone fishery access licence in an abalone docket book;

Reg. 5 def. of
*commercial
abalone reef
code*
amended by
S.R. No.
10/2017
reg. 36(1)(f).

commercial fishery licence means any of the following licences—

- (a) an access licence;
- (b) a fish receivers' licence;
- (c) an aquaculture licence;

commercial hoop net means a cylindrical net open at the top, consisting of not more than 2 hoops, but does not include a recreational hoop net;

consolidate in relation to an access licence, means the issuing of one access licence in respect of a fishery in the place of 2 access licences that were previously issued in respect of the same fishery;

Corner Inlet means the total area of all the bays, inlets and entrances bounded by a line running south-westerly from the mean high water mark on the south-western end of the Ninety Mile Beach (McLoughlins Entrance) which follows the mean high water mark along the outer or seaward shoreline of the Nooramunga Islands that enclose Shoal or Shallow Inlet, crossing the entrances at McLoughlins Beach, Manns Beach, Kate Kearney Entrance and Port Albert with a straight line between the mean high water marks on the seaward extremities on each side of each entrance, continuing along the mean high water mark on the outer or seaward shoreline of Snake Island to the navigation light on Bentley Point then in a straight line to the mean high water mark on the most northern point of Entrance Point on Wilson's Promontory;

crab pot means a device with a capacity not exceeding 1 m³ with no more than one entrance;

crab trap means a bait trap;

Cunninghame Arm means all of the waters of that arm in the Gippsland Lakes, east of a line running from the south-west point of Bullock Island south-easterly to the rock wall opposite, including the waters of that arm between Bullock Island and the mainland to the ocean side of the bridge between Bullock Island and the mainland;

Danish seine net means any net designed or used to surround fish that is drawn through the water to close the towing ropes and the ends of the net using a vessel under propulsion, but does not include a trawl net, purse seine net or lampara net;

dip net means a hand-held net not exceeding 90 centimetres wide or deep and attached to a handle;

doughboy scallop means the aquatic mollusc of the species *Chlamys asperrimus*;

Reg. 5 def. of
doughboy
scallop
inserted by
S.R. No.
168/2013
reg. 5(1).

eastern abalone zone means all Victorian waters east of longitude 148° East;

eastern rock lobster zone means all Victorian marine waters east of longitude 143° 40' East but does not include Port Phillip Bay, Western Port, the Gippsland Lakes or any inlet of the sea;

eastern sea urchin zone means all the Victorian waters east of longitude 148° East shown on the plan in Part 1 of Schedule 21;

Reg. 5 def. of
eastern sea
urchin zone
inserted by
S.R. No.
96/2014
reg. 4(1).

firearm has the same meaning as in the **Firearms Act 1996**;

fish trap means any basket, box, net, trap, cage or any other thing that is designed or used to take fish by enticing or allowing fish to enter an enclosure, but does not include a rock lobster pot, bay fish trap, fyke net, stake net, recreational hoop net or commercial hoop net;

Reg. 5 def. of
fisheries
document
substituted by
S.R. No.
168/2013
reg. 5(2)(b),
amended by
S.R. Nos
96/2014
reg. 4(2)(b),
10/2016
reg. 5(2),
10/2017
reg. 36(1)(m).

fisheries document means—

- (a) any of the following documents—
- (i) an abalone docket, abalone docket book, abalone transfer certificate or abalone transfer certificate book;
 - (ii) an aquaculture incoming stock record or aquaculture production return;
 - (iii) a bin tag, book of account, catch and effort record, catch and effort record book or coff register book;
 - (iiia) a Port Phillip Bay/Western Port catch disposal record or Port Phillip Bay/Western Port catch disposal record book;
 - (iv) a giant crab catch disposal record, giant crab catch disposal record book, giant crab daily catch record or giant crab daily catch record book;
 - (v) an ocean scallop catch disposal record or an ocean scallop catch disposal record book;
 - (vi) a rock lobster catch disposal record, rock lobster catch disposal record book, rock lobster coff register, rock lobster daily catch record or rock lobster daily catch record book;
 - (vii) a scallop dive catch disposal record or scallop dive catch disposal record book;
 - (viii) a scallop receivers return logbook;

- (ix) a sea urchin catch disposal record or sea urchin catch disposal record book;
- (x) a small sales return, small sales return book or a stock record; and
- (b) any other document required to be completed, kept or maintained under the Act or the regulations under the Act; and
- (c) any other document issued by the Secretary or the Victorian Fisheries Authority under the Act or the regulations under the Act—

but does not include a copy of any document referred to in paragraph (a), (b) or (c);

fishing dredge means any net or cage attached to a rigid framed device or other thing that is designed for use, or is capable of being used for, or in connection with, the taking of molluscs other than scallop, but does not include a scallop dredge, shrimp dredge or hand-held dip net;

fyke net means a collapsible, conical net with—

- (a) meshes measuring no less than 1.5 centimetres and not exceeding 3.9 centimetres; and
- (b) 2 or more internal compartments; and
- (c) no more than 1 entrance; and
- (d) a maximum of 3 leaders or wings attached with each leader or wing being no longer than 46 metres and being made of meshes not exceeding 3.2 centimetres; and
- (e) the frame at the mouth of the net not exceeding 67 centimetres in height;

gaff means a barbless hook used in connection with landing a fish controlled by a line;

general permit means a general permit issued under section 49 of the Act;

giant crab catch disposal record means—

- (a) an individually numbered record in the form approved by the Victorian Fisheries Authority that is used to record information in relation to the movement of giant crab from the place of giant crab landing by the holder of a Giant Crab Fishery (Western Zone) Access Licence as required under Part 10 of these Regulations; or
- (b) a ***catch disposal record*** for giant crab within the meaning of regulation 105(2) of the old regulations;

giant crab catch disposal record book means a book containing giant crab catch disposal records issued by the Victorian Fisheries Authority to the holder of a Giant Crab Fishery (Western Zone) Access Licence;

giant crab confirmation number means the number provided by the Victorian Fisheries Authority to the holder of a Giant Crab Fishery (Western Zone) Access Licence—

- (a) under regulation 401(1) or 401(3); or
- (b) under regulation 627B(2) of the old regulations;

Reg. 5 def. of
*giant crab
catch
disposal
record*
amended by
S.R. No.
10/2017
reg. 36(1)(n).

Reg. 5 def. of
*giant crab
catch
disposal
record book*
amended by
S.R. No.
10/2017
reg. 36(1)(o).

Reg. 5 def. of
*giant crab
confirmation
number*
amended by
S.R. No.
10/2017
reg. 36(1)(p).

giant crab daily catch record means—

- (a) an individually numbered record in the form approved by the Victorian Fisheries Authority that is used by the holder of a Giant Crab Fishery (Western Zone) Access Licence to record information about giant crab taken under that licence as required under Part 10 of these Regulations; or
- (b) a ***giant crab daily catch record*** within the meaning of regulation 105(2) of the old regulations;

Reg. 5 def. of
*giant crab
daily catch
record*
amended by
S.R. No.
10/2017
reg. 36(1)(q).

giant crab daily catch record book means a book containing giant crab daily catch records issued by the Victorian Fisheries Authority to the holder of a Giant Crab Fishery (Western Zone) Access Licence;

Reg. 5 def. of
*giant crab
daily catch
record book*
amended by
S.R. No.
10/2017
reg. 36(1)(r).

giant crab notification service means the interactive voice response telephone service and number through which specified giant crab details may be notified by the holder of a Giant Crab Fishery (Western Zone) Access Licence to the Victorian Fisheries Authority and includes the automated response system which captures the information provided;

Reg. 5 def. of
*giant crab
notification
service*
amended by
S.R. No.
10/2017
reg. 36(1)(s).

Gippsland Lakes means the total area of all waters bounded by a line commencing at the outer end of the western pier at the entrance wall at the entrance to the Gippsland Lakes, continuing in a north-westerly direction to the inner end of that pier then following the shoreline along the mean high water mark of such waters in a generally clockwise direction to the inner end of the eastern pier at the entrance wall at the entrance to the

Gippsland Lakes, then following that wall to its outer end, then in a generally westerly direction to the commencement of that line, but does not include the waters east of Eastern Beach Road or any river, creek or stream flowing into the Gippsland Lakes (except Chinaman's Creek and Boxes Creek which flow into and form part of Bancroft Bay);

hand-held spear means a spear without barbs that has no more than 2 prongs and that is held in the hand;

holder of a registered financial interest means a person who has registered details of his or her financial interest in an access licence under section 59 of the Act;

hook includes—

- (a) a lure or jig; or
- (b) a double or treble hook; or
- (c) not more than 4 hooks arranged in a gang; or
- (d) a keeper hook;

identifying mark means the combination of letters and numerals that are specified in the registration certificate for a boat as that boat's identifying mark;

intertidal zone means the area of Victoria commencing at the maximum high water mark and continuing to a point where the water is 2 metres deep at that time;

keeper hook means an assembly of 2 hooks arranged to secure one bait in one position at the end of a line and the assembly has—

- (a) one hook attached to the end of a line;
and
- (b) one hook that is capable of sliding
down the same line and touching the
attached hook when unbaited;

Lake Hume means all waters and land, whether
the lake is at full supply level or not, in—

- (a) the Murray River arm of the lake, from
the weir wall upstream to the point
where Seven Mile Creek enters the
Murray River on the northern bank of
the Murray River; and
- (b) the Mitta Mitta River arm of the lake,
from the weir wall upstream to the
Murray Valley Highway Bridge
situated east of Tallangatta;

Lake Mulwala means all waters and land, whether
the lake is at full supply level or not, from
the Yarrawonga Weir upstream to the point
where the Ovens River enters the Murray
River marked by the Bundalong boat ramp;

lampara net means a positively buoyant surface
net designed or used to surround fish that has
a lead line shorter than the float line and is
drawn through the water by a vessel under
propulsion to close the ends of the net;

landed means the place where fish—

- (a) are taken ashore; or
- (b) make contact with any man-made fixed
structure, including a pier, jetty, or
wharf; or
- (c) make contact with any artificial
extension of land;

landing net means a hand-held net not exceeding 90 centimetres wide or 90 centimetres deep that is attached to a handle and is used to land a fish that is controlled with a fishing line;

legally obtained in relation to any fish that is received and subsequently possessed by a person, means fish, that before such receipt by the person, had been taken, possessed, or sold (including the packaging and labelling of the fish and documentation accompanying the fish) in accordance with—

- (a) the Act or these Regulations; or
- (b) the laws of any place other than in Victoria in which the fish was taken, possessed or sold;

licence operator in relation to an access licence means a person whose name is specified in an access licence of a class specified in regulation 18 as a person permitted to carry out fishing activities authorised by the licence;

longline means a line to which is attached more than 8 hooks;

longline team fishing operation means a longline fishing activity carried out jointly by 2 or 3 holders or licence operators of a Western Port/Port Phillip Bay Access Licence from the same boat;

Mallacoota airport area means the area of marine waters enclosed by a line running from the trig. point on Little Rame Head through Little Rame Rock to the point 37° 41.203' South, 149° 41.430' East then to the point 37° 33.848' South, 149° 54.325' East on the shore in front of the pumphouse

on Gabo Island then running around the shore of Gabo Harbour to Telegraph Point then in a straight line north to the shore of the mainland;

marine national park has the same meaning as in the **National Parks Act 1975**;

marine sanctuary has the same meaning as in the **National Parks Act 1975**;

McLennan Straits includes all of the waters of that strait between a line at the eastern entrance to that strait, running from the extreme outward point of either bank or side to the opposite extreme outward point where that strait joins Lake Victoria and a line running north-east from the northernmost point of the western bank at the western entrance of that strait to a point on the opposite bank;

mesh net means any net that is designed or used to mesh or gill fish and includes a gill net or set net, but does not include a trammel net or a stake net;

mouth in relation to any water flowing permanently or intermittently into the sea or into any lake, bay or inlet connected with the sea, or into any other lake, means an imaginary line running between the extreme seaward or outward point of either bank or side, to the opposite extreme seaward or outward point except—

- (a) in the case of the Barwon River, means an imaginary line across the downstream side of the Barwon Heads—Ocean Grove Bridge;

- (b) in the case of Boggy Creek at Lake Tyers, means an imaginary line running generally south from the extreme seaward point of the limits of Ironstone Creek to the opposite bank of Boggy Creek;
 - (c) in the case of the Curdies River, means an imaginary line across the downstream side of the Great Ocean Road bridge at Peterborough;
 - (d) in the case of the Ironstone Creek at Lake Tyers, means an imaginary line running from the extreme seaward or outward point of one bank to the opposite extreme seaward or outward point of the opposite bank where it joins Boggy Creek;
 - (e) in the case of the Merri River, means an imaginary line across the downstream side of the footbridge over that river between the viaduct leading to the breakwater and Pickering Point;
 - (f) in the case of Stony Creek at Lake Tyers, means an imaginary line across the downstream side of the Princes Highway bridge;
 - (g) in the case of the Yarra River, means an imaginary line across the downstream side of the West Gate Bridge;
- mussel rake*** means a rake with a rake head not exceeding 50 centimetres in width and a single row of teeth attached with the teeth not exceeding 10 centimetres in length;

Fisheries Regulations 2009
S.R. No. 2/2009
Part 1—Preliminary

* * * * *

Reg. 5 def. of
*natural
resource
agreement*
inserted by
S.R. No.
168/2013
reg. 21,
revoked by
S.R. No.
10/2017
reg. 22.

net weight, in relation to abalone, means—

- (a) in respect of whole unshucked abalone, the weight of the whole abalone including the viscera, shell and any marine growth attached to the shell; and
- (b) in respect of shucked abalone, other than abalone in cans, the weight of the abalone meat not including any brine or other fluid; and
- (c) in respect of abalone in cans, the drained weight of the abalone meat in the can;

North Arm means all the waters of that arm east of a line running between the south-west side of the ends of the 2 rocky walls at the entrance of the arm, including the waters of the arm between Bullock Island and the mainland up to the south-western side of the bridge between Bullock Island and the mainland;

noxious aquatic species permit means a permit issued under section 81 of the Act;

Reg. 5 def. of
*ocean scallop
catch
disposal
record*
amended by
S.R. No.
10/2017
reg. 36(1)(t).

ocean scallop catch disposal record means an individually numbered record in the form approved by the Victorian Fisheries Authority that is used to record information about the disposal of scallop;

Reg. 5 def. of
*ocean scallop
catch
disposal
record book*
amended by
S.R. No.
10/2017
reg. 36(1)(u).

ocean scallop catch disposal record book means a book containing ocean scallop catch disposal records issued by the Victorian Fisheries Authority to the holder of a Scallop (Ocean) Fishery Access Licence;

Reg. 5 def. of
*ocean scallop
logbook*
revoked by
S.R. No.
168/2013
reg. 5(2)(c).

* * * * *

octopus trap means an unbaited container of any description designed for, or capable of, catching octopus;

old regulations means the Fisheries Regulations 1998¹;

Reg. 5 def. of
*open top
lift net*
inserted by
S.R. No.
168/2013
reg. 21.

open top lift net means a square or rectangular net open at the top that—

- (a) is not more than 60 centimetres long and not more than 60 centimetres wide; and
- (b) has a mesh net height more than 15 centimetres perpendicular from the base; and
- (c) has a top opening of not less than 20 centimetres by 20 centimetres; and

- (d) does not have any internal device designed for use, or capable of use, in connection with the taking of yabby;

place of landing means—

- (a) for the purposes of rock lobster and giant crab fishing, the place nearest to which the rock lobster or giant crab is landed where the access licence holder can reasonably comply with the licence conditions;
- (b) for the purposes of abalone fishing, a place (other than a boat) where abalone is unloaded or disembarked that is—
- (i) specified in Schedule 3 and is adjacent to Victorian waters; or
- (ii) authorised by the Victorian Fisheries Authority;

Reg. 5 def. of
*place of
landing*
amended by
S.R. No.
10/2017
reg. 36(1)(v).

Port Phillip Bay means all the waters within the bays lying north of a line from the most seaward point of Point Lonsdale to the most seaward point of Point Nepean and includes the waters of Hobson's Bay and Corio Bay, but not the waters of Swan Bay;

Port Phillip Bay sea urchin zone means the waters of Port Phillip Bay shown on the plan in Part 1 of Schedule 21;

Reg. 5 def. of
*Port Phillip
Bay sea
urchin zone*
inserted by
S.R. No.
96/2014
reg. 4(1).

Reg. 5 def. of
*Port Phillip
Bay/Western
Port catch
disposal
record*
inserted by
S.R. No.
10/2016
reg. 5(1),
amended by
S.R. No.
10/2017
reg. 36(1)(w).

Port Phillip Bay/Western Port catch disposal record means an individually numbered record in the form approved by the Victorian Fisheries Authority that is used to record information in relation to the movement of fish by—

- (a) the holder of a Purse Seine (Port Phillip Bay) Fishery Access Licence as required under Division 25 of Part 7; or
- (b) the holder of a Western Port/Port Phillip Bay Fishery Access Licence as required under Division 33 of Part 7;

Reg. 5 def. of
*Port Phillip
Bay/Western
Port catch
disposal
record book*
inserted by
S.R. No.
10/2016
reg. 5(1),
amended by
S.R. No.
10/2017
reg. 36(1)(x).

Port Phillip Bay/Western Port catch disposal record book means a book containing catch disposal records issued by the Victorian Fisheries Authority to the holder of a Purse Seine (Port Phillip Bay) Fishery Access Licence or Western Port/Port Phillip Bay Fishery Access Licence;

Reg. 5 def. of
*Port Phillip
Bay/Western
Port
notification
service*
inserted by
S.R. No.
10/2016
reg. 5(1),
amended by
S.R. No.
10/2017
reg. 36(1)(y).

Port Phillip Bay/Western Port notification service means—

- (a) the telephone service or internet application through which the holder of a Purse Seine (Port Phillip Bay) Fishery Access Licence or Western Port/Port Phillip Bay Fishery Access Licence may notify specified Port Phillip Bay/Western Port details to the Victorian Fisheries Authority; or
- (b) if the telephone service or internet application is not available, an alternative method, notified to the licence holder by the Victorian Fisheries Authority, by which the

licence holder may notify those details to the Victorian Fisheries Authority;

product description in relation to abalone, means whether the abalone is unshucked or processed and, if processed, the exact form of the abalone product;

protected aquatic biota permit means a permit issued under section 72 of the Act;

purse seine net means a positively buoyant surface net designed or used to surround fish that is closed by the tightening of the lead line;

quota unit balance in relation to a rock lobster fishery access licence or a Giant Crab Fishery (Western Zone) Access Licence, means the number of individual quota units allocated to that licence in respect of which the amount of fish permitted to be taken has not been exhausted during a specified quota period;

recreational bait net means a net not exceeding 6 metres in length designed, or capable of being used, for the purpose of taking fish by being drawn through the water, with hauling lines attached to each end not exceeding 6 metres in length, but does not include a cast net;

recreational hoop net means a cylindrical net open at the top, consisting of not more than 2 hoops not exceeding 77 centimetres in diameter with a maximum drop of 50 centimetres;

Reg. 5 def. of
*recreational
reef zone*
inserted by
S.R. No.
18/2013 reg. 5,
amended by
S.R. No.
95/2016 reg. 5.

recreational reef zone means any area of marine waters specified in Column 1 of the Table in Schedule 19, being the area described by reference to the latitude and longitude measurements set out in Columns 3 and 4 of the Table corresponding to that zone;

Reg. 5 def. of
*rock lobster
catch
disposal
record*
amended by
S.R. No.
10/2017
reg. 36(1)(z).

registered in relation to a boat, means registered under Part 5;

rock lobster catch disposal record means—

- (a) an individually numbered record in the form approved by the Victorian Fisheries Authority that is used to record information in relation to the movement of rock lobster from its place of landing by the holder of a rock lobster fishery access licence as required under Part 9; or
- (b) a catch disposal record for rock lobster within the meaning of regulation 105(2) of the old regulations;

Reg. 5 def. of
*rock lobster
catch
disposal
record book*
amended by
S.R. No.
10/2017
reg. 36(2)(a).

rock lobster catch disposal record book means a book containing rock lobster catch disposal records issued by the Victorian Fisheries Authority to the holder of a rock lobster fishery access licence;

Reg. 5 def. of
*rock lobster
coff register*
amended by
S.R. No.
10/2017
reg. 36(2)(b).

rock lobster coff register means—

- (a) an individually numbered record in the form approved by the Victorian Fisheries Authority that is used to record information about the movement of rock lobster in and out of a coff; or
- (b) a coff register within the meaning of regulation 105(2) of the old regulations;

rock lobster coff register book means an individually numbered book containing rock lobster coff registers issued by the Victorian Fisheries Authority to a holder of a rock lobster fishery access licence who is authorised by the licence to use a coff;

Reg. 5 def. of *rock lobster coff register book* amended by S.R. No. 10/2017 reg. 36(2)(c).

rock lobster confirmation number means the number provided by the Victorian Fisheries Authority to the holder of a rock lobster fishery access licence—

Reg. 5 def. of *rock lobster confirmation number* amended by S.R. No. 10/2017 reg. 36(2)(d).

- (a) under regulation 361(1) or 361(3); or
- (b) under regulation 627A(2) of the old regulations;

rock lobster daily catch record means—

Reg. 5 def. of *rock lobster daily catch record* amended by S.R. No. 10/2017 reg. 36(2)(e).

- (a) an individually numbered record in the form approved by the Victorian Fisheries Authority that is used by the holder of a rock lobster fishery access licence to record information about rock lobster taken under the licence on any day as required under Part 9; or
- (b) a rock lobster daily catch record within the meaning of regulation 105(2) of the old regulations;

rock lobster daily catch record book means a book containing rock lobster daily catch records issued by the Victorian Fisheries Authority to the holder of a rock lobster fishery access licence;

Reg. 5 def. of *rock lobster daily catch record book* amended by S.R. No. 10/2017 reg. 36(2)(f).

rock lobster fishery access licence means any one of the following classes of access licence—

- (a) Rock Lobster Fishery (Western Zone) Access Licence;
- (b) Rock Lobster Fishery (Eastern Zone) Access Licence;

Reg. 5 def. of
rock lobster
notification
service
amended by
S.R. No.
10/2017
reg. 36(2)(g).

rock lobster notification service means the interactive voice response telephone service and number through which specified rock lobster details may be notified by the holder of a rock lobster fishery access licence to the Victorian Fisheries Authority and includes the automated response system which captures the information provided;

rock lobster pot means any basket, box, net, trap, cage or any other thing that is designed for use, or is capable of being used, for or in connection with the taking by trapping of rock lobster or giant crab, but does not include a bay fish trap, recreational hoop net or commercial hoop net;

rock lobster receipt means a receipt issued in respect of the sale of rock lobster—

- (a) by the person selling the rock lobster that contains the details required to be contained in the receipt referred to in regulation 366(b) in respect of that rock lobster; or
- (b) by the holder of an aquaculture licence in accordance with regulation 439;

salmonid means, except in Part 12, brown trout, rainbow trout, Atlantic salmon and chinook salmon;

Reg. 5 def. of
scallop
inserted by
S.R. No.
168/2013
reg. 5(1).

scallop means the aquatic mollusc of the species *Pecten fumatus* or *Chlamys asperrimus*;

scallop commercial fishing exclusion zone means an area shown hatched on a plan in Part 2 of Schedule 20;

Reg. 5 def. of *scallop commercial fishing exclusion zone* inserted by S.R. No. 168/2013 reg. 5(1).

scallop commercial fishing management zone means any of the zones numbered 1 to 6 shown on the plan in Part 1 of Schedule 20;

Reg. 5 def. of *scallop commercial fishing management zone* inserted by S.R. No. 168/2013 reg. 5(1).

scallop dive catch disposal record means an individually numbered record in the form approved by the Victorian Fisheries Authority that is used to record information in relation to the movement of scallop from the place of scallop landing by the holder of a Scallop Dive (Port Phillip Bay) Fishery Access Licence as required under Division 3B of Part 11;

Reg. 5 def. of *scallop dive catch disposal record* inserted by S.R. No. 168/2013 reg. 5(1), amended by S.R. No. 10/2017 reg. 36(2)(h).

scallop dive catch disposal record book means a book containing scallop dive catch disposal records issued by the Victorian Fisheries Authority to the holder of a Scallop Dive (Port Phillip Bay) Fishery Access Licence;

Reg. 5 def. of *scallop dive catch disposal record book* inserted by S.R. No. 168/2013 reg. 5(1), amended by S.R. No. 10/2017 reg. 36(2)(i).

Reg. 5 def. of
*scallop dive
notification
service*
inserted by
S.R. No.
168/2013
reg. 5(1),
substituted by
S.R. No.
96/2014
reg. 16,
amended by
S.R. No.
10/2017
reg. 36(2)(j).

scallop dive notification service means—

- (a) the internet application through which the holder of a Scallop Dive (Port Phillip) Fishery Access Licence may notify specified scallop dive details and scallop dive daily catch and effort records to the Victorian Fisheries Authority; or
- (b) if the internet application is not available an alternative method, notified to the licence holder by the Victorian Fisheries Authority, by which the licence holder may notify those details to the Victorian Fisheries Authority;

scallop dredge means any net or cage attached to a rigid framed device or any other thing that is designed for use, or is capable of being used for, or in connection with, the taking of scallop, but does not include a fishing dredge, shrimp dredge or hand-held dip net;

Reg. 5 def. of
*scallop
receipt*
inserted by
S.R. No.
168/2013
reg. 5(1).

scallop receipt means a receipt issued in respect of the sale of scallop by a person selling the scallop that contains the details required to be contained in the receipt referred to in regulation 413Z in respect of that scallop;

Reg. 5 def. of
*scallop
receiver
return*
amended by
S.R. No.
10/2017
reg. 36(2)(k).

scallop receiver return means a return in the form approved by the Victorian Fisheries Authority that is used to record information about scallop received by a holder of a Fish Receivers' (Scallop) Licence as required under Part 11;

<i>scallop receiver return logbook</i> means the book containing scallop receiver returns issued by the Victorian Fisheries Authority to the holder of a Fish Receivers' (Scallop) Licence;	Reg. 5 def. of <i>scallop receiver return logbook</i> amended by S.R. No. 10/2017 reg. 36(2)(l).
<i>sea urchin</i> means black sea urchin or white sea urchin;	Reg. 5 def. of <i>sea urchin</i> inserted by S.R. No. 96/2014 reg. 4(1).
<i>sea urchin catch disposal record</i> means an individually numbered record in the form approved by the Victorian Fisheries Authority that is used to record information in relation to the movement of sea urchin from the place of sea urchin landing by the holder of a Sea Urchin Fishery Access Licence as required under Division 3 of Part 11A;	Reg. 5 def. of <i>sea urchin catch disposal record</i> inserted by S.R. No. 96/2014 reg. 4(1), amended by S.R. No. 10/2017 reg. 36(2)(m).
<i>sea urchin catch disposal record book</i> means a book containing sea urchin catch disposal records issued by the Victorian Fisheries Authority to the holder of a Sea Urchin Fishery Access Licence;	Reg. 5 def. of <i>sea urchin catch disposal record book</i> inserted by S.R. No. 96/2014 reg. 4(1), amended by S.R. No. 10/2017 reg. 36(2)(n).
<i>sea urchin commercial fishing management zone</i> is comprised of all of the following zones— (a) the eastern sea urchin zone; (b) the central sea urchin zone; (c) the Port Phillip Bay sea urchin zone; (d) the western sea urchin zone.	Reg. 5 def. of <i>sea urchin commercial fishing management zone</i> inserted by S.R. No. 96/2014 reg. 4(1).

Reg. 5 def. of
*sea urchin
notification
service*
inserted by
S.R. No.
96/2014
reg. 4(1),
amended by
S.R. No.
10/2017
reg. 36(2)(o).

sea urchin notification service means—

- (a) the internet application through which the holder of a Sea Urchin Fishery Access Licence may notify specified sea urchin details and sea urchin daily catch and effort records to the Victorian Fisheries Authority; or
- (b) if the internet application is not available an alternative method, notified to the licence holder by the Victorian Fisheries Authority, by which the licence holder may notify those details to the Victorian Fisheries Authority;

Reg. 5 def. of
*sea urchin
receipt*
inserted by
S.R. No.
96/2014
reg. 4(1).

sea urchin receipt means a receipt issued in respect of the sale of sea urchin by a person selling the sea urchin that contains the details listed in regulation 417S(2);

seine net means any net designed or used to surround fish that is drawn through the water to close the ends of the net but does not include a recreational bait net, trawl net, purse seine net, lampara net, Danish seine net or dip net;

Shallow Inlet means the total area of that inlet bounded by a straight line running between the mean high water mark on the seaward extremities of each side of the Shallow Inlet entrance;

shell shovel means a hand-held shovel with a blade not exceeding 30 centimetres in width and attached to a handle;

shrimp dredge means a net bag attached to a frame not exceeding 1 metre by 40 centimetres and that forms an opening or mouth to the net bag;

shuck means to remove the meat from the shell of a mollusc in any manner;

size zone in relation to abalone, means any of the areas described in paragraphs (a) to (e) of item 1 in the Table in regulation 235(1);

small sales return means a return in the form approved by the Victorian Fisheries Authority that is used to record information about certain quantities of abalone sold under a Fish Receivers' (Abalone) Licence as required under Part 8;

Reg. 5 def. of *small sales return* amended by S.R. No. 10/2017 reg. 36(2)(p).

small sales return book means a book containing small sales returns issued by the Victorian Fisheries Authority to the holder of a Fish Receivers' (Abalone) Licence;

Reg. 5 def. of *small sales return book* amended by S.R. No. 10/2017 reg. 36(2)(q).

soft shelled means the condition of a rock lobster when the carapace, if depressed along the dorsal median line, fails to immediately return to its original shape;

spear gun means a mechanical device or other thing that is capable of imparting propulsive energy to a spear or arrow, but does not include a crossbow or a bow and arrow;

specified abalone details means—

- (a) for the purposes of regulation 263, the following details—
 - (i) the number allocated by the Victorian Fisheries Authority to identify the abalone fishery access licence;

Reg. 5 def. of *specified abalone details* amended by S.R. No. 10/2017 reg. 36(2)(r).

- (ii) the abalone docket serial number;
 - (iii) the place of landing of the abalone;
 - (iv) the time the abalone was weighed using 24 hour time recording;
 - (v) the total net weight (in kilograms) of each species of abalone in respect of each commercial abalone reef code recorded on Part A of the docket;
 - (vi) the number of bins containing greenlip abalone secured with bin tags and the number of bins containing blacklip abalone secured with bin tags;
 - (vii) the trader identification number of the Fish Receivers' (Abalone) Licence where the abalone is to be delivered as recorded on Part B of the abalone docket;
- (b) for the purposes of regulation 281, the following details—
- (i) the trader identification number of the Fish Receivers' (Abalone) Licence holder recorded on Part C of the abalone docket;
 - (ii) the serial number of the docket;
 - (iii) the time of the abalone entering the licensed premises using 24 hour time recording;
 - (iv) the licence number recorded on the docket;
 - (v) the date of landing recorded on the docket;

- (vi) the total net weight (in kilograms) recorded on Part C of the docket;
- (vii) the total tare weight (in kilograms) recorded on Part B of the docket;
- (c) for the purposes of regulations 286 and 290, the following details—
 - (i) the serial number of the abalone transfer certificate;
 - (ii) the trader identification number contained in section (i) of Part B of the certificate and all of the information contained in section (ii) of Part B of the certificate;
 - (iii) the product description and net weight details from section (iii) of Part B of the certificate;
- (d) for the purposes of regulation 297, the following details—
 - (i) the serial number of the abalone transfer certificate;
 - (ii) the trader identification number contained in section (i) of Part A of the certificate and all of the information contained in section (ii) of Part A of the certificate;
 - (iii) the product description and net weight details from section (iii) of Part A of the certificate;

Reg. 5 def. of
*specified
giant crab
details*
amended by
S.R. No.
10/2017
reg. 36(2)(s).

specified giant crab details means—

- (a) for the purposes of regulations 388(1), 388(2), 388(3), 388(4), 389(1) and 392(2), the following details—
 - (i) the number allocated by the Victorian Fisheries Authority to identify the Giant Crab Fishery (Western Zone) Access Licence;
 - (ii) the number of giant crab on board the boat;
 - (iii) the port or mooring area the boat will enter;
 - (iv) the estimated time at which the boat will enter the port or mooring area;
 - (v) whether giant crab will be landed;
 - (vi) if landing giant crab, the estimated time at which landing of the giant crab will commence;
- (b) for the purposes of regulation 394(1), the following details—
 - (i) the number allocated by the Victorian Fisheries Authority to identify the Giant Crab Fishery (Western Zone) Access Licence;
 - (ii) the estimated time at which the giant crab will leave its place of landing;
 - (iii) the number of giant crab landed under the licence;
 - (iv) the total net weight (in kilograms) of giant crab landed under the licence;

- (v) the giant crab confirmation number provided to the licence holder when the specified giant crab details in paragraph (a) were provided;

specified Port Phillip Bay/Western Port details
means—

- (a) for the purposes of regulations 198A and 219A (as the case requires), the following details—
 - (i) the licence number that identifies the Purse Seine (Port Phillip Bay) Fishery Access Licence or Western Port/Port Phillip Bay Fishery Access Licence;
 - (ii) the personal file number allocated by the Victorian Fisheries Authority to identify the holder of the Purse Seine (Port Phillip Bay) Fishery Access Licence or Western Port/Port Phillip Bay Fishery Access Licence or a person acting on behalf of that holder;
 - (iii) the registration number of the boat;
 - (iv) the port or mooring area specified in Schedule 22 from which the boat will leave;
 - (v) the estimated time and date at which the boat will leave the port or mooring area;
 - (vi) the fishing equipment to be used;

Reg. 5 def. of
*specified Port
Phillip
Bay/Western
Port details*
inserted by
S.R. No.
10/2016
reg. 5(1),
amended by
S.R. No.
10/2017
reg. 36(2)(t).

- (b) for the purposes of regulations 198B and 219B (as the case requires), the following details—
- (i) the licence number that identifies the Purse Seine (Port Phillip Bay) Fishery Access Licence or Western Port/Port Phillip Bay Fishery Access Licence;
 - (ii) the personal file number allocated by the Victorian Fisheries Authority to identify the holder of the Purse Seine (Port Phillip Bay) Fishery Access Licence or Western Port/Port Phillip Bay Fishery Access Licence or a person acting on behalf of that holder;
 - (iii) the registration number of the boat;
 - (iv) the port or mooring area specified in Schedule 22 that the boat will enter;
 - (v) the estimated time and date at which the boat will enter the port or mooring area;
 - (vi) if fish are to be landed, the date and estimated time at which landing of the fish will commence;

Reg. 5 def. of
*specified rock
lobster details*
amended by
S.R. No.
10/2017
reg. 36(2)(u).

specified rock lobster details means—

- (a) for the purposes of regulations 348(1), 348(2), 348(3), 348(4), 349(1) and 352(2), the following details—

- (i) the number allocated by the Victorian Fisheries Authority to identify the rock lobster fishery access licence;
 - (ii) the number of rock lobster on board the boat (if known);
 - (iii) the port or mooring area the boat will enter;
 - (iv) the estimated time at which the boat will enter the port or mooring area;
 - (v) whether any rock lobster will be landed;
 - (vi) if landing rock lobster, the estimated time at which landing of rock lobster will commence;
- (b) for the purposes of regulation 348(5), the following details—
- (i) the number allocated by the Victorian Fisheries Authority to identify the rock lobster fishery access licence;
 - (ii) the number of rock lobster to be landed;
 - (iii) the estimated time at which rock lobster will be landed;
 - (iv) the port or mooring area at which the rock lobster will be landed;
- (c) for the purposes of regulation 354(1), the following details—
- (i) the number allocated by the Victorian Fisheries Authority to identify the rock lobster fishery access licence;

- (ii) the estimated time at which the rock lobster will leave its place of landing;
- (iii) the number of rock lobster landed under the licence;
- (iv) the total net weight (in kilograms) of rock lobster landed under the licence;
- (v) the rock lobster confirmation number provided to the licence holder when the specified rock lobster details in paragraph (a) were provided;

Reg. 5 def. of
*specified
scallop dive
details*
inserted by
S.R. No.
168/2013
reg. 5(1),
amended by
S.R. No.
10/2017
reg. 36(2)(v).

specified scallop dive details means—

- (a) for the purposes of regulation 413D, the following details—
 - (i) the number allocated by the Victorian Fisheries Authority to identify the Scallop Dive (Port Phillip Bay) Fishery Access Licence;
 - (ii) the registration number of the boat;
 - (iii) the port or mooring area specified in Part 3 of Schedule 20 from which the boat will leave;
 - (iv) the estimated date and time at which the boat will leave the port or mooring;
 - (v) the number of persons on the boat who will dive for scallop;
 - (vi) the scallop commercial fishing management zone in which fishing is to take place;

- (b) for the purposes of regulation 413E, the following details—
 - (i) the number allocated by the Victorian Fisheries Authority to identify the Scallop Dive (Port Phillip Bay) Fishery Access Licence;
 - (ii) the port or mooring area specified in Part 3 of Schedule 20 that the boat will enter;
 - (iii) the date and estimated time at which the boat will enter the port or mooring area;
 - (iv) if scallop are to be landed, the date and estimated time at which landing of the scallop will commence;
 - (v) the estimated weight of scallop to be landed;
- (c) for the purposes of regulation 413I, the following details—
 - (i) the number allocated by the Victorian Fisheries Authority to identify the Scallop Dive (Port Phillip Bay) Fishery Access Licence;
 - (ii) the total net weight (in kilograms) of unshucked scallop landed under the licence;
 - (iii) the scallop dive confirmation number provided to the licence holder when the specified scallop details in paragraph (b) were provided;

- (iv) the estimated date and time when the scallop are to be moved from the place of landing;

Reg. 5 def. of
specified sea urchin details
inserted by
S.R. No.
96/2014
reg. 4(1),
amended by
S.R. No.
10/2017
reg. 36(2)(w).

specified sea urchin details means—

- (a) for the purposes of regulation 417E(1), the following details—
 - (i) the number allocated by the Victorian Fisheries Authority to identify the Sea Urchin Fishery Access Licence;
 - (ii) the registration number of the boat;
 - (iii) the port or mooring area specified in Part 2 of Schedule 21 from which the boat will leave;
 - (iv) the estimated time and date at which the boat will leave the port or mooring;
 - (v) the number of persons on the boat who will dive for sea urchin;
 - (vi) any other class of fishery licence under which the licence holder is taking fish on the same trip;
- (b) for the purposes of regulation 417F(1), the following details—
 - (i) the number allocated by the Victorian Fisheries Authority to identify the Sea Urchin Fishery Access Licence;
 - (ii) the port or mooring area specified in Part 2 of Schedule 21 that the boat will enter;

- (iii) the date and estimated time at which the boat will enter the port or mooring area;
 - (iv) if sea urchin are to be landed, the date and estimated time at which landing of the sea urchin will commence;
 - (v) the estimated weight of sea urchin to be landed;
- (c) for the purposes of regulation 417J(1)(c), the following details—
- (i) the number allocated by the Victorian Fisheries Authority to identify the Sea Urchin Fishery Access Licence;
 - (ii) the total whole weight (in kilograms) of sea urchin (by urchin species) landed under the licence;
 - (iii) the sea urchin confirmation number provided to the licence holder when the sea urchin details in paragraph (b) were provided;
 - (iv) the estimated date and time when the sea urchin are to be moved from the place of landing;

spider crab trap means a device constructed of sticks or mesh not exceeding 1 metre in length and 40 centimetres in diameter used for the purposes of catching crab;

stake net means a net joined to a stake or stakes or any other object in a fixed position, which is designed for use or capable of being used to catch fish by the movement of water through the net;

stock record means—

- (a) the record that may be required to be completed by the holder of a Fish Receivers' (Abalone) Licence under regulation 273; or
- (b) any record that was required to be completed by the holder of a Fish Receivers' (Abalone) Licence under regulation 330(c) of the old regulations;

Swan Bay includes all the waters of that bay lying westward of a line from Black Billy Point to Point Norgate westward from the mouth of the Queenscliff Creek;

tare weight in relation to bins containing landed abalone, means the weight of all those bins including the bin lids and bin inserts, but does not include the abalone;

tender boat means a boat that is not registered that—

- (a) in a rock lobster fishery or giant crab fishery, is used by the holder of a rock lobster fishery access licence or a Giant Crab Fishery (Western Zone) Access Licence to assist with the landing of rock lobster or giant crab (as the case may be) from the registered boat specified in the licence; and
- (b) in any other fishery, is engaged in a fishing operation (other than an operation involving the use of purse seine nets) with—
 - (i) one other larger boat that is registered; or
 - (ii) 2 other boats, one of which is registered; and

- (c) has the letter "T" and the identifying mark of the registered boat displayed on both sides of the bow;

the Act means the **Fisheries Act 1995**;

trader identification number means the number issued by the Victorian Fisheries Authority to—

Reg. 5 def. of *trader identification number* amended by S.R. No. 10/2017 reg. 36(2)(x).

- (a) every holder of a Fish Receivers' (Abalone) Licence in respect of—
- (i) that licence; and
- (ii) the licence holder's customers and suppliers of abalone; or
- (b) every holder of an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore Abalone) Licence;

* * * * *

Reg. 5 def. of *traditional owner group* inserted by S.R. No. 168/2013 reg. 21, revoked by S.R. No. 10/2017 reg. 22.

* * * * *

Reg. 5 def. of *traditional owner group entity* inserted by S.R. No. 168/2013 reg. 21, revoked by S.R. No. 10/2017 reg. 22.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 1—Preliminary

Reg. 5 def. of
*traditional
owner
recognition
permit*
inserted by
S.R. No.
168/2013
reg. 21,
revoked by
S.R. No.
10/2017
reg. 22.

* * * *

Reg. 5 def. of
*traditional
purposes*
inserted by
S.R. No.
168/2013
reg. 21,
revoked by
S.R. No.
10/2017
reg. 22.

* * * *

trammel net means any net which contains more than 1 side-by-side panel of netting;

trawl net means any net that is towed through the water by a boat or boats making way, but does not include a purse seine net, seine net, Danish seine net or a lampara net;

use includes attempt to use or assist in the use of;

western abalone zone means all Victorian waters west of longitude 142° 31' East;

Western Port means all of the waters of the bay known as Western Port which lie north of a line bearing 53° East from Cape Woolamai to the opposite shore and a line running directly from West Head at Flinders to the southernmost point of Point Grant on Phillip Island;

western rock lobster zone means all Victorian marine waters west of longitude 143°40' East but does not include any inlet of the sea;

western sea urchin zone means all Victorian waters west of longitude 142° 31' East shown on the plan in Part 1 of Schedule 21;

Reg. 5 def. of *western sea urchin zone* inserted by S.R. No. 96/2014 reg. 4(1).

white sea urchin means the species *Heliocidaris erythrogramma*;

Reg. 5 def. of *white sea urchin* inserted by S.R. No. 96/2014 reg. 4(1).

yabby pot means any pot or net not exceeding 90 centimetres long or more than 30 centimetres high or more than 90 centimetres wide that is designed for use, or is capable of being used, in connection with the taking of yabby.

6 Additional types of fishing equipment prescribed for the purposes of the Act

- (1) For the purposes of paragraph (g) of the definition of ***commercial fishing equipment*** in section 4(1) of the Act, the following equipment is prescribed as commercial fishing equipment—
 - (a) a snare;
 - (b) a gaff.
- (2) For the purposes of the definition of ***commercial aquaculture equipment*** in section 4(1) of the Act, the following equipment is prescribed as commercial aquaculture equipment—
 - (a) any commercial fishing equipment;
 - (b) any commercial abalone equipment;

(c) any structure or equipment that is designed for use in, or is capable of being used for or in connection with, the hatching, rearing, breeding, displaying or growing of fish.

(3) For the purposes of the definition of ***recreational fishing equipment*** in section 4(1) of the Act, the following equipment is prescribed as recreational fishing equipment—

- (a) a rod and line;
- (b) a handline;
- (c) a dip net;
- (d) a bait trap;
- (e) a landing net;
- (f) a spear gun;
- (g) a hand-held spear;
- (h) a recreational bait net;
- (i) a recreational hoop net;
- (j) an abalone tool;
- (k) a bait pump;
- (l) a baited line with no hook;
- (m) a hook;
- (n) a bait jig;

Reg. 6(3)(n)
amended by
S.R. No.
168/2013
reg. 22(a).

(o) an open top lift net;

Reg. 6(3)(o)
inserted by
S.R. No.
168/2013
reg. 22(b),
substituted by
S.R. No.
95/2016 reg. 6.

(p) a winch for the purposes of deploying or retrieving an anchor on a boat used in connection with the taking of fish;	Reg. 6(3)(p) inserted by S.R. No. 95/2016 reg. 6.
(q) a sonar device used in connection with the taking of fish;	Reg. 6(3)(q) inserted by S.R. No. 95/2016 reg. 6.
(r) a satellite global positioning system receiver used in connection with the taking of fish;	Reg. 6(3)(r) inserted by S.R. No. 95/2016 reg. 6, amended by S.R. No. 10/2017 reg. 14(1).
(s) an electric fishing reel that has a hand cranking mechanism and is designed for attaching to a rod.	Reg. 6(3)(s) inserted by S.R. No. 10/2017 reg. 14(2).

7 Definition of fisheries

For the purposes of section 7 of the Act, a fishery specified in Column 2 of the Table in Schedule 4 is defined by reference to the species of fish, type of fishing equipment or area of waters specified in Column 3, 4 or 5 of the Table that corresponds to that fishery.

8 Interpretation of periods of time

In these Regulations, a reference to a period of time beginning on one day and ending on another day includes the whole of both days unless the contrary intention expressly appears.

9 Methods of measurement of fishing nets and mesh sizes

- (1) The method for measuring the size of a fishing net is as follows—
 - (a) the length of a net is to be measured along the float line on which the net is hung;
 - (b) the depth of a net is the distance from the float line to the lead line of the net.
- (2) The method for measuring the size of the mesh of a fishing net is as follows—
 - (a) a knot of the mesh is to be designated knot 1, the next knot to the right on the same line is knot 2, the knot immediately below knot 2 is knot 3 and the knot to the left of knot 3 on the same line is knot 4 (so that with the net open, knot 1 is diagonally opposite knot 3 and knot 2 is diagonally opposite knot 4);
 - (b) the mesh is to be closed by bringing knot 2 into contact with knot 4;
 - (c) the distance from the centre of knot 1 to the centre of knot 3 is to be measured.
- (3) The size of the mesh of a fishing net is the distance referred to in subregulation (2)(c) in relation to that net.
- (4) If there is a dispute or doubt concerning the measurement of the mesh size of a fishing net, the net is to be hung vertically and a 1 kilogram weight is to be suspended from knot 3 before the measurement is made.
- (5) For the purpose of making a measurement under this regulation, it does not matter whether the fishing net is wet or dry.

10 Method of measuring bait jig hook

- (1) The method for measuring a bait jig hook is that each hook on a bait jig must be measured from the outer bend of the hook.
- (2) For the purposes of subregulation (1), the outer bend of the hook is the part of the hook that is the greatest distance from the outer edge of the eye or the flat end of the hook.

11 Regulations do not apply to authorised officers acting within their powers

These Regulations do not apply to an authorised officer acting within his or her powers, or performing a function or duty, under the Act or the regulations under the Act.

11A Application of these Regulations to traditional owners

In accordance with section 11AA of the Act, these Regulations do not apply to a traditional owner group entity within the meaning of the **Traditional Owner Settlement Act 2010**.

Reg. 11A
inserted by
S.R. No.
10/2017
reg. 23.

Note

See sections 11AA and 4(2) of the Act.

Part 2—Commercial fishery licences

Division 1—Classes of commercial fishery licences

12 Classes of access licence

For the purposes of section 38 of the Act, the following classes of access licence are created—

- (a) Abalone Fishery (Western Zone) Access Licence;
- (b) Abalone Fishery (Central Zone) Access Licence;
- (c) Abalone Fishery (Eastern Zone) Access Licence;
- (d) Bait (General) Fishery Access Licence;
- (e) Corner Inlet Fishery Access Licence;
- (f) Eel Fishery Access Licence;
- (g) Giant Crab Fishery (Western Zone) Access Licence;
- (h) Gippsland Lakes Fishery Access Licence;
- (i) Gippsland Lakes (Bait) Fishery Access Licence;
- (j) Gippsland Lakes (Mussel Dive) Fishery Access Licence;
- (k) Lake Tyers (Bait) Fishery Access Licence;
- (l) Mallacoota Lower Lake (Bait) Fishery Access Licence;
- (m) Ocean Fishery Access Licence;
- (n) Port Phillip Bay (Mussel Bait) Fishery Access Licence;
- (o) Purse Seine (Ocean) Fishery Access Licence;

- (p) Purse Seine (Port Phillip Bay) Fishery Access Licence;
- (q) Rock Lobster Fishery (Western Zone) Access Licence;
- (r) Rock Lobster Fishery (Eastern Zone) Access Licence;
- (s) Scallop (Ocean) Fishery Access Licence;
- (sa) Scallop Dive (Port Phillip Bay) Fishery Access Licence;
- (sb) Sea Urchin Fishery Access Licence;
- (t) Snowy River (Bait) Fishery Access Licence;
- (u) Sydenham Inlet (Bait) Fishery Access Licence;
- (v) Trawl (Inshore) Fishery Access Licence;
- (w) Western Port/Port Phillip Bay Fishery Access Licence;
- (x) Wrasse (Ocean) Fishery Access Licence.

Reg. 12(sa)
inserted by
S.R. No.
168/2013
reg. 6.

Reg. 12(sb)
inserted by
S.R. No.
96/2014 reg. 5.

13 Classes of fish receiver's licence

For the purposes of section 41 of the Act, the following classes of fish receiver's licence are created—

- (a) Fish Receivers' (Abalone) Licence;
- (b) Fish Receivers' (Scallop) Licence.

14 Classes of aquaculture licence

For the purposes of section 43 of the Act, the following classes of aquaculture licence are created—

- (a) Aquaculture (Crown Land—Abalone) Licence;
- (b) Aquaculture (Crown Land—Bivalve Shellfish) Licence;
- (c) Aquaculture (Crown Land—Eels) Licence;
- (d) Aquaculture (Crown Land—Offshore) Licence;
- (e) Aquaculture (Crown Land—Other) Licence;
- (f) Aquaculture (On-shore Abalone) Licence;
- (g) Aquaculture (Private Land—Eels) Licence;
- (h) Aquaculture (Private Land—Indoor Intensive) Licence;
- (i) Aquaculture (Private Land—Marine) Licence;
- (j) Aquaculture (Private Land—Ornamentals) Licence;
- (k) Aquaculture (Private Land—Other) Licence;
- (l) Aquaculture (Private Land—Salmonids) Licence;
- (m) Aquaculture (Private Land—Tourism) Licence;
- (n) Aquaculture (Private Land—Warm Water Finfish) Licence;
- (o) Aquaculture (Private Land—Yabbies) Licence;
- (p) Aquaculture (Private Land—Yabbies Multi-waters) Licence.

Division 2—Administration of commercial fishery licences

Subdivision 1—Classes of licences prescribed for certain purposes

15 Classes of commercial fishery licences that are transferable

- (1) For the purposes of section 50B of the Act, the following classes of access licence are transferable—
 - (a) Abalone Fishery (Western Zone) Access Licence;
 - (b) Abalone Fishery (Central Zone) Access Licence;
 - (c) Abalone Fishery (Eastern Zone) Access Licence;
 - (d) Corner Inlet Fishery Access Licence;
 - (e) Eel Fishery Access Licence;
 - (f) Giant Crab Fishery (Western Zone) Access Licence;
 - (g) Gippsland Lakes Fishery Access Licence;
 - (h) Gippsland Lakes (Bait) Fishery Access Licence;
 - (i) Mallacoota Lower Lake (Bait) Fishery Access Licence;
 - (j) Rock Lobster Fishery (Western Zone) Access Licence;
 - (k) Rock Lobster Fishery (Eastern Zone) Access Licence;
 - (l) Scallop (Ocean) Fishery Access Licence;

Reg. 15(1)(la)
inserted by
S.R. No.
168/2013
reg. 7.

(la) Scallop Dive (Port Phillip Bay) Fishery
Access Licence;

(m) Snowy River (Bait) Fishery Access Licence;

(n) Sydenham Inlet (Bait) Fishery Access
Licence;

(o) Trawl (Inshore) Fishery Access Licence;

Reg. 15(1)(p)
amended by
S.R. No.
10/2017
reg. 11(1).

(p) Western Port/Port Phillip Bay Fishery
Access Licence;

Reg. 15(1)(q)
inserted by
S.R. No.
10/2017
reg. 11(2).

(q) subject to regulation 15(3), the Wrasse
(Ocean) Fishery Access Licence.

(2) For the purposes of section 50B of the Act, every
class of aquaculture licence is transferable.

Reg. 15(3)
inserted by
S.R. No.
10/2017
reg. 11(3).

(3) A Wrasse (Ocean) Fishery Access Licence is
not transferable unless the Minister has made a
direction under section 61 of the Act in relation to
the management of the Wrasse (Ocean) fishery.

16 Classes of commercial fishery licence that may be held by a corporation

(1) The following classes of access licence may be
held by a corporation—

(a) Abalone Fishery (Western Zone) Access
Licence;

(b) Abalone Fishery (Central Zone) Access
Licence;

(c) Abalone Fishery (Eastern Zone) Access
Licence;

(d) Corner Inlet Fishery Access Licence;

- (e) Eel Fishery Access Licence;
 - (f) Giant Crab Fishery (Western Zone) Access Licence;
 - (g) Gippsland Lakes Fishery Access Licence;
 - (h) Gippsland Lakes (Bait) Fishery Access Licence;
 - (i) Mallacoota Lower Lake (Bait) Fishery Access Licence;
 - (j) Purse Seine (Ocean) Fishery Access Licence;
 - (k) Rock Lobster Fishery (Western Zone) Access Licence;
 - (l) Rock Lobster Fishery (Eastern Zone) Access Licence;
 - (m) Scallop (Ocean) Fishery Access Licence;
 - (ma) Scallop Dive (Port Phillip Bay) Fishery Access Licence; Reg. 16(1)(ma)
inserted by
S.R. No.
168/2013
reg. 8.
 - (mb) Sea Urchin Fishery Access Licence; Reg. 16
(1)(mb)
inserted by
S.R. No.
96/2014 reg. 6.
 - (n) Snowy River (Bait) Fishery Access Licence;
 - (o) Sydenham Inlet (Bait) Fishery Access Licence;
 - (p) Trawl (Inshore) Fishery Access Licence;
 - (q) Western Port/Port Phillip Bay Fishery Access Licence.
- (2) Every class of aquaculture licence may be held by a corporation.
- (3) Every class of fish receiver's licence may be held by a corporation.

17 Classes of access licence where licence holder must be permitted to carry out activities

Reg. 17(1)
revoked by
S.R. No.
96/2014
reg. 17(1).

* * * *

- (2) For the purposes of section 39(1) of the Act, the specified classes of access licence from 1 April 2009 are the following classes—
- (a) Abalone Fishery (Western Zone) Access Licence;
 - (b) Abalone Fishery (Central Zone) Access Licence;
 - (c) Abalone Fishery (Eastern Zone) Access Licence;
 - (d) Bait (General) Fishery Access Licence;
 - (e) Corner Inlet Fishery Access Licence;
 - (f) Eel Fishery Access Licence;
 - (g) Giant Crab Fishery (Western Zone) Access Licence;
 - (h) Gippsland Lakes Fishery Access Licence;
 - (i) Gippsland Lakes (Bait) Fishery Access Licence;
 - (j) Gippsland Lakes (Mussel Dive) Fishery Access Licence;
 - (k) Lake Tyers (Bait) Fishery Access Licence;
 - (l) Mallacoota Lower Lake (Bait) Fishery Access Licence;
 - (m) Ocean Fishery Access Licence;
 - (n) Port Phillip Bay (Mussel Bait) Fishery Access Licence;
 - (o) Purse Seine (Ocean) Fishery Access Licence;

- (p) Purse Seine (Port Phillip Bay) Fishery Access Licence;
- (q) Rock Lobster Fishery (Western Zone) Access Licence;
- (r) Rock Lobster Fishery (Eastern Zone) Access Licence;
- (s) Snowy River (Bait) Fishery Access Licence;
- (t) Sydenham Inlet (Bait) Fishery Access Licence;
- (u) Western Port/Port Phillip Bay Fishery Access Licence;
- (v) Wrasse (Ocean) Fishery Access Licence.

18 Classes of access licence where services of other person used

* * * * *

Reg. 18(1)
revoked by
S.R. No.
96/2014
reg. 17(2).

- (2) For the purposes of section 39(2) of the Act, the specified classes of access licence from 1 April 2009 are the following classes—
- (a) Abalone Fishery (Western Zone) Access Licence;
 - (b) Abalone Fishery (Central Zone) Access Licence;
 - (c) Abalone Fishery (Eastern Zone) Access Licence;
 - (d) Corner Inlet Fishery Access Licence;
 - (e) Eel Fishery Access Licence;
 - (f) Giant Crab Fishery (Western Zone) Access Licence;
 - (g) Gippsland Lakes Fishery Access Licence;

- (h) Gippsland Lakes (Bait) Fishery Access Licence;
- (i) Gippsland Lakes (Mussel Dive) Fishery Access Licence;
- (j) Lake Tyers (Bait) Fishery Access Licence;
- (k) Mallacoota Lower Lake (Bait) Fishery Access Licence;
- (l) Port Phillip Bay (Mussel Bait) Fishery Access Licence;
- (m) Purse Seine (Ocean) Fishery Access Licence;
- (n) Purse Seine (Port Phillip Bay) Fishery Access Licence;
- (o) Rock Lobster Fishery (Western Zone) Access Licence;
- (p) Rock Lobster Fishery (Eastern Zone) Access Licence;
- (pa) Scallop Dive (Port Phillip Bay) Fishery Access Licence;
- (pb) Sea Urchin Fishery Access Licence;
- (q) Snowy River (Bait) Fishery Access Licence;
- (r) Sydenham Inlet (Bait) Fishery Access Licence;
- (s) Western Port/Port Phillip Bay Fishery Access Licence;

Reg. 18(2)(pa)
inserted by
S.R. No.
168/2013
reg. 9.

Reg. 18(2)(pb)
inserted by
S.R. No.
96/2014 reg. 7.

Reg. 18(2)(s)
amended by
S.R. No.
10/2017
reg. 12(1).

- (t) subject to regulation 18(3), the Wrasse (Ocean) Fishery Access Licence.

Reg. 18(2)(t)
inserted by
S.R. No.
10/2017
reg. 12(2).

- (3) A Wrasse (Ocean) Fishery Access Licence is not specified for the purposes of section 39(2) of the Act unless the Minister has made a direction under section 61 of the Act in relation to the management of the Wrasse (Ocean) fishery.

Reg. 18(3)
inserted by
S.R. No.
10/2017
reg. 12(3).

19 Classes of access licence regarding use of boat for fishing activities

For the purposes of section 39(3) of the Act, the specified classes of access licence are the following classes—

- (a) Giant Crab Fishery (Western Zone) Access Licence;
- (b) Purse Seine (Ocean) Fishery Access Licence;
- (c) Purse Seine (Port Phillip Bay) Fishery Access Licence;
- (d) Rock Lobster Fishery (Western Zone) Access Licence;
- (e) Rock Lobster Fishery (Eastern Zone) Access Licence;
- (f) Scallop (Ocean) Fishery Access Licence;
- (g) Trawl (Inshore) Fishery Access Licence.

20 Prescribed classes of renewable commercial fishery licence

In addition to the licences specified in section 57(1) of the Act, every class of aquaculture licence is a renewable licence.

Subdivision 2—Maximum numbers of access licences

21 Maximum number of access licences that can be issued for a class of access licence

- (1) The maximum number of licences that may be issued for a class of access licence listed in Column 2 of the Table in Schedule 5 is the base number in Column 3 of that Table that corresponds to that class of licence less the adjustment number for that class of licence calculated in accordance with subregulation (2).
- (2) The adjustment number for a class of access licence is the total number of licences of that class that, since the commencement of these Regulations, have—
 - (a) not been renewed within the 2 month period immediately following the date on which any fee, royalty or levy was due in respect of that class of licence; and
 - (b) been consolidated with another licence of that class; and
 - (c) been cancelled.

Reg. 21(2)
amended by
S.R. No.
19/2009
reg. 3(1).

Note to
reg. 21(2)
revoked by
S.R. No.
19/2009
reg. 3(2).

* * * *

22 Register of adjustment numbers

- (1) The Victorian Fisheries Authority must establish and keep current a register that sets out the value of the adjustment number calculated in accordance with regulation 21 in respect of each class of access licence listed in the Table in Schedule 5.

Reg. 22(1)
amended by
S.R. No.
10/2017
reg. 37.

- (2) The Victorian Fisheries Authority must ensure that a copy of the register is available to be inspected at the office of the Victorian Fisheries Authority by any member of the public during normal business hours.
- (3) A failure to comply with this regulation has no effect on regulation 21.

Reg. 22(2)
amended by
S.R. No.
10/2017
reg. 37.

Subdivision 3—Matters relating to the issue, transfer, renewal and surrender of licences

23 Grounds on which Victorian Fisheries Authority must refuse to issue aquaculture licence

For the purposes of section 51(4) of the Act, the Victorian Fisheries Authority must refuse to issue an aquaculture licence if the issue of the licence would pose an unacceptable risk to fisheries resources, ecosystems or the maintenance of genetic diversity in fisheries resources and ecosystems.

Reg. 23
(Heading)
amended by
S.R. No.
10/2017
reg. 38(1).

Reg. 23
amended by
S.R. No.
10/2017
reg. 38(2).

24 Application to transfer commercial fishery licences

An application for the transfer of a commercial fishery licence must—

- (a) include the name and address of the holder of the commercial fishery licence to be transferred and any holder of a registered financial interest in that licence; and
- (b) specify the name and address of the proposed transferee; and
- (c) specify whether the licence is a licence that is required to be consolidated; and
- (d) if requested by the Victorian Fisheries Authority, specify any additional information relating to the application; and

Reg. 24(d)
amended by
S.R. No.
10/2017
reg. 39.

Reg. 24(e)
amended by
S.R. No.
10/2017
reg. 39.

- (e) if the commercial fishery licence is a licence in respect of which there are relevant eligibility criteria prescribed, specify the proposed transferee's responses to the questions asked by the Victorian Fisheries Authority in relation to the eligibility criteria; and

Reg. 24(f)
amended by
S.R. No.
10/2017
reg. 39.

- (f) be lodged with the Victorian Fisheries Authority.

Reg. 25
amended by
S.R. No.
10/2017
reg. 40.

25 Ground for refusing the transfer of access licences

The Victorian Fisheries Authority must refuse to transfer an access licence if in the opinion of the Victorian Fisheries Authority the proposed transferee does not satisfy any relevant eligibility criterion prescribed in respect of the licence.

Reg. 26
amended by
S.R. No.
10/2017
reg. 41.

26 Grounds for refusing the transfer of a Giant Crab Fishery (Western Zone) Access Licence

The Victorian Fisheries Authority must refuse to transfer a Giant Crab Fishery (Western Zone) Access Licence if—

- (a) the proposed transferee is not the holder of a Rock Lobster Fishery (Western Zone) Access Licence; or
- (b) the boat proposed to be used under the licence is not the boat specified in the Rock Lobster Fishery (Western Zone) Access Licence held by the proposed transferee; or
- (c) any proposed licence operator is not also a licence operator specified in the Rock Lobster Fishery (Western Zone) Access Licence held by the proposed transferee.

27 Eligibility criterion for issue, renewal or transfer of access licence

Reg. 27
amended by
S.R. No.
10/2017
reg. 15.

The eligibility criterion that the following persons must satisfy is that the person must have a thorough knowledge of the provisions of the Act and these Regulations that are relevant to the particular fishery in respect of which the person is licensed or to be licensed to operate—

- (a) an applicant for the issue or renewal of an access licence;
- (b) the proposed transferee of an access licence.

28 Individual quota units not to be transferred if levy on licence has not been paid

Reg. 28
amended by
S.R. No.
10/2017
reg. 42.

The Victorian Fisheries Authority must not transfer an individual quota unit if the access licence holder who applies to transfer the quota unit has not paid any prescribed levy due in respect of the access licence to which the quota unit is allocated.

29 Individual abalone quota units not to be transferred if levy on quota units not paid

Reg. 29
amended by
S.R. No.
10/2017
reg. 43.

The Victorian Fisheries Authority must not transfer an individual abalone quota unit if the quota unit holder who applies to transfer the quota unit has not paid any prescribed levy due in respect of the quota unit.

30 Process for voluntary surrender of commercial fishery licence

Reg. 30(1)
amended by
S.R. No.
10/2017
reg. 44.

- (1) The holder of a commercial fishery licence may advise the Victorian Fisheries Authority, in writing, that he or she wishes to surrender that licence.

Reg. 30(2)
amended by
S.R. No.
10/2017
reg. 44.

- (2) The Victorian Fisheries Authority must, within one month after receiving a notice under subregulation (1)—
- (a) cancel the licence; and
 - (b) advise the licence holder, in writing, that the licence is cancelled.

Subdivision 4—Compensation payable under section 63 of the Act

31 Process for determination of compensation payable under section 63

- (1) If an access licence is cancelled as a result of a direction under section 61 of the Act, the Secretary must in respect of a claim for compensation made under section 63(3) of the Act—
- (a) accept in full the claim; or
 - (b) make an offer for compensation.
- (2) For the purposes of subregulation (1)(b), the compensation payable to the holder of a cancelled transferable access licence must be determined in accordance with the formula—

$$[A + (B - C) + D + E] - Y$$

where—

- A is a fair and reasonable valuation for the licence, including any quota entitlement issued in respect of the licence, as determined by the valuer-general;
- B is an income support payment equal to 3 times the average of the 4 highest net incomes before tax expressed in current dollars and returned from the 7 fishing seasons immediately before the cancellation of the licence, and based on catch records

Reg. 31(2)
amended by
S.R. No.
10/2017
reg. 45.

held by the Secretary or the Victorian Fisheries Authority;

C is a discounted amount determined by the independent negotiator to adjust for the benefit gained from receiving a lump sum in lieu of future income;

D is a fair and reasonable sum for any financial loss suffered as a natural and direct consequence of the cancellation of the licence that is not met by A or B;

E is a solatium of not more than 10% of the result of $A + (B - C) + D$;

Y is the total amount of the entitlement of the holders of a registered financial interest in the licence.

- (3) For the purposes of subregulation (1)(b), the compensation payable to the holder of a cancelled non-transferable access licence must be determined in accordance with the formula—

Reg. 31(3)
amended by
S.R. No.
10/2017
reg. 45.

$$[A + (B - C) + D + E] - Y$$

where—

B is an income support payment equal to 3 times the average of the 4 highest net incomes before tax expressed in current dollars and returned from the 7 fishing seasons immediately before the cancellation of the licence, and based on catch records held by the Secretary or the Victorian Fisheries Authority;

C is a discounted amount determined by the independent negotiator to adjust for the benefit gained from receiving a lump sum in lieu of future income;

D is a fair and reasonable sum for any financial loss suffered as a natural and direct consequence of the cancellation of the licence that is not met by B;

E is a solatium of not more than 10% of the result of $(B - C) + D$;

Y is the total amount of the entitlement of the holders of a registered financial interest in the licence.

- (4) For the purposes of subregulation (1)(b), the compensation payable to the holder of a registered financial interest in an access licence must be—
- (a) determined in accordance with the financial interest expressed as a dollar amount and declared by the holder of the financial interest and agreed to by the holder of the access licence on the application for compensation form; and
 - (b) assessed as a component of item Y in the formula set out in subregulation (2) or subregulation (3), as the case may be.
- (5) The Secretary must provide to the holder of a cancelled licence and the holder of a registered financial interest in respect of a cancelled licence—
- (a) notification of the direction issued under section 61 of the Act; and
 - (b) an application form for compensation.

- (6) An application for compensation submitted to the Secretary must—
- (a) specify in respect of a claim made by—
 - (i) the holder of a transferable access licence, the amounts claimed for each item in the formula set out in subregulation (2) except items C and E;
 - (ii) the holder of a registered financial interest in a transferable access licence, the entitlement held in respect of item Y in the formula set out in subregulation (2);
 - (iii) the holder of a non-transferable access licence, the amount claimed for each item in the formula set out in subregulation (3) except items C and E;
 - (iv) the holder of a registered financial interest in a non-transferable access licence, the entitlement held in respect of item Y in the formula set out in subregulation (3); and
 - (b) be supported by financial documentation to substantiate those items in the relevant formula that must be specified in accordance with paragraph (a).
- (7) The Secretary may appoint an independent negotiator who, in the opinion of the Secretary, has extensive knowledge of financial matters and asset valuation to provide the Secretary with advice on the compensation payable in respect of a cancelled access licence by a direction under section 61 of the Act.
- (8) The independent negotiator may provide advice to the Secretary on the financial documentation referred to in subregulation (6)(b).

(9) An application for compensation must be submitted by a date specified in writing by the Secretary, being a date not less than 6 months after the date on which the direction under section 61 of the Act is published in the Government Gazette.

(10) In this regulation—

Reg. 31(10)
def. of
financial
document-
ation
amended by
S.R. No.
168/2013
reg. 23.

financial documentation means for the purposes of subregulation (6)—

- (a) in the case of item A, a copy of the written determination of the valuer-general;
- (b) in the case of item B—
 - (i) a statement endorsed by a certified practising accountant, being a member of CPA Australia, the Institute of Chartered Accountants in Australia or the Institute of Public Accountants; or
 - (ii) a personal taxation statement issued by the Australian Taxation Office;
- (c) in the case of item D, any documentation that the Secretary determines is relevant in determining the claim;
- (d) in the case of item Y—
 - (i) a certified copy of a written agreement between the holder of the cancelled access licence and the holder of a registered financial interest in the licence and a statement signed by the holder of the licence and the holder of the registered financial interest that

states the terms of the agreement and any dollar amount outstanding at the time the agreement was entered into; or

- (ii) if a written agreement was not entered into at the time an arrangement or understanding was made between the holder of the cancelled access licence and the holder of a registered financial interest in the licence, a statement signed by the holder of the licence and the holder of the registered financial interest that states the terms of the agreement and any dollar amount then outstanding;

independent negotiator means a person appointed under subregulation (7);

valuer-general has the same meaning as in Part I of the **Valuation of Land Act 1960**.

32 Manner in which compensation is payable

- (1) If the Secretary accepts in full a claim for compensation made under section 63(3) of the Act, the Secretary must—
 - (a) give notice in writing of the acceptance of the claim to—
 - (i) the holder of the cancelled access licence; and
 - (ii) the holder of any registered financial interest in the cancelled access licence; and
 - (b) pay the compensation to the claimant by means of a cheque or bank transfer in accordance with the written direction of the claimant.

- (2) If the Secretary makes an offer for compensation in relation to a cancelled access licence under regulation 31(1)(b), the Secretary must give the holder of the cancelled access licence and the holder of any registered financial interest in the cancelled access licence a notice in writing that sets out—
- (a) the total compensation amount offered; and
 - (b) the compensation amount offered for each item calculated in accordance with the relevant formula in regulation 31.
- (3) If the holder of a cancelled access licence or any holder of a registered financial interest in that access licence accepts in writing an offer for compensation made under regulation 31(1)(b), the Secretary must pay the compensation by means of a cheque or bank transfer in accordance with the written direction of the holder of the access licence or the holder of the registered financial interest in that access licence (as the case requires).

Pt 2 Div. 2
Subdiv. 5
(Heading)
amended by
S.R. No.
10/2017
reg. 46.

Subdivision 5—Miscellaneous duties and powers of Victorian Fisheries Authority

Reg. 33
(Heading)
amended by
S.R. No.
10/2017
reg. 47(1).

33 Matters that may be specified by Victorian Fisheries Authority in a commercial fishery licence

Reg. 33
amended by
S.R. No.
10/2017
reg. 47(2).

The Victorian Fisheries Authority may specify in a commercial fishery licence any of the following matters in relation to the activities authorised by the licence—

- (a) the species of fish that is or are authorised by the licence to be taken, possessed, hatched, reared, bred, grown or displayed;
- (b) the type or types of commercial fishing equipment, commercial aquaculture equipment or other equipment that is or are authorised by the licence to be used or possessed;
- (c) the number of items of, or size of, or specifications for, or marking of, commercial fishing equipment or commercial aquaculture equipment that is authorised by the licence to be used or possessed;
- (d) the waters, land, area or premises in or on which the activities authorised by the licence may be carried out;
- (e) that the licence holder may engage in a longline team fishing operation and the licence numbers of the other licence holders who may engage in that operation;
- (f) the number and type of people that may be engaged to carry out an activity authorised by the licence.

Note

The activities which are authorised by a commercial fishery licence are specified in Parts 7, 8, 9, 10, 11 and 12 in relation to specific classes of commercial fishery licence. This regulation allows the Victorian Fisheries Authority to specify further matters in a commercial fishery licence in relation to those authorised activities.

**Note to reg. 33
amended by
S.R. No.
10/2017
reg. 47(3).**

Reg. 34
(Heading)
amended by
S.R. No.
10/2017
reg. 48(1).

34 Victorian Fisheries Authority to specify licence number on Giant Crab Fishery (Western Zone) Access Licence

The Victorian Fisheries Authority must specify on a Giant Crab Fishery (Western Zone) Access Licence the licence number of the Rock Lobster Fishery (Western Zone) Access Licence held by that licence holder.

Reg. 34
amended by
S.R. No.
10/2017
reg. 48(2).

35 Victorian Fisheries Authority to publish address for return of cancelled documents

For the purposes of regulation 41(3), the Victorian Fisheries Authority must publish on the Victorian Fisheries Authority's Internet site the address for the return of cancelled fisheries documents and copies of those documents required to be sent to the Victorian Fisheries Authority.

Reg. 35
(Heading)
amended by
S.R. No.
10/2017
reg. 49(1).

Reg. 35
amended by
S.R. No.
10/2017
reg. 49(2).

36 Victorian Fisheries Authority may give directions or authorisations relating to lost, stolen or damaged documents

(1) On receiving a report from a licence holder under regulation 42(2) or 45(3) that a fisheries document or the copy of a fisheries document reported as lost or stolen has been located, the Victorian Fisheries Authority may—

- (a) direct the licence holder to return that document or copy to the Victorian Fisheries Authority in the manner, and to the place, specified by the Victorian Fisheries Authority in that direction; or
- (b) authorise the licence holder to use that document or copy.

Reg. 36
(Heading)
amended by
S.R. No.
10/2017
reg. 50(1).

Reg. 36(1)
amended by
S.R. No.
10/2017
reg. 50(2).

Reg. 36(1)(a)
amended by
S.R. No.
10/2017
reg. 50(2).

(2) On receiving a report from a licence holder under regulation 43(1) that a fisheries document or the copy of a fisheries document has been damaged the Victorian Fisheries Authority may—

Reg. 36(2)
amended by
S.R. No.
10/2017
reg. 50(2).

(a) direct the licence holder to return that document or copy to the Victorian Fisheries Authority in the manner, and to the place, specified by the Victorian Fisheries Authority in that direction; or

Reg. 36(2)(a)
amended by
S.R. No.
10/2017
reg. 50(2).

(b) authorise the licence holder to use that document or copy.

37 Victorian Fisheries Authority may direct return of fisheries documents

Reg. 37
(Heading)
amended by
S.R. No.
10/2017
reg. 51(1).

The Victorian Fisheries Authority may direct a licence holder to return any unused or partly used fisheries document or completed copy of a fisheries document, which was issued or contained in a book issued by the Victorian Fisheries Authority to the licence holder, in the manner, and to the place, specified by the Victorian Fisheries Authority in that direction.

Reg. 37
amended by
S.R. No.
10/2017
reg. 51(2).

Division 2A—Activities authorised by every access licence

Pt 2 Div. 2A
(Heading and
reg. 37A)
inserted by
S.R. No.
95/2016 reg. 7.

37A Activities authorised by every access licence

Reg. 37A
inserted by
S.R. No.
95/2016 reg. 7.

An access licence authorises the licence holder to use and possess the following commercial fishing equipment in, on or next to Victorian waters—

(a) a winch for the purposes of deploying or retrieving an anchor on a boat used in connection with the taking of fish;

- (b) a sonar device used in connection with the taking of fish;
- (c) a satellite global positioning system receiver used in connection with the taking of fish.

**Note to
reg. 37A
amended by
S.R. No.
10/2017
reg. 52.**

Note

In addition to the equipment specified in this regulation, the holder of an access licence may be authorised to use or possess other types of commercial fishing equipment under Parts 7, 8, 9, 10, 11 or 11A (as the case may be) or the Victorian Fisheries Authority may specify other types of commercial fishing equipment that may be used or possessed in the access licence under regulation 33.

Division 3—General conditions applying to commercial fishery licences

Subdivision 1—Conditions on all commercial fishery licences

38 Every commercial fishery licence subject to conditions in this Subdivision

For the purposes of section 52(1)(b) of the Act, the following provisions in this Subdivision set out the conditions to which every commercial fishery licence is subject.

Notes

- 1 In addition to the conditions set out in this Subdivision, every commercial fishery licence is subject to—

- (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
- (b) any condition applying to that class of licence set out in Subdivision 2 and Part 7, 8, 9, 10, 11 or 12 of these Regulations.

**Note 1(a) to
reg. 38
amended by
S.R. No.
10/2017
reg. 53.**

- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from one or more conditions in these Regulations to which the licence is subject.

**Note 3 to
reg. 38
amended by
S.R. No.
10/2017
reg. 53.**

39 Keeping or provision of information

The licence holder must ensure that any information required to be recorded, kept, retained, maintained or provided under the Act or the regulations under the Act, whether in a prescribed form or otherwise, is recorded, kept, retained, maintained or provided in a form that is clear, legible, truthful and accurate.

40 Fisheries documents and copies to be kept in safe place

The licence holder must keep in a safe place at all times any of the following documents that is required to be kept, retained or maintained by the licence holder under the Act or regulations under the Act—

- (a) a fisheries document;
- (b) a copy of a fisheries document.

Note

Under section 120B of the Act, a person must keep any document that he or she is required under the Act (which includes these Regulations) to keep for a period of 3 years after the date it is created or received. A maximum penalty of 60 penalty units applies.

41 Errors made while completing certain fisheries documents

Reg. 41(1)
amended by
S.R. Nos
168/2013
reg. 10(a),
96/2014
reg. 8(a),
10/2016
reg. 6(a).

- (1) The licence holder must ensure that, if an error occurs whilst completing an abalone docket, an abalone transfer certificate, an ocean scallop catch disposal record, a scallop dive catch disposal record, a sea urchin catch disposal record, a Port Phillip Bay/Western Port catch disposal record, a rock lobster catch disposal record or a giant crab catch disposal record, which was initiated by the licence holder—
 - (a) the words "ERROR—CANCELLED" are written across the fisheries document and all copies of that document; and
 - (b) the next sequentially numbered fisheries document in that book or a new book is used.

Reg. 41(2)(a)
amended by
S.R. No.
10/2017
reg. 54.

- (2) The licence holder must ensure that—
 - (a) in the case of a cancelled abalone docket, the original and the duplicate and triplicate copies of the cancelled docket are sent to the Victorian Fisheries Authority within 5 business days of the cancellation of the docket and the quadruplicate copy is retained in the abalone docket book; and

Reg. 41(2)(b)
amended by
S.R. No.
10/2017
reg. 54.

- (b) in the case of a cancelled abalone transfer certificate, the original and the duplicate and triplicate copies of the cancelled certificate are sent to the Victorian Fisheries Authority within 5 business days of the cancellation of the certificate and the quadruplicate copy is retained in the abalone transfer certificate book; and

Reg. 41(2)(c)
amended by
S.R. No.
10/2017
reg. 54.

- (c) in the case of a cancelled ocean scallop catch disposal record, the original and the duplicate copy of the cancelled record are sent to the Victorian Fisheries Authority

within 5 business days of the cancellation of the record and the triplicate copy is retained in the scallop catch disposal record book; and

(ca) in the case of a cancelled scallop dive catch disposal record, the original and the duplicate copy of the cancelled record are retained in the relevant record book; and	Reg. 41(2)(ca) inserted by S.R. No. 168/2013 reg. 10(b).
(cb) in the case of a cancelled sea urchin catch disposal record, the original and the duplicate copy of the cancelled record are retained in the relevant record book; and	Reg. 41(2)(cb) inserted by S.R. No. 96/2014 reg. 8(b).
(cc) in the case of a cancelled Port Phillip Bay/Western Port catch disposal record, the original and the duplicate copy of the cancelled record are retained in the relevant record book; and	Reg. 41(2)(cc) inserted by S.R. No. 10/2016 reg. 6(b).
(d) in the case of a cancelled rock lobster catch disposal record, the original and the duplicate copy of the cancelled record are retained in the relevant record book; and	
(e) in the case of a cancelled giant crab catch disposal record, the original and the duplicate copy of the cancelled record are retained in the relevant record book.	
(3) The licence holder must ensure that the documents required to be sent to the Victorian Fisheries Authority under subregulation (2) are sent to the address specified by the Victorian Fisheries Authority under regulation 35.	Reg. 41(3) amended by S.R. No. 10/2017 reg. 54.

42 Lost or destroyed fisheries documents or copies

(1) If any of the following documents is destroyed or lost, the licence holder must report that fact to the Victorian Fisheries Authority in the manner required by the Victorian Fisheries Authority	Reg. 42(1) amended by S.R. No. 10/2017 reg. 55.

within 5 business days after the document was destroyed or lost—

Reg. 42(1)(a)
amended by
S.R. No.
10/2017
reg. 55.

(a) an unused fisheries document issued or provided by the Victorian Fisheries Authority to the licence holder;

(b) a fisheries document or copy of a fisheries document that is required to be completed, kept, retained or otherwise dealt with by the licence holder under the Act or these Regulations.

(2) If a document that is reported as lost under subregulation (1) is located, the licence holder must—

Reg. 42(2)(a)
amended by
S.R. No.
10/2017
reg. 55.

(a) report that fact to the Victorian Fisheries Authority in the manner required by the Victorian Fisheries Authority within 5 business days after the document is located; and

Reg. 42(2)(b)
amended by
S.R. No.
10/2017
reg. 55.

(b) ensure that the document is not used unless the licence holder is authorised to do so by the Victorian Fisheries Authority under regulation 36.

Reg. 42(3)
amended by
S.R. No.
10/2017
reg. 55.

(3) The licence holder must comply with any direction of the Victorian Fisheries Authority given under regulation 36 to return the fisheries document or the copy of a fisheries document to the Victorian Fisheries Authority.

43 Damaged fisheries documents and copies

Reg. 43(1)
amended by
S.R. No.
10/2017
reg. 56.

(1) If any of the following documents is damaged, the licence holder must report that fact to the Victorian Fisheries Authority in the manner required by the Victorian Fisheries Authority within 5 business days—

- (a) an unused fisheries document issued or provided by the Victorian Fisheries Authority to the licence holder;
- (b) a fisheries document or copy of a fisheries document that is required to be completed, kept, retained or otherwise dealt with by the licence holder under the Act or these Regulations.

Reg. 43(1)(a)
amended by
S.R. No.
10/2017
reg. 56.

- (2) If a document is reported as damaged under subregulation (1) the licence holder must ensure that the document is not used unless the licence holder is authorised to do so by the Victorian Fisheries Authority under regulation 36.

Reg. 43(2)
amended by
S.R. No.
10/2017
reg. 56.

- (3) The licence holder must comply with any direction of the Victorian Fisheries Authority given under regulation 36 to return the fisheries document or the copy of a fisheries document to the Victorian Fisheries Authority.

Reg. 43(3)
amended by
S.R. No.
10/2017
reg. 56.

44 Fisheries documents and copies not to be intentionally or recklessly damaged etc.

The licence holder must ensure that—

- (a) a fisheries document or a copy of a fisheries document in the possession of the licence holder is not intentionally or recklessly damaged, altered, defaced or otherwise interfered with; and
- (b) information is not intentionally or recklessly erased from such a fisheries document or a copy of a fisheries document.

45 Theft of fisheries documents or copies

- (1) If any of the following documents is stolen, the licence holder must report that fact to the Victorian Fisheries Authority and to the police as soon as practicable—

Reg. 45(1)
amended by
S.R. No.
10/2017
reg. 57.

Reg. 45(1)(a)
amended by
S.R. No.
10/2017
reg. 57.

- (a) an unused fisheries document issued or provided by the Victorian Fisheries Authority to the licence holder;
 - (b) a fisheries document or copy of a fisheries document that is required to be completed, kept, retained or otherwise dealt with by the licence holder under the Act or these Regulations.
- (2) The licence holder must obtain and keep a copy of the police report of the theft of a document reported as stolen under subregulation (1).
- (3) If a document reported as stolen under subregulation (1) is located, the licence holder must—

Reg. 45(3)(a)
amended by
S.R. No.
10/2017
reg. 57.

- (a) report that fact to the Victorian Fisheries Authority in the manner required by the Victorian Fisheries Authority within 5 business days after the document is located; and

Reg. 45(3)(b)
amended by
S.R. No.
10/2017
reg. 57.

- (b) ensure the document is not used unless the licence holder is authorised to do so by the Victorian Fisheries Authority under regulation 36.

Reg. 45(4)
amended by
S.R. No.
10/2017
reg. 57.

- (4) The licence holder must comply with any direction of the Victorian Fisheries Authority given under regulation 36 to return the fisheries document or the copy of a fisheries document.

Reg. 46
amended by
S.R. No.
10/2017
reg. 58.

46 Fisheries documents to be used in sequential numerical order

If a licence holder is issued with a fisheries document by the Victorian Fisheries Authority in the form of a book containing numbered fisheries documents, the licence holder must ensure that the numbered fisheries documents are used in sequential numerical order beginning with the lowest number.

47 Fisheries documents not to be lent, given or made available to others

Reg. 47
amended by
S.R. No.
10/2017
reg. 59.

The licence holder must ensure that he, she or any person acting on behalf of the licence holder does not give, lend, or make available any fisheries document issued or provided to the licence holder by the Secretary or Victorian Fisheries Authority to any person other than—

- (a) the Secretary or Victorian Fisheries Authority as required under these Regulations; or
- (b) an authorised officer; or
- (c) another holder of a commercial fishery licence as required under these Regulations.

Reg. 47(a)
amended by
S.R. No.
10/2017
reg. 59.

48 Licence holder to retain all unused fisheries documents in book issued

Reg. 48
amended by
S.R. No.
10/2017
reg. 60.

The licence holder must ensure that any unused fisheries document and any copy of a fisheries document contained in a book issued to the licence holder by the Victorian Fisheries Authority is retained in that book unless directed by the Victorian Fisheries Authority under regulation 37 to return the document to the Victorian Fisheries Authority.

49 Licence holder must return unused or partly used documents

Reg. 49
amended by
S.R. No.
10/2017
reg. 61.

The licence holder must comply with a direction of the Victorian Fisheries Authority under regulation 37 to return unused or partly used fisheries documents or copies of fisheries documents to the Victorian Fisheries Authority in accordance with that regulation.

Reg. 50
amended by
S.R. No.
10/2017
reg. 62.

50 Licence holder to notify of change of name, address or telephone number

The licence holder must notify the Victorian Fisheries Authority within 14 days after any change to—

- (a) the name of the licence holder; or
- (b) the residential address or postal address and telephone number of the licence holder or, in the case of a licence holder that is a corporation, the address and telephone number of the registered office of the corporation.

51 Licence holder to ensure licence on boat, licensed premises or person, or in vehicle

The licence holder must ensure that the licence or a true and accurate copy of the licence is at all times kept—

- (a) on board the boat used under the licence; or
- (b) in the case of a fish receiver's licence, on the premises specified in the licence; or
- (c) if the licence holder does not use a boat under the licence—
 - (i) on his or her person; or
 - (ii) in his or her vehicle if the vehicle is located at the site of the fishing operation being carried out.

52 Return of fish to water

- (1) The licence holder must ensure that any fish or other animal taken—
 - (a) that the licence holder is not authorised to take (other than fish of a noxious aquatic species); or

(b) that is not required to be retained—

is immediately returned to the water with the least possible injury or damage.

(2) Subregulation (1) does not apply to the holder of a fish receiver's licence.

53 Fees, levies, royalties in respect of licences to be paid by due date

The licence holder must ensure that any fee, levy or royalty due in respect of the licence is paid to the Victorian Fisheries Authority by the date specified by the Victorian Fisheries Authority.

Reg. 53
amended by
S.R. No.
10/2017
reg. 63.

54 Levies and royalties in respect of individual quota units to be paid by due date

The licence holder must ensure that any levy or royalty due in respect of an individual quota unit allocated to the licence, which is held by the licence holder, is paid to the Victorian Fisheries Authority by the date specified by the Victorian Fisheries Authority.

Reg. 54
(Heading)
amended by
S.R. No.
5/2014
reg. 17(1).

Reg. 54
amended by
S.R. Nos
5/2014
reg. 17(2),
10/2017
reg. 64.

Subdivision 2—Conditions of all access licences

55 Every access licence subject to conditions in this Subdivision

For the purposes of section 52(1)(b) of the Act, the following provisions in this Subdivision set out the conditions to which every access licence is subject.

Notes

1 In addition to the conditions set out in this Subdivision, every access licence is subject to—

- (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and

Note 1(a) to
reg. 55
amended by
S.R. No.
10/2017
reg. 65.

Note 3 to
reg. 55
amended by
S.R. No.
10/2017
reg. 65.

- (b) any condition applying to that class of licence set out in Subdivision 1 and Part 7, 8, 9, 10, 11 or 12 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from one or more conditions in these Regulations to which the licence is subject.

56 Assistance with fishing activities

The licence holder must not use more people to assist in carrying out activities authorised by the licence than the number authorised by the licence (if any).

57 Restriction on taking and possession of rock lobster

The licence holder must not take or possess any rock lobster that has a tail fan with—

- (a) a punched hole in the central segment of the tail fan; or
- (b) the posterior quarter of the central segment of the tail fan removed by a traverse cut so that only the anterior three-quarters of the central segment of the tail fan remain attached.

58 Commercial and recreational fishing not to be undertaken at same time

- (1) The licence holder must ensure that, while on a fishing trip involving a boat during which activities authorised by the licence are carried out,

no person on the boat takes, or attempts to take, fish other than for sale.

- (2) Subregulation (1) does not apply to the holder of a fishery access licence who takes fish (other than abalone) to be used for a purpose other than for sale if the holder—
- (a) is authorised to take fish of that species for sale by the licence; and
 - (b) takes the fish in accordance with the licence as if the fish were taken for sale.

58A Taking of fish in a recreational reef zone prohibited

The licence holder must not take or attempt to take any fish in a recreational reef zone.

Reg. 58A
inserted by
S.R. No.
18/2013 reg. 6.

59 Completion of catch and effort records

- (1) The licence holder must ensure that, on each day that a fishing activity is carried out under the licence, all details required to be completed in the daily catch and effort record are completed in the manner required by the Victorian Fisheries Authority.
- (2) The licence holder must ensure that, if no fishing activities are carried out during a particular month, the words "Nil fishing" are written on the catch and effort record for that month.
- (3) The licence holder must ensure that the original catch and effort record completed under subregulation (1) or (2) is removed from the catch and effort record book and sent to the Victorian Fisheries Authority by the 18th day of the following month.
- (4) The licence holder must retain the duplicate copy of every catch and effort record in the catch and effort record book.

Reg. 59(1)
amended by
S.R. No.
10/2017
reg. 66.

Reg. 59(3)
amended by
S.R. No.
10/2017
reg. 66.

Reg. 59(6)
amended by
S.R. No.
10/2017
reg. 66.

- (5) The licence holder must, at any reasonable time when requested to do so by an authorised officer, produce the catch and effort record book for inspection by the officer.
- (6) If the licence holder does not intend to carry out any activities authorised by the licence for a period of one or more months, the licence holder may notify the Victorian Fisheries Authority before the beginning of that period, by completing a form approved by the Victorian Fisheries Authority for that purpose and forwarding it to the Victorian Fisheries Authority.

Reg. 59(7)
amended by
S.R. No.
10/2017
reg. 66.

- (7) The licence holder must not carry out any activities authorised by the licence during a period notified to the Victorian Fisheries Authority under subregulation (6), unless the licence holder has notified the Victorian Fisheries Authority in writing before the beginning of that period that the licence holder intends to resume such activities in that period.

Reg. 59(8)
substituted by
S.R. No.
168/2013
reg. 11,
amended by
S.R. No.
96/2014 reg. 9.

- (8) This regulation does not apply to the holder of an abalone fishery access licence, a rock lobster fishery access licence, a Giant Crab Fishery (Western Zone) Access Licence, a Scallop Dive (Port Phillip Bay) Access Licence or a Sea Urchin Fishery Access Licence when operating under any of those licences.

60 Licence holder to be in presence of crew

- (1) The licence holder must at all times when in charge of any person engaged to carry out an activity authorised by the licence during a fishing operation—
- (a) ensure that the person is in his or her actual physical presence; and
 - (b) be in control of that person; and

- (c) ensure that the person is not engaged in a separate fishing operation.
- (2) Subregulation (1)(a) and (b) do not apply to the holder of an abalone fishery access licence, a Gippsland Lakes (Mussel Dive) Fishery Access Licence, a Scallop Dive (Port Phillip Bay) Fishery Access Licence or a Sea Urchin Fishery Access Licence.
- (3) Subregulation (1)(c) does not apply to the holder of a Western Port/Port Phillip Bay Fishery Access Licence who is engaged in a longline team fishing operation under regulation 231.

Reg. 60(2)
substituted by
S.R. No.
95/2016 reg. 8.

61 Catch limit for certain species of fish

- (1) The licence holder must not, during any fishing trip, take, possess, retain on board or land from a boat, fish of a species set out in Column 2 of Table A in Schedule 6 in a quantity that exceeds the catch limit set out in Column 3 of that Table corresponding to that species of fish.
- (2) Despite subregulation (1), the licence holder must not during any fishing trip take, possess, retain on board a boat or land from a boat, more than a total of 400 kilograms of fish of any one or more species of fish specified in Column 2 of Table A in Schedule 6.

62 Taking, landing, etc. of certain fish prohibited

The licence holder must not take, possess, retain on board a boat or land from a boat, any fish of a species set out in Column 2 of Table B in Schedule 6.

63 Taking fish by dragging net on to dry land or shallow water prohibited

The licence holder must not take fish by dragging or drawing a seine net containing fish on to dry land or into water less than 60 centimetres deep.

Reg. 64
substituted by
S.R. No.
18/2013 reg. 7.

64 Marking of equipment

- (1) The licence holder must ensure that any of the following equipment that is used by him or her is attached to a surface buoy, flag, stake or other object that is clearly, legibly and accurately marked with the number of his or her access licence—
 - (a) any trap, crab pot, longline, commercial hoop net or mesh net;
 - (b) any fleet or line of mesh nets, commercial hoop nets or pots;
 - (c) any cage or coff used for the purpose of holding fish.
- (2) The licence holder must ensure that any rock lobster pot used by him or her is attached to a surface buoy or flag that is marked with the registration number of the boat used in the setting of that equipment.
- (3) The licence holder must ensure that equipment referred to in subregulation (1) or (2) does not contain any markings other than the number of his or her access licence or boat registration number, as appropriate.
- (4) The licence holder must ensure that any yabby pot used by him or her is attached to a surface buoy that is marked with his or her access licence number.
- (5) The licence holder must ensure that any fleet or line of octopus traps set by him or her is attached to a surface buoy that is marked with his or her access licence number.

Part 3—Recreational fishery licences

Division 1—Class of recreational fishery licence

65 Class of recreational fishery licence

For the purposes of section 45 of the Act, a recreational fishing licence is created as a class of recreational fishery licence.

Division 2—Exemptions from requirement to hold recreational fishery licence

66 Exemptions from requirement to hold recreational fishery licence

Reg. 66
(Heading)
amended by
S.R. No.
71/2016
reg. 4(1).

- (1) A person is exempt from the requirement to hold a recreational fishery licence under section 44 of the Act if the person—
- (a) receives an aged or invalid pension under the Commonwealth Act for the time being in force in relation to social services; or
 - (b) is a totally and permanently incapacitated pensioner or service pensioner under the Commonwealth Act for the time being in force in relation to the repatriation of discharged servicemen; or
 - (c) holds a Senior's Card; or
 - (d) has attained the age of 70 years; or
 - (e) holds a current pensioner concession card or equivalent as a result of receiving a carer payment under the Commonwealth Act for the time being in force in relation to social services.

Note

Under section 47 of the Act a person under the age of 18 years may take fish for any purpose other than for sale without holding a recreational fishery licence.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 3—Recreational fishery licences

Reg. 66(1A)
inserted by
S.R. No.
168/2013
reg. 24,
revoked by
S.R. No.
10/2017
reg. 24(1).

* * * * *

Reg. 66(2)
substituted by
S.R. No.
71/2016
reg. 4(2).

(2) In this regulation—

Senior's Card means—

- (a) a Victorian Senior's Card issued by the Victorian Government, other than a Senior's Business Discount Card issued by the Victorian Government; or
- (b) a Senior's Card issued by the Government of another State or a Territory.

Reg. 66(3)
inserted by
S.R. No.
10/2017
reg. 24(2).

(3) Subregulation (1A), as in force immediately before its revocation by the Fisheries Amendment Regulations 2017, continues to apply to a member of a traditional owner group in respect of which a natural resource agreement was entered into under the **Traditional Owner Settlement Act 2010**, as in force immediately before that revocation.

Division 3—Activities authorised by a recreational fishery licence

67 Activities authorised by a recreational fishing licence

A recreational fishing licence authorises the licence holder to—

- (a) take, or attempt to take, fish from marine waters or inland waters; and

- (b) use or possess recreational fishing equipment in, on or next to Victorian waters.

Note

It is an offence under section 44 of the Act to take or attempt to take fish from marine waters or inland waters, or to use or possess recreational fishing equipment in, on or next to Victorian waters, unless authorised to do so by a recreational fishery licence, otherwise authorised under the Act or exempted from the requirement to hold a recreational fishery licence to carry out those activities.

Division 4—General provisions applying to recreational fishery licences

67B Definition

In this Division *authorised person* means a person authorised by the Victorian Fisheries Authority to issue a recreational fishery licence under section 45(2) of the Act.

Reg. 67B
inserted by
S.R. No.
71/2016 reg. 5,
amended by
S.R. No.
10/2017
reg. 67.

68 Recreational fishery licence must not be transferred or lent

The holder of a recreational fishery licence must not transfer or lend that licence to any other person.

Penalty: 20 penalty units.

69 Recreational fishery licence holder must not allow another person to fish under licence

The holder of a recreational fishery licence must not allow another person to carry out fishing activities on his or her behalf.

Penalty: 20 penalty units.

Reg. 69AA
inserted by
S.R. No.
71/2016 reg. 6.

69AA Offence to fail to return unissued recreational fishery licences

Reg. 69AA(1)
amended by
S.R. No.
10/2017
reg. 68.

- (1) The Victorian Fisheries Authority may, in writing, request an authorised person to return any unissued recreational fishery licences given to the person by the Victorian Fisheries Authority.
- (2) An authorised person must comply with a request under subregulation (1) within 14 days after receiving the request.

Penalty: 20 penalty units.

Reg. 69AAB
inserted by
S.R. No.
71/2016 reg. 6.

69AAB Offence to issue recreational fishery licence with incorrect date and time

An authorised person must not issue a recreational fishery licence that specifies a date or time which is before the date on which, or the time at which, the licence was issued.

Penalty: 20 penalty units.

Part 4—Permits

* * * * *

Pt 4 Div. 1
(Heading
and regs
69A–69E)
inserted by
S.R. No.
168/2013
reg. 25,
revoked by
S.R. No.
10/2017
reg. 25.

Division 2—Permits under section 72

Pt 4 Div. 2
(Heading)
inserted by
S.R. No.
168/2013
reg. 26(1).

70 Eligibility criteria for permit under section 72

For the purposes of section 72(1)(a) of the Act, the eligibility criteria that an applicant must satisfy are—

- (a) the applicant is carrying out the activity on behalf of a post-secondary education institution, a scientific institution, a research institution or a public museum and the activity is directly related to the work of that institution or museum; or
- (b) the applicant is a student of a post-secondary education institution and the activity is directly related to research to be carried out by the student in the course of his or her education at that institution; or
- (c) the applicant is, or is acting on behalf of a person who is, authorised under the Act or these Regulations to conduct an aquaculture activity that relates to the protected aquatic biota and the application is to facilitate that activity; or

- (d) the applicant is responsible for the preparation of an environment effects statement or a supplementary statement under the **Environment Effects Act 1978** and the activity is necessary for or related to the preparation of that statement; or
- (e) the applicant is authorised by a consent under the **Coastal Management Act 1995** to carry out a dredging operation that may affect the protected aquatic biota and the application relates to that activity.

Pt 4 Div. 3
(Heading)
inserted by
S.R. No.
168/2013
reg. 26(2).

Division 3—Permits under section 81

71 Specified purposes under section 81

For the purpose of section 81(3)(a)(iii) of the Act the following are specified purposes—

- (a) the undertaking of a dredging operation authorised by a consent under the **Coastal Management Act 1995** that may involve taking, possessing, transporting, or releasing noxious aquatic species;
- (b) the taking, keeping, possessing or transporting of noxious aquatic species for public display in a museum, zoo or aquarium;
- (c) the taking, keeping, possessing or transporting of noxious aquatic species for use or display in a school or post-secondary education institution;
- (d) the taking, keeping, possessing, transporting or selling of noxious aquatic species for commercial purposes.

Division 4—Conditions of permits

Pt 4 Div. 4
(Heading)
inserted by
S.R. No.
168/2013
reg. 26(3).

71A Conditions of a permit

Reg. 71A
inserted by
S.R. No.
18/2013 reg. 8.

- (1) For the purposes of section 52(1)(b) of the Act, the following provisions in this section set out the conditions to which every permit is subject.
- (2) The permit holder must not take or attempt to take any fish in a recreational reef zone unless—
 - (a) the permit authorises the taking of fish in that zone; and
 - (b) the permit holder, or a person acting on behalf of the holder, is acting in accordance with the permit, the Act and these Regulations.

Part 5—Boat registration

72 Registration of a boat used for fishing

Reg. 72(1)
amended by
S.R. No.
10/2017
reg. 69.

- (1) The owner of a boat that is to be used for any one or more of the following activities may apply to the Victorian Fisheries Authority for the registration of that boat—

- (a) the taking of fish for sale;
- (b) the setting or use of commercial fishing equipment;
- (c) the use of commercial abalone equipment to take abalone for sale;
- (d) the landing of fish for sale or marketing;
- (e) the setting or use of commercial aquaculture equipment on Crown land or in or on the waters covering that land;
- (f) the moving of an aquaculture crop.

Reg. 72(2)
amended by
S.R. No.
10/2017
reg. 69.

- (2) The Victorian Fisheries Authority may register the boat if—

Reg. 72(2)(a)
amended by
S.R. No.
10/2017
reg. 69.

- (a) the Victorian Fisheries Authority is satisfied that the boat is to be used for one or more of the activities specified in subregulation (1); and
- (b) the applicant has paid the prescribed fee for the registration of the boat.

Note

The use of a boat for commercial fishing that is not registered under this Part is prohibited under section 114 of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies (see regulation 105).

73 Renewal of registration of a boat

(1) The owner of a boat may apply to the Victorian Fisheries Authority for the renewal of the registration of that boat.	Reg. 73(1) amended by S.R. No. 10/2017 reg. 70.
(2) The Victorian Fisheries Authority may renew the registration of the boat if—	Reg. 73(2) amended by S.R. No. 10/2017 reg. 70.
(a) the Victorian Fisheries Authority is satisfied that the boat is to be used for one or more of the activities specified in regulation 72(1); and	Reg. 73(2)(a) amended by S.R. No. 10/2017 reg. 70.
(b) the applicant has paid the prescribed fee for the renewal of the registration of the boat.	

74 Victorian Fisheries Authority to issue certificate of registration

On the issue or renewal of registration of a boat under regulation 72 or 73, the Victorian Fisheries Authority must issue a certificate of registration which specifies—

- (a) the registration number of the boat; and
- (b) the identifying mark to be displayed on the boat.

Reg. 74
(Heading)
amended by
S.R. No.
10/2017
reg. 71(1).

Reg. 74
amended by
S.R. No.
10/2017
reg. 71(2).

75 Duration of boat registration

(1) The registration of a boat under this Part continues in force for the period specified in the certificate of registration.	
(2) The Victorian Fisheries Authority may specify a period of up to one year for the purposes of subregulation (1).	Reg. 75(2) amended by S.R. No. 10/2017 reg. 72.

76 Offence to use boat for commercial fishing without identifying mark

A person must not use a registered boat in Victorian waters unless the boat's identifying mark is displayed on the boat at all times in accordance with this Part.

Penalty: 20 penalty units.

77 Manner of displaying identifying mark on boat

The owner of a registered boat must ensure that the boat's identifying mark is clearly and legibly displayed on the boat—

- (a) on both sides of the bow outside and clear of the water line or on both sides of the wheelhouse; and
- (b) in letters or numbers of no less than 23 centimetres high, painted black on a light background or painted white on a dark background.

Penalty: 20 penalty units.

78 Additional identifying mark required on boats exceeding 8 metres

In addition to the requirements of regulation 77, the owner of a registered boat exceeding 8 metres in length must ensure that the identifying mark of that boat is clearly and legibly displayed at all times on top of the wheelhouse or some other flat uncluttered surface of the boat—

- (a) in a manner that reads from port to starboard or from bow to stern; and

(b) with letters and numbers shown in black on an orange or yellow background in letters at least 90 centimetres high that are spaced at least 20 centimetres apart; and

(c) surrounded by a black border.

Penalty: 20 penalty units.

79 Transfer of registration of boat

- (1) A person who becomes the owner of a registered boat must, within 14 days after becoming the owner of the boat, apply to the Victorian Fisheries Authority for the transfer of the registration of the boat if the boat is to be used for one or more activities specified in regulation 72(1).

Reg. 79(1)
amended by
S.R. No.
10/2017
reg. 73(1).

Penalty: 20 penalty units.

- (2) The Victorian Fisheries Authority may transfer the registration of the boat if—

Reg. 79(2)
amended by
S.R. No.
10/2017
reg. 73(1).

(a) the Victorian Fisheries Authority is satisfied that the boat is to be used for one or more activities specified in regulation 72(1); and

Reg. 79(2)(a)
amended by
S.R. No.
10/2017
reg. 73(2).

(b) the applicant has paid the prescribed fee for the transfer of the registration of the boat.

- (3) On the transfer of the registration of the boat the Victorian Fisheries Authority must issue a certificate of registration in the name of the new owner of the boat that specifies—

Reg. 79(3)
amended by
S.R. No.
10/2017
reg. 73(1).

(a) the registration number of the boat; and

(b) the identifying mark to be displayed on the boat.

80 Offence to use boat with identifying mark when not registered

If the registration of a boat has expired, the owner of the boat must, within 7 days of the date of the expiry of registration, remove from the boat, or cause to be removed from the boat, the identifying mark specified in the certificate of registration.

Penalty: 20 penalty units.

Part 6—General restrictions and prohibitions relating to fishing, fishing equipment, fishing methods and boats

Division 1—Restrictions relating to recreational fishing equipment

81 Application of Division

This Division does not apply to a person who uses
or possesses recreational fishing equipment in
contravention of this Division if that person—

- (a) is the holder of, or is acting on behalf of the
holder of, a commercial fishery licence
authorising the use or possession of that
equipment and the person is acting in
accordance with the licence, the Act and
these Regulations; or
- (b) is the holder of, or is acting on behalf of the
holder of, a general permit authorising the
use or possession of that equipment who is
acting in accordance with the permit, the Act
and these Regulations.

* * * * *

Reg. 81(b)
amended by
S.R. Nos
168/2013
reg. 27(1),
10/2017
reg. 26(1).

Reg. 81(c)
inserted by
S.R. No.
168/2013
reg. 27(2),
revoked by
S.R. No.
10/2017
reg. 26(2).

Note

Under section 45A of the **National Parks Act 1975**, a person must
not take, or attempt to take, fish or fishing bait from an area in a
marine national park or a marine sanctuary unless authorised to do
so by a permit under section 21A of that Act. Section 45A further
prohibits a person from using certain recreational fishing
equipment in a marine national park or a marine sanctuary.
The prohibitions in section 45A of the **National Parks Act 1975**
prevail over any licence, permit or other authority issued under the
Act.

82 Number of items of recreational fishing equipment that may be used

A person must not, in or on any Victorian waters, use more items of the following recreational fishing equipment than the number specified—

- (a) 1 dip net;
- (b) 2 bait traps;
- (c) 1 landing net;
- (d) 1 bait pump;
- (e) 10 baited lines with no hooks;
- (f) a total of 4 handlines or rods and lines in marine waters;
- (g) a total of 2 handlines or rods and lines in inland waters;
- (h) 2 hooks or one bait jig on any one line.

Penalty: 20 penalty units.

83 Use and possession of spear gun not permitted in certain waters

- (1) A person must not use or possess a spear gun in or on—
 - (a) inland waters; or
 - (b) the waters of Anderson Inlet, Corner Inlet, the Gippsland Lakes, Lake Tyers, Mallacoota Inlet, Shallow Inlet, Tamboon Inlet, Wingan Inlet or Curdies Inlet; or
 - (c) the waters that are within 30 metres from any jetty or the mouth of any creek or river.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who uses or possesses a spear gun in or on—
- (a) the waters within 20 metres of the rocky groynes off Rigby Island;
 - (b) the waters within 20 metres of the barrier in Hopetoun Channel situated west of the barrier landing;
 - (c) the waters within 50 metres of any of the compass beacons in Eagle Point Bay;
 - (d) the waters of Lake Victoria between the lines running from Wattle Point to Trouser Point and from Waddy Point to Pelican Point.
- (3) Subregulation (1) does not apply to a person who possesses a spear gun in a boat that is proceeding by the most direct route to or from a boat ramp or mooring to waters in which the use of a spear gun is permitted.

84 Use and possession of hand-held spear not permitted in certain waters

- (1) A person must not use or possess a hand-held spear in or on—
- (a) inland waters; or
 - (b) the waters of Corner Inlet, the North Arm of the Gippsland Lakes, Lake Tyers, Mallacoota Inlet, Sydenham Inlet, Swan Bay, Tamboon Inlet, Wingan Inlet or Curdies Inlet; or
 - (c) the waters that are within 30 metres from any jetty or the mouth of any creek or river.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who uses or possesses a hand-held spear in or on the waters of Corner Inlet east of a line from the mean high water mark on the most northerly point of Entrance Point (on Wilson's Promontory) to the most westerly part of Little Snake Island at the mean high water mark then following the coastline of Little Snake Island generally north and then east to a point directly south of the long jetty at Port Welshpool and then on a north-south line to the end of that jetty and along the jetty to the shore.
- (3) Subregulation (1) does not apply to a person who possesses a hand-held spear in a boat that is proceeding by the most direct route to or from a boat ramp or mooring to waters in which the use of a hand-held spear is permitted.

85 Use of recreational bait net not permitted in certain waters

- (1) A person must not use a recreational bait net in or on the following waters—
 - (a) Port Phillip Bay;
 - (b) Western Port;
 - (c) North Arm and Cunninghame Arm of the Gippsland Lakes;
 - (d) the waters of the Toorloo Arm and Nowa Nowa Arm of Lake Tyers that flow upstream of the lines shown on the plan in Schedule 6A, those lines being indicated by the coordinates shown on that plan;
 - (e) Tamboon Inlet;

Reg. 85(1)(d)
amended by
S.R. No.
18/2013
reg. 9(1),
substituted by
S.R. No.
96/2014
reg. 18(a).

Reg. 85(1)(e)
inserted by
S.R. No.
18/2013
reg. 9(2).

(f) Sydenham Inlet.

Reg. 85(1)(f)
inserted by
S.R. No.
18/2013
reg. 9(2).

Penalty: 20 penalty units.

- (2) A person must not use a recreational bait net in any of the following waters unless the net is used at least 30 metres from any pier or jetty or at least 400 metres from the mouth of any creek or river in those waters—

- (a) Gippsland Lakes, excluding North Arm and Cunninghame Arm;
- (b) Lake Tyers, excluding the waters described in subregulation (1)(d);

Reg. 85(2)(b)
amended by
S.R. No.
96/2014
reg. 18(b).

- (c) the Lower Lake of Mallacoota Inlet;
- (d) Corner Inlet, Shallow Inlet and Anderson Inlet;
- (e) any other marine waters that occur on the seaward side of the entrance of the mouth of any inlet or river.

Penalty: 20 penalty units.

- (3) A person must not use a recreational bait net in or on any river or any other inland waters other than the following waters—

- (a) the waters of any lake, reservoir, swamp, marsh or lagoon;
- (b) the Curdies River between the Narrows and the Great Ocean Road bridge at Peterborough;
- (c) the Fitzroy River downstream from the boat ramp;

- (d) the Glenelg River downstream from the southern boundary of the Lower Glenelg National Park;
- (e) the Hopkins River downstream from Rowans Lane to within 200 metres of the mouth of the river;
- (f) the Merri River downstream from the Princes Highway;
- (g) the Snowy River downstream from the Government Wharf at Marlo;
- (h) the Surrey River downstream from the Princes Highway at Narrawong;
- (i) the Wimmera River downstream from the bridge on the Stawell–Marnoo road to Lake Hindmarsh.

Penalty: 20 penalty units.

Reg. 86
(Heading)
amended by
S.R. No.
168/2013
reg. 28(1).

86 Use and possession of recreational hoop nets or open top lift nets

- (1) A person must not use or possess more than 2 recreational hoop nets in or on any marine waters.

Penalty: 20 penalty units.

- (2) Despite subregulation (1), a person must not use a recreational hoop net in marine waters (other than Port Phillip Bay, Western Port, the Gippsland Lakes or any inlet of the sea) during the period commencing on 15 September and ending on 15 November in each year.

Penalty: 20 penalty units.

- (3) Despite subregulation (1), a person must not leave a recreational hoop net immersed or set in marine waters (other than Port Phillip Bay, Western Port, the Gippsland Lakes or any inlet of the sea) during the period commencing on 15 September and ending on 15 November in each year.

Penalty: 20 penalty units.

- (4) A person must not use or possess more than 10 nets that are either recreational hoop nets or open top lift nets in or on any inland waters.

Reg. 86(4)
amended by
S.R. No.
168/2013
reg. 28(2).

Penalty: 20 penalty units.

- (5) Despite subregulation (4), a person must not use an open top lift net or more than 5 recreational hoop nets in the waters of the Goulburn River system, the Ovens River system, the Glenelg River system, the Latrobe River system, the Tarra River system, the Mitta Mitta River, the Kiewa River, Wodonga Creek, Ryans Creek, Waranga Basin, Carrol's Creek or in any streams or tributaries flowing into those waters or in any waters impounded on those waters.

Reg. 86(5)
amended by
S.R. No.
168/2013
reg. 28(3).

Penalty: 20 penalty units.

- (6) Subregulation (5) does not apply to the waters of Lake Eildon, Rocklands Reservoir or Lake Dartmouth.

- (7) A person must not use or possess an open top lift net in, on or next to any marine waters.

Reg. 86(7)
inserted by
S.R. No.
168/2013
reg. 28(4).

Penalty: 20 penalty units.

87 Offence to use certain equipment in intertidal zone

A person must not, in the intertidal zone, use a scoop, dredge, fork, spade, shovel or other hand-held digging implement for taking or attempting to take molluscs or other marine invertebrates.

Penalty: 20 penalty units.

Reg. 88
(Heading)
amended by
S.R. No.
168/2013
reg. 29(1).

88 Recreational hoop net, open top lift net and bait trap must be correctly tagged

Reg. 88
amended by
S.R. No.
168/2013
reg. 29(2).

If a person uses a recreational hoop net, open top lift net or bait trap that is set from a boat, or if the person is not in attendance of that net or trap, the person must ensure that—

Reg. 88(a)
amended by
S.R. No.
168/2013
reg. 29(2).

- (a) each recreational hoop net, open top lift net or bait trap has a tag attached to it which is clearly, legibly and accurately marked with his or her full name and place of residence; and
- (b) the tag is positioned so that it remains on or above the water surface at all times.

Penalty: 20 penalty units.

89 Use and possession of recreational fishing equipment prohibited in certain areas

- (1) A person must not use or possess recreational fishing equipment—
 - (a) in or on the Goulburn River from the walkway over the Eildon Pondage Weir water release gates to the fishing boundary posts situated 200 metres downstream; or

- (b) in or on Ryan's Creek and Loombah Weir between the retaining wall of Loombah Weir and the retaining wall of McCallsay Weir; or
- (c) in or on Seven Creeks between the retaining wall of Polly McQuinns Dam and the Galls Gap Road Bridge which crosses Seven Creeks downstream from its junction with Watchbox Creek.

Penalty: 20 penalty units.

- (2) A person must not possess recreational fishing equipment within 20 metres inland of the banks of any of the waters referred to in subregulation (1).

Penalty: 20 penalty units.

90 Use of rods and lines and handlines

- (1) A person who uses a rod and line or handline in Victorian waters must at all times that the line is in the water remain in a position—
 - (a) where that rod and line or handline is in sight; and
 - (b) that is within 50 metres of that rod and line or handline.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who uses a baited line with no hook.

91 Offence to use or possess certain equipment in certain circumstances

- (1) A person must not, while engaged in underwater dive fishing, use or possess a hook or other device designed for or capable of taking fish.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who uses a spear gun or hand-held spear in accordance with these Regulations.

**Division 2—Other restrictions relating to
the taking of fish**

Reg. 91A
inserted by
S.R. No.
168/2013
reg. 30,
revoked by
S.R. No.
10/2017
reg. 27.

* * * * *

**92 Offence to use or possess a line and hook or
handline in certain inland waters during the
salmonid closed season**

- (1) A person must not use or possess a line and hook or a handline from midnight on the Monday of the Queen's Birthday weekend in June each year to midnight on the Friday before the first Saturday in September in that same year in any of the waters or areas referred to in subregulation (2).

Penalty: 20 penalty units.

- (2) For the purposes of subregulation (1), the waters and areas are as follows—
- (a) in or on the Goulburn River and its tributaries upstream of the Trawool Bridge to the fishing boundary posts situated 200 metres downstream of the Eildon Pondage Weir release gates;
 - (b) in or on the Mitta Mitta River and its tributaries upstream of Peters Bridge (Tallandoon) to the Dartmouth Pondage;
 - (c) in or on the Kiewa River and its tributaries upstream of Keegan's Bridge (near Dederang);
 - (d) in or on the Tanjil River and its tributaries upstream of its junction with the Latrobe River, to the Blue Rock Dam;

- (e) within 20 metres inland of the banks of any of the waters referred to in paragraphs (a) to (d).

93 Offence to possess certain fish other than whole or in the form of a carcass

- (1) A person must not in or on Victorian waters possess shark or elephantfish in any form other than whole or in the form of a carcass.
- Penalty: 20 penalty units.
- (2) Subregulation (1) does not apply to a holder of a fishing concession authorising the possession of shark or elephantfish issued under the Commonwealth Act.
- (3) A person must not in, on or next to inland waters, possess any spiny freshwater crayfish in any form other than whole or in the form of a carcass.

Penalty: 20 penalty units.

- (4) A person must not, in or on Victorian waters, possess any dusky flathead, snapper, King George whiting, tuna or black bream in any form other than whole or in the form of a carcass.

Penalty: 20 penalty units.

- (5) A person must not in, on or next to inland waters, possess any freshwater catfish, golden perch, Macquarie perch, Murray cod, silver perch or salmonids in any form other than whole or in the form of a carcass.

Penalty: 20 penalty units.

- (6) In this regulation **tuna** means the species of the scombrid genus *Thunnus*, including albacore, southern bluefin, yellowfin and big eye.

Reg. 93(4)
amended by
S.R. Nos
18/2013
reg. 10(1),
168/2013
reg. 31.

Reg. 93(6)
inserted by
S.R. No.
18/2013
reg. 10(2).

94 Offence to transfer gemfish from one boat to another

A person must not while in or on Victorian waters transfer, or cause to be transferred, gemfish from one boat to another boat.

Penalty: 20 penalty units.

95 Offence to take, land or possess certain fish in berry

Reg. 95
(Heading)
substituted by
S.R. No.
168/2013
reg. 32(1).

Reg. 95(1)
amended by
S.R. No.
168/2013
reg. 32(2)(3).

- (1) A person must not take any berried bug, berried yabby or berried spiny freshwater crayfish unless authorised to do so.

Penalty: 20 penalty units.

Reg. 95(2)
amended by
S.R. No.
168/2013
reg. 32(2).

- (2) A person must not in, on or next to Victorian waters, land or cause to be landed from any boat any berried bug, berried yabby or berried spiny freshwater crayfish.

Penalty: 20 penalty units.

Reg. 95(3)
amended by
S.R. No.
168/2013
reg. 32(2).

- (3) A person must not possess berried bug, berried yabby or berried spiny freshwater crayfish.

Penalty: 20 penalty units.

Reg. 95(4)
amended by
S.R. No.
168/2013
reg. 32(2).

- (4) A person must not remove eggs from a berried bug, berried yabby or berried spiny freshwater crayfish.

Penalty: 20 penalty units.

Reg. 95(5)
inserted by
S.R. No.
168/2013
reg. 32(4).

- (5) For the purposes of subregulation (1), a person is authorised to take berried yabby if the person is the holder of, or acting on behalf of the holder of, an Aquaculture (Private Land—Yabbies) Licence or an Aquaculture (Private Land—Yabbies Multiwaters) Licence and the person is acting in

accordance with the licence, the Act and these
Regulations.

**96 Offences relating to marine invertebrates in Port
Phillip Bay**

- (1) A person must not take or attempt to take marine invertebrates other than marine worms and burrowing shrimp (including Bass yabby) from Port Phillip Bay in the intertidal zone.

Reg. 96(1)
amended by
S.R. No.
18/2013
reg. 11.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who—

- (a) takes empty shells of dead animals; or
- (b) takes squid, cuttlefish or octopus.

- (3) A person must not use an abalone tool, scoop, dredge, fork, spade, shovel or other hand-held digging implement for the purpose of taking, or attempting to take, marine invertebrates from Port Phillip Bay in the intertidal zone.

Penalty: 20 penalty units.

97 Offence to take molluscs from intertidal zone

- (1) A person must not take any mollusc from the intertidal zone.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who takes—

- (a) molluscs under an access licence that authorises that activity; or
- (b) squid, cuttlefish, octopus; or
- (c) squirts by the use of the person's bare hands or bare feet; or
- (d) shells of a dead mollusc; or
- (e) bivalve molluscs (including pipi).

98 Offence to remove roe from sea urchins

- (1) A person must not in, on or next to Victorian waters, remove roe or any other soft tissues from the shell of sea urchins.

Penalty: 20 penalty units.

- (2) A person must not in, on or next to Victorian waters, be in possession of roe or any other soft tissues which have been removed from the shell of sea urchins.

Penalty: 20 penalty units.

- (3) Subregulations (1) and (2) do not apply to a person who is acting under a general permit or Sea Urchin Fishery Access Licence which authorises the activities specified in those subregulations.

Reg. 98(3)
amended by
S.R. No.
96/2014
reg. 10.

99 Offence to take certain fish in specified areas

A person must not take or attempt to take fish in or on the following waters—

- (a) the Goulburn River from the walkway over the Eildon Pondage Weir water release gates to the fishing boundary posts situated 200 metres downstream;
- (b) Ryan's Creek and Loombah Weir between the retaining wall of Loombah Weir and the retaining wall of McCallsay Weir;
- (c) Seven Creeks between the retaining wall of Polly McQuinns Dam and the Galls Gap Road Bridge which crosses Seven Creeks downstream from its junction with Watchbox Creek.

Penalty: 20 penalty units.

100 Offence to tag or mark fish

- (1) A person must not tag, brand, mark or fin clip any fish.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who tags, brands, marks or fin clips a fish—

- (a) under an aquaculture licence; or
- (b) under a general permit that authorises the taking of fish for research, management or scientific purposes; or
- (c) under the direction of the Secretary or the Victorian Fisheries Authority acting under section 140 of the Act.

Reg. 100(2)(c)
amended by
S.R. No.
10/2017
reg. 74.

101 Offence to fail to return fish to water without injury or damage

- (1) A person who takes a fish that is not of a noxious aquatic species, and that is not required to be retained by the person, must immediately return that fish to the water with the least possible injury or damage.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a holder of a commercial fishery licence or a person acting on behalf of a holder of a commercial fishery licence when acting under that licence.

Note

This requirement in this regulation does not apply to a holder of a commercial fishery licence because it is a condition of all commercial fishery licences under Part 2.

102 Offence to use certain substances as bait or berley

- (1) A person must not use live fish as bait in Seven Creeks or in any tributary to that system upstream from the Galls Gap Road Bridge which crosses Seven Creeks downstream from its junction with Watchbox Creek.

Penalty: 20 penalty units.

- (2) A person must not use live carp as bait.

Penalty: 20 penalty units.

- (3) A person must not use fish ova, or any form of uncooked trout or salmon, as bait or berley to take or attempt to take fish of any species.

Penalty: 20 penalty units.

- (4) A person must not use the blood or offal of any mammal as berley to take or attempt to take fish of any species.

Penalty: 20 penalty units.

- (5) Subregulation (4) does not apply to a person who uses berley pellets containing mammal blood or offal.

- (6) A person must not, in marine waters, use more than 10 litres of berley to assist in the taking of shark.

Penalty: 20 penalty units.

- (7) A person must not use berley in marine waters to attract fish for any purpose other than as part of a fishing operation.

Penalty: 20 penalty units.

Reg. 102(3)
amended by
S.R. No.
96/2014
reg. 19.

102A Offence to use as bait or release live European green shore crab

Reg. 102A
inserted by
S.R. No.
18/2013
reg. 12.

- (1) A person must not use live European green shore crab as bait in or on any Victorian waters.

Penalty: 20 penalty units.

- (2) A person must not release live European green shore crab into or next to any Victorian waters.

Penalty: 20 penalty units.

- (3) A person does not commit an offence under subregulation (2) if the person has taken the European green shore crab from those waters and immediately releases the crab into those waters.

Division 3—Prohibitions relating to use or possession of boats, equipment or fish

103 Application of this Division

Reg. 103
amended by
S.R. No.
168/2013
reg. 33 (ILA
s. 39B(2)).

- (1) A prohibition in this Division in respect of the use, possession or sale of fishing equipment does not apply to a person who uses, possesses or sells the fishing equipment under a general permit that authorises the use, possession or sale (as the case may be) of that equipment and the person is acting in accordance with the permit, the Act and these Regulations.

Notes

- 1 Contravention of any prohibition under section 114 of the Act set out in this Division 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 Contravention of any prohibition under section 67 of the Act set out in this Division is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 6—General restrictions and prohibitions relating to fishing, fishing
equipment, fishing methods and boats

Reg. 103(2)
inserted by
S.R. No.
168/2013
reg. 33,
revoked by
S.R. No.
10/2017
reg. 28.

* * * * *

104 Use, possession or sale of trammel net prohibited

- (1) For the purposes of section 114 of the Act, the use of a trammel net throughout Victoria is prohibited.
- (2) For the purposes of section 114 of the Act, the possession of a trammel net throughout Victoria is prohibited.
- (3) For the purposes of section 114 of the Act, the sale of a trammel net throughout Victoria is prohibited.

105 Use of unregistered boat for commercial fishing prohibited

- (1) For the purposes of section 114 of the Act, the use of a boat that is not registered under Part 5 of these Regulations is prohibited for—
 - (a) the taking of fish for sale; or
 - (b) the setting or use of commercial fishing equipment; or
 - (c) the use of commercial abalone equipment to take abalone for sale; or
 - (d) the landing of fish for sale or marketing; or
 - (e) the setting or use of commercial aquaculture equipment on Crown land or in or on the waters covering that land; or
 - (f) the moving of an aquaculture crop.
- (2) Subregulation (1) does not apply to a tender boat.

106 Use of firearm or other weapon to take, destroy or injure fish prohibited

For the purposes of section 114 of the Act, the use of a firearm, crossbow or bow and arrow to take, attempt to take, destroy or injure fish is prohibited throughout Victoria.

107 Use of electrical device to take or attract fish prohibited

For the purposes of section 114 of the Act, the use of any device involving electrical means (other than a light) to attract, take or attempt to take fish is prohibited throughout Victoria.

108 Use of floating fish traps prohibited

For the purposes of section 114 of the Act, the use of a floating fish trap is prohibited throughout Victoria.

109 Use of coff during closed season prohibited

For the purposes of section 114 of the Act the use of a coff to hold fish during the period specified as the closed season for that species of fish is prohibited throughout Victoria.

110 Use of certain fishing nets or scallop dredge prohibited in certain waters

(1) For the purposes of section 114 of the Act, the use of any kind of seine net, a purse seine net, a lampara net, any kind of mesh net, a trawl net or a scallop dredge is prohibited in or on the following waters—

- (a) within 500 metres of the mouth of the Merri River;
- (b) within 1000 metres of the mouth of the Bemm River or the Snowy River;

Reg. 110(1)(c)
substituted by
S.R. No.
10/2017 reg. 5.

- (c) within 400 metres of the mouth of any other river, stream or creek that is not shown on a map in Schedule 23.
- (2) For the purposes of section 114 of the Act, the use of any kind of trawl net or a scallop dredge is prohibited on the shoreward side of a straight line commencing at the easternmost point of Point Danger and ending at the mouth of the Surrey River.

111 Use of commercial fishing equipment or commercial abalone equipment prohibited in certain waters

For the purposes of section 114 of the Act, the use of any commercial fishing equipment or commercial abalone equipment is prohibited in or on the following waters—

- (a) the waters of the port of Apollo Bay confined by the boat harbour walls and the waters 30 metres seaward from the boat harbour walls;
- (b) in the North Arm of the Gippsland Lakes;
- (c) in the waters of the Top Lake at Mallacoota and the Narrows, north west of a line commencing at Snapper Point and ending at Bucklands jetty;
- (d) in Rutherford Inlet of Western Port;
- (e) within 30 metres of any pier, jetty or breakwater that is not privately owned, in waters outside the waters referred to in paragraphs (a) to (d);
- (f) in a recreational reef zone.

Reg. 111(e)
amended by
S.R. No.
18/2013
reg. 13(1).

Reg. 111(f)
inserted by
S.R. No.
18/2013
reg. 13(2).

112 Use and possession of Danish seine net prohibited

For the purposes of section 114 of the Act, the use or possession of a Danish seine net is prohibited in or on any Victorian waters unless the net is used or possessed in accordance with a fishing concession issued under the Commonwealth Act.

113 Use of certain fishing nets near Killarney boat ramp prohibited at certain times

For the purposes of section 114 of the Act, the use of any kind of fishing net other than a rock lobster pot or a recreational hoop net is prohibited within 1000 metres of the boat ramp at Killarney during the period commencing on 1 December in each year and ending on 30 April of the following year.

114 Use of certain fishing nets in Portland Bay prohibited at certain times

For the purposes of section 114 of the Act, the use of a mesh net, seine net, trawl net, purse seine net or lampara net is prohibited in or on the waters of Portland Bay on the shoreward side of a line commencing at the northern end of the main breakwater and ending at the boundary post erected on Snapper Point—

- (a) during the period commencing on 24 December in each year and ending on 22 January in the following year; or
- (b) during the period commencing on Good Friday and ending on Easter Monday in each year; or
- (c) during any long weekend period when a public holiday falls on a Friday or Monday.

115 Use of boat for towing certain fishing nets prohibited

For the purposes of section 114 of the Act, the use of a motor boat while it is under propulsion for towing, dragging or hauling a net is prohibited in or on inland waters, Port Phillip Bay, the Gippsland Lakes or any inlet of the sea (other than Corner Inlet).

116 Use of rock lobster pot or fish trap prohibited near Merri River mouth

For the purposes of section 114 of the Act, the use of a rock lobster pot or fish trap within 400 metres of the mouth of the Merri River is prohibited.

Reg. 116A
inserted by
S.R. No.
10/2016 reg. 7.

116A Possession of fish for sale or other commercial purposes without documents prohibited

For the purposes of section 67 of the Act, the possession by a person of any fish, received from the holder of a Western Port/Port Phillip Bay Fishery Access Licence or a Purse Seine (Port Phillip Bay) Fishery Access Licence or a person acting on behalf of that holder, for the purposes of sale or for the storage, processing or transportation for reward is prohibited unless the person possesses a Port Phillip Bay/Western Port catch disposal record relating to the fish.

Notes

- 1 A failure to comply with this prohibition is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.
- 2 Under section 120B of the Act a person who is required to keep a document must keep the document for 3 years from the date the document is created, issued or received or, in the case of a document containing multiple entries, from the date of the last entry.

116B Requirements on persons receiving fish for sale

A person who receives any consignment of fish for the purposes of sale from the holder of a Western Port/Port Phillip Bay Fishery Access Licence or a Purse Seine (Port Phillip Bay) Fishery Access Licence or a person acting on behalf of that holder—

- (a) must immediately and before placing the fish with any other fish that are not part of the consignment, complete all relevant details of the Port Phillip Bay/Western Port catch disposal record accompanying the fish in the manner required by the Victorian Fisheries Authority; and
- (b) must keep the original catch disposal record.

Penalty: 20 penalty units.

Note

Under section 120B of the Act a person who is required to keep a document must keep the document for 3 years from the date the document is created, issued or received or, in the case of a document containing multiple entries, from the date of the last entry.

117 Taking of gemfish prohibited

- (1) For the purposes of section 67 of the Act and subject to subregulation (3), the taking of gemfish from Victorian waters is prohibited.
- (2) A person who contravenes the prohibition in subregulation (1) is liable to a further penalty—
 - (a) in the case of a first offence, a penalty not exceeding 0.5 of a penalty unit for each gemfish taken;
 - (b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each gemfish taken.

Reg. 116B
inserted by
S.R. No.
10/2016 reg. 7.

Reg. 116B(a)
amended by
S.R. No.
10/2017
reg. 75.

Reg. 117(1)
substituted by
S.R. No.
10/2017
reg. 16(1).

Fisheries Regulations 2009

S.R. No. 2/2009

Part 6—General restrictions and prohibitions relating to fishing, fishing equipment, fishing methods and boats

Reg. 117(3)
inserted by
S.R. No.
10/2017
reg. 16(2).

- (3) A person may take up to 5 gemfish per day when the person is undertaking recreational fishing in accordance with the Act and these Regulations.

Part 7—Fish other than abalone, rock lobster, giant crab, scallop and sea urchin

Pt 7 (Heading)
amended by
S.R. No.
96/2014
reg. 11(1).

Division 1—Minimum and maximum sizes, closed seasons and catch limits for fish (other than abalone, rock lobster, giant crab and scallop)

* * * * *

Reg. 117A
inserted by
S.R. No.
168/2013
reg. 34,
revoked by
S.R. No.
10/2017
reg. 29.

118 Minimum sizes

- (1) For the purposes of the Act, and subject to regulation 121, the minimum size for fish of a species specified in Column 2 of the Table at the foot of this subregulation, is the size specified in Column 3 of the Table corresponding to that species of fish.

Table		
Column 1	Column 2	Column 3
Item	Species of Fish	Minimum size (centimetres)
1	Australian bass	27
2	Australian salmon	21
3	Bream (all species)	28
	* * *	*
5	Estuary perch	27
6	Flathead (all species except dusky flathead)	27
6A	Dusky flathead	30
7	Flounder (all species)	23

Reg. 118(1)
(Table)
amended by
S.R. Nos
18/2013
reg. 14,
96/2014
reg. 20,
95/2016 reg. 9.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Species of Fish</i>	<i>Minimum size (centimetres)</i>
8	Freshwater catfish	30
9	Golden perch	30
10	King George whiting	27
11	Ling	30
12	Longfin pike and snook	30
13	Luderick	23
14	Morwong (all species)	23
15	Mulloway	60
16	Murray Cod	60
17	River blackfish	23
18	Shark (gummy and school)	45
19	Silver perch	30
20	Silver trevally	20
21	Snapper	28
22	Southern Rock cod	23
23	Spiny freshwater crayfish (other than Glenelg spiny freshwater crayfish)	9
24	Sweep (all species)	23
25	Tailor	23
26	Wrasse (all species other than blue groper)	27
27	Yellowtail kingfish	60

Note

Some of the species of fish referred to in this Table may be listed under the **Flora and Fauna Guarantee Act 1988**. Under section 52 of that Act, it is an offence to take, trade in or keep fish of those species unless licensed under that Act or authorised to do so by an Order of the Governor in

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

Council under that Act published in the Government Gazette.

- (2) For the purposes of the Act, the minimum size with respect to—
- (a) the taking of Macquarie perch from—
 - (i) Lake Dartmouth and all its tributaries;
or
 - (ii) Yarra River and all its tributaries; or
 - (iii) Upper Coliban Reservoir and all its tributaries—is 35 centimetres; and
 - (b) the possession of Macquarie perch in, on or next to any of the waters specified in paragraph (a), is 35 centimetres.

Note

The taking of Macquarie perch from waters other than those specified in this subregulation is prohibited under the **Flora and Fauna Guarantee Act 1988**.

- (3) Subregulations (1) and (2) do not apply to a person who takes or possesses fish of a species specified in subregulation (1) or (2) that is less than the minimum size for that species if—
- (a) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of fish of that species; and
 - (ii) takes or possesses the fish in accordance with the licence, the Act and these Regulations; or

(b) the person—

- (i) is the holder of, or is acting on behalf of the holder of, a general permit authorising the taking or possession of that species of fish of that size; and
 - (ii) takes or possesses the fish in accordance with the permit, the Act and these Regulations.
- (4) Subregulations (1) and (2) do not apply to a person who possesses fish of a species specified in subregulation (1) or (2) that is less than the minimum size for that species and which the person received from a person referred to in subregulation (3).

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species that are less than the minimum size specified for that species of fish in these Regulations. Various penalties apply.

Reg. 118A
inserted by
S.R. No.
95/2016
reg. 10.

118A Maximum size for dusky flathead

- (1) For the purposes of the Act, the maximum size for dusky flathead is 55 centimetres.

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish that are more than the maximum size specified for that species of fish in these Regulations. Various penalties apply.

- (2) Subregulation (1) does not apply to a person who takes or possesses dusky flathead that is more than the maximum size for dusky flathead if—
- (a) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, an access licence or a permit authorising the taking or

possession of dusky flathead of that size; and

- (ii) takes or possesses dusky flathead in accordance with that licence or permit, the Act and these Regulations; or
- (b) the person is the holder of, or is acting on behalf of the holder of, an aquaculture licence authorising the hatching, rearing, breeding, displaying or growing of dusky flathead, and possesses the dusky flathead in accordance with the licence, the Act and these Regulations.

119 Maximum size for Murray cod

- (1) For the purposes of the Act, the maximum size for Murray cod is 100 centimetres.

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish that are more than the maximum size specified for that species of fish in these Regulations. Various penalties apply.

- (2) Subregulation (1) does not apply to a person who takes Murray cod that is more than the maximum size for Murray cod if—
 - (a) the person—
 - (i) is authorised to take Murray cod of that size under a protected aquatic biota permit; and
 - (ii) takes the Murray cod in accordance with that permit, the Act and these Regulations; or

- (b) the person—
 - (i) is authorised to take Murray cod of that size under a licence issued, or authorisation made, under section 53 of the **Flora and Fauna Guarantee Act 1988**; and
 - (ii) takes the Murray cod in accordance with that licence or authorisation (as the case may be) and that Act.
- (3) Subregulation (1) does not apply to a person who possesses—
 - (a) one Murray cod that is more than the maximum size for Murray cod; or
 - (b) one or more Murray cod that is or are more than the maximum size for Murray cod if the person—
 - (i) is authorised to possess Murray cod of that size in that number under a protected aquatic biota permit or a permit issued under the **Flora and Fauna Guarantee Act 1988** and possesses the Murray cod in accordance with the relevant permit, the Act and these Regulations; or
 - (ii) is the holder of, or is acting on behalf of a holder of, an aquaculture licence authorising the hatching, rearing, breeding, displaying or growing of Murray cod and possesses the Murray cod in accordance with the licence, the Act and these Regulations.

120 Prohibition on sale of Murray cod above maximum size

- (1) For the purposes of section 67 of the Act, the sale of Murray cod in excess of 100 centimetres by a person, other than a person who is authorised under a protected aquatic biota permit to possess and sell Murray cod in excess of 100 centimetres, is prohibited.

Note

A failure to comply with this prohibition is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

- (2) A person who contravenes the prohibition in subregulation (1) is liable to a further penalty—
- (a) in the case of a first offence, a penalty not exceeding 0.5 of a penalty unit for each Murray cod in excess of 100 centimetres sold;
 - (b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each Murray cod in excess of 100 centimetres sold.

121 Additional minimum sizes for commercial taking and possession of fish

For the purposes of the Act and despite anything to the contrary in regulation 118, the minimum size for fish of a species specified in Column 2 of the Table at the foot of this subregulation, that are taken or possessed by the holder of an access licence, is the size specified in Column 3 of the Table corresponding to that species of fish.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

Reg. 121
(Table)
amended by
S.R. No.
168/2013
reg. 35,
substituted by
S.R. No.
10/2017
reg. 17.

Table		
Column 1	Column 2	Column 3
Item	Species of fish	Minimum size
1	Bluethroat wrasse	28 cm
2	Dusky flathead	27 cm
3	Lakes Garfish (<i>Hyporhamphus regularis</i>)	20 cm
4	Ling	33 cm
5	Longfin pike and snook	36 cm
6	Mullet, goldspot and sand	22 cm
7	Mullet, sea	25 cm
8	Mullet, yellow eye	24 cm
9	Tailor	25 cm

Notes

- 1 Some of the species of fish referred to in this Table may be listed under the **Flora and Fauna Guarantee Act 1988**. Under section 52 of that Act, it is an offence to take, trade in or keep fish of those species unless licensed under that Act or authorised to do so by an Order of the Governor in Council under that Act published in the Government Gazette.
- 2 There are offences in sections 68A and 68B of the Act relating to taking or possessing fish that are less than the minimum size specified for that species of fish in these Regulations. Various penalties apply.

122 Methods for measuring size of fish

- (1) The following methods must be used for measuring the size of fish—
 - (a) in the case of garfish, the measurement must be taken from the top of the upper jaw to the end of the upper half of the tail;
 - (b) in the case of shark, the length must be measured from the posterior gill slit to the base of the tail fin;

- (c) in the case of tuna, the length must be measured from the tip of the snout to the fork of the tail fin;
 - (d) in the case of other finfish, the length must be measured from the tip of the snout with the mouth closed, to the end of the tail fin;
 - (e) in the case of spiny freshwater crayfish, the measurement is taken from the rear of the eye orbit depression to the nearest part of the posterior edge of the carapace;
 - (f) in the case of bug of the species *Ibacus peronii*, the width must be measured from spike to spike at the widest point of the carapace, whether or not it is broken or damaged.
- (2) In this regulation, **finfish** means any fish other than shark and invertebrates.

123 Closed seasons for certain fish

- (1) For the purposes of section 67 of the Act, the closed season for the taking of fish of a species specified in Column 2 of the Table at the foot of this subregulation from the waters specified in Column 3 of the Table corresponding to that species of fish, is specified in Column 4 of the Table corresponding to that species of fish.

Table			
Column 1	Column 2	Column 3	Column 4
Item	Species of fish	Waters	Closed season
1	Macquarie perch	All Victorian waters	1 October to 31 December in each year
2	Murray cod	All Victorian waters	1 September to 30 November in each year

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Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Closed season</i>
3	Murray spiny freshwater crayfish	All inland waters north of the Great Dividing Range	1 September in each year to 30 April in the next year following
4	River blackfish	Victorian waters south of the Great Dividing Range	1 September to 31 December in each year
5	Salmonids	All inland waters (except the inland waters specified in Schedule 7 and lakes or reservoirs)	From midnight on the Monday of the Queen's Birthday weekend in June each year, to midnight on the Friday before the first Saturday in September each year

Note

Some of the species of fish referred to in this Table may be listed under the **Flora and Fauna Guarantee Act 1988**. Under section 52 of that Act, it is an offence to take, trade in or keep those fish unless licensed under that Act or authorised to do so by an Order of the Governor in Council under that Act published in the Government Gazette.

(2) For the purposes of section 67 of the Act—

- (a) the taking of fish of a species specified in Column 2 of the Table in subregulation (1) from the waters specified in Column 3 of the Table corresponding to that species of fish;
or

- (b) the possessing of fish of a species specified in Column 2 of that Table in, on or next to the waters specified in Column 3 of the Table corresponding to that species of fish—

during the period specified as the closed season for that species of fish specified in Column 4 of the Table corresponding to that species of fish is prohibited unless taken or possessed by a person of a class specified in subregulation (3).

Note

A failure to comply with this prohibition is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

- (3) For the purposes of subregulation (2) the classes of person are—
- (a) holders of, or persons acting on behalf of the holders of, an aquaculture licence authorising the hatching, rearing, breeding, displaying or growing of fish of that species, who take or possess fish of that species from the area specified in the licence in accordance with the licence, the Act and these Regulations;
 - (b) holders of, or persons acting on behalf of holders of, a general permit authorising the taking or possession of fish of that species during the period of the closed season who take or possess fish of that species during that period in accordance with the permit, the Act and these Regulations;
 - (c) persons who possess fish of that species, which they received from a person of a class referred to in paragraph (a) or (b).

- (4) A person who contravenes the prohibition in subregulation (2) is liable to a further penalty—
 - (a) in the case of a first offence, a penalty not exceeding 0.5 of a penalty unit for each fish of that species taken or possessed;
 - (b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each fish of that species taken or possessed.
- (5) For the purposes of determining the waters relating to the closed season for salmonids specified in the Table in subregulation (1), the boundary between a lake or reservoir and a river or stream flowing into the lake or reservoir is the point at which the flowing water of the river or stream meets the backed up waters of the lake or reservoir, regardless of the water level of the lake or reservoir.

124 Catch limits

- (1) For the purposes of the Act, the catch limit with respect to—
 - (a) the taking of fish of a species of fish specified in Column 2 of the Table at the foot of this subregulation from the waters specified in Column 3 of the Table corresponding to that species is the daily limit (if any) specified in Column 4 of the Table that corresponds to that species of fish; or
 - (b) the possession of fish of a species of fish specified in Column 2 of the Table at the foot of this subregulation in, on or next to the waters specified in Column 3 of the Table corresponding to that species is the limit (if any) specified in Column 4 of the Table that corresponds to that species of fish.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

Table				Reg. 124(1) (Table) substituted by S.R. No. 18/2013 reg. 15, amended by S.R. Nos 168/2013 reg. 36, 96/2014 regs 11(2), 21.
Column 1	Column 2	Column 3	Column 4 <i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>	
Item	Species of fish	Waters		
1	Albacore (including skipjack tuna)	All Victorian waters	5	
2	Anchovy, pilchard and other clupeoids	All Victorian waters	40	
3	Australian bass	(a) All Victorian waters except Lake Bullen Merri	2	
		(b) Lake Bullen Merri	5	
4	Australian salmon and Australian herring (tommy ruff)	All Victorian waters	A total of 20 fish (of one species or a combination of both species)	
5	Barracouta	All Victorian waters	20	
6	Black cod	All Victorian waters	0	
7	Blue groper	All Victorian waters	0	
	*	*	*	*
9	Boarfish (all species)	All Victorian waters	1	
10	Bream (all species)	All Victorian waters	10	

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lobster, giant crab, scallop and sea urchin

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>
11	Common galaxias, Spotted galaxias, flathead galaxias, mountain galaxias, broad-finned galaxias and Australian smelt	All Victorian waters	40 (of one species or a combination of all species)
12	Crabs (all species except giant crab and European green shore crab)	All Victorian waters	30 crabs or 1 litre of whole or parts of crabs
13	Eel, longfin and Southern shortfin (long and short finned)	All Victorian waters	10
14	Elephantfish	All Victorian waters	1
15	Estuary perch (and Australian bass and hybrids)	All Victorian waters	A total of 5 fish (of which no more than 2 may be Australian bass)
16	European green shore crab	All Victorian waters	No limit

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>
17	Flathead (all species except dusky flathead and flathead gudgeon)	All Victorian waters	20
18	Flathead, dusky	All Victorian waters	5 (of which no more than 1 fish may be equal to or exceed 60 cm in length)
19	Flathead gudgeon	All Victorian waters	40
20	Flounder (all species)	All Victorian waters	20
21	Freshwater catfish	(a) Inland waters within the Wimmera Basin	2
		(b) All other inland waters	0
22	Garfish (all species)	All Victorian waters	40
23	Glenelg spiny freshwater crayfish	All Victorian waters	0
24	Golden perch	(a) Rivers and streams of inland waters	5
		(b) Lakes and impoundments of inland waters	10

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>
25	Gurnard (all species)	All Victorian waters	10
26	Hardyhead	All Victorian waters	40
27	King George whiting	All Victorian waters	20
28	Leatherjacket (all species)	All Victorian waters	20
29	Ling (all species)	All Victorian waters	5
30	Longfin pike and snook	All Victorian waters	10
31	Luderick	All Victorian waters	10
32	Mackerel (all species other than yellowtail scad)	All Victorian waters	40
33	Macquarie perch	(a) Lake Dartmouth and all its tributaries	1
		(b) Yarra River and all its tributaries	2
		(c) Upper Coliban Reservoir and all its tributaries	2
		(d) All other Victorian waters	0

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lobster, giant crab, scallop and sea urchin

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>
34	Marlin (all species)	All Victorian waters	1
35	Molluscs (all species other than abalone, mussels, pipis, scallop, squid, octopus, oysters and cuttlefish)	All Victorian waters	5 litres (or, if shucked or split, 1 litre)
36	Morwong (all species)	All Victorian waters	5
37	Mullet (all species)	All Victorian waters	40
38	Mulloway	All Victorian waters	5
39	Murray cod	All Victorian waters	2 (of which no fish may exceed 100 centimetres in length)
40	Mussels (all species)	All Victorian waters	10 litres (or, if shucked or split, 1 litre)
41	Oyster (all species)	All Victorian waters	50
42	Pipis	(a) Cape Liptrap Coastal Park	2 litres (or, if shucked or split, 0.5 litre)
		(b) All other Victorian waters	5 litres (or, if shucked or split, 1 litre)

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>
43	Prawn (all species)	All Victorian waters	30 litres whole prawns (or 5 litres prawn meats)
44	Redfin	All Victorian waters	No limit
45	River blackfish	All Victorian waters	5
46	Salmonids	(a) Rivers, streams of inland waters and family fishing lakes	5 (of which no more than 2 fish may exceed 35 centimetres in length)
		(b) all other lakes and impoundments of inland waters	5
47	Sand worm and other marine worms (all species)	All Victorian waters	0.5 litre (whether whole or part)
48	Scad, yellowtail	All Victorian waters	40
49	Seahorses, seadragons and pipefish	All Victorian waters	0
	*	*	*

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>
51	Shark (all species other than school and gummy shark, great white and grey nurse shark and elephantfish)	All Victorian waters	1 (of each species)
52	Shark (great white and grey nurse)	All Victorian waters	0
53	Shark (school and gummy)	All Victorian waters	A total of 2 fish (of one species or a combination of both species)
54	Shrimp (burrowing shrimp including Bass yabby)	All Victorian waters	100 (whether whole or in part)
55	Shrimp (swimming shrimp)	All Victorian waters	0.5 litre

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>
56	Silver perch	(a) Lakes and impoundments of inland waters north of the Great Dividing Range (excluding the Wimmera Basin)	5
		(b) Rivers and streams of inland waters north of the Great Dividing Range (excluding the Wimmera Basin)	0
		(c) All inland waters south of the Great Dividing Range (including the Wimmera Basin)	5
57	Silver trevally	All Victorian waters	20
58	Skates and rays (all species)	All Victorian waters	A total of 5 fish (of one species or a combination of species)

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>
59	Snapper	All Victorian waters	10 (of which no more than 3 fish may be equal to or exceed 40 centimetres in length)
60	Southern rock cod	All Victorian waters	20
61	Spiny freshwater crayfish (other than Glenelg spiny freshwater crayfish)	All Victorian waters	5 (of which no more than 1 fish may be equal to or exceed 12 centimetres in carapace length)
62	Squid (including calamari), octopus and cuttlefish (all species)	All Victorian waters	A total of 10 fish (of one species or a combination of all species)
63	Sweep (all species)	All Victorian waters	10
64	Swordfish	All Victorian waters	1
65	Tailor	All Victorian waters	20
66	Tasmanian whitebait	All Victorian waters	40

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of fish</i>	<i>Waters</i>	<i>Daily limit for fish that may be taken or limit for fish that may be possessed (number of fish unless otherwise specified)</i>
67	Tuna (including southern bluefin, yellowfin and big eye)	All Victorian waters	2
68	Warehou (haddock) (all species)	All Victorian waters	20
69	Whiting (all species other than King George whiting)	All Victorian waters	20
70	Wrasse (all species other than blue groper)	All Victorian waters	5
71	Yabby (freshwater)	All Victorian waters	20 litres of whole yabby or 150 whole yabby or 5 litres of yabby meat in any form not exceeding 150 tails (including claws or other parts)
72	Yellowtail kingfish	All Victorian waters	5

Note

Some of the species of fish referred to in this Table may be listed under the **Flora and Fauna Guarantee Act 1988**. Under section 52 of that Act, it is an offence to take, trade in or keep fish of those species unless licensed under that Act or authorised to do so by an Order of the Governor in Council under that Act published in the Government Gazette.

- (2) For the purposes of the Act, in the case of any fish of a species (other than abalone, rock lobster, giant crab, scallop or fish of a noxious aquatic species) in respect of which a catch limit is not specified in the Table in subregulation (1), the catch limits are—
 - (a) for the taking of fish from Victorian waters, a daily limit of 5 fish; or
 - (b) for the possession of fish in, on or next to Victorian waters, a limit of 5 fish.
- (3) Subregulations (1) and (2) do not apply to a person who takes or possesses fish of a species specified in subregulation (1) or (2) in a quantity in excess of the catch limit specified in subregulation (1) or (2) for that species of fish if—
 - (a) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, an access licence authorising the taking and possession of that species of fish; and
 - (ii) takes or possesses the fish in accordance with the licence, the Act and these Regulations; or
 - (b) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, an aquaculture licence authorising the hatching, rearing,

- breeding, growing or displaying of fish of that species; and
- (ii) takes or possesses the fish in accordance with the licence, the Act and these Regulations; or
- (c) the person—
- (i) is the holder of, or is acting on behalf of the holder of, a general permit authorising the taking or possession of that species of fish in that quantity; and
- (ii) takes or possesses the fish in accordance with the permit, the Act and these Regulations.
- (4) Subregulations (1) and (2) do not apply to a person who possesses fish of a species specified in subregulation (1) or (2) in a quantity in excess of the catch limit specified in subregulation (1) or (2) for that species of fish, and which the person received from a person referred to in subregulation (3).
- (5) For the purposes of determining the waters relating to the catch limits specified in the Table in subregulation (1), the boundary between a lake or reservoir and a river or stream flowing into the lake or reservoir is the point at which the flowing water of the river or stream meets the backed up waters of the lake or reservoir, regardless of the water level of the lake or reservoir.
- (6) In this regulation ***family fishing lakes*** means the lakes specified in Schedule 8.

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish in excess of the catch limit in these Regulations for that species of fish. Various penalties apply.

124A Prohibition of possession of yabby

Reg. 124A
inserted by
No. 96/2014
reg. 22.

- (1) For the purposes of section 67 of the Act, the possession by a person who is not on, in, or next to Victorian waters of the following amount of yabby in any form is prohibited unless the person is of a class of person set out in subregulation (2)—
 - (a) more than 60 litres of whole yabby;
 - (b) more than 400 whole yabby;
 - (c) more than 10 litres of yabby (other than whole yabby) not exceeding 400 tails.
- (2) For the purposes of subregulation (1), the classes of persons are—
 - (a) holders of, or persons acting on behalf of the holders of, an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of yabby who possess yabby in accordance with that licence, the Act and the regulations; or
 - (b) holders of, or persons acting on behalf of the holders of, a general permit under section 49 of the Act authorising the taking or possessing of yabby who possess yabby in accordance with that permit, the Act and the regulations; or
 - (c) holders of, or persons acting on behalf of the holders of a Bait (General) Fishery Access Licence who possess yabby in accordance with that licence, the Act and the regulations; or
 - (d) persons who possess yabby received from a person referred to in paragraph (a), (b) or (c).

Division 2—Activities authorised by a Bait (General) Fishery Access Licence

125 Activities authorised by a Bait (General) Fishery Access Licence

A Bait (General) Fishery Access Licence authorises the licence holder to carry out the following activities in the protected waters specified in the licence—

- (a) the taking for sale of fish of the species specified in Schedule 9;
- (b) the use (other than in waters that are within a marine national park or a marine sanctuary) or possession of the commercial fishing equipment specified in the licence under regulation 33;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 3—Conditions of a Bait (General) Fishery Access Licence

126 Bait (General) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Bait (General) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, a Bait (General) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and

Note 1(a) to
reg. 126
amended by
S.R. No.
10/2017
reg. 76.

- (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 126
amended by
S.R. No.
10/2017
reg. 76.**

127 Taking or selling of fish for human consumption prohibited

The licence holder must not take or sell fish for human consumption.

128 Restriction on use of equipment

The licence holder must not use more than 2 hand operated bait pumps at the same time.

Division 4—Activities authorised by a Corner Inlet Fishery Access Licence

129 Activities authorised by a Corner Inlet Fishery Access Licence

A Corner Inlet Fishery Access Licence authorises the licence holder to carry out the following activities in Corner Inlet—

- (a) the taking for sale of fish (other than abalone, jellyfish, rock lobster, giant crab, scallop and sea urchin);
- (b) the use (other than in waters that are within a marine national park or a marine sanctuary) or possession of a commercial hoop net, longline, seine net, mesh net and fishing line;

- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 5—Conditions of Corner Inlet Fishery Access Licence

130 Corner Inlet Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Corner Inlet Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Corner Inlet Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 1(a) to
reg. 130
amended by
S.R. No.
10/2017
reg. 77.**

**Note 3 to
reg. 130
amended by
S.R. No.
10/2017
reg. 77.**

131 Use of commercial fishing equipment prohibited at certain times

- (1) The licence holder, while operating in Corner Inlet, must not, during the period commencing at midnight on Friday and ending at 5 p.m. on the following Sunday—
 - (a) use commercial fishing equipment; or
 - (b) move any boat, which has commercial fishing equipment on board or attached to it, from any moorings, anchorage, wharf, jetty or ramp.
- (2) Subregulation (1) does not apply to a licence holder if—
 - (a) the boat has commercial fishing equipment on board in Corner Inlet during the period specified in that subregulation; and
 - (b) that equipment is stored and secured; and
 - (c) the boat is travelling by the shortest practicable route to a place where the use of that equipment is permitted under another access licence held by the licence holder.

132 Use and possession of seine nets

- (1) The licence holder must not—
 - (a) use in or on Corner Inlet, a seine net exceeding 650 metres in length; or
 - (b) possess in, on or next to Corner Inlet, a seine net exceeding 650 metres in length.
- (2) The licence holder must not, while operating in Corner Inlet, use a boat or boats under propulsion to tow both ends of any seine net at the same time.

133 Use and possession of mesh nets

- (1) The licence holder must not, if operating alone in or on Corner Inlet—
 - (a) use more than 1300 metres of mesh net; or
 - (b) possess any mesh net exceeding 1300 metres in length.
- (2) The licence holder must not, in or on Corner Inlet, if operating with the assistance of one or more people, or with another holder of a Corner Inlet Fishery Access Licence—
 - (a) use more than 1650 metres of mesh net; or
 - (b) possess any mesh net exceeding 1650 metres in length.

134 Use and possession of fishing lines

- (1) The licence holder must not, in or on Corner Inlet—
 - (a) use a longline or a combination of longlines with more than 400 hooks attached; or
 - (b) possess a longline with more than 400 hooks attached.
- (2) The licence holder must not, in or on Corner Inlet—
 - (a) use at any one time more than 6 fishing lines that are not longlines; or
 - (b) use a fishing line (other than a longline) with more than 3 hooks or more than one bait jig attached to the line; or
 - (c) possess a fishing line (other than a longline) with more than 3 hooks or more than one bait jig attached to the line.

135 Use and possession of commercial hoop nets

The licence holder must not, in or on Corner Inlet—

- (a) use, at any one time, more than 20 commercial hoop nets; or
- (b) possess more than 20 commercial hoop nets.

136 Catch limit for taking and possession of wrasse

The licence holder must not take from Corner Inlet, or possess in, on or next to Corner Inlet, more than 8 wrasse on any one day.

137 Use and possession of hand operated bait pumps

The licence holder must not in or on Corner Inlet—

- (a) use at any one time, more than 2 hand operated bait pumps; or
- (b) possess more than 2 hand operated bait pumps.

Division 6—Activities authorised by an Eel Fishery Access Licence

138 Activities authorised by an Eel Fishery Access Licence

An Eel Fishery Access Licence authorises the licence holder to carry out the following activities in the waters specified in the licence—

- (a) the taking for sale of eel, carp, goldfish, roach and tench;
- (b) the use or possession of fyke nets in the number specified in the licence under regulation 33;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 7—Conditions of Eel Fishery Access Licence

139 Eel Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act,
the following provisions in this Division set out
the conditions to which every Eel Fishery Access
Licence is subject.

Note

- 1 In addition to the conditions set out in this Division, every Eel
Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the
licence by the Victorian Fisheries Authority
under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out
in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a
person who does a thing on behalf of a licence holder must
comply with any condition to which the licence is subject.
A failure to comply may attract a maximum penalty of
50 penalty units and, in the case of an offence involving a
priority species or breach of a designated licence condition,
a maximum penalty of 100 penalty units or 6 months
imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to
the Victorian Fisheries Authority for an exemption from a
specified condition of the licence.

Note 1(a) to
reg. 139
amended by
S.R. No.
10/2017
reg. 78.

Note 3 to
reg. 139
amended by
S.R. No.
10/2017
reg. 78.

140 Fyke net to be used for taking eels

The licence holder must not use any equipment
other than a fyke net to take eel, carp, goldfish,
roach or tench.

141 Marking of fyke nets

- (1) The licence holder must ensure that every fyke net, or fleet of fyke nets, used by the licence holder in the Gippsland Lakes—

Reg. 141
substituted by
S.R. No.
10/2017 reg. 9.

- (a) is attached to—

- (i) an orange spherical surface float measuring not less than 200 millimetres in diameter, which is clearly marked with the licence number; or

Reg.
141(1)(a)(i)
amended by
S.R. No.
58/2017
reg. 4(a).

- (ii) an orange non-spherical surface float measuring not less than 200 millimetres in length with a width or diameter of not less than 100 millimetres, which is clearly marked with the licence number; or

Reg.
141(1)(a)(ii)
amended by
S.R. No.
58/2017
reg. 4(b).

- (b) is marked using an alternative means that is specified in the licence under regulation 33.

- (2) The licence holder must ensure that every fyke net, or fleet of fyke nets, used by the licence holder outside the Gippsland Lakes—

- (a) is attached to—

- (i) a spherical surface float measuring not less than 100 millimetres in diameter, which is clearly marked with the licence number; or

- (ii) a non-spherical surface float measuring not less than 100 millimetres in length with a width or diameter of not less than 90 millimetres, which is clearly marked with the licence number; or

- (b) is marked using an alternative means that is specified in the licence under regulation 33.

142 Maximum number of fyke nets permitted to be used or possessed

The licence holder must not use at any one time in or on the waters specified in the licence, or possess in or on those waters—

- (a) more than the number of fyke nets authorised by the licence; or
- (b) where no number of fyke nets is authorised by the licence, more than a total of 50 fyke nets.

143 Clearing of nets

The licence holder must ensure that all fish and other animals are cleared from nets at least once in every 48 hour period.

144 Return of other fish and animals to water

The licence holder must return to the water immediately—

- (a) all fish, other than eel, carp, goldfish, roach, tench or any noxious fish; and
- (b) any other animal.

145 Setting of fyke nets

The licence holder, when using any fyke net in a river, stream, creek or other watercourse must ensure that—

- (a) the fyke net or any fleet of fyke nets is not set so as to block more than half of the total width of the stream or more than half of the width of the main channel of the river or other watercourse; and

- (b) any fyke net or fleet of fyke nets is not set within 5 metres of any other fyke net or fleet of fyke nets.

146 Victorian Fisheries Authority to be notified of setting and removal of fyke nets

Reg. 146
(Heading)
amended by
S.R. No.
10/2017
reg. 79(1).

- (1) The licence holder must, no more than 2 hours after setting any fyke nets in the waters specified in the licence, advise the Victorian Fisheries Authority in the manner approved by the Victorian Fisheries Authority of—

Reg. 146(1)
amended by
S.R. No.
10/2017
reg. 79(2).

- (a) the name of any licence operator involved in the setting of the nets and the licence number; and
- (b) the numbers of fyke nets that have been set and the location of the waters in which they were set; and
- (c) the date and time that the fyke nets were set.

- (2) The licence holder must, no more than 2 hours after removing any fyke nets from the waters specified in the licence, advise the Victorian Fisheries Authority in the manner approved by the Victorian Fisheries Authority of—

Reg. 146(2)
amended by
S.R. No.
10/2017
reg. 79(2).

- (a) the name of any licence operator involved in the removal of the nets and licence number; and
- (b) the numbers of fyke nets that have been removed and the location of the waters from which they were removed; and
- (c) the date and time that the fyke nets were removed.

Division 8—Activities authorised by a Gippsland Lakes Fishery Access Licence

147 Activities authorised by a Gippsland Lakes Fishery Access Licence

A Gippsland Lakes Fishery Access Licence authorises the licence holder to carry out the following activities in the Gippsland Lakes—

Reg. 147(a)
amended by
S.R. No.
10/2017 reg. 6.

- (a) the taking for sale of fish (other than abalone, Australian Bass, jellyfish, rock lobster, giant crab, scallop and sea urchin);
- (b) the use or possession of a mesh net, seine net, shrimp dredge, crab pot, bait pump, dip net, stake net, shell shovel, spider crab trap, underwater breathing apparatus and fishing line;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 9—Conditions of Gippsland Lakes Fishery Access Licence

148 Gippsland Lakes Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Gippsland Lakes Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Gippsland Lakes Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and

Note 1(a) to
reg. 148
amended by
S.R. No.
10/2017
reg. 80.

- (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 148
amended by
S.R. No.
10/2017
reg. 80.**

149 Use of certain commercial fishing equipment prohibited in certain places

**Reg. 149
amended by
S.R. No.
168/2013
reg. 37,
substituted by
S.R. No.
10/2017 reg. 7.**

- (1) The licence holder must not use commercial fishing equipment—
 - (a) in any area shown hatched on the maps in Schedule 23; or
 - (b) in or on the waters of any lagoon (including Victoria Lagoon), backwater or watercourse connected with McLennan Straits.
- (2) Despite subregulation (1) the licence holder may—
 - (a) use a seine net not exceeding 366 metres in length from the shore of Rigby Island; or
 - (b) use not more than 2 sandworm pumps within 400 metres of the channels or cuts in the most northern bank of the Mitchell River near Eagle Point which join the river and Jones Bay.
- (3) The licence holder must not use any mesh net or stake net within 100 metres of any part of the low water mark between Shaving Point at Metung and

50 metres west of the mouth of Chinaman's Creek
at Bancroft Bay.

**150 Restrictions on use of commercial fishing equipment
in Cunninghame Arm**

- (1) The licence holder must not, in or on
Cunninghame Arm, use any commercial fishing
equipment other than—
 - (a) up to 10 crab pots, as long as he or she is in
attendance of the crab pots at all times; or
 - (b) a seine net not exceeding 732 metres in
length.
- (2) The fishing equipment referred to in subregulation
(1) may only be used in or on Cunninghame
Arm—
 - (a) during the period commencing on 1 May and
ending on 30 November in each year; and
 - (b) on a Sunday, Monday, Tuesday, Wednesday
or Thursday during the period commencing
1 hour after sunset and ending at sunrise on
the following day.

151 Use and possession of seine nets

The licence holder must not—

- (a) use in or on the Gippsland Lakes, a seine net
exceeding 732 metres in length.
- (b) possess in, on or next to the Gippsland
Lakes, a seine net exceeding 732 metres in
length.

152 Use and possession of mesh nets

- (1) The licence holder must not, if operating alone in
or on the Gippsland Lakes—
 - (a) use more than 1300 metres of mesh net; or

- (b) possess any mesh net exceeding 1300 metres in length; or
 - (c) use more than 2200 metres of mesh net if the meshes of the nets are 10·7 centimetres or more in size; or
 - (d) possess any mesh net exceeding 2200 metres in length if the meshes of the nets are 10·7 centimetres or more in size.
- (2) The licence holder must not, if operating with the assistance of one or more people in or on the Gippsland Lakes—
- (a) use more than 2200 metres of mesh net; or
 - (b) possess any mesh net exceeding 2200 metres in length.
- (3) The licence holder must ensure that every mesh net used by the licence holder in the Gippsland Lakes is marked in the following manner—
- (a) if one end of the net is positioned initially on the shore or within 10 metres of the shore—
 - (i) a spherical white surface float measuring not less than 150 millimetres in diameter is attached to the end of the net nearest to the shore; and
 - (ii) a spherical white surface float measuring not less than 200 millimetres in diameter is attached to the other end of the net;
 - (b) if neither end of the net is positioned initially on the shore or within 10 metres of the shore, a spherical white surface float measuring not less than 200 millimetres in diameter is attached to each end of the net.

Reg. 152(3)
inserted by
S.R. No.
10/2017 reg. 8.

Reg. 152(3)(a)
substituted by
S.R. No.
58/2017 reg. 5.

Reg. 152(3)(b)
substituted by
S.R. No.
58/2017 reg. 5.

153 Use of seine net and mesh net at same time prohibited

The licence holder must not, in or on the Gippsland Lakes, use a seine net and a mesh net at the same time.

154 Use of seine net and mesh net prohibited at certain times

The licence holder must not, in or on the Gippsland Lakes, use any mesh net or seine net during the period commencing at 12 noon on any Friday and ending one hour before sunset on the following Sunday.

155 Use and possession of stake nets

- (1) The licence holder must not in or on the Gippsland Lakes, use a stake net—
 - (a) that is more than 66 metres in length (including the bunt or bag); or
 - (b) that has wings that are more than 33 metres in length; or
 - (c) with meshes measuring less than 0.6 centimetres or more than 3.9 centimetres.
- (2) The licence holder must not possess in, on or next to the Gippsland Lakes, a stake net—
 - (a) that is more than 66 metres in length (including the bunt or bag); or
 - (b) that has wings that are more than 33 metres in length; or
 - (c) with meshes measuring less than 0.6 centimetres or more than 3.9 centimetres.
- (3) A licence holder who uses a stake net in or on the Gippsland Lakes must be in attendance of the stake net at all times.

156 Certain equipment prohibited for taking certain fish

The licence holder must not, when operating in the Gippsland Lakes, use any equipment other than a seine net, shell shovel, spider crab trap, shrimp dredge, crab pot, bait pump, dip net or stake net to take fish of the species specified in Schedule 9.

157 Taking of mussels permitted only at certain times

The licence holder must not take mussels from the Gippsland Lakes other than between 6.30 a.m. and 4.30 p.m. on any Monday or Wednesday.

158 Weekly catch limit of mussels

The licence holder must not, during any 7 day period beginning on a Monday and ending at 12 a.m. the following Sunday—

- (a) take mussels from the Gippsland Lakes in a quantity that exceeds 150 kilograms; or
- (b) store, hold or possess mussels taken from the Gippsland Lakes in a quantity that exceeds 150 kilograms.

159 Cleaning of mussels

The licence holder must ensure that all mussels taken from the Gippsland Lakes are cleaned within 20 metres of the place where the mussels were taken.

160 Storage of mussels

The licence holder must ensure that any mussels taken from the Gippsland Lakes that are on board the boat used under the licence are contained in a fish bin with a nominal capacity of 54.5 litres.

161 Use and possession of fishing lines

The licence holder must not in or on the Gippsland Lakes—

- (a) use at any one time more than 6 fishing lines;
or
- (b) possess more than 6 fishing lines; or
- (c) use a fishing line with more than 3 hooks or
more than one bait jig attached to the line; or
- (d) possess a fishing line with more than 3 hooks
or more than one bait jig attached to the line.

162 Use and possession of spider crab traps

The licence holder must not, in or on the Gippsland Lakes, use at any one time, or possess, more than 40 spider crab traps.

163 Catch limit for taking and possession of wrasse

The licence holder must not take from, or possess in, on or next to, the Gippsland Lakes, more than 8 wrasse on any one day.

164 Use and possession of hand operated bait pumps

The licence holder must not, in or on the Gippsland Lakes—

- (a) use at any one time more than 2 hand operated bait pumps; or
- (b) possess more than 2 hand operated bait pumps.

Division 10—Activities authorised by a Gippsland Lakes (Bait) Fishery Access Licence

165 Activities authorised by a Gippsland Lakes (Bait) Fishery Access Licence

A Gippsland Lakes (Bait) Fishery Access Licence authorises the licence holder to carry out the following activities in the Gippsland Lakes—

- (a) the taking for sale of the species of fish specified in Schedule 9;

- (b) the use or possession of a shrimp dredge, crab pot, bait pump, dip net, seine net, shell shovel, spider crab trap, mussel rake and any other commercial fishing equipment specified in the licence under regulation 33;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 11—Conditions of Gippsland Lakes (Bait) Access Fishery Licence

166 Gippsland Lakes (Bait) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Gippsland Lakes (Bait) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Gippsland Lakes (Bait) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.

**Note 1(a) to
reg. 166
amended by
S.R. No.
10/2017
reg. 81.**

Note 3 to
reg. 166
amended by
S.R. No.
10/2017
reg. 81.

- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

167 Restrictions on use and possession of commercial fishing equipment

- (1) The licence holder must not, in or on the Gippsland Lakes, use at any one time—
- (a) more than 2 hand operated bait pumps; or
 - (b) more than 2 dip nets; or
 - (c) more than 10 crab pots; or
 - (d) more than 1 seine net, which must not exceed 100 metres in length; or
 - (e) more than 1 shrimp dredge; or
 - (f) more than 40 spider crab traps; or
 - (g) more than 2 shell shovels; or
 - (h) more than 2 mussel rakes.
- (2) The licence holder must not, in or on the Gippsland Lakes, possess—
- (a) more than 2 hand operated bait pumps; or
 - (b) more than 2 dip nets; or
 - (c) more than 10 crab pots; or
 - (d) more than 1 seine net, which must not exceed 100 metres in length; or
 - (e) more than 1 shrimp dredge; or
 - (f) more than 40 spider crab traps; or
 - (g) more than 2 shell shovels; or
 - (h) more than 2 mussel rakes.

- (3) If the licence holder uses a crab pot in the Cunningham Arm, the licence holder must be in attendance at the crab pot at all times.

Reg. 167(3)
substituted by
S.R. No.
168/2013
reg. 38.

167A Marking of pots, traps and nets

Reg. 167A
inserted by
S.R. No.
10/2017
reg. 10.

The licence holder must ensure that every pot, trap and net used by the licence holder in the Gippsland Lakes is attached to—

- (a) an orange spherical surface float measuring not less than 200 millimetres in diameter, which is clearly marked with the licence number; or
- (b) an orange non-spherical surface float measuring not less than 200 millimetres in length with a width or diameter of not less than 100 millimetres, which is clearly marked with the licence number.

Reg. 167A(a)
amended by
S.R. No.
58/2017
reg. 6(a).

Reg. 167A(b)
amended by
S.R. No.
58/2017
reg. 6(b).

168 Use and possession of stake nets

- (1) If the licence authorises the licence holder to use or possess a stake net, the licence holder must not—
- (a) in or on the Gippsland Lakes—
 - (i) use at any one time more than 1 stake net; or
 - (ii) use a stake net exceeding 66 metres in length; or
 - (b) in, on or next to the Gippsland Lakes, possess—
 - (i) more than 1 stake net; or
 - (ii) a stake net exceeding 66 metres in length.

- (2) A licence holder who uses a stake net in or on the Gippsland Lakes must be in attendance of the stake net at all times.

169 Fish not to be taken or sold for human consumption

The licence holder must not take fish, or sell fish taken, from the Gippsland Lakes for human consumption.

Division 12—Activities authorised by a Gippsland Lakes (Mussel Dive) Fishery Access Licence

170 Activities authorised by a Gippsland Lakes (Mussel Dive) Fishery Access Licence

A Gippsland Lakes (Mussel Dive) Fishery Access Licence authorises the licence holder to carry out the following activities in the Gippsland Lakes—

- (a) the taking for sale of mussels;
- (b) the use or possession of underwater breathing apparatus;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 13—Conditions of Gippsland Lakes (Mussel Dive) Fishery Access Licence

171 Gippsland Lakes (Mussel Dive) Fishery Access Licence subject to conditions in this Division)

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Gippsland Lakes (Mussel Dive) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Gippsland Lakes (Mussel Dive) Fishery Access Licence is subject to—

- (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 1(a) to
reg. 171
amended by
S.R. No.
10/2017
reg. 82.**

**Note 3 to
reg. 171
amended by
S.R. No.
10/2017
reg. 82.**

172 Taking of mussels permitted only at certain times

The licence holder must not take mussels from the Gippsland Lakes other than between 6.30 a.m. and 4.30 p.m. on any Monday or Wednesday.

173 Weekly catch limit of mussels

The licence holder must not, during any 7 day period beginning on a Monday and ending at 12 a.m. the following Sunday—

- (a) take mussels from the Gippsland Lakes; or
- (b) store, hold or possess mussels taken from the Gippsland Lakes—

in a quantity that exceeds 150 kilograms.

174 Cleaning of mussels

The licence holder must ensure that all mussels taken from the Gippsland Lakes are cleaned within 20 metres of the place where the mussels were taken.

175 Storage of mussels

The licence holder must ensure that any mussels taken from the Gippsland Lakes that are on board the boat used under the licence are contained in a fish bin with a nominal capacity of 54.5 litres.

Division 14—Activities authorised by a Lake Tyers (Bait) Fishery Access Licence

176 Activities authorised by a Lake Tyers (Bait) Fishery Access Licence

A Lake Tyers (Bait) Fishery Access Licence authorises the licence holder to carry out the following activities in Lake Tyers—

- (a) the taking for sale of the species of fish specified in Schedule 9;
- (b) the use or possession of a hand operated bait pump, dip net and seine net;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 15—Conditions of a Lake Tyers (Bait) Fishery Access Licence

177 Lake Tyers (Bait) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Lake Tyers (Bait) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Lake Tyers (Bait) Fishery Access Licence is subject to—

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

- (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 1(a) to
reg. 177
amended by
S.R. No.
10/2017
reg. 83.**

**Note 3 to
reg. 177
amended by
S.R. No.
10/2017
reg. 83.**

178 Restrictions on use and possession of commercial fishing equipment

The licence holder must not—

- (a) use in or on Lake Tyers—
 - (i) more than 2 hand operated bait pumps;
or
 - (ii) more than 2 dip nets; or
 - (iii) more than one 1 seine net, which must
not exceed 30 metres in length; or
- (b) possess in or on Lake Tyers—
 - (i) more than 2 hand operated bait pumps;
or
 - (ii) more than 2 dip nets; or
- (c) possess, in, on or next to Lake Tyers—
 - (i) more than one 1 seine net; or

- (ii) a seine net which exceeds 30 metres in length.

Division 16—Activities authorised by a Mallacoota Lower Lake (Bait) Fishery Access Licence

179 Activities authorised by a Mallacoota Lower Lake (Bait) Fishery Access Licence

A Mallacoota Lower Lake (Bait) Fishery Access Licence authorises the licence holder to carry out the following activities in the Lower Lake at Mallacoota Inlet—

- (a) the taking for sale of the species of fish specified in Schedule 9;
- (b) the use or possession of a hand operated bait pump and dip net;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 17—Conditions of a Mallacoota Lower Lake (Bait) Fishery Access Licence

180 Mallacoota Lower Lake (Bait) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Mallacoota Lower Lake (Bait) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Mallacoota Lower Lake (Bait) Fishery Access Licence is subject to—
- (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and

**Note 1(a) to
reg. 180
amended by
S.R. No.
10/2017
reg. 84.**

- (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 180
amended by
S.R. No.
10/2017
reg. 84.**

181 Restrictions on use and possession of commercial fishing equipment

- (1) The licence holder must not, in or on the Lower Lake at Mallacoota Inlet, use at any one time—
 - (a) more than 2 hand operated bait pumps; or
 - (b) more than 2 dip nets.
- (2) The licence holder must not, in or on the Lower Lake at Mallacoota Inlet, possess—
 - (a) more than 2 hand operated bait pumps; or
 - (b) more than 2 dip nets.

Division 18—Activities authorised by an Ocean Fishery Access Licence

182 Activities authorised by an Ocean Fishery Access Licence

An Ocean Fishery Access Licence authorises the licence holder to carry out the following activities in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea—

- (a) the taking for sale of fish (other than abalone, jellyfish, rock lobster, giant crab, scallop and sea urchin);
- (b) the use, in the numbers specified in the licence under regulation 33, (other than in waters that are part of a marine national park or marine sanctuary) or possession of the following fishing equipment—
 - (i) a drop line, longline, handline or fishing line including hooks and snoods;
 - (ii) a dip net;
 - (iii) a bait trap;
 - (iv) an octopus trap;
 - (v) a landing net;
 - (vi) a gaff;
 - (vii) a seine net;
 - (viii) a mesh net;
 - (ix) a bait pump;
- (c) the engagement of one or more people to carry out any activity authorised by the licence;
- (d) the use and possession of a drum with line and squid jigs attached, if operating from a boat that is—
 - (i) used under the licence; and
 - (ii) nominated in a fishing concession within the meaning of the Commonwealth Act, which relates to the Southern Squid Jig Fishery within the meaning of the Fisheries Management Regulations 1992 of the Commonwealth.

Division 19—Conditions of Ocean Fishery Access Licence

183 Ocean Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Ocean Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Ocean Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 1(a) to
reg. 183
amended by
S.R. No.
10/2017
reg. 85.**

**Note 3 to
reg. 183
amended by
S.R. No.
10/2017
reg. 85.**

184 Use and possession of seine nets

The licence holder must not—

- (a) use in or on marine waters, a seine net exceeding 650 metres in length; or
- (b) possess in, on or next to marine waters, a seine net exceeding 650 metres in length.

185 Use and possession of mesh nets

- (1) The licence holder must not in or on marine waters use—
 - (a) at any one time, more than 10 mesh nets; or
 - (b) any mesh net containing meshes measuring more than 14 centimetres; or
 - (c) a mesh net or combination of mesh nets exceeding 2000 metres in length.
- (2) The licence holder must not in or on marine waters possess—
 - (a) more than 10 mesh nets; or
 - (b) any mesh net containing meshes measuring more than 14 centimetres; or
 - (c) a mesh net exceeding 2000 metres in length.
- (3) The licence holder must not at any time use a mesh net in the waters of Portland Bay on the shoreward side of a line commencing at the northern end of the main breakwater and ending at the water tower at the end of Wade Street, Portland.

186 Use and possession of fishing lines

- (1) The licence holder must not, in or on marine waters—
 - (a) use at any one time more than one longline; or
 - (b) use a longline with more than 200 hooks attached; or
 - (c) possess a longline with more than 200 hooks attached.
- (2) The licence holder must not, in or on marine waters—

- (a) use at any one time more than 6 fishing lines that are not longlines; or
- (b) use a fishing line (other than a longline) with more than 3 hooks or more than one bait jig attached to the line; or
- (c) possess a fishing line (other than a longline) with more than 3 hooks or more than one bait jig attached to the line.

187 Catch limit for certain shark

The licence holder must not, on any one day, take, or possess on board any boat, or land from any boat, more than a total combined number of 2 gummy shark and school shark.

188 Catch limit for taking and possession of wrasse

The licence holder must not take from marine waters, or possess in, on or next to marine waters, more than 8 wrasse on any one day.

189 Catch limit for taking and possession of banded morwong

The licence holder must not take from marine waters, or possess in, on or next to marine waters, more than 2 banded morwong on any one day.

189A Licence holder must not lease licence

The licence holder must not lease the licence to another person.

Reg. 189A
inserted by
S.R. No.
96/2014
reg. 23.

Division 20—Activities authorised by Port Phillip Bay (Mussel Bait) Fishery Access Licence

190 Activities authorised by a Port Phillip Bay (Mussel Bait) Fishery Access Licence

A Port Phillip Bay (Mussel Bait) Fishery Access Licence authorises the licence holder to carry out the following activities in Port Phillip Bay—

- (a) the taking of mussels for sale as bait;
- (b) the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of underwater breathing apparatus and a mussel rake;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 21—Conditions of a Port Phillip Bay (Mussel Bait) Fishery Access Licence

191 Port Phillip Bay (Mussel Bait) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Port Phillip Bay (Mussel Bait) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Port Phillip Bay (Mussel Bait) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.

**Note 1(a) to
reg. 191
amended by
S.R. No.
10/2017
reg. 86.**

- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 191
amended by
S.R. No.
10/2017
reg. 86.**

192 Restrictions on taking of mussels from Port Phillip Bay

- (1) The licence holder must not take mussels from Port Phillip Bay other than—
 - (a) by hand; or
 - (b) where mussels are on man-made structures, by a hand operated mussel rake.
- (2) The licence holder must not allow any person engaged to carry out an activity authorised by the licence to take mussels from Port Phillip Bay.
- (3) If offering mussels for sale, the licence holder must ensure that, no more than 1 hour after landing the mussels and before the mussels are moved from his or her possession, the mussels are placed in a container bearing a label with the following clearly and legibly marked on it—
 - (a) the words "BAIT ONLY, NOT FOR HUMAN CONSUMPTION"; and
 - (b) the licence holder's name or business name.

Division 22—Activities authorised by a Purse Seine (Ocean) Fishery Access Licence

193 Activities authorised by a Purse Seine (Ocean) Fishery Access Licence

A Purse Seine (Ocean) Fishery Access Licence authorises the licence holder, using the boat specified in the licence, to carry out the following activities in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes or any inlet of the sea—

- (a) the taking for sale of pilchard, Australian salmon, sprat (all species), anchovy and any other species of fish specified in the licence under regulation 33;
- (b) the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of a purse seine net and a lampara net;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 23—Conditions of Purse Seine (Ocean) Fishery Access Licence

194 Purse Seine (Ocean) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Purse Seine (Ocean) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Purse Seine (Ocean) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.

**Note 1(a) to
reg. 194
amended by
S.R. No.
10/2017
reg. 87.**

- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 194
amended by
S.R. No.
10/2017
reg. 87.**

195 Use and possession of purse seine and lampara nets

The licence holder must not—

- (a) use in or on marine waters, a purse seine net or lampara net exceeding 460 metres in length; or
- (b) possess in, on or next to marine waters, a purse seine net or lampara net exceeding 460 metres in length.

196 Transfer of fish at sea prohibited

The licence holder must ensure that fish are not transferred in, under or on Victorian waters from the boat specified in the licence to any other boat.

Division 24—Activities authorised by Purse Seine (Port Phillip Bay) Fishery Access Licence

197 Activities authorised by a Purse Seine (Port Phillip Bay) Fishery Access Licence

A Purse Seine (Port Phillip Bay) Fishery Access Licence authorises the licence holder, using the boat specified in the licence, to carry out the following activities in Port Phillip Bay—

- (a) the taking for sale of anchovy, pilchard, sprat (all species), Tasmanian whitebait and other clupeoid species;
- (b) the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of a purse seine net and lampara net;

- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 25—Conditions of a Purse Seine (Port Phillip Bay) Fishery Access Licence

198 Purse Seine (Port Phillip Bay) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Purse Seine (Port Phillip Bay) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Purse Seine (Port Phillip Bay) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

Note 1(a) to
reg. 198
amended by
S.R. No.
10/2017
reg. 88.

Note 3 to
reg. 198
amended by
S.R. No.
10/2017
reg. 88.

198A Notification of intention to take fish for sale

- (1) Subject to subregulation (2), the licence holder must give to the Victorian Fisheries Authority, via the Port Phillip Bay/Western Port notification service, the details set out in paragraph (a) of the definition of ***specified Port Phillip Bay/Western Port details*** at least one hour before a boat used for the purpose of taking fish for sale under the licence leaves a port or mooring area.
- (2) The licence holder, at any time before a boat used under the licence leaves a port or mooring area, may, via the Port Phillip Bay/Western Port notification service—
- (a) vary the details given to the Victorian Fisheries Authority under subregulation (1); or
- (b) if the licence holder cancels the proposed taking of fish for sale, advise the Victorian Fisheries Authority to that effect.

Reg. 198A
inserted by
S.R. 10/2016
reg. 8(1).

Reg. 198A(1)
amended by
S.R. No.
10/2017
reg. 89.

Reg.
198A(2)(a)
amended by
S.R. No.
10/2017
reg. 89.

Reg.
198A(2)(b)
amended by
S.R. No.
10/2017
reg. 89.

198B Prior reporting of details before entering port or mooring area

- (1) The licence holder must ensure that the details set out in paragraph (b) of the definition of ***specified Port Phillip Bay/Western Port details*** are provided to the Victorian Fisheries Authority via the Port Phillip Bay/Western Port notification service in accordance with subregulation (2) if a boat used under the licence is to enter a port or mooring area and—
- (a) has fish on board; or

Reg. 198B
inserted by
S.R. 10/2016
reg. 8(1).

Reg. 198B(1)
amended by
S.R. No.
10/2017
reg. 90.

Reg. 198B(2)
amended by
S.R. No.
10/2017
reg. 90.

- (b) has been used for or in connection with fishing during the fishing trip; or
 - (c) is carrying commercial fishing equipment.
- (2) The details must be provided to the Victorian Fisheries Authority—
- (a) if the entry is to be made between the hours of 8 a.m. and 6 p.m., at least 30 minutes before the entry; or
 - (b) if the entry is to be made between the hours of 6 p.m. and 8 a.m., at least one hour before the entry.

Reg. 198B(3)
amended by
S.R. No.
10/2017
reg. 90.

- (3) If, after the details have been provided in accordance with subregulations (1) and (2), the boat is to enter a port or mooring area other than that named in those details, the licence holder must notify the Victorian Fisheries Authority of that port or mooring area via the Port Phillip Bay/Western Port notification service at least 30 minutes before the entry.

Reg. 198C
inserted by
S.R. 10/2016
reg. 8(1),
amended by
S.R. No.
10/2017
reg. 91.

198C Fish must be landed at a specified place

The licence holder must ensure that fish are landed at a port or mooring area specified in Schedule 22 and notified to the Victorian Fisheries Authority under regulation 198B unless—

Reg. 198C(b)
amended by
S.R. No.
10/2017
reg. 91.

- (a) there is an impending or actual threat to the safety of a person engaged in activities under the licence; and
- (b) the licence holder advises the Victorian Fisheries Authority via the Port Phillip Bay/Western Port notification service as soon as practicable of another place where fish are to be landed.

198D Boat not to enter port or mooring area and fish not to be landed before estimated time

Reg. 198D
inserted by
S.R. 10/2016
reg. 8(1).

(1) The licence holder must not allow a boat with fish on board to enter a port or mooring area before the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 198B unless there is an impending or actual threat to the safety of a person engaged in an activity authorised under the licence.

Reg. 198D(1)
amended by
S.R. No.
10/2017
reg. 92.

(2) The licence holder must not allow fish to be landed from a boat before the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 198B unless there is an impending or actual threat to the safety of a person engaged in an activity authorised under the licence.

Reg. 198D(2)
amended by
S.R. No.
10/2017
reg. 92.

198E Boat to enter port or mooring area and fish to be landed within one hour after estimated time

Reg. 198E
inserted by
S.R. 10/2016
reg. 8(1).

(1) The licence holder must ensure that—

(a) a boat with fish on board enters a port or mooring area notified to the Victorian Fisheries Authority under regulation 198B within one hour after the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 198B; and

Reg.
198E(1)(a)
amended by
S.R. No.
10/2017
reg. 93.

(b) fish are landed from the boat within one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 198B.

Reg.
198E(1)(b)
amended by
S.R. No.
10/2017
reg. 93.

(2) Despite subregulation (1), the licence holder may commence landing fish from the boat more than one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 198B if the licence holder advises the Victorian Fisheries Authority before

Reg. 198E(2)
amended by
S.R. No.
10/2017
reg. 93.

the expiry of the first estimated time of landing via the Port Phillip Bay/Western Port notification service at least one hour before the new estimated time for the landing of fish of—

- (a) the licence holder's intention to land fish more than one hour after the prior estimated time for landing; and
- (b) the new estimated time at which the landing of fish will commence.

Reg. 198E(3)
amended by
S.R. No.
10/2017
reg. 93.

- (3) If the licence holder advises the Victorian Fisheries Authority of a new estimated time for landing fish under subregulation (2)(b), the licence holder must ensure that fish are landed within one hour after that time.

Reg. 198F
(Heading)
amended by
S.R. No.
10/2017
reg. 94(1).

198F Victorian Fisheries Authority to confirm receipt of details to licence holder

Reg. 198F
inserted by
S.R. 10/2016
reg. 8(1).

Reg. 198F(1)
amended by
S.R. No.
10/2017
reg. 94(2).

- (1) The Victorian Fisheries Authority must make all reasonable efforts to provide the licence holder with confirmation that specified Port Phillip Bay/Western Port details have been received via the Port Phillip Bay/Western Port notification service as soon as is practicable after the licence holder has provided any specified Port Phillip Bay/Western Port details via that service.

Reg. 198F(2)
amended by
S.R. No.
10/2017
reg. 94(2).

- (2) Subregulation (1) does not apply if the Victorian Fisheries Authority determines that there are reasonable grounds for believing that the licence holder has failed to comply with these Regulations.

- (3) If the licence holder does not receive confirmation in accordance with subregulation (1), the Victorian Fisheries Authority may issue the licence holder with confirmation by way of an alternative method.

Reg. 198F(3)
amended by
S.R. No.
10/2017
reg. 94(2).

198G Requirement to complete catch and effort record

Reg. 198G
inserted by
S.R. 10/2016
reg. 8(1).

- (1) The licence holder must ensure that all details of the catch and effort record, other than the "total accurate weight" of fish and the "total catch to date", are completed in the manner required by the Victorian Fisheries Authority on each day that fishing takes place no later than 20 minutes after landing fish taken under the licence and before any fish leave the place of landing.
- (2) If on landing fish the licence holder does not enter the "total accurate weight" of fish in the catch and effort record, the licence holder must enter in the record an estimate of the weight of the fish landed that is accurate to within 20% of the actual weight of the fish.
- (3) Despite regulation 59, if the licence holder enters in the catch and effort record an estimate of the weight of the fish under subregulation (2) in lieu of the "total accurate weight" of the fish, the licence holder must enter the "total accurate weight" of the fish and the "total catch to date" in the catch and effort record in the manner required by the Victorian Fisheries Authority within 48 hours of landing the fish.

Reg. 198G(1)
amended by
S.R. No.
10/2017
reg. 95(1).

Reg. 198G(3)
amended by
S.R. No.
10/2017
reg. 95(1).

Note

Regulation 59(1) requires that, on each day that a fishing activity is carried out, all details required to be completed in the catch and effort record are completed in the manner required by the Victorian Fisheries Authority.

Note to
reg. 198G(3)
amended by
S.R. No.
10/2017
reg. 95(2).

Reg. 198H
inserted by
S.R. 10/2016
reg. 8(1).

**198H Catch and effort record books to be on board boat
and when transporting fish**

- (1) The licence holder must ensure the catch and effort record book is on board the boat used to carry out the fishing activities under the licence at all times—
 - (a) when the licence holder or a person acting on behalf of the licence holder is on board the boat; or
 - (b) when any fish are on board the boat.
- (2) The licence holder must have the catch and effort record book in the licence holder's possession at all times when transporting fish taken under the licence unless the licence holder has issued a catch disposal record in respect of those fish.

Reg. 198I
inserted by
S.R. 10/2016
reg. 8(1).

**198I Requirement to complete and keep catch disposal
record**

The licence holder, before selling or giving any fish taken under the licence to another person—

- (a) must ensure all relevant details of the Port Phillip Bay/Western Port catch disposal record have been completed in the manner required by the Victorian Fisheries Authority; and
- (b) in the case of a disposal of fish by consignment, must ensure that the original of the catch disposal record accompanies the consignment; and
- (c) in any other case, must ensure that the original of the catch disposal record is given to the person receiving the fish at or before the disposal; and
- (d) must keep the duplicate copy of the catch disposal record.

Reg. 198I(a)
amended by
S.R. No.
10/2017
reg. 96.

198J Requirements for keeping fisheries documents and copies relating to fish

Reg. 198J
inserted by
S.R. 10/2016
reg. 8(1).

- (1) The licence holder must not possess, and must ensure that any person acting on behalf of the licence holder does not possess, a signed Port Phillip Bay/Western Port catch disposal record or a copy of such a record unless all the required details of the record have been completed in the manner required by the Victorian Fisheries Authority.
- (2) The licence holder must ensure that all copies of completed, and all unused, Port Phillip Bay/Western Port catch disposal records and Port Phillip Bay/Western Port catch disposal record books are kept by the licence holder.
- (3) The licence holder must ensure that the duplicate copy of each Port Phillip Bay/Western Port catch disposal record that has been completed in respect of the fish landed under the licence is retained in the Port Phillip Bay/Western Port catch disposal record book issued to the licence holder.

Reg. 198J(1)
amended by
S.R. No.
10/2017
reg. 97.

198K Transfer to licence holder of fish taken by other persons prohibited in Victorian waters

Reg. 198K
inserted by
S.R. 10/2016
reg. 8(1).

The licence holder, whether or not on board a boat, must not receive in, under or on Victorian waters any fish taken by a person other than a person named in the licence.

199 Restriction on size of boat that may be used

The licence holder, when operating in or on Port Phillip Bay must not use a boat exceeding 20 metres in length.

200 Use and possession of purse seine and lampara nets

The licence holder must not—

- (a) use in or on Port Phillip Bay, a purse seine net or lampara net exceeding 460 metres in length; or
- (b) possess in, on or next to Port Phillip Bay, a purse seine net or lampara net exceeding 460 metres in length.

Reg. 201
substituted by
S.R. No.
10/2016 reg. 9.

201 Transfer of fish at sea prohibited

- (1) The licence holder must not transfer fish or allow fish to be transferred from one boat to another in, under or on Victorian waters.
- (2) The licence holder must not sell, transfer or deliver or allow to be sold, transferred or delivered, fish to another person in, under or on any Victorian waters.
- (3) Subregulations (1) and (2) do not apply to the transfer of fish to a tender of the boat of the licence holder.

Reg. 201A
inserted by
S.R. No.
10/2016 reg. 9.

201A Annual catch limit and prohibitions on fishing when annual catch limit has been reached

- (1) Subject to subregulation (4), the licence holder must not, in any licensing year, exceed the annual catch limit calculated in accordance with this regulation.
- (2) Subject to subregulation (4), the licence holder must not, if the annual catch limit is reached—
 - (a) possess fish in or on Port Phillip Bay; or
 - (b) use commercial fishing equipment in or on Port Phillip Bay; or
 - (c) possess commercial fishing equipment in or on Port Phillip Bay unless the commercial fishing equipment is on board a boat that is tied up to a pier, jetty or mooring.

- (3) For the purposes of this regulation the annual catch limit for a licensing year is calculated in accordance with the following formula—

$$C = A - X$$

where—

C is the annual catch limit;

A is the average weight of fish in kilograms taken per year by the licence holder under the licence over the relevant catch period;

X is the number of kilograms (if any) by which the annual catch limit was exceeded in the previous licensing year;

licensing year means a period from 1 April in any year to 31 March of the following year inclusive;

relevant catch period means either the period from 1 April 2009 to 31 March 2014 inclusive or the period from 1 April 2011 to 31 March 2014 inclusive, whichever period has a higher average annual catch in kilograms based on the catch history of the licence indicated in the records held by the Victorian Fisheries Authority;

Reg. 201A(3)
def. of
*relevant catch
period*
amended by
S.R. No.
10/2017
reg. 98(a).

records held by the Victorian Fisheries Authority means the record of catch history as recorded in the Integrated Catch and Effort System maintained by the Victorian Fisheries Authority.

Reg. 201A(3)
def. of *records
held by the
Secretary
substituted as
records held
by the
Victorian
Fisheries
Authority* by
S.R. No.
10/2017
reg. 98(b).

- (4) A licence holder may take fish in excess of the annual catch limit calculated in accordance with this regulation on the last day on which the licence

holder takes fish in any licensing year if the annual catch limit is exceeded by no more than 100 kilograms of fish and for that purpose, may carry out any activity referred to in subregulation (2).

Division 26—Activities authorised by Snowy River (Bait) Fishery Access Licence

202 Activities authorised by a Snowy River (Bait) Fishery Access Licence

A Snowy River (Bait) Fishery Access Licence authorises the licence holder to carry out the following activities in the Snowy River—

- (a) the taking for sale of the species of fish specified in Schedule 9;
- (b) the use or possession of a hand operated bait pump and dip net;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 27—Conditions of a Snowy River (Bait) Fishery Access Licence

203 Snowy River (Bait) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Snowy River (Bait) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Snowy River (Bait) Fishery Access Licence is subject to—

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

- (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 1(a) to
reg. 203
amended by
S.R. No.
10/2017
reg. 99.**

**Note 3 to
reg. 203
amended by
S.R. No.
10/2017
reg. 99.**

**204 Restrictions on use and possession of commercial
fishing equipment**

- (1) The licence holder must not, in or on the Snowy River, use at any one time—
 - (a) more than 2 hand operated bait pumps; or
 - (b) more than 2 dip nets.
- (2) The licence holder must not, in or on the Snowy River, possess—
 - (a) more than 2 hand operated bait pumps; or
 - (b) more than 2 dip nets.

Division 28—Activities authorised by Sydenham Inlet (Bait) Fishery Access Licence

205 Activities authorised by a Sydenham Inlet (Bait) Fishery Access Licence

A Sydenham Inlet (Bait) Fishery Access Licence authorises the licence holder to carry out the following activities in Sydenham Inlet—

- (a) the taking for sale of the species of fish specified in Schedule 9;
- (b) the use (other than in waters that are part of a marine national park or marine sanctuary) or possession of a hand operated bait pump and dip net;
- (c) the engagement of one or more people to carry out any activity authorised by the licence.

Division 29—Conditions of Sydenham Inlet (Bait) Fishery Access Licence

206 Sydenham Inlet (Bait) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Sydenham Inlet (Bait) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Sydenham Inlet (Bait) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.

Note 1(a) to
reg. 206
amended by
S.R. No.
10/2017
reg. 100.

- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 206
amended by
S.R. No.
10/2017
reg. 100.**

207 Restrictions on use and possession of commercial fishing equipment

- (1) The licence holder must not, in or on the Sydenham Inlet, use at any one time—
 - (a) more than 2 hand operated bait pumps; or
 - (b) more than 2 dip nets.
- (2) The licence holder must not, in or on the Sydenham Inlet, possess—
 - (a) more than 2 hand operated bait pumps; or
 - (b) more than 2 dip nets.

Division 30—Activities authorised by Trawl (Inshore) Fishery Access Licence

208 Activities authorised by a Trawl (Inshore) Fishery Access Licence

A Trawl (Inshore) Fishery Access Licence authorises the licence holder, using the boat specified in the licence, to carry out the following activities in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes or any inlet of the sea—

Reg. 208(a)
amended by
S.R. No.
96/2014
reg. 24.

- (a) the taking for sale of fish (other than abalone, jellyfish, rock lobster, giant crab, scallop and sea urchin);
- (b) the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of a trawl net or combination of trawl nets of a size specified in the licence under regulation 33;
- (c) the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of other commercial fishing equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

Division 31—Conditions of a Trawl (Inshore) Fishery Access Licence

209 Trawl (Inshore) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Trawl (Inshore) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Trawl (Inshore) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.

Note 1(a) to
reg. 209
amended by
S.R. No.
10/2017
reg. 101.

- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 209
amended by
S.R. No.
10/2017
reg. 101.**

210 Use and possession of trawl nets

The licence holder must not use or possess in or on marine waters, any trawl net or combination of trawl nets with a total head line length exceeding 33 metres unless the use and possession of that trawl net or combination of trawl nets with that total head line length is authorised by the licence.

211 Catch limit for certain shark

The licence holder must not, during any fishing trip, take, or possess on board the boat specified in the licence, or land from that boat, more than a total combined number of 2 gummy shark and school shark.

212 Catch limit for bug

The licence holder must not, during any fishing trip, take, or possess on board the boat specified in the licence, or land from that boat, more than 40 kilograms of bug unless the Victorian Fisheries Authority has specified in the licence that the licence holder may take more than 40 kilograms of bug.

**Reg. 212
substituted by
S.R. No.
96/2014
reg. 25,
amended by
S.R. No.
10/2017
reg. 102.**

213 Minimum size for certain species of bug

The licence holder must not take, or possess on board the boat specified in the licence, bugs of the

species *Ibacus peronii* that have a carapace width of less than 9 centimetres.

214 Catch limit for taking and possession of wrasse

The licence holder must not take from marine waters, or possess in, on or next to marine waters, more than 8 wrasse on any one day.

215 Catch limit for certain other fish

- (1) The licence holder must not, during any fishing trip, take, or possess on board the boat specified in the licence, or land from that boat, more than 200 kilograms each of flathead, silver trevally or school whiting.
- (2) Despite subregulation (1), the licence holder must not, during any fishing trip, take, or possess on board the boat specified in the licence, or land from that boat, more than a total of 400 kilograms of any combination of flathead, silver trevally and school whiting.

Reg. 216
revoked by
S.R. No.
168/2013
reg. 39.

* * * * *

217 Transfer of fish at sea prohibited

The licence holder must ensure that fish are not transferred in, under or on Victorian waters from the boat specified in the licence to any other boat.

Division 32—Activities authorised by Western Port/Port Phillip Bay Fishery Access Licence

218 Activities authorised by a Western Port/Port Phillip Bay Fishery Access Licence

A Western Port/Port Phillip Bay Fishery Access Licence authorises the licence holder to carry out the following activities—

(a) in Port Phillip Bay—

- (i) the taking for sale of fish (other than abalone, jellyfish, rock lobster, giant crab, scallop and sea urchin);
- (ii) the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of a seine net, purse seine net, lampara net, mesh net, commercial hoop net, dip net, octopus trap, bay fish trap, fishing line (other than a longline), underwater breathing apparatus, hand operated mussel rake and a hand operated bait pump;
- (iii) the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of any other commercial fishing equipment specified in the licence under regulation 33;
- (iv) if specified in the licence under regulation 33, the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of a longline in Port Phillip Bay;
- (v) if specified in the licence under regulation 33, the engagement in a longline team fishing operation;
- (vi) the engagement of one or more people to carry out any activity authorised by the licence;

(b) in Western Port—

- (i) the taking for sale of fish (other than abalone, jellyfish, rock lobster, giant crab, scallop and sea urchin);

- (ii) the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of an octopus trap, bay fish trap, fishing line (including a longline), underwater breathing apparatus and a hand operated bait pump;
- (iii) if specified in the licence under regulation 33, the use of any other commercial fishing equipment specified in the licence (other than in waters that are part of a marine national park or a marine sanctuary) or possession of that equipment;
- (iv) the engagement of one or more people to carry out any activity authorised by the licence.

Division 33—Conditions of Western Port/Port Phillip Bay Fishery Access Licence

219 Western Port/Port Phillip Bay Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Western Port/Port Phillip Bay Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Western Port/Port Phillip Bay Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.

**Note 1(a) to
reg. 219
amended by
S.R. No.
10/2017
reg. 103.**

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

Note 3 to
reg. 219
amended by
S.R. No.
10/2017
reg. 103.

219A Notification of intention to take fish for sale

Reg. 219A
inserted by
S.R. No.
10/2016
reg. 10.

- (1) Subject to subregulation (2), the licence holder must give to the Victorian Fisheries Authority, via the Port Phillip Bay/Western Port notification service, the details set out in paragraph (a) of the definition of ***specified Port Phillip Bay/Western Port details*** at least one hour before a boat to be used for the purposes of taking fish for sale under the licence leaves a port or mooring area.
- (2) The licence holder, at any time before a boat used under the licence leaves a port or mooring area, may, via the Port Phillip Bay/Western Port notification service—
 - (a) vary the details given to the Victorian Fisheries Authority under subregulation (1);
or
 - (b) if the licence holder cancels the proposed taking of fish for sale, advise the Victorian Fisheries Authority to that effect.

Reg. 219A(1)
amended by
S.R. No.
10/2017
reg. 104.

Reg.
219A(2)(a)
amended by
S.R. No.
10/2017
reg. 104.

Reg.
219A(2)(b)
amended by
S.R. No.
10/2017
reg. 104.

Reg. 219B
inserted by
S.R. No.
10/2016
reg. 10.

219B Prior reporting of details before entering port or mooring area

Reg. 219B(1)
amended by
S.R. No.
10/2017
reg. 105.

- (1) The licence holder must ensure that the details set out in paragraph (b) of the definition of ***specified Port Phillip Bay/Western Port details*** are provided to the Victorian Fisheries Authority via the Port Phillip Bay/Western Port notification service in accordance with subregulation (2) if a boat used under the licence is to enter a port or mooring area and—

- (a) has fish on board; or
- (b) has been used for, or in connection with, fishing during the fishing trip; or
- (c) is carrying commercial fishing equipment.

Reg. 219B(2)
amended by
S.R. No.
10/2017
reg. 105.

- (2) The details must be provided to the Victorian Fisheries Authority—
- (a) if the entry is to be made between the hours of 8 a.m. and 6 p.m., at least 30 minutes before the entry; or
 - (b) if the entry is to be made between the hours of 6 p.m. and 8 a.m., at least one hour before the entry.

Reg. 219B(3)
amended by
S.R. No.
10/2017
reg. 105.

- (3) If, after the details have been provided in accordance with subregulations (1) and (2), the boat is to enter a port or mooring area other than that named in those details, the licence holder must notify the Victorian Fisheries Authority of that port or mooring area via the Port Phillip Bay/Western Port notification service at least 30 minutes before the entry.

219C Fish must be landed at a specified place

The licence holder must ensure that fish are landed at the port or mooring area specified in Schedule 22 and notified to the Victorian Fisheries Authority under regulation 219B unless—

- (a) there is an impending or actual threat to the safety of a person engaged in activities under the licence; and
- (b) the licence holder advises the Victorian Fisheries Authority via the Port Phillip Bay/Western Port notification service as soon as practicable of another place where fish are to be landed.

Reg. 219C
inserted by
S.R. No.
10/2016
reg. 10,
amended by
S.R. No.
10/2017
reg. 106.

Reg. 219C(b)
amended by
S.R. No.
10/2017
reg. 106.

219D Boat not to enter port or mooring area and fish not to be landed before estimated time

Reg. 219D
inserted by
S.R. No.
10/2016
reg. 10.

- (1) The licence holder must not allow a boat with fish on board to enter a port or mooring area before the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 219B unless there is an impending or actual threat to the safety of a person engaged in an activity authorised under the licence.
- (2) The licence holder must not allow fish to be landed from a boat before the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 219B unless there is an impending or actual threat to the safety of a person engaged in an activity authorised under the licence.

Reg. 219D(1)
amended by
S.R. No.
10/2017
reg. 107.

Reg. 219D(2)
amended by
S.R. No.
10/2017
reg. 107.

219E Boat to enter port or mooring area and fish to be landed within one hour after estimated time

- (1) The licence holder must ensure that—

Reg. 219E
inserted by
S.R. No.
10/2016
reg. 10.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 7—Fish other than abalone, rock
lobster, giant crab, scallop and sea urchin

Reg.
219E(1)(a)
amended by
S.R. No.
10/2017
reg. 108.

- (a) a boat with fish on board enters a port or mooring area notified to the Victorian Fisheries Authority under regulation 219B within one hour after the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 219B; and

Reg.
219E(1)(b)
amended by
S.R. No.
10/2017
reg. 108.

- (b) fish are landed from the boat within one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 219B.

Reg. 219E(2)
amended by
S.R. No.
10/2017
reg. 108.

- (2) Despite subregulation (1), the licence holder may commence landing fish from the boat more than one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 219B if the licence holder advises the Victorian Fisheries Authority before the expiry of the first estimated time of landing via the Port Phillip Bay/Western Port notification service at least one hour before the new estimated time for the landing of fish of—
 - (a) the licence holder's intention to land fish more than one hour after the prior estimated time for landing; and
 - (b) the new estimated time at which the landing of fish will commence.

Reg. 219E(3)
amended by
S.R. No.
10/2017
reg. 108.

- (3) If the licence holder advises the Victorian Fisheries Authority of a new estimated time for landing fish under subregulation (2)(b), the licence holder must ensure that fish are landed within one hour after that time.

219F Victorian Fisheries Authority to confirm receipt of details to licence holder

Reg. 219F
(Heading)
amended by
S.R. No.
10/2017
reg. 109(1).

Reg. 219F
inserted by
S.R. No.
10/2016
reg. 10.

(1) The Victorian Fisheries Authority must make all reasonable efforts to provide the licence holder with confirmation that specified Port Phillip Bay/Western Port details have been received via the Port Phillip Bay/Western Port notification service as soon as is practicable after the licence holder has provided any specified Port Phillip Bay/Western Port details via that service.

Reg. 219F(1)
amended by
S.R. No.
10/2017
reg. 109(2).

(2) Subregulation (1) does not apply if the Victorian Fisheries Authority determines that there are reasonable grounds for believing that the licence holder has failed to comply with these Regulations.

Reg. 219F(2)
amended by
S.R. No.
10/2017
reg. 109(2).

(3) If the licence holder does not receive confirmation in accordance with subregulation (1) the Victorian Fisheries Authority may issue the licence holder with confirmation by way of an alternative method.

Reg. 219F(3)
amended by
S.R. No.
10/2017
reg. 109(2).

219G Requirement to complete catch and effort record

Reg. 219G
inserted by
S.R. No.
10/2016
reg. 10.

(1) The licence holder must ensure that all details of the catch and effort record, other than the "total accurate weight" of fish and the "total catch to date", are completed in the manner required by the Victorian Fisheries Authority on each day that fishing takes place no later than 20 minutes after

Reg. 219G(1)
amended by
S.R. No.
10/2017
reg. 110(1).

landing fish taken under the licence and before any fish leave the place of landing.

- (2) If on landing fish the licence holder does not enter the "total accurate weight" of fish in the catch and effort record, the licence holder must enter in the record an estimate of the weight of the fish landed that is accurate to within 20% of the actual weight of the fish.
- (3) Despite regulation 59, if the licence holder enters in the catch and effort record an estimate of the weight of the fish under subregulation (2) in lieu of the "total accurate weight" of the fish, the licence holder must enter the "total accurate weight" of the fish and the "total catch to date" in the catch and effort record in the manner required by the Victorian Fisheries Authority within 48 hours of landing the fish.

Reg. 219G(3)
amended by
S.R. No.
10/2017
reg. 110(1).

Note to
reg. 219G
amended by
S.R. No.
10/2017
reg. 110(2).

Reg. 219H
inserted by
S.R. No.
10/2016
reg. 10.

Note

Regulation 59(1) requires that, on each day that a fishing activity is carried out, all details required to be completed in the catch and effort record are completed in the manner required by the Victorian Fisheries Authority.

219H Catch and effort record books to be on board boat and when transporting fish

- (1) The licence holder must ensure the catch and effort record book is on board the boat used to carry out fishing activities under the licence at all times—
- (a) when the licence holder or a person acting on behalf of the licence holder is on board the boat; or
 - (b) when any fish are on board the boat.
- (2) The licence holder must have the catch and effort record book in the licence holder's possession at all times when transporting fish taken under the

licence unless the licence holder has issued a catch disposal record in respect of those fish.

219I Requirement to complete and keep catch disposal record

Reg. 219I
inserted by
S.R. No.
10/2016
reg. 10.

The licence holder, before selling or giving any fish taken under the licence to another person—

- (a) must ensure all relevant details of the Port Phillip Bay/Western Port catch disposal record have been completed in the manner required by the Victorian Fisheries Authority; and
- (b) in the case of a disposal of fish by consignment, must ensure that the original of the catch disposal record accompanies the consignment; and
- (c) in any other case, must ensure that the original of the catch disposal record is given to the person receiving the fish at or before the disposal; and
- (d) must keep the duplicate copy of the catch disposal record.

Reg. 219I(a)
amended by
S.R. No.
10/2017
reg. 111.

219J Requirements for keeping fisheries documents and copies relating to fish

Reg. 219J
inserted by
S.R. No.
10/2016
reg. 10.

- (1) The licence holder must not possess, and must ensure that any person acting on behalf of the licence holder does not possess, a signed Port Phillip Bay/Western Port catch disposal record or a copy of such a record unless all the required details of the record have been completed in the manner required by the Victorian Fisheries Authority.
- (2) The licence holder must ensure that all copies of completed, and all unused, Port Phillip

Reg. 219J(1)
amended by
S.R. No.
10/2017
reg. 112.

Bay/Western Port catch disposal records and Port Phillip Bay/Western Port catch disposal record books are kept by the licence holder.

- (3) The licence holder must ensure that the duplicate copy of each Port Phillip Bay/Western Port catch disposal record that has been completed in respect of the fish landed under the licence is retained in the Port Phillip Bay/Western Port catch disposal record book issued to the licence holder.

Reg. 219K
inserted by
S.R. No.
10/2016
reg. 10.

219K Annual catch limit and prohibitions on fishing when annual catch limit has been reached

- (1) Subject to subregulation (4), the licence holder must not, in any licensing year, exceed the annual catch limit calculated in accordance with this regulation.
- (2) Subject to subregulation (4), the licence holder must not, if the annual catch limit is reached—
- (a) possess fish in or on Port Phillip Bay or Western Port; or
 - (b) use commercial fishing equipment in or on Port Phillip Bay or Western Port; or
 - (c) possess commercial fishing equipment in or on Port Phillip Bay or Western Port unless the commercial fishing equipment is on board a boat that is tied up to a pier, jetty or mooring.
- (3) For the purposes of this regulation the annual catch limit for a licensing year is calculated in accordance with the following formula—
- (a) for a licence which may be retained under Division 5 of Part 8 of the Act on and after 1 April 2022—

$$C = D - X ; \text{ and}$$

- (b) for a licence which cannot be retained under Division 5 of Part 8 of the Act on and after 1 April 2022—

$$C = A - X$$

where—

C is the annual catch limit;

D is A or B (whichever is the greater);

X is the number of kilograms (if any) by which the annual catch limit was exceeded in the previous licensing year;

A is the average weight of fish in kilograms taken per year by the licence holder under the licence over the relevant catch period;

B is 11 tonnes;

licensing year means a period from 1 April in any year to 31 March of the following year inclusive;

relevant catch period means either the period from 1 April 2009 to 31 March 2014 inclusive, or the period from 1 April 2011 to 31 March 2014 inclusive, whichever period has a higher average annual catch in kilograms based on the catch history of the licence indicated in the records held by the Victorian Fisheries Authority;

Reg. 219K(3)
def. of
*relevant catch
period*
amended by
S.R. No.
10/2017
reg. 113(a).

records held by the Victorian Fisheries Authority means the record of catch history as recorded in the Integrated Catch and Effort System maintained by the Victorian Fisheries Authority.

Reg. 219K(3)
def. of *records
held by the
Secretary
substituted as
records held
by the
Victorian
Fisheries
Authority* by
S.R. No.
10/2017
reg. 113(b).

- (4) A licence holder may take fish in excess of the annual catch limit calculated in accordance with this regulation on the last day on which the licence holder takes fish in any licensing year if the annual catch limit is exceeded by no more than 100 kilograms of fish and for that purpose may carry out any activity referred to in subregulation (2).

Reg. 219L
inserted by
S.R. No.
10/2016
reg. 10.

219L Transfer to licence holder of fish taken by other persons prohibited in Victorian waters

The licence holder, whether or not on board a boat, must not receive in, under or on Victorian waters any fish taken by a person other than a person named in the licence.

220 Use and possession of fishing lines in Western Port

- (1) Subject to subregulation (4), the licence holder must not in or on Western Port—
- (a) use at any one time more than one longline; or
 - (b) use a longline with more than 1000 hooks attached; or
 - (c) possess a longline with more than 1000 hooks attached.
- (2) The licence holder must not, in or on Western Port, use a longline unless it has attached at each end a dahn or a buoy displaying an orange flag of no less than 30 centimetres square.
- (3) The licence holder must not, in or on Western Port—
- (a) use at one time more than 9 fishing lines that are not longlines; or

- (b) use a fishing line (other than a longline) with more than 3 hooks or more than 1 bait jig attached; or
 - (c) possess a fishing line (other than a longline) with more than 3 hooks or more than 1 bait jig attached.
- (4) The licence holder must not, in or on Western Port during the period between 12.00 noon on any Saturday and 10.00 p.m. on the following Sunday, use or possess on board a boat any commercial fishing equipment other than a fishing line that has no more than 3 hooks or one bait jig attached to the line.

221 Catch limit for taking and possession of wrasse from Western Port

The licence holder must not take from Western Port, or possess in, on or next to Western Port, more than 8 wrasse on any one day.

222 Use and possession of fishing lines in Port Phillip Bay

- (1) The licence holder, if authorised by the licence to use longlines, must not, in or on Port Phillip Bay—
- (a) use at any one time more than 2 longlines; or
 - (b) use at any one time more than a total of 400 hooks whether or not attached to longlines being used by the licence holder; or
 - (c) possess at any one time more than a total of 400 hooks whether or not attached to longlines possessed by the licence holder.
- (2) The licence holder, if authorised by the licence to use a longline, must not, in or on Port Phillip Bay, use any longline unless it has attached at each end a dahn or a buoy displaying an orange flag of no less than 30 centimetres square.

Reg. 222(1)
substituted by
S.R. No.
10/2016
reg. 11.

- (3) The licence holder must not in or on Port Phillip Bay—
- (a) use at any one time more than 6 fishing lines that are not longlines; or
 - (b) use a fishing line (other than a longline) with more than 3 hooks or more than 1 bait jig attached to the line; or
 - (c) possess a fishing line (other than a longline) with more than 3 hooks or more than 1 bait jig attached to the line.

223 Use and possession of mesh nets in Port Phillip Bay

- (1) The licence holder must not, in or on Port Phillip Bay, use or possess any mesh net or combination of mesh nets, other than—
- (a) between 1 April and 31 October in each year, a mesh net or combination of mesh nets not exceeding 2500 metres in length with meshes measuring no more than 13 centimetres;
 - (b) between 1 November and 30 November in each year, a mesh net not exceeding 360 metres in length with meshes measuring no less than 6.3 centimetres or more than 12.4 centimetres;
 - (c) between 1 November and 31 March in the following year, a mesh net or combination of mesh nets not exceeding 2500 metres in length with meshes measuring no less than 12.5 centimetres and no more than 13 centimetres and having no more than 12 meshes between the float line and the lead line.
- (2) The licence holder must not, in or on Port Phillip Bay, use a drum or spool to hold or store any

mesh net with meshes measuring 10 centimetres or more.

- (3) The licence holder must not, in or on Port Phillip Bay, use any mechanical assistance to haul any mesh net or combination of mesh nets with meshes measuring 10 centimetres or more if the overall length of the net or nets exceeds 1250 metres.
- (4) Subregulation (3) does not apply to a licence holder who is working with another holder of Western Port/Port Phillip Bay Fishery Access Licence in Port Phillip Bay and the licence holders are using mechanical assistance to jointly haul a mesh net, or combination of mesh nets, of up to 2500 metres in length with meshes measuring 10 centimetres or more.
- (5) The licence holder, when using a mesh net, or combination of mesh nets, in or on Port Phillip Bay, must be in attendance at all times between the hours of sunrise and sunset when his or her mesh nets are in the water.

224 Use and possession of purse seine net and lampara net in or on Port Phillip Bay

The licence holder must not—

- (a) use in or on Port Phillip Bay, a purse seine net or lampara net exceeding 460 metres in length; or
- (b) possess in, on or next to Port Phillip Bay, a purse seine net or lampara net exceeding 460 metres in length.

225 Use and possession of seine net in or on Port Phillip Bay

- (1) The licence holder must not—
 - (a) use in or on Port Phillip Bay a seine net—

- (i) exceeding 460 metres in length; or
 - (ii) with meshes in the bag of the net that measure between 2·9 centimetres and 4·5 centimetres; or
 - (iii) with meshes 25 metres either side of the bag of the net that measure between 2·9 centimetres and 4·5 centimetres; or
- (b) possess in, on or next to Port Phillip Bay, a seine net—
 - (i) exceeding 460 metres in length; or
 - (ii) with meshes in the bag of the net that measure between 2·9 centimetres and 4·5 centimetres; or
 - (iii) with meshes 25 metres either side of the bag of the net that measure between 2·9 centimetres and 4·5 centimetres.
- (2) The licence holder must not, in the area of Port Phillip Bay between Rickett's Point at Beaumaris and Snapper Point at Mornington, use a seine net—
 - (a) other than by hauling or winching the net from the beach; or
 - (b) with more than 660 metres of rope attached at each end of the net.

226 Use and possession of commercial hoop nets in or on Port Phillip Bay

- (1) The licence holder must not in, on or next to Port Phillip Bay, use a commercial hoop net exceeding 3 metres in diameter from a pier or jetty.
- (2) The licence holder must not—
 - (a) use in or on Port Phillip Bay, more than 50 commercial hoop nets at any one time; or

- (b) possess in or on Port Phillip Bay, more than 50 commercial hoop nets.

227 Restrictions on method of taking of mussels from Port Phillip Bay

- (1) The licence holder must not take mussels from Port Phillip Bay other than—
 - (a) by hand; or
 - (b) by the use of breathing apparatus; or
 - (c) by the use of a hand operated mussel rake from man-made structures.
- (2) The licence holder must not allow any person engaged to carry out an activity authorised by the licence to take mussels from Port Phillip Bay.
- (3) If offering mussels for sale, the licence holder must ensure that, no more than 1 hour after landing the mussels and before the mussels are moved from his or her possession, the mussels are placed in a container bearing a label with the following clearly and legibly marked on it—
 - (a) the words "BAIT ONLY, NOT FOR HUMAN CONSUMPTION"; and
 - (b) the licence holder's name or business name.

228 Restrictions on use of certain commercial fishing equipment in certain places in Port Phillip Bay

- (1) The licence holder must not, in or on Port Phillip Bay, use any commercial fishing equipment—
 - (a) in the area that is north or west of a line running from the seaward end of the Williamstown Breakwater Pier to the most southerly point of Webb Dock in Port Phillip Bay; or
 - (b) in the waters of Limeburners Bay (Grammar School Lagoon) near Geelong

- within or north of a line running from the fishing boundary post on Point Abeona to the fishing boundary post on the opposite shore; or
- (c) in any shipping channel defined by channel markers.
- (2) The licence holder must not, in the area of Port Phillip Bay that is west of a line from the shoreward end of the Queenscliff Pier to the seaward end of Point Nepean, use any commercial equipment other than a seine net or fishing line.
- (3) The licence holder must not, in or on the waters of Port Phillip Bay, use any commercial fishing equipment other than a commercial hoop net or a hand operated mussel rake—
- (a) within a distance of 400 metres from any part of the St Kilda Pier; or
- (b) within a distance of 230 metres from any part of the Kerford Road Jetty, Hobson's Bay; or
- (c) within a distance of 30 metres from any part of any other pier or jetty.

229 Catch limit for taking and possession of wrasse in or on Port Phillip Bay

The licence holder must not take from Port Phillip Bay, or possess in, on or next to Port Phillip Bay, more than 8 wrasse on any one day.

230 Use and possession of bay fish traps in Port Phillip Bay

- (1) The licence holder must not use at any one time in or on Port Phillip Bay more than 6 bay fish traps.
- (2) The licence holder must not possess on board the boat used under the licence in or on Port Phillip Bay more than 6 bay fish traps.

Division 34—Activities authorised by Wrasse (Ocean) Fishery Access Licence

232 Activities authorised by a Wrasse (Ocean) Fishery Access Licence

A Wrasse (Ocean) Fishery Access Licence authorises the licence holder to carry out the following activities in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes or any inlet of the sea—

- (a) the taking for sale of wrasse;
- (b) the use (other than in waters that are part of a marine national park or a marine sanctuary) or possession of any fishing line other than a longline;
- (c) if the licence holder is using a boat that is authorised by a rock lobster fishery access licence to have rock lobster pots on board, the use (other than in waters that are part of a marine national park or a marine sanctuary) of those rock lobster pots to take wrasse;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

Division 35—Conditions of Wrasse (Ocean) Fishery Access Licence

233 Wrasse (Ocean) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act,
the following provision in this Division sets out
conditions to which every Wrasse (Ocean) Fishery
Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every
Wrasse (Ocean) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the
licence by the Victorian Fisheries Authority
under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out
in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a
person who does a thing on behalf of a licence holder, must
comply with any condition to which the licence is subject.
A failure to comply may attract a maximum penalty of
50 penalty units and, in the case of an offence involving a
priority species or breach of a designated licence condition,
a maximum penalty of 100 penalty units or 6 months
imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to
the Victorian Fisheries Authority for an exemption from a
specified condition of the licence.

Note 1(a) to
reg. 233
amended by
S.R. No.
10/2017
reg. 114.

Note 3 to
reg. 233
amended by
S.R. No.
10/2017
reg. 114.

234 Use and possession of certain fishing lines

The licence holder must not, in or on marine
waters—

- (a) use at any one time more than 6 fishing lines;
or
- (b) use a fishing line with more than 3 hooks or
more than one bait jig attached to the line; or

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Part 8—Abalone

(c) possess a fishing line with more than 3 hooks
or more than one bait jig attached to the line.

* * * * *

Reg. 234AA
inserted by
S.R. No.
96/2014
reg. 26,
revoked by
S.R. No.
10/2017
reg. 13.

Part 8—Abalone

Division 1—Minimum sizes and closed seasons for abalone

* * * * *

Reg. 234A
inserted by
S.R. No.
168/2013
reg. 40,
revoked by
S.R. No.
10/2017
reg. 30.

235 Minimum sizes for abalone

- (1) For the purposes of the Act, the minimum size with respect to—
 - (a) the taking of abalone of a species specified in Column 2 of the Table at the foot of this subregulation, from the waters specified in Column 3 of that Table corresponding to that species of abalone, is the size specified in Column 4 of that Table corresponding to that species of abalone; or
 - (b) the possession of abalone of a species specified in Column 2 of the Table at the foot of this subregulation, in, on or next to the waters specified in Column 3 of that Table corresponding to that species of abalone, is the size specified in Column 4 of that Table corresponding to that species of abalone.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 8—Abalone

Table			
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of abalone</i>	<i>Waters</i>	<i>Minimum size</i>
1	Blacklip abalone	Victorian waters— (a) west of longitude 142°30'35"E (mouth of Hopkins River) (b) between longitude 142°30'35"E and longitude 143°58'30"E (mouth of Hopkins River to Lorne) (c) between longitude 143°58'30"E and longitude 147°58'30"E (Lorne to Lakes Entrance) except Port Phillip Bay (d) Port Phillip Bay (e) east of longitude 147°58'30"E (Lakes Entrance) except the Mallacoota Airport Area (f) Mallacoota Airport Area	13 cm 12 cm 11 cm 10 cm 12 cm 11 cm

Reg. 235(1)
(Table)
amended by
S.R. No.
95/2016
reg. 11,
substituted by
S.R. No.
10/2017
reg. 18.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 8—Abalone

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of abalone</i>	<i>Waters</i>	<i>Minimum size</i>
2	Greenlip abalone	Victorian waters (other than Port Phillip Bay)	13 cm

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species that are less than the minimum size specified for that species of fish in these Regulations. Various penalties apply.

- (2) Subregulation (1) does not apply to a person who takes or possesses abalone of a species specified in subregulation (1) that is less than the minimum size for that species of abalone if—

(a) the person—

- (i) is the holder of, or is acting on behalf of the holder of, an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore Abalone) Licence authorising the hatching, rearing, breeding, growing or displaying of abalone of that species; and
- (ii) takes or possesses the abalone in accordance with, the licence, the Act and these Regulations; or

(b) the person—

- (i) is the holder of, or is acting on behalf of the holder of, a general permit authorising the taking or possession of that species of abalone of that size; and
- (ii) takes or possesses the abalone in accordance with the permit, the Act and these Regulations.

- (3) Subregulation (1) does not apply to a person acting in accordance with the Act and these Regulations, who possesses abalone of a species specified in subregulation (1) that is less than the minimum size for that species of abalone, if the person received the abalone from a person referred to in subregulation (2) and the abalone is—
- (a) marked or labelled with an abalone label; and
 - (b) accompanied by an abalone receipt issued or created by the person referred to in subregulation (2) in respect of that abalone at the time of the sale or consignment of that abalone.

236 Method for measuring size of abalone

The measurement of the size of abalone must be taken at the widest part of the shell, whether or not the shell is broken or damaged.

237 Closed seasons for abalone

- (1) For the purposes of section 67 of the Act, the closed season for the taking of abalone of a species specified in Column 2 of the Table at the foot of this subregulation from the waters specified in Column 3 of the Table corresponding to that species of abalone, is specified in Column 4 of the Table corresponding to that species of abalone.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 8—Abalone

Table			
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of abalone</i>	<i>Waters closed</i>	<i>Period of closed season</i>
1	Abalone, all species	Central Victorian waters, except Port Phillip Bay	The whole year, excluding any period specified by a fisheries notice under section 152 of the Act
2	Abalone, all species, other than greenlip	Port Phillip Bay	The whole year, excluding any period specified by a fisheries notice under section 152 of the Act

(2) For the purposes of section 67 of the Act—

- (a) the taking of abalone of a species specified in Column 2 of the Table in subregulation (1) from the waters specified in Column 3 of the Table corresponding to that species of abalone; or
- (b) the possessing of abalone of a species specified in Column 2 of that Table in, on or next to the waters specified in Column 3 of the Table corresponding to that species of abalone—

during the period specified as the closed season for that species of abalone specified in Column 4 of the Table corresponding to that species of abalone is prohibited unless taken or possessed by a person of a class specified in subregulation (3).

Note

A failure to comply with this prohibition is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

- (3) For the purposes of subregulation (2) the classes of person are—
- (a) holders of, or persons acting on behalf of holders of, an abalone fishery access licence authorising the taking and possessing of abalone of that species, who take or possess abalone of that species in accordance with the licence, the Act and these Regulations; or
 - (b) holders of, or persons acting on behalf of holders of, an aquaculture licence authorising the hatching, rearing, breeding, displaying or growing of abalone of that species, who take or possess abalone of that species from the area specified in the aquaculture licence in accordance with the licence, the Act and these Regulations; or
 - (c) holders of, or persons acting on behalf of holders of, a general permit authorising the taking or possession of abalone of that species during the period of the closed season, who take or possess abalone of that species during that period in accordance with the permit, the Act and these Regulations; or
 - (d) holders of, or persons acting on behalf of holders of, a Fish Receivers' (Abalone) Licence, who possess abalone of that species in accordance with the licence, the Act and these Regulations; or
 - (e) persons acting in accordance with the Act and these Regulations, who possess abalone received from a person of a class referred to in paragraph (b) or (c) and the abalone is—
 - (i) marked or labelled with an abalone label; and

- (ii) accompanied by an abalone receipt issued or created by the person of that class in respect of that abalone at the time of the sale or consignment of that abalone.
- (4) A person who contravenes the prohibition in subregulation (2) is liable to a further penalty—
 - (a) in the case of a first offence, a penalty not exceeding 0·5 of a penalty unit for each abalone taken or possessed;
 - (b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each abalone taken or possessed.

238 Taking of abalone between sunset and sunrise prohibited

- (1) For the purposes of section 67 of the Act, the taking of any abalone between sunset on any day and sunrise on the following day by any person, other than a person who is authorised to take abalone between those times under a general permit, is prohibited.

Note

A failure to comply with this prohibition is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

- (2) A person who contravenes the prohibition in subregulation (1) is liable to a further penalty—
 - (a) in the case of a first offence, a penalty not exceeding 0·5 of a penalty unit for each abalone taken;
 - (b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each abalone taken.

239 Prohibition on taking of greenlip abalone from Port Phillip Bay

- (1) For the purposes of section 67 of the Act, the taking of greenlip abalone from the waters of Port Phillip Bay at any time by any person other than a person of either of the following classes of person is prohibited—
- (a) holders of, or persons acting on behalf of holders of, an aquaculture licence authorising the hatching, rearing, breeding, displaying or growing of greenlip abalone who take or possess greenlip abalone from the area of Port Phillip Bay specified in the licence;
 - (b) holders of, or persons acting on behalf of holders of, a general permit authorising the taking or possession of greenlip abalone from those waters.

Note

A failure to comply with this prohibition is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

- (2) A person who contravenes a prohibition in subregulation (1) is liable to a further penalty—
- (a) in the case of a first offence, a penalty not exceeding 0.5 of a penalty unit for each abalone taken;
 - (b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each abalone taken.

Division 2—Catch limits and other restrictions and prohibitions in relation to recreational abalone fishing

Reg. 240
substituted by
S.R. Nos
168/2013
reg. 41,
10/2017
reg. 31.

240 Application of Division

This Division does not apply to the holder of an abalone fishery access licence, or a person acting on behalf of that licence holder, when carrying out any fishing activities authorised by the licence.

241 Catch limit for abalone

- (1) For the purposes of the Act, the catch limit with respect to—
 - (a) the taking of abalone of the species of abalone specified in Column 2 of the Table at the foot of this subregulation from the waters specified in Column 3 of the Table corresponding to that species of abalone is the daily limit (if any) specified in Column 4 of the Table that corresponds to that species of abalone; or
 - (b) the possession of abalone of the species of abalone specified in Column 2 of the Table at the foot of this subregulation in, on or next to the waters specified in Column 3 of the Table corresponding to that species, is the limit specified in Column 4 of the Table that corresponds to that species of abalone.

Fisheries Regulations 2009
S.R. No. 2/2009
Part 8—Abalone

Table			
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Species of abalone</i>	<i>Waters</i>	<i>Daily limit for abalone that may be taken or limit for abalone that may be possessed (number of abalone unless otherwise specified)</i>
1	Abalone, all species, forms and hybrids	All Victorian waters other than Port Phillip Bay	5 (of which no more than 2 fish may be greenlip abalone)
2	Abalone, all species, forms and hybrids other than greenlip	Port Phillip Bay	5
3	Greenlip abalone	Port Phillip Bay	0

Reg. 241(1)(b)
(Table)
amended by
S.R. No.
168/2013
reg. 42.

- (2) For the purposes of the Act, the catch limit with respect to the possession of abalone anywhere in Victoria, other than in, on or next to Victorian waters, is 10 abalone (of which no more than 4 may be greenlip abalone).

- (3) Subregulations (1) and (2) do not apply to a person who takes or possesses abalone of a species specified in subregulation (1) or (2) in a quantity in excess of the catch limit for that species of abalone if—
- (a) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of abalone of that species; and
 - (ii) takes or possesses the abalone in accordance with the licence, the Act and these Regulations; or
 - (b) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, a general permit authorising the taking or possession of that species of abalone in that quantity; and
 - (ii) takes or possesses the abalone in accordance with the permit, the Act and these Regulations.
- (4) Subregulations (1) and (2) do not apply to a person who possesses abalone of a species specified in subregulation (1) or (2) in a quantity in excess of the catch limit for that species of abalone if the person—
- (a) is the holder of, or is acting on behalf of the holder of, a Fish Receivers' (Abalone) Licence; and
 - (b) possesses the abalone in accordance with the licence, the Act and these Regulations.

- (5) Subregulations (1) and (2) do not apply to a person acting in accordance with the Act and these Regulations, who possesses abalone of a species specified in subregulation (1) or (2) in a quantity in excess of the catch limit for that species of abalone if the person received the abalone from a person referred to in subregulation (3) and the abalone is—
- (a) marked or labelled with an abalone label; and
 - (b) accompanied by an abalone receipt issued or created by the person referred to in subregulation (3) in respect of that abalone at the time of the sale or consignment of that abalone.
- (6) Subregulations (1) and (2) do not apply to a person acting in accordance with the Act and these Regulations, who possesses a form of abalone of a species specified in subregulation (1) or (2) in a quantity in excess of the catch limit for that species of abalone if the abalone was received from anyone other than a person referred to in subregulation (3) and the abalone—
- (a) was legally obtained and is—
 - (i) in a quantity not more than that specified in Column 1 of Table 1 in Schedule 11; and
 - (ii) accompanied by an abalone receipt in respect of that abalone, which was issued by the supplier of the abalone; or
 - (b) was legally obtained and is—
 - (i) in a quantity more than that specified in Column 1 of Table 1 in Schedule 11; and

Reg. 241
(6)(a)(ii)
amended by
S.R. No.
95/2016
reg. 12(a).

Reg. 241
(6)(b)(ii)
amended by
S.R. No.
95/2016
reg. 12(b).

(ii) is accompanied by an abalone receipt in respect of that abalone, which was issued by the supplier of the abalone; or

Reg. 241(6)(c)
amended by
S.R. No.
95/2016
reg. 12(c).

(c) is in a quantity not more than that specified in Column 1 of Table 2 in Schedule 11 and is accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate in respect of that abalone that was completed by the supplier of the abalone; or

Reg. 241(6)(d)
amended by
S.R. No.
95/2016
reg. 12(d).

(d) is in a quantity more than that specified in Column 1 of Table 2 in Schedule 11 and is accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate in respect of that abalone that was completed by the supplier of the abalone.

(7) Subregulations (1) and (2) do not apply to a person acting in accordance with the Act and these Regulations, who possesses abalone of a species specified in subregulation (1) or (2) in a quantity in excess of the catch limit for that species of abalone that was received for the purposes of transportation from the holder of an abalone fishery access licence who took the abalone under that licence in accordance with the licence, the Act and these Regulations and the abalone—

(a) is contained in bins that are each sealed with a bin lid in such a manner that the bin lid cannot be removed or abalone removed from, or added to, the bin while the bin lid and bin tag are still attached and without breaking the bin tag; or

- (b) is accompanied by the duplicate and triplicate of an abalone docket in respect of that abalone on which Part B has been completed not more than 72 hours before the commencement of the transportation of the abalone.

Note

There are offences in sections 37, 68A and 68B of the Act relating to taking or possessing fish of a species in excess of the catch limit in these Regulations specified for that species of fish. Various penalties apply.

242 Use of certain equipment for taking abalone prohibited

For the purposes of section 114 of the Act, the use of any equipment other than an abalone tool or catch bag to take abalone is prohibited throughout Victoria.

Note

Contravention of the prohibition in this regulation is an offence under section 114(3) of the Act. A penalty of 100 penalty units or 6 months imprisonment or both applies.

243 Offences regarding shucked abalone

- (1) A person must not in, under or on Victorian waters shuck abalone.

Penalty: 20 penalty units.

- (2) A person must not in, under or on Victorian waters be in possession of shucked abalone.

Penalty: 20 penalty units.

- (3) A person must not in, on or next to Victorian waters cause to be landed from any boat, or otherwise land, any shucked abalone.

Penalty: 20 penalty units.

- (4) A person who takes or possesses abalone must retain the abalone meat in its shell until the abalone is cooked or the abalone has been taken to the person's ordinary place of residence.

Penalty: 20 penalty units.

244 Offence not to carry instrument to measure abalone

A person, when taking abalone, must carry an instrument to measure abalone.

Penalty: 20 penalty units.

245 Offence to remove abalone from its packaging

- (1) A person must not remove any abalone from its packaging.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who—

- (a) removes packaging from abalone at a place where the abalone is to be consumed; or
(b) is acting in accordance with an authority of the Victorian Fisheries Authority under subregulation (3).

Reg. 245(2)(b)
amended by
S.R. No.
10/2017
reg. 115.

- (3) For the purposes of subregulation (2)(b), the Victorian Fisheries Authority may, in writing, authorise a person to remove abalone from its packaging, if the Victorian Fisheries Authority considers it necessary or reasonable in the circumstances of a particular case.

Reg. 245(3)
amended by
S.R. No.
10/2017
reg. 115.

- (4) The Victorian Fisheries Authority must specify in an authority under subregulation (3)—

- (a) the place at which the authority applies; and
(b) the period during which the authority applies; and

Reg. 245(4)
amended by
S.R. No.
10/2017
reg. 115.

- (c) the circumstances in which the authority applies; and
- (d) any conditions which apply to the authority.

Division 3—Activities authorised by abalone fishery access licences

246 Activities authorised by an Abalone Fishery (Western Zone) Access Licence

An Abalone Fishery (Western Zone) Access Licence authorises the licence holder to carry out the following activities, in the western abalone zone—

- (a) the taking and possession of abalone (including a commercial quantity) for sale;
- (b) the use or possession of commercial abalone equipment;
- (c) the packing of abalone (including a commercial quantity) into bins;
- (d) the sale of abalone (including a commercial quantity);
- (e) the engagement of one or more people to carry out any activity authorised by the licence.

247 Activities authorised by an Abalone Fishery (Central Zone) Access Licence

An Abalone Fishery (Central Zone) Access Licence authorises the licence holder to carry out the following activities, in the central abalone zone—

- (a) the taking and possession of abalone (including a commercial quantity) for sale;
- (b) the use or possession of commercial abalone equipment;
- (c) the packing of abalone (including a commercial quantity) into bins;
- (d) the sale of abalone (including a commercial quantity);
- (e) the engagement of one or more people to carry out any activity authorised by the licence.

248 Activities authorised by an Abalone Fishery (Eastern Zone) Access Licence

An Abalone Fishery (Eastern Zone) Access Licence authorises the licence holder to carry out the following activities, in the eastern abalone zone—

- (a) the taking and possession of abalone (including a commercial quantity) for sale;
- (b) the use or possession of commercial abalone equipment;
- (c) the packing of abalone (including a commercial quantity) into bins;
- (d) the sale of abalone (including a commercial quantity);
- (e) the engagement of one or more people to carry out any activity authorised by the licence.

Division 4—Conditions of all abalone fishery access licences

249 Abalone fishery access licences subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every abalone fishery access licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every abalone fishery access licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 1(a) to
reg. 249
amended by
S.R. No.
10/2017
reg. 116.**

**Note 3 to
reg. 249
amended by
S.R. No.
10/2017
reg. 116.**

250 Abalone boat not to be used as base for underwater diving operation

The licence holder must ensure that any boat that is being used to take abalone under the licence is not used as a base for underwater diving operations by any person other than a person who is authorised to take abalone under the licence.

251 Abalone only to be taken using abalone tool or catch bag

The licence holder must not use any equipment other than an abalone tool or catch bag to take abalone.

252 Transfer of abalone to licence holder prohibited

The licence holder must ensure that any abalone taken by a person who is not acting on behalf of the licence holder is not transferred in, under or on Victorian waters to the possession or control of the licence holder or any person acting on behalf of the licence holder (whether on board a boat or not).

253 Abalone not to be taken from more than one size zone

The licence holder must ensure that abalone from more than one size zone are not taken from, and are not on board, any boat being used under the licence.

254 Taking of abalone from different abalone zones

A licence holder who holds more than one abalone fishery access licence and who is authorised under those licences to take abalone from different abalone zones, must ensure that—

- (a) any abalone taken from a particular abalone zone is landed in accordance with regulation 261(a); and
- (b) the requirements of regulations 259, 260, 261, 262, 263 and 264 have been complied with in respect of that abalone—

before any abalone is taken from any other abalone zone.

255 Size restrictions on taking abalone from Mallacoota Airport area

The holder of an Abalone Fishery (Eastern Zone) Access Licence must ensure that no abalone that are less than 12 centimetres in size are taken from the Mallacoota Airport area on the same day that abalone that are more than 12 centimetres in size are taken from outside that area.

256 Shucking of abalone prohibited

- (1) The licence holder must not—
 - (a) shuck abalone; or
 - (b) possess shucked abalone; or
 - (c) in, on or next to Victorian waters land, or cause to be landed, any shucked abalone.
- (2) The licence holder must ensure that any person acting on his or her behalf does not—
 - (a) shuck abalone; or
 - (b) possess shucked abalone; or
 - (c) in, on or next to Victorian waters land from the boat, or otherwise cause to be landed, any shucked abalone.

257 Instrument to measure abalone to be carried

The licence holder must ensure that he or she or any person acting on behalf of the licence holder when taking abalone under the licence carries an instrument to facilitate the accurate measurement of abalone at all times while—

- (a) a boat is being used in connection with the taking of abalone; or
- (b) abalone is being taken underwater.

258 Transfer of abalone at sea prohibited

The licence holder must ensure that abalone taken under the licence are not—

- (a) transferred from one boat to another boat; or
- (b) transferred or delivered to another person in, under or on Victorian waters.

259 Abalone to be placed in bins and sealed with bin tags

- (1) The licence holder must ensure that all abalone taken under the licence is placed in bins and that each bin is covered and sealed with a bin lid by means of one or 2 bin tags affixed to both the bin and bin lid in such a manner that—
 - (a) the bin lid cannot be removed from the bin without breaking the bin tag or tags; and
 - (b) abalone cannot be put into or removed from the bin without breaking the bin tag or tags.
- (2) The licence holder must ensure that, after sealing a bin of abalone with a bin lid and bin tag or tags—
 - (a) the bin tag is not removed, damaged or broken; and
 - (b) no abalone is removed from, or added to, the bin.
- (3) The licence holder must ensure that a bin containing abalone does not contain any kind of packaging other than bin inserts.
- (4) The licence holder must ensure that greenlip abalone is not placed in a bin containing blacklip abalone.

260 Abalone not to be moved from boat until sealed in bins

The licence holder must ensure that no abalone are moved from the boat used under the licence unless all abalone have been placed in bins that have been sealed in accordance with regulation 259.

261 Landing requirements for abalone

The licence holder must ensure that all abalone taken under the licence is—

- (a) first landed in Victoria at a place of landing listed in Schedule 3; and
- (b) weighed within 60 minutes of landing at that place of landing; and
- (c) weighed in full public view which is unobstructed.

262 Completion of Part A of abalone docket

The licence holder must ensure that Part A of the original and quadruplicate copy of the abalone docket has been completed in respect of all abalone taken under the licence, before Part B of the abalone docket is completed and signed.

263 Notification of specified abalone details to the Victorian Fisheries Authority

- (1) The licence holder must, after abalone taken under the licence has been weighed and no more than 60 minutes after the time of landing of the abalone, ensure that—
 - (a) the following details are completed on Part B of the original and all copies of the appropriate abalone docket—

Reg. 263
(Heading)
amended by
S.R. No.
10/2017
reg. 117(1).

Reg. 263(1)(b)
amended by
S.R. No.
10/2017
reg. 117(2).

- (i) the serial numbers of all bins of abalone landed under the licence; and
- (ii) the total tare weight of those bins; and
- (iii) the net weight of the abalone; and
- (iv) all other details required by Part B of the abalone docket, including the licence holder's signature (or the signature of the person who took the abalone on behalf of the licence holder); and

- (b) the details set out in paragraph (a) of the definition of *specified abalone details* in regulation 5 are provided to the Victorian Fisheries Authority—
 - (i) via the abalone telephone notification service; or
 - (ii) if an abalone confirmation number in respect of the details is not received from the abalone telephone notification service, via the telephone number provided under regulation 303(b); and

Reg. 263(1)(c)
amended by
S.R. No.
10/2017
reg. 117(2).

- (c) he or she confirms to the Victorian Fisheries Authority whether the specified abalone details provided under paragraph (b) are correct; and
- (d) if the specified abalone details provided under paragraph (b) are confirmed as correct by the licence holder—

Reg.
263(1)(d)(i)
amended by
S.R. No.
10/2017
reg. 117(2).

- (i) the abalone confirmation number received from the Victorian Fisheries Authority in respect of the details is recorded on Part B of the original and all copies of the abalone docket; and

- (ii) the licence holder has signed the original and all copies of the abalone docket.
- (2) The licence holder must ensure that any details regarding the weight of abalone that are required to be provided under the Act or these Regulations are accurate to within 1·0 kilograms of the actual weight.

264 Duplicate and triplicate abalone docket to be affixed to bin

After complying with regulation 263 in respect of abalone taken under the licence, the licence holder must ensure that—

- (a) the duplicate and triplicate copies of the abalone docket are placed into the waterproof envelope approved or provided by the Victorian Fisheries Authority; and
- (b) the envelope is sealed by affixing it to the bin sealed with the highest numbered bin tag.

Reg. 264(a)
amended by
S.R. No.
10/2017
reg. 118.

265 Restriction on moving abalone from place of landing or entering processing premises

- (1) The licence holder must ensure that abalone taken under the licence are not moved from the place of landing of the abalone until regulations 261, 262, 263 and 264 have been complied with in respect of the abalone.
- (2) The licence holder must ensure that any abalone taken under the licence do not enter an abalone processing premises before regulations 261, 262, 263 and 264 have been complied with in respect of the abalone.

266 Abalone must be delivered to holder of Fish Receivers' (Abalone) Licence within 24 hours

- (1) The licence holder must ensure all abalone taken under the licence are transferred or delivered to the premises specified in a Fish Receivers' (Abalone) Licence no later than 24 hours after the time of landing of the abalone.
- (2) The licence holder must ensure that a separate abalone docket is completed in respect of each transfer or delivery of abalone to the premises specified in a Fish Receivers' (Abalone) Licence.

Reg. 267
(Heading)
amended by
S.R. No.
10/2017
reg. 119(1).

267 Submission of original abalone docket to the Victorian Fisheries Authority

The licence holder must ensure that the original abalone docket completed under this Division in respect of abalone is sent to the Victorian Fisheries Authority within 2 business days after the time of landing of the abalone.

Reg. 267
amended by
S.R. No.
10/2017
reg. 119(2).

268 Requirements relating to abalone dockets and abalone docket books

- (1) The licence holder must ensure that he, she or any person acting on behalf of the licence holder does not possess a signed abalone docket or copy of such a docket unless all required details on Parts A and B of the docket have been completed in accordance with this Division.
- (2) The licence holder must ensure that all unused abalone dockets and abalone docket books provided to the licence holder are kept by the licence holder.
- (3) The licence holder must ensure that the quadruplicate copy of each abalone docket that has been completed in respect of abalone taken

under the licence is retained in the abalone docket book.

Division 5—Activities authorised by a Fish Receivers' (Abalone) Licence

269 Activities authorised by a Fish Receivers' (Abalone) Licence

A Fish Receivers' (Abalone) Licence authorises the licence holder to carry out the following activities—

- (a) the receipt of abalone (including a commercial quantity) for processing and storage at the premises specified in the licence under regulation 33;
- (b) the receipt of abalone (including a commercial quantity) for sale;
- (c) the possession of abalone (including a commercial quantity);
- (d) the processing of abalone (including a commercial quantity) at the premises specified in the licence under regulation 33;
- (e) the sale of abalone (including a commercial quantity) from the premises specified in the licence under regulation 33.

Division 6—Conditions of all Fish Receivers' (Abalone) Licences

Subdivision 1—General

270 Fish Receivers' (Abalone) Licence subject to conditions in Subdivisions 2, 3, 4, 5, 6 and 7

For the purposes of section 52(1)(b) of the Act, the provisions in Subdivisions 2, 3, 4, 5, 6 and 7 set out the conditions to which every Fish Receivers' (Abalone) Licence is subject.

Notes

**Note 1(a) to
reg. 270
amended by
S.R. No.
10/2017
reg. 120.**

- 1 In addition to the conditions set out in Subdivisions 2, 3, 4, 5, 6 and 7, every Fish Receivers' (Abalone) Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Subdivision 1 of Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 270
amended by
S.R. No.
10/2017
reg. 120.**

**Subdivision 2—General and
administrative conditions**

271 Abalone only to be received from certain sources

The licence holder must not obtain or receive abalone taken from Victorian waters other than from—

- (a) the holder of an abalone fishery access licence, who is acting in accordance with the licence, the Act and the regulations under the Act; or

- (b) another holder of a Fish Receivers' (Abalone) Licence, who is acting in accordance with the licence, the Act and the regulations under the Act; or
- (c) the holder of an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore Abalone) Licence, who is acting in accordance with the licence, the Act and the regulations under the Act; or
- (d) the holder of a general permit authorising the possession and sale of abalone, who is acting in accordance with that permit, the Act and the regulations under the Act; or
- (e) an authorised officer or member of the police force acting in the course of his or her duty.

272 Maintenance of equipment for compliance with regulations

The licence holder must, on the premises specified in the licence—

- (a) to the extent that is reasonably possible, maintain a means to access the internet at any time; and
- (b) maintain a printer which is capable of printing information accessed via the internet; and
- (c) to the extent that it is reasonably possible, ensure that the printer is in working order at all times.

Reg. 273
(Heading)
amended by
S.R. No.
10/2017
reg. 121(1).

273 Stock record to be provided to the Victorian Fisheries Authority on request

The licence holder must, within 48 hours after receiving a request from the Victorian Fisheries Authority under regulation 302(2)—

Reg. 273
amended by
S.R. No.
10/2017
reg. 121(2).

- (a) access the internet site, the address of which is notified under regulation 305(a), and access the part of that internet site dealing with stock record requests; and
- (b) provide all the details listed in Schedule 12 in the manner required by the Victorian Fisheries Authority set out in that part of the internet site in respect of all abalone on the premises specified in the licence at the time the details are provided; and
- (c) print a copy of those details; and
- (d) sign and date the copy; and
- (e) keep the copy on the premises specified in the licence.

Reg. 273(b)
amended by
S.R. No.
10/2017
reg. 121(2).

274 Abalone sold and possessed not to exceed recorded amounts

The licence holder must, for any period between completing stock records under regulation 273, ensure that the combined total quantity of abalone possessed and sold by him or her during that period does not exceed the total quantity of abalone—

Reg. 274(a)
amended by
S.R. No.
10/2017
reg. 122.

- (a) received and in respect of which specified abalone details have been provided to the Victorian Fisheries Authority in accordance with this Division for that period; and
- (b) on hand at the beginning of the period.

275 Requirements relating to fisheries documents

- (1) The licence holder must not use abalone transfer certificates from any other person other than copies of any certificate accompanying abalone that the licence holder has received from another holder of a Fish Receivers' (Abalone) Licence.
- (2) The licence holder must ensure that all used and unused abalone transfer certificate books and small sales return books issued to him or her are kept on the premises specified in the licence.

276 Requirement to mark or label abalone packaging

- (1) The licence holder must, before the abalone leaves the premises specified in the licence, ensure that the immediate packaging of the abalone is marked or labelled with a label that contains the following details—
 - (a) the address of the licence holder or the name and address of the person on whose behalf the licence holder packaged the abalone;
 - (b) the approved AQIS number or, if applicable, the trader identification number of the licence holder;
 - (c) the net weight in kilograms of the abalone;
 - (d) the date that the abalone was packaged.
- (2) Subregulation (1) does not apply if the abalone is approved by AQIS for the purpose of export.

Note

There are labelling requirements in respect of the packaging of abalone to be sold in section 118A of the Act, however the licence holder is exempt from those requirements under regulation 314.

Subdivision 3—Abalone received from the holder of an abalone fishery access licence

277 Application of Subdivision

This Subdivision applies in respect of abalone received by the holder of a Fish Receivers' (Abalone) Licence that is accompanied by an abalone docket relating to that abalone.

278 Abalone to be received no more than 24 hours after landing

The licence holder must not receive abalone at the premises specified in the licence any more than 24 hours after the time of landing set out in the abalone docket.

279 Bins of abalone that are not properly sealed

If the licence holder receives a bin containing abalone that is not sealed with a bin tag in accordance with regulation 259 or is not sealed with a completely intact bin tag, the licence holder—

Reg. 279(a)
amended by
S.R. No.
10/2017
reg. 123.

- (a) must notify the Victorian Fisheries Authority within 30 minutes after receiving the abalone of—
 - (i) the place where the abalone can be inspected during the next 24 hours; and
 - (ii) the access licence number set out in the abalone docket accompanying the abalone; and
- (b) must not break any bin tags, remove the lid from any bin or remove any abalone from, or add any abalone to, any bin in that consignment.

280 Incomplete or incorrect dockets

If Part B of the duplicate and triplicate copies of the abalone docket accompanying abalone has not been completed or is incorrect, the licence holder must notify the Victorian Fisheries Authority no more than 15 minutes after receiving the abalone.

Reg. 280
amended by
S.R. No.
10/2017
reg. 124.

281 Weighing and notification of specified abalone details to the Victorian Fisheries Authority

The licence holder must, as soon as practicable, but no more than 25 hours after the time of landing of the abalone specified in the abalone docket, ensure that—

Reg. 281
(Heading)
amended by
S.R. No.
10/2017
reg. 125(1).

- (a) the abalone is weighed and the net weight of the abalone is entered on Part C of the duplicate and triplicate copies of the abalone docket; and
- (b) all of the other details required by Part C of the abalone docket are completed; and
- (c) the details set out in paragraph (b) of the definition of *specified abalone details* in regulation 5 are provided to the Victorian Fisheries Authority—
 - (i) via the abalone internet notification service; or
 - (ii) if an abalone confirmation number in respect of the details is not received from the abalone internet notification service, via the abalone telephone notification service; or
 - (iii) if an abalone confirmation number in respect of the details is not received from the abalone telephone notification service, via the telephone number provided under regulation 305(c); and

Reg. 281(c)
amended by
S.R. No.
10/2017
reg. 125(2).

Reg. 281(d)
amended by
S.R. No.
10/2017
reg. 125(2).

- (d) he or she confirms to the Victorian Fisheries Authority whether the specified abalone details provided under paragraph (c) are correct; and
- (e) if the specified abalone details provided under paragraph (c) are confirmed as correct by the licence holder—

Reg. 281(e)(i)
amended by
S.R. No.
10/2017
reg. 125(2).

- (i) the abalone confirmation number received by the Victorian Fisheries Authority in respect of the details is recorded on Part C of the duplicate and triplicate copies of the abalone docket; and
 - (ii) the licence holder has signed the duplicate and triplicate copies of the abalone docket.

282 Bins not to be opened until regulation 281 complied with

The licence holder must not break any bin tag or remove any abalone from a bin, or add any abalone to a bin, or process the abalone, or mix the abalone with other stocks of abalone, until the licence holder has complied with regulation 281 in respect of that abalone.

283 Copies of abalone docket

Reg. 283(1)
amended by
S.R. No.
10/2017
reg. 126.

- (1) The licence holder must ensure that the duplicate copy of an abalone docket completed under this Subdivision in respect of abalone received at the premises specified in the licence is sent to the Victorian Fisheries Authority within 2 business days after the abalone enters the premises.
- (2) The licence holder must retain on the premises specified in the licence the triplicate copy of any abalone docket in respect of all abalone received at that premises.

Subdivision 4—Abalone accompanied by abalone transfer certificate

284 Application of Subdivision

This Subdivision applies in respect of abalone received by the holder of a Fish Receivers' (Abalone) Licence that is accompanied by an abalone transfer certificate relating to that abalone.

285 Victorian Fisheries Authority to be notified of incorrect abalone transfer certificate

If Part A of the duplicate and triplicate copies of the abalone transfer certificate that accompanies the abalone has not been completed or is incorrect, the licence holder must notify the Victorian Fisheries Authority no more than 15 minutes after receiving the abalone.

Reg. 285
(Heading)
amended by
S.R. No.
10/2017
reg. 127(1).

Reg. 285
amended by
S.R. No.
10/2017
reg. 127(2).

286 Weighing and notification of specified abalone details to the Victorian Fisheries Authority

(1) The licence holder must, as soon as practicable and no more than 2 hours after the abalone enters the licensed premises, ensure that—

- (a) the net weight of the abalone is entered on Part B of the duplicate and triplicate copies of the abalone transfer certificate; and
- (b) all of the other details (except section (v)) in Part B of the duplicate and triplicate copies of the abalone transfer certificate are completed; and
- (c) the details set out in paragraph (c) of the definition of *specified abalone details* in regulation 5 are provided to the Victorian Fisheries Authority—
 - (i) via the abalone internet notification service; or

Reg. 286
(Heading)
amended by
S.R. No.
10/2017
reg. 128(1).

Reg. 286(1)(c)
amended by
S.R. No.
10/2017
reg. 128(2).

Reg. 286(1)(d)
amended by
S.R. No.
10/2017
reg. 128(2).

- (ii) if an abalone confirmation number in respect of the details is not received from the abalone internet notification service, via the abalone telephone notification service; or
- (iii) if an abalone confirmation number in respect of the details is not received from the abalone telephone notification service, via the telephone number provided under regulation 305(c); and
- (d) he or she confirms to the Victorian Fisheries Authority whether the specified abalone details provided under paragraph (c) are correct; and
- (e) if the specified abalone details provided under paragraph (c) are confirmed as correct by the licence holder—

Reg.
286(1)(e)(i)
amended by
S.R. No.
10/2017
reg. 128(2).

- (i) the abalone confirmation number received from the Victorian Fisheries Authority in respect of the details is recorded on Part B of the duplicate and triplicate copies of the abalone transfer certificate; and
 - (ii) the licence holder has signed the duplicate and triplicate copies of the abalone transfer certificate.
- (2) If the total net weight of the abalone is greater than the total net weight specified for the abalone in Part A of the duplicate and triplicate copies of the abalone transfer certificate, the licence holder must—

Reg. 286(2)(a)
amended by
S.R. No.
10/2017
reg. 128(2).

- (a) notify the Victorian Fisheries Authority as soon as practicable of the place where the abalone may be inspected during the next 24 hours; and

- (b) must not remove any abalone from, or add any abalone to, the consignment of abalone during that period unless authorised to do so by the Victorian Fisheries Authority or an authorised officer.

Reg. 286(2)(b)
amended by
S.R. No.
10/2017
reg. 128(2).

287 Abalone not to be processed or mixed until regulation 286 complied with

The licence holder must not process the abalone, or mix the abalone with other stocks of abalone, until the licence holder has complied with regulation 286 in respect of that abalone.

288 Copies of abalone transfer certificate

- (1) The licence holder must ensure that the duplicate copy of an abalone transfer certificate completed under this Subdivision in respect of abalone received at the premises specified in the licence is sent to the Victorian Fisheries Authority within 2 business days after the abalone enters the premises.
- (2) The licence holder must keep on the premises specified in the licence the triplicate copy of any abalone transfer certificate in respect of all abalone received at the premises.

Reg. 288(1)
amended by
S.R. No.
10/2017
reg. 129.

Subdivision 5—Abalone not accompanied by an abalone docket or an abalone transfer certificate

289 Application of Subdivision

This Subdivision applies in respect of abalone received by the holder of a Fish Receivers' (Abalone) Licence that is not accompanied by an abalone docket or an abalone transfer certificate relating to that abalone.

Reg. 290
(Heading)
amended by
S.R. No.
10/2017
reg. 130(1).

290 Weighing and notification of specified abalone details to the Victorian Fisheries Authority

The licence holder must, as soon as practicable and no more than 2 hours after the abalone enters the premises specified in the licence, ensure that—

- (a) the net weight of the abalone is entered on Part B of the original and all copies of an abalone transfer certificate; and
- (b) all of the other details (except section (v)) in Part B of the original and all copies of the abalone transfer certificate are completed; and
- (c) the details set out in paragraph (c) of the definition of *specified abalone details* in regulation 5 are provided to the Victorian Fisheries Authority—
 - (i) via the abalone internet notification service; or
 - (ii) if an abalone confirmation number in respect of the details is not received from the abalone internet notification service, via the abalone telephone notification service; or
 - (iii) if an abalone confirmation number in respect of the details is not received from the abalone telephone notification service, via the telephone number provided under regulation 305(c); and
- (d) he or she confirms to the Victorian Fisheries Authority whether the specified abalone details provided under paragraph (c) are correct; and

Reg. 290(c)
amended by
S.R. No.
10/2017
reg. 130(2).

Reg. 290(d)
amended by
S.R. No.
10/2017
reg. 130(2).

(e) if the specified abalone details provided under paragraph (c) are correct—

- (i) the abalone confirmation number received from the Victorian Fisheries Authority in respect of the details is recorded on Part B of the original and all copies of the abalone transfer certificate; and
- (ii) the licence holder has signed the original abalone transfer certificate and all copies of it.

Reg. 290(e)(i)
amended by
S.R. No.
10/2017
reg. 130(2).

291 Abalone not to be processed until regulation 290 complied with

The licence holder must not process the abalone, or mix the abalone with other stocks of abalone, until the licence holder has complied with regulation 290 in respect of that abalone.

292 Original and copies of abalone transfer certificate

- (1) The licence holder must ensure that the original, duplicate and triplicate copies of the abalone transfer certificate completed under this Subdivision in respect of abalone received at the premises specified in the licence are sent to the Victorian Fisheries Authority within 2 business days after the abalone is received at that premises.
- (2) The licence holder must keep on the premises specified in the licence the quadruplicate copy of any abalone transfer certificate relating to abalone received at the premises.

Reg. 292(1)
amended by
S.R. No.
10/2017
reg. 131.

Subdivision 6—Sale or consignment of smaller quantities of abalone

293 Application of Subdivision

This Subdivision applies in the case of a sale of abalone in a quantity not more than that specified in Column 1 of Table 1 in Schedule 11.

294 Requirements for sale or consignment of smaller quantities of abalone

- (1) The licence holder must—
 - (a) at the time of the sale or consignment of abalone, issue a receipt in respect of the abalone that contains the following details—
 - (i) the full name and address of the licence holder;
 - (ii) the full name and signature of the person completing the document;
 - (iii) the date of sale or consignment of the abalone;
 - (iv) the net weight in kilograms of abalone sold or consigned;
 - (v) the product description of the abalone;
 - (vi) in respect of each sale or consignment of abalone, a unique identifying number generated from a sequential system of numbering of each sale or consignment for the purposes of the receipt;
 - (vii) any one or more of the following details—
 - (A) the full name and address of the person who processed the abalone;
 - (B) the trader identification number of the licence holder;

- (C) the approved AQIS number of the place or premises where the abalone was processed;
 - (viii) the date the abalone was packaged; and
 - (b) on completion of the sale or consignment, enter all of the details of the sale or consignment on the original and duplicate copy of the appropriate small sales return.
- (2) The licence holder must, no more than 24 hours after—
- (a) the final entry on the original and duplicate of a small sales return is made under subregulation (1)(b); or
 - (b) a request from the Victorian Fisheries Authority under regulation 302(1) is received—

Reg. 294(2)(b)
amended by
S.R. No.
10/2017
reg. 132.

complete all other details on the original and duplicate copy of the small sales return and sign the return.

- (3) The licence holder must ensure that the original small sales return completed in accordance with subregulation (2) is sent to the Victorian Fisheries Authority within 2 business days after its completion.

Reg. 294(3)
amended by
S.R. No.
10/2017
reg. 132.

295 Duplicate small sales return to be retained on premises

The licence holder must keep on the premises specified in the licence the duplicate copy of every small sales return completed by the licence holder under this Subdivision.

Subdivision 7—Sale of larger quantities of abalone

296 Application of Subdivision

This Subdivision applies in the case of a sale of abalone in a quantity greater than that specified in Column 1 of Table 1 in Schedule 11.

Reg. 297
(Heading)
amended by
S.R. No.
10/2017
reg. 133(1).

297 Specified abalone details to be notified to the Victorian Fisheries Authority

The licence holder must, at the time of sale of the abalone ensure that—

- (a) all of the details (except section (v)) on Part A of the original and all copies of an abalone transfer certificate are completed; and
- (b) all of the details set out in paragraph (d) of the definition of *specified abalone details* in regulation 5 are provided to the Victorian Fisheries Authority—
 - (i) via the abalone internet notification service; or
 - (ii) if an abalone confirmation number in respect of the details is not received from the abalone internet notification service, via the abalone telephone notification service; or
 - (iii) if an abalone confirmation number in respect of the details is not received from the abalone telephone notification service, via the telephone number provided under regulation 305(c); and
- (c) he or she confirms to the Victorian Fisheries Authority whether the specified abalone details provided under paragraph (b) are correct; and

Reg. 297(b)
amended by
S.R. No.
10/2017
reg. 133(2).

Reg. 297(c)
amended by
S.R. No.
10/2017
reg. 133(2).

(d) if the specified abalone details provided under paragraph (b) are correct—

- (i) the abalone confirmation number provided by the Victorian Fisheries Authority in respect of the details is recorded on Part A of the original and all copies of the abalone transfer certificate; and
- (ii) the licence holder has signed the original abalone transfer certificate and all copies of it.

Reg. 297(d)(i)
amended by
S.R. No.
10/2017
reg. 133(2).

298 Abalone confirmation number required before abalone moved

The licence holder must not allow abalone to leave the premises specified in the licence until the licence holder has complied with regulation 297 in respect of that abalone.

299 Abalone not to leave premises without copies of abalone transfer certificate

The licence holder must not allow the abalone to leave the premises specified in the licence unless it is accompanied by the duplicate and triplicate copies of the completed abalone transfer certificate.

300 Original and quadruplicate copy of abalone transfer certificate

- (1) The licence holder must ensure that the original of the abalone transfer certificate completed under this Subdivision in respect of the abalone is sent to the Victorian Fisheries Authority within 2 business days after the abalone leaves the premises specified in the licence.
- (2) The licence holder must keep on the premises specified in the licence the quadruplicate copy of the abalone transfer certificate completed under

Reg. 300(1)
amended by
S.R. No.
10/2017
reg. 134.

this Subdivision in respect of abalone dispatched from those premises.

Division 7—Other matters relating to abalone

301 Abalone only to be sold in properly labelled packaging

(1) For the purposes of section 118A of the Act, the immediate packaging of abalone that is sold must be marked or labelled with an abalone label that contains the following details—

- (a) in the case of abalone packaged by the holder of a Fish Receivers' (Abalone) Licence, an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore Abalone) Licence or by the holder of a general permit authorising the sale of abalone—
 - (i) the address of the licence or permit holder (as the case requires) or the name and address of the person on whose behalf the licence or permit holder packaged the abalone;
 - (ii) the approved AQIS number or, if applicable, the trader identification number of the licence or permit holder;
 - (iii) the net weight in kilograms of the abalone;
 - (iv) the date that the abalone was packaged;
- (b) in the case of abalone packaged by a person who holds an authority issued under a corresponding law—
 - (i) the full name of the holder of the authority or the name and address of the person on whose behalf the holder packaged the abalone;

- (ii) the approved AQIS number for the processing premises or the authority number issued to the holder of the authority;
 - (iii) the net weight in kilograms of the abalone;
 - (iv) the date that the abalone was packaged.
- (2) In this regulation ***authority issued under a corresponding law*** means a licence or registration or other authority issued under a law of another State or Territory of the Commonwealth that authorises the processing or receiving of abalone.

Note

Certain licence holders are exempt from the requirements of section 118A of the Act under regulation 314.

302 Victorian Fisheries Authority may request stock record or small sales return to be completed

Reg. 302
(Heading)
amended by
S.R. No.
10/2017
reg. 135(1).

- (1) The Victorian Fisheries Authority, at any reasonable time, may request in writing the holder of a Fish Receivers' (Abalone) Licence to complete and sign a small sales return and send it to the Victorian Fisheries Authority in accordance with regulation 294.
- (2) The Victorian Fisheries Authority, at any reasonable time, but no more than 6 times in any 12 month period, may request in writing the holder of a Fish Receivers' (Abalone) Licence to complete a stock record in accordance with regulation 273.

Reg. 302(1)
amended by
S.R. No.
10/2017
reg. 135(2).

Reg. 302(2)
amended by
S.R. No.
10/2017
reg. 135(2).

Reg. 303
(Heading)
amended by
S.R. No.
10/2017
reg. 136(1).

303 Victorian Fisheries Authority to notify licence holders of telephone numbers to be used

The Victorian Fisheries Authority must notify, in writing, each holder of an abalone fishery access licence of—

Reg. 303
amended by
S.R. No.
10/2017
reg. 136(2).

Reg. 303(a)
amended by
S.R. No.
10/2017
reg. 136(2).

(a) the telephone number to be used to provide the Victorian Fisheries Authority with specified abalone details via the abalone telephone notification service; and

(b) the telephone number to be used—

Reg. 303(b)(i)
amended by
S.R. No.
10/2017
reg. 136(2).

(i) to provide the Victorian Fisheries Authority with specified abalone details if the licence holder does not receive an abalone confirmation number in respect of specified abalone details provided via the abalone telephone notification service; or

(ii) for any other purpose required by these Regulations; and

(c) any changes to the telephone numbers notified under paragraph (a) or (b).

Reg. 304
(Heading)
amended by
S.R. No.
10/2017
reg. 137(1).

304 Victorian Fisheries Authority to give abalone confirmation number to holder of abalone fishery access licence

Reg. 304(1)
amended by
S.R. No.
10/2017
reg. 137(2).

(1) The Victorian Fisheries Authority must make all reasonable efforts to provide the holder of an abalone fishery access licence with an abalone confirmation number via the abalone telephone notification service as soon as is practicable after the licence holder has provided specified abalone details via that service and confirmed that those details are correct.

(2) Subregulation (1) does not apply if the Victorian Fisheries Authority determines that there are reasonable grounds for believing that the licence holder has failed to comply with these Regulations.

Reg. 304(2)
amended by
S.R. No.
10/2017
reg. 137(2).

(3) If a licence holder does not receive an abalone confirmation number under subregulation (1) and provides specified abalone details to the Victorian Fisheries Authority via the telephone number referred to in regulation 303(b), the Victorian Fisheries Authority may issue the licence holder with an abalone confirmation number.

Reg. 304(3)
amended by
S.R. No.
10/2017
reg. 137(2).

305 Victorian Fisheries Authority to notify fish receivers of internet address and telephone numbers to be used

Reg. 305
(Heading)
amended by
S.R. No.
10/2017
reg. 138(1).

The Victorian Fisheries Authority must notify, in writing, each holder of a Fish Receivers' (Abalone) Licence of—

Reg. 305
amended by
S.R. No.
10/2017
reg. 138(2).

(a) the address for the internet site to be used to provide the Victorian Fisheries Authority with specified abalone details or to complete stock records via the abalone internet notification service; and

Reg. 305(a)
amended by
S.R. No.
10/2017
reg. 138(2).

(b) the telephone number to be used—

(i) to provide the Victorian Fisheries Authority with specified abalone details via the abalone telephone notification service if the licence holder does not receive an abalone confirmation number in respect of specified abalone details provided via the abalone internet notification service; or

Reg. 305(b)(i)
amended by
S.R. No.
10/2017
reg. 138(2).

(ii) for any other purpose required by these Regulations; and

Reg. 305(c)(i)
amended by
S.R. No.
10/2017
reg. 138(2).

(c) the telephone number to be used—

(i) to provide the Victorian Fisheries Authority with specified abalone details if the licence holder does not receive an abalone confirmation number in respect of specified abalone details provided via the abalone telephone notification service; or

(ii) for any other purpose required by these Regulations; and

(d) any changes to the internet site address or telephone numbers notified under paragraph (a), (b) or (c).

Reg. 306
(Heading)
amended by
S.R. No.
10/2017
reg. 139(1).

306 Victorian Fisheries Authority to give abalone confirmation number to holder of Fish Receivers' (Abalone) Licence

Reg. 306(1)
amended by
S.R. No.
10/2017
reg. 139(2).

(1) The Victorian Fisheries Authority must make all reasonable efforts to provide the holder of a Fish Receivers' (Abalone) Licence with an abalone confirmation number via the abalone internet notification service or the abalone telephone notification service as soon as is practicable after the licence holder has provided specified abalone details via that service and confirmed that those details are correct.

Reg. 306(2)
amended by
S.R. No.
10/2017
reg. 139(2).

(2) Subregulation (1) does not apply if the Victorian Fisheries Authority determines that—

(a) there are reasonable grounds for believing that the licence holder has failed to comply with these Regulations; or

(b) an inspection of the premises specified in the licence or the abalone under section 102 of the Act is required.

- (3) If a licence holder does not receive an abalone confirmation number under subregulation (1) and provides the specified abalone details to the Victorian Fisheries Authority via the telephone number referred to in regulation 305(c), the Victorian Fisheries Authority may issue the licence holder with an abalone confirmation number.

Reg. 306(3)
amended by
S.R. No.
10/2017
reg. 139(2).

307 Required form of documentation for sale of abalone

- (1) For the purposes of section 120AA(1) of the Act, the species of fish specified is abalone and the specified quantity is any quantity.
- (2) For the purposes of section 120AA(2)(a) of the Act, the document must be in the form of a receipt that contains the following details—
- (a) the full name and address of the person selling or consigning the abalone;
 - (b) the full name and signature of the person completing the receipt;
 - (c) the date of sale or consignment of the abalone;
 - (d) the net weight in kilograms of abalone sold or consigned;
 - (e) the product description of the abalone;
 - (f) in respect of each sale or consignment of abalone, a unique identifying number generated from a sequential system of numbering of each sale or consignment for the purposes of the receipt;
 - (g) any one or more of the following details—
 - (i) the full name and address of the person who processed the abalone;
 - (ii) the trader identification number of the licence holder;

(iii) the approved AQIS number of the place or premises where the abalone was processed;

(h) the date the abalone was packaged.

Notes

- 1 Under section 120AA(2) of the Act, a person who sells abalone in any quantity must create a document that complies with regulation 307(2). In the case of a consignment of abalone, the person must ensure that the document accompanies the consignment, and in any other case, that the document is given to the purchaser at or before the sale and the seller must keep a copy of the document. The penalty for failure to comply with the requirements of this section is a maximum of 60 penalty units.
- 2 The holder of an abalone fishery access licence, a Fish Receivers' (Abalone) Licence, an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore Abalone) Licence, or a person who is acting on behalf of the holder of one of those licences is exempt from the requirements of section 120AA(2) of the Act under regulation 315.

308 Specified quantity of abalone for purposes of section 120AB of the Act

For the purposes of section 120AB(1) of the Act, the specified quantity of abalone is any quantity.

Note

Under section 120AB of the Act, a person who buys abalone in any quantity, must obtain a copy of the document required to be created under section 120AA of the Act and must keep a copy of the document. The maximum penalty for failure to comply with the requirements of this section is 60 penalty units.

309 Document requirements for possessor of abalone

- (1) For the purposes of section 120AC(1)(a) of the Act, the specified quantity is any quantity of abalone.

- (2) For the purposes of sections 120AC(1)(b) and 120AC(2) of the Act, a person who possesses abalone received from—
- (a) the holder of a Fish Receivers' (Abalone) Licence, must have in his or her possession the duplicate and triplicate copy of an abalone transfer certificate or the abalone receipt issued by the licence holder in respect of that abalone at the time of the sale or consignment of that abalone; or
 - (b) the holder of an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore—Abalone) Licence, must have in his or her possession the abalone receipt issued by the licence holder in respect of that abalone at the time of the sale or consignment of the abalone; or
 - (c) any other person, must have in his or her possession an abalone receipt created by the supplier of the abalone in respect of the sale of the abalone at the time of sale of that abalone.

Note

Under section 120AC of the Act, a person who possesses abalone in any quantity must have in their possession a document specified by these Regulations (that is the relevant document specified in this regulation) and must, when asked to do so by an authorised officer, produce that document for inspection. The maximum penalty for failure to comply with the requirements of that section is 60 penalty units.

310 Offence to write on, use or possess certain fisheries documents or copies

- (1) A person must not write on, or otherwise use in any way, an abalone docket, abalone docket book, abalone transfer certificate, abalone transfer certificate book, bin tag, small sales return, small

sales return book, stock record or any copy of those documents.

Penalty: 20 penalty units.

- (2) A person must not be in possession of an abalone docket, abalone docket book, abalone transfer certificate, abalone transfer certificate book, bin tag, small sales return, small sales return book, stock record or any copy of those documents.

Penalty: 20 penalty units.

- (3) Subregulations (1) and 2 do not apply to a person—
- (a) who is the holder of an abalone fishery access licence; or
 - (b) who is the holder of a Fish Receivers' (Abalone) Licence; or
 - (c) who is acting on behalf of the holder of an abalone fishery access licence—

who uses, is in possession of, or writes on, an abalone docket, abalone transfer certificate, bin tag, small sales return, stock record or any copy of those documents in connection with the possession, control, conveyance, sale, marketing or transport of abalone in accordance with these Regulations.

- (4) Subregulations (1) and (2) do not apply to a person who is authorised by the Victorian Fisheries Authority under subregulation (5) to write on, use or be in possession of an abalone docket, abalone docket book, abalone transfer certificate, abalone transfer certificate book, bin tag, small sales return, small sales return book, stock record or any copy of those documents and who is acting in accordance with that authority.

Reg. 310(4)
amended by
S.R. No.
10/2017
reg. 140.

(5) The Victorian Fisheries Authority may, in writing, authorise a person to write on, use or be in possession of an abalone docket, abalone docket book, abalone transfer certificate, abalone transfer certificate book, bin tag, small sales return, small sales return book, stock record or any copy of those documents if the Victorian Fisheries Authority considers it necessary or reasonable in the circumstances of a particular case.

Reg. 310(5)
amended by
S.R. No.
10/2017
reg. 140.

(6) The Victorian Fisheries Authority must specify in an authority under subregulation (5)—

Reg. 310(6)
amended by
S.R. No.
10/2017
reg. 140.

- (a) the period during which the authority applies; and
- (b) the circumstances in which the authority applies; and
- (c) any conditions which apply to the authority.

(7) Subregulation (2) does not apply to a person who—

- (a) possesses the duplicate and triplicate copies of an abalone transfer certificate accompanying abalone purchased or obtained from the holder of a Fish Receivers' (Abalone) Licence in accordance with these Regulations; or
- (b) has held an abalone fishery access licence or a Fish Receivers' (Abalone) Licence and who possesses copies of abalone dockets, abalone transfer certificates, small sales returns, stock records or stock record books completed by him or her while holding the licence; or
- (c) has held an abalone fishery access licence that has been transferred, cancelled, suspended or has expired and not been renewed, who possesses, controls or conveys unused abalone dockets, copies of unused abalone dockets, abalone docket books or bin

tags issued or provided to him or her while holding the licence; or

- (d) has held a Fish Receivers' (Abalone) licence that has been cancelled, suspended or expired and not renewed and who possesses, controls or conveys unused abalone transfer certificates, small sales returns or copies of those documents or stock records or stock record books issued or provided to him or her while holding the licence.

311 Unused documents to be returned by former licence holders within 48 hours

Reg. 311(1)
amended by
S.R. No.
10/2017
reg. 141.

- (1) A person referred to in regulation 310(7)(c) must ensure that all unused abalone dockets and copies of those dockets and all unused abalone docket books and bin tags that were issued or provided to him or her are returned to the Victorian Fisheries Authority within 48 hours after the date of transfer, cancellation, suspension or expiry of the licence unless otherwise authorised or directed by the Victorian Fisheries Authority.

Penalty: 20 penalty units.

Reg. 311(2)
amended by
S.R. No.
10/2017
reg. 141.

- (2) A person referred to in regulation 310(7)(d) must ensure that all unused abalone transfer certificates, small sales returns and copies of those documents that were issued or provided to him or her are returned to the Victorian Fisheries Authority within 48 hours after the date of transfer, cancellation, suspension or expiry of the licence unless otherwise authorised or directed by the Victorian Fisheries Authority.

Penalty: 20 penalty units.

312 Prescribed information for abalone quota unit holding statement

For the purposes of section 66H(1) of the Act, the following information must be included in an abalone quota unit holding statement—

- (a) the name of the individual abalone quota unit holder;
- (b) the date on which the statement was issued;
- (c) the individual abalone quota unit numbers for all of the units held by the individual abalone quota unit holder named in the statement.

313 Notification of nomination of licence holder by holder of individual abalone quota unit

- (1) For the purposes of section 66J(1) of the Act, the holder of an individual abalone quota unit may notify the Victorian Fisheries Authority of the holder of an abalone fishery access licence nominated to take abalone under the quota unit by submitting to the Victorian Fisheries Authority a completed notification in the form approved by the Victorian Fisheries Authority.
- (2) For the purposes of section 66J(3) of the Act, the following matters must be contained in a notification relating to individual abalone quota units that are the subject of a nomination under section 66J(1) of the Act—
 - (a) the total number of quota units subject to nomination;
 - (b) the individual abalone quota unit number for each quota unit subject to nomination;
 - (c) the total net weight in kilograms of unshucked abalone permitted to be taken under each quota unit subject to nomination remaining for the current quota period;

Reg. 313(1)
amended by
S.R. No.
10/2017
reg. 142.

- (d) the total net weight in kilograms of unshucked abalone that is permitted to be taken in the quota period for each quota unit subject to nomination;
 - (e) if the holder of an abalone fishery access licence is currently nominated to take abalone under any quota unit subject to nomination, the number of that licence;
 - (f) the number of the abalone fishery access licence held by any person who is the subject of a nomination by the holder of a quota unit specified in the notification to take abalone under that quota unit;
 - (g) the name, address, telephone number, personal file number and dated signature of the following persons—
 - (i) the individual abalone quota unit holder submitting the notification;
 - (ii) any holder of an abalone fishery access licence who is currently nominated to take abalone under a quota unit subject to nomination;
 - (iii) any holder of an abalone fishery access licence who is the subject of a nomination by the individual abalone quota unit holder to take abalone under a quota unit specified in the notification.
- (3) In this regulation ***personal file number*** means the unique identifying number allocated by the Victorian Fisheries Authority to each person who holds one or more commercial fishery licences.

Reg. 313(3)
amended by
S.R. No.
10/2017
reg. 142.

Division 8—Exemptions relating to abalone

Subdivision 1—Exemptions relating to labelling, packaging and documentation requirements in the Act

314 Exemptions from labelling and packaging requirements in the Act

A person who is the holder of a Fish Receivers' (Abalone) Licence, an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore—Abalone) Licence, or a person who is acting on behalf of one of those licence holders, is exempt from sections 118A and 118B of the Act when acting under the licence.

Notes

- 1 Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing.
- 2 There are various labelling and packaging requirements relating to abalone placed on these licence holders under the conditions of their licences in these Regulations.

315 Exemptions from documentation requirements in the Act relating to possession of abalone

- (1) The holder of an abalone fishery access licence, or a person acting on behalf of the holder, is exempt from the application of sections 120AA and 120AC of the Act when acting under the licence.
- (2) The holder of a Fish Receivers' (Abalone) Licence, an Aquaculture (Crown Land—Abalone) Licence or an Aquaculture (On-shore Abalone) Licence, or a person acting on behalf of the holder of any of those licences, is exempt from the application of sections 120AA, 120AB

and 120AC of the Act when acting under the licence.

Notes

- 1 Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing.
- 2 There are various documentation requirements relating to abalone placed upon the licence holders exempted under this regulation under the conditions of their licences specified in these Regulations.

Subdivision 2—Exemptions from offences in the Act relating to possession, receipt, sale and processing of abalone

316 Exemptions relating to receipt of non-commercial quantities of abalone

A person is exempt from section 40(1)(a) of the Act, in respect of the receipt of legally obtained abalone that is not in a commercial quantity, if the person receives the abalone in any of the following circumstances—

- (a) the person receives the abalone for preparation for inclusion in a meal;
- (b) the person receives the abalone from a person within Victoria for storage or sale and the abalone is marked or labelled with an abalone label and the abalone—
 - (i) if in a quantity equal to or less than that specified in Column 1 of Table 1 in Schedule 11, is accompanied by an abalone receipt in respect of that abalone that was issued by the supplier of the abalone; or

Reg. 316(b)(i)
amended by
S.R. No.
95/2016
reg. 13(a).

(ii) if in a quantity more than that specified in Column 1 of Table 1 in Schedule 11, is accompanied by an abalone receipt in respect of that abalone that was issued by the supplier of the abalone; or	Reg. 316(b)(ii) amended by S.R. No. 95/2016 reg. 13(b).
(iii) is accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate in respect of that abalone that was completed by the supplier of the abalone;	Reg. 316(b)(iii) amended by S.R. No. 95/2016 reg. 13(c).
(c) the person receives the abalone from a person in a place outside Victoria for storage or sale and the abalone is marked or labelled with an abalone label; or	Reg. 316(c) substituted by S.R. No. 95/2016 reg. 13(d).
(d) the person receives the abalone from the holder of an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of abalone of that species or the holder of a general permit authorising the taking or possession and sale of abalone of that species and the abalone—	
(i) is marked or labelled with an abalone label; and	
(ii) is accompanied by an abalone receipt issued or created by the licence or permit holder in respect of that abalone at the time of the sale or consignment of that abalone.	

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing.

317 Exemptions relating to the receipt or possession of commercial quantities of abalone

A person is exempt from sections 40(1)(a), 111A and 111C of the Act in respect of the receipt or possession of legally obtained abalone in a commercial quantity, if—

- (a) the person received the abalone from a person within Victoria and the abalone—
 - (i) is marked or labelled with an abalone label; and
 - (ii) is accompanied by an abalone receipt in respect of that abalone that was issued by the supplier of the abalone; or

- (b) the abalone received by the person is in a quantity not more than that specified in Column 1 of Table 2 in Schedule 11 and the abalone—
 - (i) is marked or labelled with an abalone label; and
 - (ii) is accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate in respect of that abalone that was completed by the supplier of the abalone; or

- (c) the abalone received by the person is in a quantity more than that specified in Column 1 of Table 2 in Schedule 11 and the abalone—
 - (i) is marked or labelled with an abalone label; and

Reg. 317(a)(ii)
amended by
S.R. No.
95/2016
reg. 14(a).

Reg. 317(b)(ii)
amended by
S.R. No.
95/2016
reg. 14(b).

(ii) is accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate in respect of that abalone that was completed by the supplier of the abalone; or	Reg. 317(c)(ii) amended by S.R. No. 95/2016 reg. 14(c).
(d) the person received the abalone from a person in a place outside Victoria and the abalone is marked or labelled with an abalone label; or	Reg. 317(d) substituted by S.R. No. 95/2016 reg. 14(d).
(e) the person received the abalone from the holder of an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of abalone of that species or the holder of a general permit authorising the taking or possession and sale of that abalone of that species and the abalone— (i) is marked or labelled with an abalone label; and (ii) is accompanied by an abalone receipt issued or created by the licence or permit holder in respect of the abalone at the time of the sale or consignment of that abalone; or	
(f) the person received the abalone, for the purpose of transporting the abalone, from the holder of an abalone fishery access licence and the abalone— (i) is contained in bins that are each sealed with a bin lid in such a manner that the bin lid cannot be removed or abalone removed from, or added to, the bin while the bin lid and bin tag are still attached and without breaking the bin tag; or	

- (ii) is accompanied by the duplicate and triplicate of an abalone docket in respect of that abalone on which Part B has been completed in accordance with these Regulations before transportation; or
- (g) the person received the abalone, for the purpose of transporting the abalone, from the holder of an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of abalone of that species and the abalone—
 - (i) is being transported to premises specified in the licence of a Fish Receivers' (Abalone) Licence or an area specified in another aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of abalone of that species; and
 - (ii) is marked or labelled with an abalone label; and
 - (iii) is accompanied by an abalone receipt issued by the licence holder in respect of that abalone.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemptions under this regulation only have effect to the extent specified in this regulation.

318 Exemptions relating to sale of abalone

- (1) A person is exempt from section 40(1)(c) of the Act in respect of the sale of legally obtained abalone that is not in a commercial quantity if—
 - (a) the abalone was received by the person in any one of the circumstances set out in regulation 316; and
 - (b) the person complies with the requirements in sections 118A and 120AA(2) of the Act in respect of the sale of the abalone.
- (2) A person is exempt from sections 40(1)(c) and 111A of the Act in respect of the sale of legally obtained abalone in a commercial quantity if—
 - (a) the abalone sold by the person was received by the person in any one of the circumstances set out in regulation 317; and
 - (b) the person complies with the requirements in sections 118A and 120AA(2) of the Act in respect of the sale of the abalone.

Notes

- 1 Regulations 301 and 307 set out requirements for the purposes of sections 118A and 120AA(2)(a) of the Act.
- 2 Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemptions under this regulation only have effect to the extent specified in this regulation.

319 Exemptions relating to the processing of commercial quantities of abalone

A person is exempt from section 111A of the Act in respect of the processing of legally obtained abalone in a commercial quantity if—

- (a) the abalone processed by the person was received in any one of the circumstances set out in regulation 317; and
- (b) the processing of the abalone occurs at the place where the abalone is to be consumed.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemption under this regulation only has effect to the extent specified in this regulation.

Part 9—Rock lobster

Division 1—Minimum sizes and closed seasons for rock lobster

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Reg. 319A
inserted by
S.R. No.
168/2013
reg. 43,
revoked by
S.R. No.
10/2017
reg. 32.

320 Minimum sizes for rock lobster

- (1) For the purposes of the Act, the minimum size for rock lobster is—
- (a) 11 centimetres for male rock lobster; and
 - (b) 10.5 centimetres for female rock lobster.

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish that are less than the minimum size specified for that species of fish in these Regulations. Various penalties apply.

- (2) Subregulation (1) does not apply to a person who takes or possesses rock lobster that is of a size that is less than the minimum size for rock lobster specified in subregulation (1) if—
- (a) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, an aquaculture licence that authorises the hatching, rearing, breeding, displaying or growing of rock lobster; and
 - (ii) takes or possesses rock lobster in accordance with the licence, the Act and these Regulations; or

- (b) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, a general permit authorising the taking or possessing of rock lobster of that size; and
 - (ii) takes or possesses the rock lobster in accordance with the permit, the Act and these Regulations.
- (3) Subregulation (1) does not apply to a person who possesses rock lobster that is of a size that is less than the minimum size for rock lobster specified in subregulation (1) if the person—
 - (a) received the rock lobster from a person referred to in subregulation (2); and
 - (b) is acting in accordance with the Act.

Note

Regulation 362, which prescribes matters for the purposes of section 120AC of the Act, requires that persons who possess more than 2 rock lobster must have in their possession a rock lobster receipt in respect of those rock lobster.

321 Methods for measuring size of rock lobster

The size of rock lobster must be measured along the median line from the foremost edge of the groove (which is the posterior edge of the gap) between the large antennae to the posterior edge of the carapace but not including any hairs attached to the carapace.

322 Closed season for rock lobster

- (1) For the purposes of section 67 of the Act, the closed season for rock lobster is—
 - (a) in the case of female rock lobster, the period from 1 June to 15 November in each year; and

- (b) in the case of male rock lobster, the period from 15 September to 15 November in each year.
- (2) For the purposes of section 67 of the Act, the taking or possessing of any rock lobster from, or in, on or next to Victorian waters, during the period specified as the closed season for rock lobster in subregulation (1) by any person, other than a person of one of the following classes of person is prohibited—
- (a) holders of, or persons acting on behalf of holders of, an aquaculture licence that authorises the hatching, rearing, breeding, displaying or growing of rock lobster who take or possess rock lobster from the area specified in the aquaculture licence in accordance with the licence, the Act and these Regulations;
 - (b) holders of, or persons acting on behalf of holders of, a general permit authorising the taking or possession of rock lobster during that period who take rock lobster during that period in accordance with the permit, the Act and these Regulations;
 - (c) persons acting in accordance with the Act who possess rock lobster received from a person referred to in paragraph (a) or (b).

Reg. 322(2)
amended by
S.R. No.
96/2014
reg. 27.

Note

Regulation 362, which prescribes matters for the purposes of section 120AC of the Act, requires that persons who possess more than 2 rock lobster must have in their possession a rock lobster receipt in respect of those rock lobster.

- (3) A person who contravenes the prohibition in subregulation (2) is liable to a further penalty—
- (a) in the case of a first offence, a penalty not exceeding 0·5 of a penalty unit for each rock lobster taken, landed, sold or possessed;
 - (b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each rock lobster taken, landed, sold or possessed.

Note

A failure to comply with the prohibition in this regulation is an offence under section 67(3) of the Act. A penalty of 100 penalty units or 6 months imprisonment or both applies.

Division 2—Catch limits and other restrictions regarding rock lobster

Reg. 323
substituted by
S.R. Nos
168/2013
reg. 44,
10/2017
reg. 33.

323 Application of Division

This Division does not apply to the holder of a rock lobster fishery access licence, or a person acting on behalf of that licence holder, when carrying out any fishing activities authorised by the licence.

324 Catch limit for rock lobster

- (1) For the purposes of the Act, the catch limit with respect to—
- (a) the taking of rock lobster from Victorian waters is a daily limit of 2 rock lobster; or
 - (b) the possession of rock lobster in, on or next to any Victorian waters, is a limit of 4 rock lobster.

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species in excess of the catch limit in these Regulations specified for that species of fish. Various penalties apply.

- (2) Subregulation (1) does not apply to a person who takes or possesses rock lobster in a quantity in excess of the catch limit specified in subregulation (1) if—
- (a) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, an aquaculture licence that authorises the hatching, rearing, breeding, growing or displaying of rock lobster; and
 - (ii) takes or possesses rock lobster in accordance with the licence, the Act and these Regulations and; or
 - (b) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, a general permit that authorises the taking or possession of rock lobster in that quantity; and
 - (ii) takes or possesses the rock lobster in accordance with the permit, the Act and these Regulations; or
- (3) Subregulation (1) does not apply to a person who possesses rock lobster in a quantity in excess of the catch limit specified in subregulation (1) if the person—
- (a) received the rock lobster from a person referred to in subregulation (2); and
 - (b) is acting in accordance with the Act.

Note

Regulation 362, which prescribes matters for the purposes of section 120AC of the Act, requires that persons who possess more than 2 rock lobster must have in their possession a rock lobster receipt in respect of those rock lobster.

325 Taking of rock lobster other than by certain methods prohibited

For the purposes of section 114 of the Act, the use of any equipment other than underwater breathing apparatus or recreational hoop nets for the taking of, or attempting to take, rock lobster is prohibited throughout Victoria.

Note

Contravention of the prohibition in this regulation is an offence under section 114(3) of the Act. A penalty of 100 penalty units or 6 months imprisonment or both applies.

326 Offence not to mark rock lobster

- (1) A person who takes a rock lobster must mark the central segment of the tail fan of the rock lobster by—
- (a) punching in it a hole of not less than 10 millimetres in diameter; or
 - (b) removing the posterior quarter of the central segment of the tail fan by a transverse cut so that only the anterior three-quarters of the central segment of the tail fan remain attached.

Penalty: 20 penalty units.

- (2) A person who takes rock lobster must carry out the marking under subregulation (1) within the following periods—
- (a) if the rock lobster is caught by any means from a boat, within 5 minutes after being brought to the boat or before landing, whichever is the sooner; or
 - (b) subject to subregulation (3), if the rock lobster is caught by any means from the shore, within 5 minutes after being caught or before the rock lobster is put into any basket, bag or receptacle, whichever is the sooner; or

- (c) if the rock lobster is caught by any means from the shore, within 50 metres of the place of landing of the rock lobster.

Penalty: 20 penalty units.

- (3) Subregulation (2)(b) does not apply if the rock lobster is taken by a person engaged in underwater dive fishing until the person lands the rock lobster.

327 Offences to sell marked rock lobster

- (1) A person must not sell rock lobster that has a punched hole in the central segment of the tail fan.

Penalty: 20 penalty units.

- (2) A person must not sell rock lobster that has the posterior quarter of the central segment of the tail fan removed by a traverse cut so that only the anterior three-quarters of the central segment of the tail fan remains attached.

Penalty: 20 penalty units.

328 Offences to take, land or possess rock lobster in berry

- (1) A person must not take any berried rock lobster.

Penalty: 20 penalty units.

- (2) A person must not, in, on or next to Victorian waters, land or cause to be landed from a boat any berried rock lobster.

Penalty: 20 penalty units.

- (3) A person must not possess berried rock lobster.

Penalty: 20 penalty units.

- (4) A person must not remove eggs from a berried rock lobster.

Penalty: 20 penalty units.

329 Offence to take soft-shelled rock lobster

A person must not take, attempt to take, or assist in the taking of, a soft-shelled rock lobster.

Penalty: 20 penalty units.

330 Offence to possess or land rock lobster unless the tail and carapace are attached

A person must not in, on or next to Victorian waters, possess, land or cause to be landed, any rock lobster unless the tail and carapace of that rock lobster are attached to each other.

Penalty: 20 penalty units.

Division 3—Activities authorised by a rock lobster fishery access licences

331 Activities authorised by a Rock Lobster Fishery (Western Zone) Access Licence

A Rock Lobster Fishery (Western Zone) Access Licence authorises the licence holder to use the boat specified in the licence to carry out the following activities in the waters of the western rock lobster zone and in any other waters specified in the licence under regulation 33—

- (a) the use of rock lobster pots (other than in waters that are part of a marine national park or a marine sanctuary) in the numbers specified in the licence under regulation 33;
- (b) the possession of rock lobster pots in the numbers specified in the licence under regulation 33;
- (c) the taking for sale of rock lobster (including a commercial quantity) and fish (other than abalone, giant crab, jellyfish, scallop and sea urchin);

- (d) the use and possession of fishing lines (other than in waters that are part of a marine national park or a marine sanctuary) to take fish (other than abalone, giant crab, jellyfish, scallop and sea urchin) for bait for the purposes of rock lobster fishing;
- (e) the use of any other equipment specified in the licence under regulation 33;
- (f) the possession of rock lobster (including a commercial quantity) taken under the licence;
- (g) the processing of rock lobster (including a commercial quantity) taken under the licence;
- (h) the sale of rock lobster (including a commercial quantity) taken under the licence;
- (i) the engagement of one or more people to carry out any activity authorised by the licence.

332 Activities authorised by a Rock Lobster Fishery (Eastern Zone) Access Licence

A Rock Lobster Fishery (Eastern Zone) Access Licence authorises the licence holder to use the boat specified in the licence to carry out the following activities in the waters of the eastern rock lobster zone—

- (a) the use of rock lobster pots (other than in waters that are part of a marine national park or a marine sanctuary) in the numbers specified in the licence under regulation 33;

- (b) the possession of rock lobster pots in the numbers specified in the licence under regulation 33;
- (c) the taking for sale of rock lobster (including a commercial quantity) and fish (other than abalone, giant crab, jellyfish, scallop and sea urchin);
- (d) the use and possession of fishing lines (other than in waters that are part of a marine national park or a marine sanctuary) to take fish (other than abalone, giant crab, jellyfish, scallop and sea urchin) for bait for the purposes of rock lobster fishing;
- (e) the use of any other equipment specified in the licence under regulation 33;
- (f) the possession of rock lobster (including a commercial quantity) taken under the licence;
- (g) the processing of rock lobster (including a commercial quantity) taken under the licence;
- (h) the sale of rock lobster (including a commercial quantity) taken under the licence;
- (i) the engagement of one or more people to carry out any activity authorised by the licence.

Division 4—Conditions of all rock lobster fishery access licences

333 Rock lobster fishery access licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every rock lobster fishery access licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every rock lobster fishery access licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 1(a) to
reg. 333
amended by
S.R. No.
10/2017
reg. 143.**

**Note 3 to
reg. 333
amended by
S.R. No.
10/2017
reg. 143.**

334 Rock lobster only to be taken by use of rock lobster pot

The licence holder must not take or attempt to take rock lobster by the use of any equipment other than a rock lobster pot.

335 Specifications for rock lobster pot

- (1) The licence holder must not use or possess in, on or next to Victorian waters a rock lobster pot unless the pot meets the specifications in this regulation.
- (2) A rock lobster pot must—
 - (a) only have one neck or entrance; and
 - (b) comprise of only one chamber capable of trapping rock lobster or giant crab; and
 - (c) have one or more escape gaps in its side which comply with subregulation (3); and
 - (d) not be more than 150 centimetres long by 150 centimetres wide by 120 centimetres high.
- (3) For the purposes of subregulation (2)(c), an escape gap must—
 - (a) be a rectangular opening measuring at least 25 centimetres long by 6 centimetres high and must be placed in the rock lobster pot so that the bottom edge of the orifice is not less than 7 centimetres or more than 10 centimetres from the inside surface of the bottom of the rock lobster pot; and
 - (b) be formed—
 - (i) using a solid steel bar of at least 1.2 centimetres square section or 1.2 centimetres diameter; or
 - (ii) from steel plate that is at least 0.2 centimetres thick and in a manner so that the metal surround is at least 3 centimetres in depth; and
 - (c) remain unobstructed and open at all times.

336 Restrictions on numbers of rock lobster pots that may be used

- (1) Subject to subregulation (2), the licence holder must not use, or have on board a boat, more than the number of rock lobster pots authorised by the licence.
- (2) The licence holder must not, personally, or in association or conjunction with one or more other licence holders, use or have on board the boat specified in the licence more than—
 - (a) 140 rock lobster pots in the western rock lobster zone; or
 - (b) 120 rock lobster pots in the eastern rock lobster zone—

despite the total number of rock lobster pots authorised to be used or possessed by the licence and any other rock lobster fishery access licence held by the licence holder or the total number of rock lobster pots authorised to be used or possessed by all rock lobster fishery access licences in which the boat is specified.

337 Rock lobster pot not to be used during closed season for male rock lobster

The licence holder must not, from the start of the period specified as the closed season for male rock lobster until 9 a.m. on 15 November in each year—

- (a) use any rock lobster pot in any Victorian waters; or
- (b) leave or have any rock lobster pot immersed or set in any Victorian waters; or
- (c) have on board a boat any rock lobster pot in any Victorian waters other than in a port or mooring area specified in Schedule 13.

338 Rock lobster pot set by boat not to be hauled using another boat

The licence holder must not haul or retrieve a rock lobster pot set from the boat specified in the licence using another boat.

339 Taking, landing, possession etc. of berried or soft-shelled rock lobster prohibited

- (1) The licence holder must not at any time—
 - (a) take any berried rock lobster; or
 - (b) land, or cause to be landed from any boat, in, on or next to any Victorian waters, any berried rock lobster; or
 - (c) possess berried rock lobster; or
 - (d) remove any eggs from a berried rock lobster.
- (2) The licence holder must not at any time—
 - (a) take or attempt to take a soft-shelled rock lobster; or
 - (b) land, or cause to be landed from any boat, in, on or next to any Victorian waters, any soft shelled rock lobster; or
 - (c) possess a soft shelled rock lobster.

340 Possession or landing of dismembered rock lobster prohibited

The licence holder must not, in, on or next to Victorian waters, possess, land or cause to be landed—

- (a) any dismembered rock lobster; or
- (b) any part of a rock lobster.

341 Transfer of rock lobster at sea prohibited

- (1) The licence holder must ensure that rock lobster are not transferred in, under or on any waters from the boat specified in the licence to any other boat.

- (2) The licence holder must ensure that rock lobster are not sold, transferred or delivered to another person in, under or on any waters.
- (3) Subregulations (1) and (2) do not apply to a licence holder who allows rock lobster to be transferred to a tender boat prior to landing, if that boat proceeds directly to the port or mooring area notified to the Victorian Fisheries Authority via the rock lobster notification service in accordance with this Division.

Reg. 341(3)
amended by
S.R. No.
10/2017
reg. 144.

342 Transfer of rock lobster to licence holder prohibited

The licence holder must ensure that rock lobster taken by a person who is not acting on behalf of the licence holder are not transferred in, under or on any waters to the possession or control of the licence holder or any person acting on behalf of the licence holder (whether on board a boat or not).

343 Catch limits for fish other than rock lobster

- (1) The licence holder must not take from Victorian waters, or possess in, on or next to Victorian waters, more than 8 wrasse on any one day.
- (2) The licence holder must not take from Victorian waters, or possess, in on or next to Victorian waters more than 2 banded morwong on any one day.
- (3) The licence holder must not on any one day, take, or possess on board the boat specified in the licence, or land from that boat, more than a total combined number of 2 gummy shark and school shark.

344 Use of coff or other fishing equipment

- (1) The licence holder must not—
 - (a) possess or use a coff in or on Victorian waters; or

- (b) load any rock lobster into a coff in or on Victorian waters—

unless the use of a coff is authorised by the licence.

- (2) The licence holder must not, in or on marine waters—
 - (a) use at any one time more than 6 fishing lines; or
 - (b) use a fishing line with more than 3 hooks or more than one bait jig attached to the line; or
 - (c) possess a fishing line with more than 3 hooks or more than one bait jig attached to the line.

345 Restrictions relating to rock lobster when quota unit balance of licence is zero or less

- (1) If the quota unit balance in relation to the licence is zero or less, the licence holder must not—
 - (a) take rock lobster from Victorian waters; or
 - (b) have a rock lobster pot on board the boat specified in the licence in or on any Victorian waters; or
 - (c) set or immerse a rock lobster pot in Victorian waters.
- (2) Subregulation (1)(b) does not apply to a licence holder who has rock lobster pots on board a boat if—
 - (a) the boat is in a port or mooring area; or
 - (b) the boat is in transit and an authorised officer has approved the rock lobster pots being on board the boat; or
 - (c) the licence holder holds a Giant Crab Fishery (Western Zone) Access Licence and the giant crab quota unit balance in relation to that licence is greater than zero.

- (3) Subregulation (1)(c) does not apply to a licence holder who sets or immerses a rock lobster pot in Victorian waters if the licence holder holds a Giant Crab Fishery (Western Zone) Access Licence and the giant crab quota unit balance in relation to that licence is greater than zero.

346 Rock lobster daily catch record book to be on board boat

The licence holder must have the rock lobster daily catch record book on board the boat specified in the licence at all times—

- (a) when the licence holder or any person acting on behalf of the licence holder is on board the boat; or
- (b) when rock lobster is on board the boat.

347 Requirement to complete rock lobster daily catch record book

Reg. 347
amended by
S.R. No.
10/2017
reg. 145.

The licence holder must ensure that all details of the rock lobster daily catch record are completed in the manner required by the Victorian Fisheries Authority on each day during which rock lobster fishing takes place before—

- (a) providing any details to the Victorian Fisheries Authority under regulation 348 or 349 via the rock lobster notification service; or
- (b) leaving Victorian waters in a boat if rock lobster taken from Victorian waters is on board that boat.

Reg. 347(a)
amended by
S.R. No.
10/2017
reg. 145.

348 Prior reporting of rock lobster details before entering ports

- (1) The licence holder must ensure that the relevant specified rock lobster details are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the rock lobster

Reg. 348(1)
amended by
S.R. No.
10/2017
reg. 146.

notification service, at least 1 hour before the boat specified in the licence enters a port or mooring area in the eastern rock lobster zone on any day between the hours of 8 a.m. and 6 p.m. if—

- (a) the boat has any rock lobster on board; or
- (b) rock lobster fishing has taken place from that boat during the fishing trip.

Reg. 348(2)
amended by
S.R. No.
10/2017
reg. 146.

- (2) Despite subregulation (1), the holder of a Rock Lobster Fishery (Western Zone) Access Licence must ensure that the relevant specified rock lobster details are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the rock lobster notification service, at least 30 minutes before the boat specified in the licence enters the Port of Apollo Bay on any day between 8 a.m. and 6 p.m. if—

- (a) the boat has any rock lobster on board; or
- (b) rock lobster fishing has taken place from that boat during the fishing trip.

Reg. 348(3)
amended by
S.R. No.
10/2017
reg. 146.

- (3) The licence holder must ensure that the relevant specified rock lobster details are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the rock lobster notification service, at least 30 minutes before the boat specified in the licence enters a port or mooring area in the western rock lobster zone on any day between the hours of 8 a.m. and 6 p.m. if—

- (a) the boat has any rock lobster on board; or
- (b) rock lobster fishing has taken place from that boat during the fishing trip.

Reg. 348(4)
amended by
S.R. No.
10/2017
reg. 146.

- (4) The licence holder must ensure that the relevant specified rock lobster details are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the rock lobster

notification service, at least 2 hours before the boat specified in the licence enters a port or mooring area in any Victorian waters on any day after 6 p.m. or before 8 a.m. if—

- (a) the boat has any rock lobster on board; or
 - (b) rock lobster fishing has taken place from that boat during the fishing trip.
- (5) If the licence holder is authorised by the licence to use a coff, the licence holder must ensure that the details set out in paragraph (b) of the definition of ***specified rock lobster details*** in regulation 5 are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the rock lobster notification service—
- (a) at least one hour before removing rock lobster from the coff on any day between the hours of 8 a.m. and 6 p.m.; or
 - (b) at least 2 hours before removing rock lobster from the coff at any other time.
- (6) In this regulation ***relevant specified rock lobster details*** means the details set out in paragraph (a) of the definition of ***specified rock lobster details*** in regulation 5.

Reg. 348(5)
amended by
S.R. No.
10/2017
reg. 146.

349 Further details to be provided to the Victorian Fisheries Authority after initial reporting under regulation 348

Reg. 349
(Heading)
amended by
S.R. No.
10/2017
reg. 147(1).

- (1) If the licence holder has specified in the specified rock lobster details under regulation 348 that rock lobster would not be landed, but subsequently wishes to land rock lobster, the licence holder must ensure that the details set out in paragraph (a) of the definition of ***specified rock lobster details*** in regulation 5 are provided to the Victorian Fisheries Authority and confirmed by

Reg. 349(1)
amended by
S.R. No.
10/2017
reg. 147(2).

the licence holder as correct via the rock lobster notification service—

- (a) at least 1 hour before commencing to land any rock lobster from the boat specified in the licence on any day between the hours of 8 a.m. and 6 p.m.; or
- (b) at least 2 hours before commencing to land any rock lobster from that boat at any other time.

Reg. 349(2)
amended by
S.R. No.
10/2017
reg. 147(2).

- (2) If the licence holder does not know the number of rock lobster on board the boat specified in the licence at the time of providing the specified rock lobster details under regulation 348, the licence holder must, after the last rock lobster pot has been hauled, but at least 5 minutes before the boat enters a port or mooring area in Victorian waters, ensure that the following details are provided to the Victorian Fisheries Authority via the rock lobster notification service and confirmed by the licence holder as correct—

Reg. 349(2)(a)
amended by
S.R. No.
10/2017
reg. 147(2).

- (a) the licence number allocated by the Victorian Fisheries Authority to the licence;

- (b) the number of rock lobster on board the boat.

Reg. 349(3)
amended by
S.R. No.
10/2017
reg. 147(2).

- (3) If the number of rock lobster on board the boat specified in a licence has changed since providing the specified rock lobster details under regulation 348, the licence holder must, after the last rock lobster pot has been hauled, but at least 5 minutes before the boat enters a port or mooring area in Victorian waters, ensure that the following details are provided to the Victorian Fisheries Authority via the rock lobster notification service and confirmed by the licence holder as correct—

- (a) the licence number allocated by the Victorian Fisheries Authority to the licence;

Reg. 349(3)(a)
amended by
S.R. No.
10/2017
reg. 147(2).

- (b) the number of rock lobster on board the boat.

350 Boat not to enter port and rock lobster not to be landed before estimated time

- (1) The licence holder must not allow the boat specified in the licence with rock lobster on board to enter a port or mooring area in Victorian waters before the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 348.

Reg. 350(1)
amended by
S.R. No.
10/2017
reg. 148.

- (2) The licence holder must not allow rock lobster to be landed from the boat specified in the licence before the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 348 or 349(1).

Reg. 350(2)
amended by
S.R. No.
10/2017
reg. 148.

351 Boat to enter port and rock lobster to be landed within 1 hour after estimated time

- (1) The licence holder must ensure that the boat specified in the licence with rock lobster on board enters the port or mooring area in Victorian waters within one hour after the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 348.

Reg. 351(1)
amended by
S.R. No.
10/2017
reg. 149.

- (2) The licence holder must ensure that rock lobster are landed from the boat specified in the licence with rock lobster on board within one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 348 or 349(1).

Reg. 351(2)
amended by
S.R. No.
10/2017
reg. 149.

- (3) Despite subregulation (2), a licence holder may commence landing rock lobster from the boat specified in the licence more than one hour after the estimated time for that landing provided

Reg. 351(3)
amended by
S.R. No.
10/2017
reg. 149.

to the Victorian Fisheries Authority under regulation 348 or 349(1), if the licence holder advises the Victorian Fisheries Authority via the rock lobster notification service at least one hour before the new estimated time for landing of the rock lobster of—

- (a) the licence holder's intention to land rock lobster more than one hour after the prior estimated time for landing; and
- (b) the new estimated time at which the landing of rock lobster will commence.

Reg. 351(4)
amended by
S.R. No.
10/2017
reg. 149.

- (4) If the licence holder advises the Victorian Fisheries Authority of a new estimated time for landing rock lobster under subregulation (3), the licence holder must ensure that rock lobster are landed from the boat within one hour after that time.

352 Rock lobster to be landed in Victoria unless exempted

- (1) The licence holder must ensure that any rock lobster taken from Victorian waters is landed in Victoria at a port or mooring area specified in Schedule 13.
- (2) If the licence holder is exempted by the Victorian Fisheries Authority under regulation 460 from subregulation (1) and the exemption authorises the landing of rock lobster from the boat specified in the licence at Port Macdonnell or Eden, the licence holder must ensure that the details set out in paragraph (a) of the definition of ***specified rock lobster details*** in regulation 5 are provided to the Victorian Fisheries Authority and confirmed as correct by the licence holder via the rock lobster notification service at least one hour prior to the boat entering the port or mooring area at Port Macdonnell or Eden if—

Reg. 352(2)
amended by
S.R. No.
10/2017
reg. 150.

- (a) the boat has any rock lobster on board; or
- (b) rock lobster fishing has taken place from that boat during the fishing trip.

353 Rock lobster must be landed at specified place

- (1) The licence holder must ensure that no rock lobster is landed at any place other than the port or mooring area specified to the Victorian Fisheries Authority under regulation 348, 349(1) or 352(2).
- (2) Subregulation (1) does not apply to a licence holder who lands rock lobster at a place other than the port or mooring area specified to the Victorian Fisheries Authority under regulation 348, 349(1) or 352(2) if—
 - (a) the licence holder contacts the Victorian Fisheries Authority via the rock lobster notification service advising of his or her intention to land rock lobster at another place at least 1 hour before landing of the rock lobster is commenced; or
 - (b) the rock lobster is landed in an emergency because of an impending or actual threat to the safety of the boat specified in the licence or any person engaged to carry out activities under the licence.

Reg. 353(1)
amended by
S.R. No.
10/2017
reg. 151.

Reg. 353(2)
amended by
S.R. No.
10/2017
reg. 151.

Reg. 353(2)(a)
amended by
S.R. No.
10/2017
reg. 151.

354 Reporting of post-landing details concerning rock lobster to the Victorian Fisheries Authority

- (1) The licence holder must, no later than 20 minutes after landing and weighing rock lobster taken under the licence and before the rock lobster leave the place of landing ensure that—
 - (a) all of the details of the rock lobster catch disposal record, including the signature of the licence holder (or the signature of the person acting on behalf of the licence holder), are completed on the original and

Reg. 354
(Heading)
amended by
S.R. No.
10/2017
reg. 152(1).

Reg. 354(1)(a)
amended by
S.R. No.
10/2017
reg. 152(2).

the duplicate copy of the rock lobster catch disposal record in respect of all rock lobster landed under the licence in the manner required by the Victorian Fisheries Authority; and

Reg. 354(1)(b)
amended by
S.R. No.
10/2017
reg. 152(2).

- (b) the details set out in paragraph (c) of the definition of *specified rock lobster details* in regulation 5 are provided to the Victorian Fisheries Authority—
- (i) via the rock lobster notification service; or
 - (ii) if a rock lobster confirmation number in respect of the details is not received from the rock lobster notification service, via the telephone number provided under regulation 360(b); and

Reg. 354(1)(c)
amended by
S.R. No.
10/2017
reg. 152(2).

- (c) he or she confirms to the Victorian Fisheries Authority whether the specified rock lobster details provided under paragraph (b) are correct; and
- (d) if the specified rock lobster details provided under paragraph (b) are confirmed as correct by the licence holder—

Reg.
354(1)(d)(i)
amended by
S.R. No.
10/2017
reg. 152(2).

- (i) the rock lobster confirmation number received from the Victorian Fisheries Authority in respect of the details is recorded on the original and duplicate copy of the rock lobster catch disposal record; and
 - (ii) the licence holder has signed the original and duplicate copy of the rock lobster catch disposal record; and
- (e) the original rock lobster catch disposal record accompanies the rock lobster as it leaves the place of landing of the rock lobster.

- (2) The licence holder must ensure that any details regarding the weight of rock lobster that are required to be provided under the Act or these Regulations are accurate to within 0.1 kilograms of the actual weight.

355 Rock lobster not to be dealt with unless regulation 354 complied with

The licence holder must not allow rock lobster taken under the licence to enter any vehicle that already contains fish, to be sold or to leave the place of landing of the rock lobster or to enter any premises on which fish is processed or held, until the licence holder has complied with regulation 354 in respect of that rock lobster.

356 Original rock lobster daily catch record to be sent to the Victorian Fisheries Authority

Reg. 356
(Heading)
amended by
S.R. No.
10/2017
reg. 153(1).

- (1) The licence holder must ensure that the original copy of the rock lobster daily catch record for a particular month is sent to the Victorian Fisheries Authority by the 18th day of the following month.
- (2) Despite subregulation (1), the licence holder is not required to return the rock lobster daily catch record for the month of October in each year.

Reg. 356(1)
amended by
S.R. No.
10/2017
reg. 153(2).

357 Requirements for keeping of fisheries documents and copies relating to rock lobster

- (1) The licence holder must ensure that he, she or any person acting on behalf of the licence holder does not possess a signed rock lobster catch disposal record or a copy of that record unless all required details of that record have been completed in the manner required by the Victorian Fisheries Authority.

Reg. 357(1)
amended by
S.R. No.
10/2017
reg. 154.

- (2) The licence holder must ensure that all copies of completed, and all unused, rock lobster catch disposal records, rock lobster catch disposal record books, rock lobster daily catch records and rock lobster daily catch record books provided to the licence holder are kept by the licence holder.
- (3) The licence holder must ensure that the duplicate copy of each rock lobster catch disposal record that has been completed in respect of rock lobster landed under the licence is retained in the rock lobster catch disposal record book issued to the licence holder.

Reg. 358
amended by
S.R. No.
10/2017
reg. 155.

358 Location of rock lobster catch disposal record book and daily catch record book to be notified

The licence holder must ensure that the Victorian Fisheries Authority is notified of the location of a rock lobster catch disposal record book or a rock lobster daily catch record book if it is not located on the boat or at the place of landing of rock lobster.

Division 5—Other matters relating to rock lobster

Reg. 359
(Heading)
amended by
S.R. No.
10/2017
reg. 156(1).

359 Victorian Fisheries Authority may allocate forfeited individual quota units in respect of rock lobster by tender

- (1) This regulation applies to the allocation of an individual quota unit in respect of a rock lobster fishery that is forfeited under section 66 of the Act.
- (2) If the Victorian Fisheries Authority determines that a quota unit should be allocated to the holder of a rock lobster fishery access licence, the Victorian Fisheries Authority may invite each holder of a rock lobster fishery access licence authorised to take rock lobster in the same specified zone of the rock lobster fishery

Reg. 359(2)
amended by
S.R. No.
10/2017
reg. 156(2).

in respect of which the quota unit had been allocated to purchase the quota unit by tender in the manner set out in the invitation.

360 Victorian Fisheries Authority to notify licence holder of telephone numbers to be used

The Victorian Fisheries Authority must notify, in writing, each holder of a rock lobster fishery access licence of—

- (a) the telephone number to be used to provide the Victorian Fisheries Authority with specified rock lobster details via the rock lobster notification service; and
- (b) the telephone number to be used—
 - (i) to provide the Victorian Fisheries Authority with specified rock lobster details if the licence holder does not receive a rock lobster confirmation number in respect of specified rock lobster details provided via the rock lobster notification service; or
 - (ii) for any other purpose required by these Regulations; and
- (c) any changes to the telephone numbers notified under paragraph (a) or (b).

361 Victorian Fisheries Authority to give rock lobster confirmation number to rock lobster fishery access licence holder

- (1) The Victorian Fisheries Authority must make all reasonable efforts to provide the holder of a rock lobster fishery access licence with a rock lobster confirmation number via the rock lobster

Reg. 360
(Heading)
amended by
S.R. No.
10/2017
reg. 157(1).

Reg. 360
amended by
S.R. No.
10/2017
reg. 157(2).

Reg. 360(a)
amended by
S.R. No.
10/2017
reg. 157(2).

Reg. 360(b)(i)
amended by
S.R. No.
10/2017
reg. 157(2).

Reg. 361
(Heading)
amended by
S.R. No.
10/2017
reg. 158(1).

Reg. 361(1)
amended by
S.R. No.
10/2017
reg. 158(2).

notification service as soon as is practicable after the licence holder has provided specified rock lobster details via that service and confirmed that those details are correct.

Reg. 361(2)
amended by
S.R. No.
10/2017
reg. 158(2).

(2) Subregulation (1) does not apply if the Victorian Fisheries Authority determines that there are reasonable grounds for believing that the licence holder has failed to comply with these Regulations.

Reg. 361(3)
amended by
S.R. No.
10/2017
reg. 158(2).

(3) If a licence holder does not receive a rock lobster confirmation number under subregulation (1) and provides specified rock lobster details to the Victorian Fisheries Authority via the telephone number referred to in regulation 360(b), the Victorian Fisheries Authority may issue the licence holder with a rock lobster confirmation number.

362 Document requirements for possessor of rock lobster

(1) For the purposes of section 120AC(1)(a) of the Act, the specified quantity of rock lobster is more than 2.

(2) For the purposes of sections 120AC(1)(b) and 120AC(2) of the Act, a person who possesses rock lobster received from—

(a) the holder of a rock lobster fishery access licence at the place where the rock lobster was landed, must have in his or her possession the original rock lobster catch disposal record in respect of that rock lobster; or

(b) the holder of an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of rock lobster, must have in his or her possession a rock lobster receipt issued by the licence holder in respect

of the rock lobster at the time of sale of that rock lobster; or

- (c) any other person, must have in his or her possession a rock lobster receipt issued by that person in respect of the rock lobster at the time of sale of that rock lobster.

Note

Under section 120AC of the Act, a person who possesses more than 2 rock lobster must have in their possession a document specified by these Regulations (that is the relevant document specified in this regulation) and must, when asked to do so by an authorised officer, produce that document for inspection. The maximum penalty for failure to comply with the requirements of that section is 60 penalty units.

- (3) A person referred to in subregulation (2) who receives rock lobster must keep the rock lobster catch disposal record or the rock lobster receipt (as the case requires).

Note

Under section 120B of the Act a person must keep any document that he or she is required to keep under the Act (which includes these Regulations) for 3 years from the date of creation or receipt of the document. A maximum penalty of 60 penalty units applies.

Division 6—Exemptions relating to rock lobster

Subdivision 1—Exemptions from documentation requirements in the Act

363 Exemptions from documentation requirements in the Act relating to possession of rock lobster

The holder of a rock lobster fishery access licence, or an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of rock lobster, or a person acting on behalf of a holder of one of those licences, is exempt from the application of section 120AC of the Act when acting under the licence.

**Subdivision 2—Exemptions from offences in the
Act relating to receipt, possession, sale and
processing of rock lobster**

**364 Exemptions relating to the receipt of any quantity of
rock lobster**

A person is exempt from section 40(1)(a) of the Act, in respect of the receipt of legally obtained rock lobster if the person receives the rock lobster from—

- (a) the holder of a rock lobster fishery access licence and the rock lobster is accompanied by the completed original rock lobster catch disposal record in respect of that rock lobster; or
- (b) the holder of an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of rock lobster and the rock lobster is accompanied by a rock lobster receipt issued by the licence holder in respect of the rock lobster at the time of sale of that rock lobster; or
- (c) any other person and the rock lobster is accompanied by a rock lobster receipt issued by that person in respect of the rock lobster at the time of sale of that rock lobster.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing.

**365 Exemptions relating to the receipt, processing or
possession of rock lobster in a commercial quantity**

- (1) A person is exempt from section 111A of the Act, in respect of the receipt of legally obtained rock lobster in a commercial quantity if the person

receives the rock lobster in any one of the circumstances set out in regulation 364.

- (2) A person is exempt from section 111A of the Act, in respect of the processing of legally obtained rock lobster in a commercial quantity if the person received the rock lobster in any one of the circumstances set out in regulation 364.
- (3) A person is exempt from section 111C of the Act, in respect of the possession of legally obtained rock lobster in a commercial quantity if the person received the rock lobster in any one of the circumstances set out in regulation 364.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemptions in this regulation only have effect to the extent specified in this regulation.

366 Exemptions relating to the sale of rock lobster

A person is exempt from section 40(1)(c) and 111A of the Act in respect of the sale of any quantity (including a commercial quantity) of legally obtained rock lobster if—

- (a) the rock lobster sold by the person was received by the person in any one of the circumstances set out in regulation 364; and
- (b) the person issues a receipt in respect of that rock lobster at the time of the sale of the rock lobster containing the following details—
 - (i) the full name of the person selling the rock lobster;
 - (ii) the business address from which the rock lobster were sold;

- (iii) the number of the receipt accompanying the rock lobster;
 - (iv) the date of the sale of the rock lobster;
 - (v) the form of the rock lobster;
 - (vi) the number of rock lobster;
 - (vii) the net weight of the rock lobster; and
- (c) the person keeps a copy of that receipt.

Notes

- 1 Under section 120B of the Act, a person must keep any document that he or she is required under the Act (including these Regulations) to keep for a period of 3 years after the date it is created. A maximum penalty of 60 penalty units applies.
- 2 Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemptions in this regulation only have effect to the extent specified in this regulation.

Part 10—Giant crab

Division 1—Minimum size and closed season for giant crab

367 Minimum size for giant crab

- (1) For the purposes of the Act, the minimum size for giant crab is 15 centimetres.

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species that are less than the minimum size specified for that species of fish in these Regulations. Various penalties apply.

- (2) Subregulation (1) does not apply to a person who takes or possesses giant crab that is less than the minimum size for giant crab specified in subregulation (1) if—
- (a) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, an aquaculture licence authorising the hatching, rearing, breeding, displaying or growing of giant crab; and
 - (ii) takes or possesses the giant crab in accordance with the licence, the Act and these Regulations; or
 - (b) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, a general permit authorising the taking or possession of giant crab of that size; and
 - (ii) takes or possesses the giant crab in accordance with the permit, the Act and these Regulations.

- (3) Subregulation (1) does not apply to a person who possesses giant crab that is less than the minimum size for giant crab specified in subregulation (1) if—
- (a) the person received the giant crab from a person referred to in subregulation (2); and
 - (b) is acting in accordance with the Act.

Note

Regulation 402, which prescribes matters for the purposes of section 120AC of the Act, requires that persons who possess more than 2 giant crab received from the holder of a Giant Crab Fishery (Western Zone) Access Licence must have in their possession the original giant crab catch disposal record in respect of those giant crab.

368 Methods for measuring size of giant crab

The size of giant crab must be measured in a straight line from the point on the carapace, which is midway between the 2 central horns (between the eyes) to the opposite point at the rear of the carapace, but not including the ligament or any part of the belly flap.

369 Closed season for giant crab

- (1) For the purposes of section 67 of the Act, the closed season for giant crab is—
- (a) in the case of female giant crab, the period from 1 June to 15 November in each year; and
 - (b) in the case of male giant crab, the period from 15 September to 15 November in each year.

- (2) For the purposes of section 67 of the Act, the taking or possessing of any giant crab during the period specified as the closed season for giant crab in subregulation (1) by any person other than a person of one of the following classes of person is prohibited—
- (a) holders of, or persons acting on behalf of holders of, an aquaculture licence authorising the hatching, rearing, breeding, displaying or growing of giant crab who take or possess giant crab from the area specified in the aquaculture licence in accordance with the licence, the Act and these Regulations;
 - (b) holders of, or persons acting on behalf of holders of, a general permit authorising the taking or possession of giant crab during that period under a general permit who take or possess giant crab during that period in accordance with the permit, the Act and these Regulations;
 - (c) persons acting in accordance with the Act who possess giant crab received from a person referred to in paragraph (a) or (b).

Note

Regulation 402, which prescribes matters for the purposes of section 120AC of the Act, requires that persons who possess more than 2 giant crab received from the holder of a Giant Crab Fishery (Western Zone) Access Licence must have in their possession the original giant crab catch disposal record in respect of those giant crab.

- (3) A person who contravenes the prohibition in subregulation (2) is liable to a further penalty—
- (a) in the case of a first offence, a penalty not exceeding 0.5 of a penalty unit for each giant crab taken or possessed;

- (b) in the case of a subsequent offence, a penalty not exceeding 1 penalty unit for each giant crab taken or possessed.

Note

A failure to comply with the prohibition in this regulation is an offence under section 67(3) of the Act. A maximum penalty of 100 penalty units or 6 months imprisonment or both applies.

**Division 2—General restrictions and prohibitions
regarding giant crab**

370 Application

This Division does not apply to the holder of a Giant Crab Fishery (Western Zone) Access Licence, or a person acting on behalf of that licence holder, when carrying out any fishing activities authorised by the licence.

371 Offence to take, land or possess giant crab in berry

- (1) A person must not take any berried giant crab.
Penalty: 20 penalty units.
- (2) A person must not in, on or next to Victorian waters, land or cause to be landed from any boat any berried giant crab.
Penalty: 20 penalty units.
- (3) A person must not possess berried giant crab.
Penalty: 20 penalty units.
- (4) A person must not remove eggs from a berried giant crab.
Penalty: 20 penalty units.

372 Offence to possess or land dismembered giant crabs

A person must not, in, on or next to Victorian waters, possess or land, or cause to be landed, any dismembered giant crab or part of a giant crab.

Penalty: 20 penalty units.

Division 3—Activities authorised by a Giant Crab Fishery (Western Zone) Access Licence

373 Activities authorised by a Giant Crab Fishery (Western Zone) Access Licence

- (1) A Giant Crab Fishery (Western Zone) Access Licence authorises the licence holder to use the boat specified in the licence to carry out the following activities in the waters of the western rock lobster zone—
- (a) the use of the same number of rock lobster pots authorised to be used by the Rock Lobster Fishery (Western Zone) Access Licence held by the licence holder that is specified in the licence (other than in waters that are part of a marine national park or a marine sanctuary);
 - (b) the possession of the same number of rock lobster pots authorised to be possessed by the Rock Lobster Fishery (Western Zone) Access Licence held by the licence holder;
 - (c) the taking for sale of giant crab and fish (other than abalone, rock lobster, jellyfish, scallop and sea urchin);
 - (d) the engagement of one or more persons to carry out any activity authorised by the licence.

Reg. 373(1)(c)
substituted by
S.R. No.
95/2016
reg. 15.

Reg. 373(2)
amended by
S.R. No.
10/2017
reg. 159.

- (2) In addition to the number of rock lobster pots authorised to be used under subregulation (1)(a), a licence holder who is allocated 60 or more quota units in respect of the giant crab fishery may use a number of additional rock lobster pots determined by the Victorian Fisheries Authority and specified in the licence for the purpose of catching giant crab.

Reg. 373(3)
amended by
S.R. No.
10/2017
reg. 159.

- (3) For the purposes of subregulation (2), the Victorian Fisheries Authority may determine that a licence holder may use an additional number of rock lobster pots.

Reg. 373(4)
amended by
S.R. No.
10/2017
reg. 159.

- (4) A determination made by the Victorian Fisheries Authority under subregulation (3) must not be inconsistent with any relevant fisheries management plan.

Division 4—Conditions of Giant Crab Fishery (Western Zone) Access Licence

374 Giant Crab Fishery (Western Zone) Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Giant Crab Fishery (Western Zone) Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Giant Crab Fishery Access Licence is subject to—
- (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.

Note 1(a) to
reg. 374
amended by
S.R. No.
10/2017
reg. 160.

- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 374
amended by
S.R. No.
10/2017
reg. 160.**

375 Giant crab only to be taken by use of rock lobster pot

The licence holder must not take or attempt to take giant crab by the use of any equipment other than a rock lobster pot.

376 Specifications for rock lobster pot

The licence holder must not use or possess in, on or next to Victorian waters a rock lobster pot unless the pot meets the specifications in regulation 335.

377 Restrictions on numbers of rock lobster pots that may be used

- (1) The licence holder must not use, or have on board a boat, more than the total of the following—
 - (a) the number of rock lobster pots authorised by the licence;
 - (b) the number of rock lobster pots determined by the Victorian Fisheries Authority under regulation 373(3).
- (2) Despite subregulation (1), the licence holder must not, personally, or in association or conjunction with one or more other licence holders, use or have on board the boat specified in the licence

**Reg. 377(1)(b)
amended by
S.R. No.
10/2017
reg. 161.**

more than 140 rock lobster pots in the western rock lobster zone.

378 Rock lobster pot not to be used or be on board boat during closed season for male giant crab

The licence holder must not, from the start of the closed season for male giant crab until 9 a.m. on 15 November in each year—

- (a) use any rock lobster pot in any Victorian waters; or
- (b) leave or have any rock lobster pot immersed or set in any Victorian waters; or
- (c) have on board a boat any rock lobster pot in any Victorian waters other than in a port or mooring area specified in Schedule 13.

379 Rock lobster pot set by boat not to be hauled using another boat

The licence holder must not haul or retrieve a rock lobster pot set from the boat specified in the licence using another boat.

380 Taking, landing, possession etc. of berried giant crab prohibited

The licence holder must not at any time—

- (a) take any berried giant crab; or
- (b) in, on or next to Victorian waters, land or cause to be landed from any boat any berried giant crab; or
- (c) possess berried giant crab; or
- (d) remove any eggs from a berried giant crab.

381 Possession or landing of dismembered giant crab prohibited

The licence holder must not, in, on or next to Victorian waters, possess, land or cause to be landed—

- (a) any dismembered giant crab; or
- (b) any part of a giant crab.

382 Transfer of giant crab at sea prohibited

- (1) The licence holder must ensure that giant crab is not transferred in, under or on any waters from the boat specified in the licence to any other boat.
- (2) The licence holder must ensure that giant crab is not sold, transferred or delivered to another person in, under or on any waters.
- (3) Subregulations (1) and (2) do not apply to a licence holder who allows giant crab to be transferred to the tender boat prior to landing, if that boat proceeds directly to the port or mooring area nominated via the giant crab notification service in accordance with this Division.

383 Transfer of giant crab to licence holder prohibited

The licence holder must ensure that giant crab taken by a person who is not acting on behalf of the licence holder are not transferred in, under or on any waters to the possession or control of the licence holder or anyone acting on behalf of the licence holder (whether on board a boat or not).

384 Catch limits for fish other than giant crab

- (1) The licence holder must not take from Victorian waters, or possess in, on or next to Victorian waters, more than 8 wrasse on any one day.

- (2) The licence holder must not take from Victorian waters, or possess, in, on or next to Victorian waters, more than 2 banded morwong on any one day.
- (3) The licence holder must not on any one day, take, or possess on board the boat specified in the licence, or land from that boat, more than a total combined number of 2 gummy shark and school shark.
- (4) Despite subregulations (1), (2) and (3), the licence holder must not, on any one day, take fish of a species specified in subregulation (1), (2) or (3) if the licence holder has, on that day, taken the catch limit specified in regulation 343 for that species under the Rock Lobster Fishery (Western Zone) Access Licence specified in the licence.

385 Restrictions relating to giant crab when quota unit balance of licence is zero or less

- (1) The licence holder must not take giant crab if the quota unit balance in relation to the licence is zero or less.
- (2) The licence holder must not have on board the boat specified in the licence any rock lobster pot if—
 - (a) the quota unit balance in relation to the licence is zero or less; and
 - (b) the licence holder's rock lobster quota unit balance in relation to the Rock Lobster Fishery (Western Zone) Access Licence specified in the licence is zero or less.
- (3) Subregulation (2) does not apply to a licence holder who has rock lobster pots on board the boat if—
 - (a) the boat is in a port or mooring area; or

- (b) the boat is in transit and an authorised officer has approved the rock lobster pots being on board the boat.
- (4) The licence holder must not set or immerse a rock lobster pot in Victorian waters if—
 - (a) the quota unit balance in relation to the licence is zero or less; and
 - (b) the licence holder's rock lobster quota unit balance in relation to the Rock Lobster Fishery (Western Zone) Access Licence specified in the licence is zero or less.

386 Giant crab daily catch record book to be on board boat

The licence holder must have the giant crab daily catch record book on board the boat specified in the licence at all times—

- (a) when the licence holder or any person acting on behalf of the licence holder is on board the boat; or
- (b) when giant crab is on board the boat.

387 Requirement to complete giant crab daily catch record book

The licence holder must ensure that all details of the giant crab daily catch record are completed in the manner required by the Victorian Fisheries Authority on each day during which giant crab fishing takes place before—

- (a) providing any details to the Victorian Fisheries Authority in accordance with regulation 388 or 389 via the giant crab notification service; or
- (b) leaving Victorian waters in a boat if giant crab taken from Victorian waters are on board that boat.

Reg. 387
amended by
S.R. No.
10/2017
reg. 162.

Reg. 387(a)
amended by
S.R. No.
10/2017
reg. 162.

388 Prior reporting of giant crab details before entering ports

Reg. 388(1)
amended by
S.R. No.
10/2017
reg. 163.

- (1) The licence holder must ensure that the relevant specified giant crab details are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the giant crab notification service, at least 1 hour before the boat specified in the licence enters a port or mooring area in the eastern rock lobster zone on any day between the hours of 8 a.m. and 6 p.m. if—
 - (a) the boat has any giant crab on board; or
 - (b) giant crab fishing has taken place from that boat during the fishing trip.

Reg. 388(2)
amended by
S.R. No.
10/2017
reg. 163.

- (2) Despite subregulation (1), the licence holder must ensure that the relevant specified giant crab details are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the giant crab notification service, at least 30 minutes before the boat specified in the licence enters the Port of Apollo Bay on any day between the hours of 8 a.m. and 6 p.m. if—
 - (a) the boat has any giant crab on board; or
 - (b) giant crab fishing has taken place from that boat during the fishing trip.

Reg. 388(3)
amended by
S.R. No.
10/2017
reg. 163.

- (3) The licence holder must ensure that the relevant specified giant crab details are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the giant crab notification service, at least 30 minutes before the boat specified in the licence enters a port or mooring area in the western rock lobster zone on any day between the hours of 8 a.m. and 6 p.m. if—
 - (a) the boat has any giant crab on board; or

- (b) giant crab fishing has taken place from that boat during the fishing trip.
- (4) The licence holder must ensure that the relevant specified giant crab details are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the giant crab notification service at least 2 hours prior to the boat specified in the licence enters a port or mooring area in Victorian waters on any day after 6 p.m. or before 8 a.m. if—
 - (a) the boat has any giant crab on board; or
 - (b) giant crab fishing has taken place from that boat during the fishing trip.
- (5) In this regulation the ***relevant specified giant crab details*** means the details set out in paragraph (a) of the definition of ***specified giant crab details*** in regulation 5.

Reg. 388(4)
amended by
S.R. No.
10/2017
reg. 163.

389 Further details to be provided to the Victorian Fisheries Authority after initial reporting under regulation 388

Reg. 389
(Heading)
amended by
S.R. No.
10/2017
reg. 164(1).

- (1) If the licence holder has specified under regulation 388 that giant crab would not be landed, but subsequently wishes to land giant crab, the licence holder must ensure that the details set out in paragraph (a) of the definition of ***specified giant crab details*** in regulation 5 are provided to the Victorian Fisheries Authority and confirmed by the licence holder as correct via the giant crab notification service—
 - (a) at least 1 hour before commencing to land any giant crab from the boat specified in the licence on any day between the hours of 8 a.m. and 6 p.m.; or

Reg. 389(1)
amended by
S.R. No.
10/2017
reg. 164(2).

- (b) at least 2 hours before commencing to land any giant crab from that boat at any other time.

Reg. 389(2)
amended by
S.R. No.
10/2017
reg. 164(2).

- (2) If the licence holder does not know the number of giant crab on board the boat specified in the licence at the time of providing the specified giant crab details under regulation 388, the licence holder must, after the last rock lobster pot has been hauled, but at least 5 minutes before the boat enters a port or mooring area in Victorian waters, ensure that the following details are provided to the Victorian Fisheries Authority via the giant crab notification service and confirmed by the licence holder as correct—

Reg. 389(2)(a)
amended by
S.R. No.
10/2017
reg. 164(2).

- (a) the licence number allocated by the Victorian Fisheries Authority to the licence;

- (b) the number of giant crab on board the boat.

Reg. 389(3)
amended by
S.R. No.
10/2017
reg. 164(2).

- (3) If the number of giant crab on board the boat specified in the licence has changed since providing the specified giant crab details under regulation 388, the licence holder must, after the last rock lobster pot has been hauled, but at least 5 minutes before the boat enters a port or mooring area in Victorian waters, ensure that the following details are provided to the Victorian Fisheries Authority via the giant crab notification service and confirmed by the licence holder as correct—

Reg. 389(3)(a)
amended by
S.R. No.
10/2017
reg. 164(2).

- (a) the licence number allocated by the Victorian Fisheries Authority to the licence;

- (b) the number of giant crab on board the boat.

390 Boat not to enter port and giant crab not to be landed before estimated time

(1) The licence holder must not allow the boat specified in the licence with giant crab on board to enter a port or mooring area in Victorian waters before the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 388.	Reg. 390(1) amended by S.R. No. 10/2017 reg. 165.
(2) The licence holder must not allow giant crab to be landed from the boat specified in the licence before the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 388 or 389(1).	Reg. 390(2) amended by S.R. No. 10/2017 reg. 165.

391 Boat to enter port and giant crab to be landed within 1 hour after estimated time

(1) The licence holder must ensure that the boat specified in the licence with giant crab on board enters the port or mooring area in Victorian waters within one hour after the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 388.	Reg. 391(1) amended by S.R. No. 10/2017 reg. 166.
(2) The licence holder must ensure that giant crab is landed from the boat specified in the licence with giant crab on board within one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 388 or 389(1).	Reg. 391(2) amended by S.R. No. 10/2017 reg. 166.
(3) Despite subregulation (2), a licence holder may commence landing giant crab from the boat specified in the licence more than one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 388 or 389(1), if the licence holder advises the Victorian Fisheries Authority via the giant crab notification service at least one hour	Reg. 391(3) amended by S.R. No. 10/2017 reg. 166.

before the new estimated time for landing of the giant crab of—

- (a) the licence holder's intention to land giant crab more than one hour after the prior estimated time for landing; and
- (b) the new estimated time at which the landing of giant crab will commence.

Reg. 391(4)
amended by
S.R. No.
10/2017
reg. 166.

- (4) If the licence holder advises the Victorian Fisheries Authority of a new estimated time for landing giant crab under subregulation (3), the licence holder must ensure that giant crab is landed from the boat within one hour after that time.

392 Giant crab to be landed in Victoria unless exempted

- (1) The licence holder must ensure that any giant crab taken from Victorian waters is landed in Victoria at a port or mooring area specified in Schedule 13.
- (2) If the licence holder is exempted by the Victorian Fisheries Authority under regulation 460 from subregulation (1), and the exemption authorises the landing of giant crab from the boat specified in the licence at Port Macdonnell or Eden, the licence holder must ensure that the details set out in paragraph (a) of the definition of ***specified giant crab details*** in regulation 5 are provided to the Victorian Fisheries Authority and confirmed as correct by the licence holder via the giant crab notification service at least one hour before the boat enters the port or mooring area at Port Macdonnell or Eden if—
 - (a) the boat has any giant crab on board; or
 - (b) giant crab fishing has taken place on the boat during the fishing trip.

Reg. 392(2)
amended by
S.R. No.
10/2017
reg. 167.

393 Giant crab must be landed at specified place

- (1) The licence holder must ensure that no giant crab is landed at any place other than the port or mooring area specified to the Victorian Fisheries Authority under regulation 388, 389(1) or 392(2).
- (2) Subregulation (1) does not apply to a licence holder who lands giant crab at a place other than the port or mooring area specified to the Victorian Fisheries Authority under regulation 388, 389(1) or 392(2) if—
 - (a) the licence holder contacts the Victorian Fisheries Authority via the giant crab notification service advising of his or her intention to land giant crab at another place at least 1 hour before landing of the giant crab is commenced; or
 - (b) the giant crab is landed in an emergency because of an impending or actual threat to the safety of the boat specified in the licence or any person engaged to carry out activities under the licence.

Reg. 393(1)
amended by
S.R. No.
10/2017
reg. 168.

Reg. 393(2)
amended by
S.R. No.
10/2017
reg. 168.

Reg. 393(2)(a)
amended by
S.R. No.
10/2017
reg. 168.

394 Notification of post-landing details concerning giant crab to the Victorian Fisheries Authority

- (1) The licence holder must, no later than 20 minutes after landing and weighing giant crab taken under the licence and before the giant crab leave the place of landing ensure that—
 - (a) all of the details of the giant crab catch disposal record, including the signature of the licence holder (or the signature of the person acting on behalf of the licence holder), are completed on the original and the duplicate copy of the giant crab catch disposal record in respect of all giant crab landed under the licence in the manner

Reg. 394
(Heading)
amended by
S.R. No.
10/2017
reg. 169(1).

Reg. 394(1)(a)
amended by
S.R. No.
10/2017
reg. 169(2).

required by the Victorian Fisheries Authority; and

Reg. 394(1)(b)
amended by
S.R. No.
10/2017
reg. 169(2).

- (b) ensure that the details set out in paragraph (b) of the definition of ***specified giant crab details*** in regulation 5 are provided to the Victorian Fisheries Authority—
- (i) via the giant crab notification service; or
 - (ii) if a giant crab confirmation number in respect of the details is not received from the giant crab notification service, via the telephone number provided under regulation 400(b); and

Reg. 394(1)(c)
amended by
S.R. No.
10/2017
reg. 169(2).

- (c) he or she confirms to the Victorian Fisheries Authority that the specified giant crab details provided under paragraph (b) are correct; and
- (d) if the specified giant crab details provided under paragraph (b) are confirmed as correct by the licence holder—

Reg.
394(1)(d)(i)
amended by
S.R. No.
10/2017
reg. 169(2).

- (i) the giant crab confirmation number received from the Victorian Fisheries Authority in respect of the details is recorded on the original and duplicate copy of the giant crab catch disposal record; and
 - (ii) the licence holder has signed the original and duplicate copy of the giant crab catch disposal record; and
- (e) the original giant crab catch disposal record accompanies the giant crab as it leaves the place of landing of the giant crab.

- (2) The licence holder must ensure that any details regarding the weight of giant crab that are required to be provided under the Act are correct to within 0.1 kilograms of the actual weight.

395 Giant crab not to be dealt with unless regulation 394 complied with

The licence holder must not allow giant crab taken under the licence to enter any vehicle that already contains fish, to be sold, to leave the place of landing of the giant crab or to enter any premises on which fish is processed or held, until the licence holder has complied with regulation 394 in respect of that giant crab.

396 Original giant crab daily catch record to be sent to the Victorian Fisheries Authority

Reg. 396
(Heading)
amended by
S.R. No.
10/2017
reg. 170(1).

- (1) The licence holder must ensure that the original copy of the giant crab daily catch record for a particular month is sent to the Victorian Fisheries Authority by the 18th day of the following month.
- (2) Despite subregulation (1), the licence holder is not required to return the giant crab daily catch record for the month of October in each year.

Reg. 396(1)
amended by
S.R. No.
10/2017
reg. 170(2).

397 Requirements for keeping of fisheries documents and copies relating to giant crab

- (1) The licence holder must ensure that he, she or any person acting on behalf of the licence holder does not possess a signed giant crab catch disposal record or a copy of that record unless all required details of that record have been completed in the manner required by the Victorian Fisheries Authority.

Reg. 397(1)
amended by
S.R. No.
10/2017
reg. 171.

- (2) The licence holder must ensure that all copies of completed, and all unused, giant crab catch disposal records, giant crab catch disposal record books, giant crab daily catch records and giant crab daily catch record books provided to the licence holder are kept by the licence holder.
- (3) The licence holder must ensure that the duplicate copy of each giant crab catch disposal record that has been completed in respect of giant crab landed under the licence is retained in the giant crab catch disposal record book issued to the licence holder.

Reg. 398
amended by
S.R. No.
10/2017
reg. 172.

398 Location of giant crab catch disposal record book and giant crab daily catch record book to be notified

The licence holder must ensure that the Victorian Fisheries Authority is notified of the location of a giant crab catch disposal record book or a giant crab daily catch record book if it is not located on the boat or at the place of landing of giant crab.

Division 5—Other matters relating to giant crab

Reg. 399
(Heading)
amended by
S.R. No.
10/2017
reg. 173(1).

399 Victorian Fisheries Authority may allocate forfeited individual quota units in respect of giant crab by tender

- (1) This regulation applies to the allocation of an individual quota unit in respect of a giant crab fishery that is forfeited under section 66 of the Act.
- (2) If the Victorian Fisheries Authority determines that a quota unit should be allocated to the holder of a Giant Crab Fishery (Western Zone) Access Licence, the Victorian Fisheries Authority may invite each holder of a Giant Crab Fishery (Western Zone) Access Licence authorised to take giant crab in the same specified zone of the giant crab fishery in respect of which the quota unit had

Reg. 399(2)
amended by
S.R. No.
10/2017
reg. 173(2).

been allocated to purchase the quota unit by tender in the manner set out in the invitation.

400 Victorian Fisheries Authority to notify licence holder of telephone numbers to be used

The Victorian Fisheries Authority must notify, in writing, each holder of a Giant Crab Fishery (Western Zone) Access Licence of—

- (a) the telephone number to be used to notify the Victorian Fisheries Authority of specified giant crab details via the giant crab notification service; and
- (b) the telephone number to be used—
 - (i) to provide the Victorian Fisheries Authority with specified giant crab details if the licence holder does not receive a giant crab confirmation number in respect of the specified giant crab details provided via the giant crab notification service; or
 - (ii) for any other purpose required by these Regulations; and
- (c) any changes to the telephone numbers notified under paragraph (a) or (b).

401 Victorian Fisheries Authority to give giant crab confirmation number to licence holder

- (1) The Victorian Fisheries Authority must make all reasonable efforts to provide the holder of a Giant Crab Fishery (Western Zone) Access Licence with a giant crab confirmation number via the giant crab notification service as soon as is practicable

Reg. 400
(Heading)
amended by
S.R. No.
10/2017
reg. 174(1).

Reg. 400
amended by
S.R. No.
10/2017
reg. 174(2).

Reg. 400(a)
amended by
S.R. No.
10/2017
reg. 174(2).

Reg. 400(b)(i)
amended by
S.R. No.
10/2017
reg. 174(2).

Reg. 401
(Heading)
amended by
S.R. No.
10/2017
reg. 175(1).

Reg. 401(1)
amended by
S.R. No.
10/2017
reg. 175(2).

after the licence holder has provided specified giant crab details via that service and confirmed that those details are correct.

Reg. 401(2)
amended by
S.R. No.
10/2017
reg. 175(2).

- (2) Subregulation (1) does not apply if the Victorian Fisheries Authority determines that there are reasonable grounds for believing that the licence holder has failed to comply with these Regulations.

Reg. 401(3)
amended by
S.R. No.
10/2017
reg. 175(2).

- (3) If a licence holder does not receive a giant crab confirmation number under subregulation (1) and provides the specified giant crab details to the Victorian Fisheries Authority via the telephone number referred to in regulation 400(b), the Victorian Fisheries Authority may issue the licence holder with a giant crab confirmation number.

402 Documentation requirements for possessor of giant crab

- (1) For the purposes of section 120AC(1)(a) of the Act, the specified quantity of giant crab is more than 2.
- (2) For the purposes of sections 120AC(1)(b) and 120AC(2), a person who possesses giant crab received from the holder of a Giant Crab Fishery (Western Zone) Access Licence at the place where the giant crab was landed, must have in his or her possession the original giant crab catch disposal record in respect of that giant crab.

Note

Under section 120AC of the Act, a person who possesses more than 2 giant crab must have in their possession a document specified by these Regulations (that is the document specified in this regulation) and must, when asked to do so by an authorised officer, produce that document for inspection. The maximum penalty for failure to comply with the requirements of this section is 60 penalty units.

Division 6—Exemptions relating to giant crab

403 Exemptions from documentation requirements in the Act relating to possession of giant crab

The holder of a Giant Crab Fishery (Western Zone) Access Licence or an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of giant crab, or a person acting on behalf of a holder of one of those licences, is exempt from the application of section 120AC of the Act when acting under the licence.

404 Exemption from offence in Act relating to the receipt of giant crab

A person is exempt from section 40(1)(b) of the Act, in respect of the receipt for sale of legally obtained giant crab if the person receives the giant crab from—

- (a) the holder of a Giant Crab Fishery (Western Zone) Access Licence and the giant crab is accompanied by the completed original giant crab catch disposal record issued in respect of that giant crab; or
- (b) the holder of an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of giant crab; or
- (c) the holder of a general permit authorising the taking or possession of giant crab.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing.

Part 11—Scallop

Pt 11 Div. 1
(Heading)
substituted by
S.R. No.
168/2013
reg. 12.

Division 1—Minimum size and catch limits for scallop

Reg. 404A
inserted by
S.R. No.
168/2013
reg. 13.

404A Minimum size for scallop

For the purposes of the Act, the minimum size for scallop, other than doughboy scallop, taken under a Scallop Dive (Port Phillip Bay) Fishery Access Licence is 90 millimetres when measured in a straight line at the widest point across the shell.

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish that are less than the minimum size specified for that species of fish in these Regulations. Various penalties apply.

405 Catch limit for scallop

- (1) For the purposes of the Act, the catch limit with respect to—
 - (a) the taking of scallop from Victorian waters is a daily limit of 100 scallop; or
 - (b) the possession of scallop in, on or next to any Victorian waters, is a limit of 100 scallop.

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish of a species in excess of the catch limit in these Regulations specified for that species of fish. Various penalties apply.

- (2) Subregulation (1) does not apply to a person who takes or possesses scallop in excess of the catch limit specified in subregulation (1) if—

(a) the person—

- (i) is the holder of, or is acting on behalf of the holder of, a Scallop (Ocean) Fishery Access Licence or a Scallop Dive (Port Phillip Bay) Fishery Access Licence; and

Reg. 405
(2)(a)(i)
amended by
S.R. No.
168/2013
reg. 14.

- (ii) takes or possesses scallop in accordance with the licence, the Act and these Regulations; or

(b) the person—

- (i) is the holder of, or is acting on behalf of the holder of, an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of scallop; and

- (ii) takes or possesses scallop in accordance with the licence, the Act and these Regulations; or

(c) the person—

- (i) is the holder of, or is acting on behalf of the holder of, a general permit authorising the taking or possession of scallop in that quantity; and

- (ii) takes or possesses scallop in accordance with the permit, the Act and these Regulations.

Reg. 405
(2)(c)(ii)
amended by
S.R. Nos
168/2013
reg. 45(1),
10/2017
reg. 34(1).

Reg. 405(2)(d)
inserted by
S.R. No.
168/2013
reg. 45(2),
revoked by
S.R. No.
10/2017
reg. 34(2).

* * * * *

- (3) Subregulation (1) does not apply to a person who possesses scallop in excess of the catch limit specified in subregulation (1) if—
- (a) the person received the scallop from a person referred to in subregulation (2); and
 - (b) is acting in accordance with the Act and these Regulations.

Division 2—Activities authorised under a Scallop (Ocean) Fishery Access Licence

406 Activities authorised under a Scallop (Ocean) Fishery Access Licence

A Scallop (Ocean) Fishery Access Licence authorises the licence holder, using the boat specified in the licence, to carry out the following activities in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes or any inlet of the sea—

- (a) the use of a scallop dredge (other than in waters that are part of a marine national park or a marine sanctuary);
- (b) the possession of a scallop dredge;
- (c) the taking for sale of scallop;
- (d) the taking for sale of fish (other than abalone, bug, jellyfish, rock lobster, giant crab and sea urchin);

- (e) the engagement of one or more people to carry out any activity authorised by the licence.

Division 3—Conditions of Scallop (Ocean) Fishery Access Licence

407 Scallop (Ocean) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Scallop (Ocean) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Scallop (Ocean) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 1(a) to
reg. 407
amended by
S.R. No.
10/2017
reg. 176.**

**Note 3 to
reg. 407
amended by
S.R. No.
10/2017
reg. 176.**

408 Scallop dredge specifications and stowage

- (1) The licence holder must not—
 - (a) use or have on board the boat specified in the licence any scallop dredge which exceeds 4.5 metres in width; or
 - (b) use or have on board a boat a scallop dredge that is not covered with uniform steel mesh with internal mesh openings measuring at least 6.8 centimetres in length by 4.4 centimetres in width.
- (2) The licence holder must ensure that, when on board the boat specified in the licence in the waters of the Gippsland Lakes or any bay or inlet of the sea, any scallop dredge is securely stowed on board the boat.

409 Shucked scallop not to be on board or landed from boat

- The licence holder must not—
- (a) have on board the boat specified in the licence; or
 - (b) land or cause to be landed from that boat in, on or next to Victorian waters—
- any shucked scallop or any scallop which has been shucked.

410 Catch limits for possession and landing of fish other than scallop

- (1) The licence holder must not possess on board the boat specified in the licence during any fishing trip—
 - (a) more than 10 kilograms of fish other than scallop; or
 - (b) any abalone, rock lobster, giant crab, sea urchin, jellyfish or bug.

(2) The licence holder must not land from the boat specified in the licence—

(a) more than 10 kilograms of fish other than scallop; or

(b) any abalone, rock lobster, giant crab, sea urchin, jellyfish or bug.

411 Transfer of scallop at sea

The licence holder must ensure that fish are not transferred in, under or on Victorian waters from the boat specified in the licence to any other boat.

412 Taking and possession of wrasse

The licence holder must not take from Victorian waters, or possess in, on or next to Victorian waters, more than 8 wrasse on any one day.

413 Sale of scallop

The licence holder must not sell scallop to any person other than the holder of a Fish Receivers' (Scallop) Licence.

Division 3A—Activities authorised under a Scallop Dive (Port Phillip Bay) Fishery Access Licence

Pt 11 Div. 3A
(Heading and
reg. 413A)
inserted by
S.R. No.
168/2013
reg. 15.

413A Authorised activities

A Scallop Dive (Port Phillip Bay) Fishery Access Licence authorises the licence holder to carry out the following activities in Port Phillip Bay—

Reg. 413A
inserted by
S.R. No.
168/2013
reg. 15.

(a) to take scallop by hand for sale (other than in waters that are within a marine national park, a marine sanctuary or a fisheries reserve);

Reg. 413A(b)
amended by
S.R. No.
10/2017
reg. 177.

- (b) in connection with the taking of scallop by hand, to use underwater breathing apparatus and any other equipment approved by the Victorian Fisheries Authority (other than in waters that are within a marine national park, a marine sanctuary or a fisheries reserve);
- (c) to engage one or more persons in accordance with section 39(2) of the Act to carry out any activity authorised by the licence;
- (d) to process scallop taken under the licence.

Pt 11 Div. 3B
(Heading and
regs 413B–
413X)
inserted by
S.R. No.
168/2013
reg. 15.

Division 3B—Conditions of Scallop Dive (Port Phillip Bay) Fishery Access Licence

Reg. 413B
inserted by
S.R. No.
168/2013
reg. 15.

413B Scallop Dive (Port Phillip Bay) Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, this Division sets out the conditions to which every Scallop Dive (Port Phillip Bay) Fishery Access Licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Scallop Dive (Port Phillip Bay) Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of

Note 1(a) to
reg. 413B
amended by
S.R. No.
10/2017
reg. 178.

50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.

- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

Note 3 to
reg. 413B
amended by
S.R. No.
10/2017
reg. 178.

**413BA Annual catch limit for scallop under Scallop Dive
(Port Phillip Bay) Fishery Access Licence**

Reg. 413BA
inserted by
S.R. No.
11/2017 reg. 4.

In a period from 1 April in any year to 31 March of the following year inclusive, no more than 60 tonnes of scallop may be taken under the licence.

413C Instrument to measure scallop to be carried

Reg. 413C
inserted by
S.R. No.
168/2013
reg. 15.

The licence holder must ensure that an instrument to facilitate the accurate measurement of scallop is carried on each boat used under the licence at all times while fishing activities are carried out under the licence.

413D Notification of intention to take scallop for sale

Reg. 413D
inserted by
S.R. No.
168/2013
reg. 15.

- (1) Subject to subregulation (2), the licence holder must give to the Victorian Fisheries Authority, via the scallop dive notification service, the details set out in paragraph (a) of the definition of ***specified scallop dive details*** at least 30 minutes before a boat to be used for the purposes of taking scallop by hand for sale under the licence leaves a port or mooring.
- (2) The licence holder, at any time before a boat used under the licence leaves a port or mooring, may, via the scallop dive notification service—

Reg. 413D(1)
amended by
S.R. No.
10/2017
reg. 179.

Reg.
413D(2)(a)
amended by
S.R. No.
10/2017
reg. 179.

- (a) vary the details given to the Victorian Fisheries Authority under subregulation (1);
or

Reg.
413D(2)(b)
amended by
S.R. No.
10/2017
reg. 179.

- (b) if the licence holder cancels the proposed taking of scallop by hand for sale, advise the Victorian Fisheries Authority to that effect.

Reg. 413E
inserted by
S.R. No.
168/2013
reg. 15.

413E Prior reporting of scallop details before entering port or mooring

Reg. 413E(1)
amended by
S.R. No.
10/2017
reg. 180.

- (1) The licence holder must ensure that the details set out in paragraph (b) of the definition of *specified scallop dive details* are provided to the Victorian Fisheries Authority via the scallop dive notification service in accordance with subregulation (2) if a boat used under the licence is to enter a port or mooring area and—

- (a) has scallop on board; or
 - (b) has been used for fishing for scallop during the fishing trip.

Reg. 413E(2)
amended by
S.R. No.
10/2017
reg. 180.

- (2) The details must be provided to the Victorian Fisheries Authority—
 - (a) if the entry is to be made between the hours of 8 a.m. and 6 p.m., at least 30 minutes before the entry;
 - (b) if the entry is to be made between the hours of 6 p.m. and 8 a.m., at least one hour before the entry.

Reg. 413E(3)
amended by
S.R. No.
10/2017
reg. 180.

- (3) If, after the details have been provided in accordance with subregulations (1) and (2), the boat is to enter a port or mooring other than that named in those details, the licence holder must notify the Victorian Fisheries Authority of that

port or mooring via the scallop dive notification service at least 30 minutes before the entry.

413F Scallop must be landed at a specified place

Reg. 413F
inserted by
S.R. No.
168/2013
reg. 15.

- (1) Subject to subregulation (2), the licence holder must ensure that scallop is not landed at a place other than a port or mooring area specified in Part 3 of Schedule 20 and notified to the Victorian Fisheries Authority under regulation 413E.
- (2) Subregulation (1) does not apply if—
 - (a) there is an impending or actual threat to the safety of a person engaged in activities under the licence; and
 - (b) the licence holder advises the Victorian Fisheries Authority via the scallop dive notification service as soon as practicable of the place where scallop is landed.

Reg. 413F(1)
amended by
S.R. No.
10/2017
reg. 181.

Reg.
413F(2)(b)
amended by
S.R. No.
10/2017
reg. 181.

413G Boat not to enter port or mooring area and scallop not to be landed before estimated time

Reg. 413G
inserted by
S.R. No.
168/2013
reg. 15.

- (1) The licence holder must not allow a boat with scallop on board to enter a port or mooring area before the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 413E unless there is an impending or actual threat to the safety of a person engaged in an activity authorised under the licence.
- (2) The licence holder must not allow scallop to be landed from a boat before the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 413E unless there is an impending or actual threat to the safety of a

Reg. 413G(1)
amended by
S.R. No.
10/2017
reg. 182.

Reg. 413G(2)
amended by
S.R. No.
10/2017
reg. 182.

person engaged in an activity authorised under the licence.

Reg. 413H
inserted by
S.R. No.
168/2013
reg. 15.

413H Boat to enter port or mooring area and scallop to be landed within one hour after estimated time

Reg.
413H(1)(a)
amended by
S.R. No.
10/2017
reg. 183.

(1) The licence holder must ensure that—

- (a) a boat with scallop on board enters a port or mooring area specified in Part 3 of Schedule 20 within one hour after the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 413E; and
- (b) scallop are landed from the boat within one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 413E.

Reg.
413H(1)(b)
amended by
S.R. No.
58/2017
reg. 7(1).

(2) Despite subregulation (1), the licence holder may commence landing scallop from the boat more than one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 413E if the licence holder advises the Victorian Fisheries Authority via the scallop dive notification service at least one hour before the new estimated time for the landing of scallop of—

- (a) the licence holder's intention to land scallop more than one hour after the prior estimated time for landing; and
- (b) the new estimated time at which the landing of scallop will commence.

Reg. 413H(3)
amended by
S.R. No.
10/2017
reg. 183.

(3) If the licence holder advises the Victorian Fisheries Authority of a new estimated time for landing scallop under subregulation (2)(b), the licence holder must ensure that scallop are landed within one hour after that time.

413I Scallop to be weighed after landing and information given to the Victorian Fisheries Authority

(1) After landing scallop taken under a licence, the licence holder must ensure that, no later than 20 minutes after the landing—

Reg. 413I
(Heading)
amended by
S.R. No.
10/2017
reg. 184(1).

Reg. 413I
inserted by
S.R. No.
168/2013
reg. 15.

(a) the scallop are weighed and the net weight is recorded in the scallop dive daily catch and effort record in the manner required by the Victorian Fisheries Authority; and

Reg. 413I(1)(a)
amended by
S.R. Nos
96/2014
reg. 28,
10/2017
reg. 184(2).

(b) the scallop dive daily catch and effort record is forwarded to the Victorian Fisheries Authority via the scallop dive notification service; and

Reg. 413I(1)(b)
amended by
S.R. No.
10/2017
reg. 184(2).

(c) the details set out in paragraph (c) of the definition of *specified scallop dive details* are provided to the Victorian Fisheries Authority via the scallop dive notification service and the details are correct.

Reg. 413I(1)(c)
amended by
S.R. No.
10/2017
reg. 184(2).

(2) The licence holder must ensure that any details regarding the weight of the scallop that are required to be provided under the Act or these Regulations are correct to within 0.1 kilograms of the actual weight.

413J Scallop not to be moved before catch disposal record completed

The licence holder must ensure that scallop taken under the licence are not moved from the place of landing or delivered for processing unless—

Reg. 413J
inserted by
S.R. No.
168/2013
reg. 15.

Reg. 413J(a)
amended by
S.R. No.
10/2017
reg. 185.

- (a) the details of the scallop dive catch disposal record have been entered on the original and duplicate copy of the record in the manner required by the Victorian Fisheries Authority and signed by the licence holder; and
- (b) the original copy of the record accompanies the scallop.

Reg. 413K
(Heading)
amended by
S.R. No.
10/2017
reg. 186(1).

413K Victorian Fisheries Authority to give scallop dive confirmation number to licence holder

Reg. 413K
inserted by
S.R. No.
168/2013
reg. 15.

Reg. 413K(1)
amended by
S.R. No.
10/2017
reg. 186(2).

- (1) The Victorian Fisheries Authority must make all reasonable efforts to provide the licence holder with a confirmation number via the scallop dive notification service as soon as is practicable after the licence holder has provided any specified scallop dive details via that service.

Reg. 413K(2)
amended by
S.R. No.
10/2017
reg. 186(2).

- (2) Subregulation (1) does not apply if the Victorian Fisheries Authority determines that there are reasonable grounds for believing that the licence holder has failed to comply with these Regulations.

Reg. 413K(3)
amended by
S.R. No.
10/2017
reg. 186(2).

- (3) If the licence holder does not receive a confirmation number under subregulation (1) via the scallop dive notification service after providing specified scallop dive details to the Victorian Fisheries Authority via that service, the Victorian Fisheries Authority may issue the licence holder with a confirmation number by way of an alternative method.

413L Requirements for keeping fisheries documents and copies relating to scallop dive

Reg. 413L
inserted by
S.R. No.
168/2013
reg. 15.

- (1) The licence holder must ensure that he, she or any person acting on behalf of the licence holder does not possess a signed scallop dive catch disposal record or a copy of such a record unless all the required details of the record have been completed in the manner required by the Victorian Fisheries Authority.
- (2) The licence holder must ensure that all copies of completed, and all unused, scallop dive catch disposal records and scallop dive catch disposal record books are kept by the licence holder.
- (3) The licence holder must ensure that the duplicate copy of each scallop dive catch disposal record that has been completed in respect of the scallop landed under the licence is retained in the scallop dive catch disposal record book issued to the licence holder.

Reg. 413L(1)
amended by
S.R. No.
10/2017
reg. 187.

413M Location of scallop dive catch disposal record book to be notified

The licence holder must ensure that the Victorian Fisheries Authority is notified of the location of a scallop dive catch disposal record book if it is not located on a boat used under the licence or at the place of landing of scallop.

Reg. 413M
inserted by
S.R. No.
168/2013
reg. 15,
amended by
S.R. No.
10/2017
reg. 188.

413N Scallop commercial fishing management zones

The licence holder must not, during a fishing trip, take scallop from two or more scallop commercial fishing management zones.

Reg. 413N
inserted by
S.R. No.
168/2013
reg. 15.

Reg. 413O
inserted by
S.R. No.
168/2013
reg. 15.

413O Recreational fishing not permitted from boat used for taking scallop

The licence holder must not engage in recreational fishing activities from a boat used for fishing activities under the licence.

Reg. 413P
inserted by
S.R. No.
168/2013
reg. 15.

413P Shucked scallop not to be on boat or landed from boat

The licence holder must not—

- (a) have any scallop that has been shucked on board a boat used under the licence; or
- (b) land or cause to be landed any scallop that has been shucked from such a boat on or next to Victorian waters.

Reg. 413Q
inserted by
S.R. No.
168/2013
reg. 15.

413Q Scallop not to be transferred at sea from boat to boat

The licence holder must ensure that scallop are not transferred from one boat to another in, under or on Victorian waters.

Reg. 413R
inserted by
S.R. No.
168/2013
reg. 15.

413R Transfer to licence holder of scallop taken by other persons prohibited in Victorian waters

The licence holder, whether or not on board a boat, must not receive in, under or on Victorian waters any scallop taken by a person other than a person named in the licence.

Reg. 413S
inserted by
S.R. No.
168/2013
reg. 15.

413S Possession of recreationally caught scallop at commercial premises prohibited

The licence holder must not possess scallop taken under a recreational fishery licence at the same premises as scallop taken under the licence.

413T Possession of commercial fishing equipment or scallops prohibited in a scallop commercial fishing exclusion zone

Reg. 413T
inserted by
S.R. No.
168/2013
reg. 15.

The licence holder must not possess underwater breathing apparatus or scallop in a scallop commercial fishing exclusion zone.

413U Underwater breathing apparatus not to be used in certain parts of Port Phillip Bay

Reg. 413U
inserted by
S.R. No.
168/2013
reg. 15,
amended by
S.R. No.
10/2017
reg. 189.

The licence holder must ensure that underwater breathing apparatus and any other equipment approved by the Victorian Fisheries Authority is not used in carrying out activities under the licence in, on or within any of the following areas of the waters in Port Phillip Bay—

- (a) a scallop commercial fishing exclusion zone;
- (b) the area north or west of a line running from the seaward end of the Williamstown Breakwater Pier to the most southerly point of Web Dock;
- (c) part of Limeburners Bay (Grammar School Lagoon) near Geelong, north of a line running from the fishing boundary on Port Abeona to the fishing boundary post on the opposite shore;
- (d) a shipping channel defined by channel markers;
- (e) an area west of a line from the shoreward end of the Queenscliff Pier to the seaward end of Point Nepean;
- (f) within a distance of 400 metres from any part of the St Kilda Pier;
- (g) within a distance of 230 metres from any part of the Kerford Road Jetty, Hobson's Bay;

- (h) within a distance of 30 metres from any part of any other pier or jetty.

Reg. 413V
inserted by
S.R. No.
168/2013
reg. 15.

413V Vessel monitoring system

Reg. 413V(1)
amended by
S.R. No.
10/2017
reg. 190.

- (1) The licence holder must ensure that there is installed on any boat used under the licence a vessel monitoring system that includes, or consists of, an automatic location communicator of a type approved by the Victorian Fisheries Authority which is installed and operated in the manner approved by the Victorian Fisheries Authority.
- (2) The licence holder must take all reasonable steps to ensure that a vessel monitoring system installed on a boat used under the licence is not interfered with or tampered with in any way or altered, damaged or disabled.
- (3) The licence holder must ensure that a vessel monitoring system installed on a boat used under the licence is operating so that during any fishing trip—
 - (a) the boat's position can be reported; and
 - (b) the power mode used is not less than the power mode used in normal operation of the vessel monitoring system; and
 - (c) the vessel monitoring system is in full power mode each time the boat departs from a port or mooring area and remains in full power mode for the duration of the fishing trip.
- (4) The licence holder must ensure that a boat used under the licence does not leave a port or mooring area if the vessel monitoring system installed on that boat is not able to operate in accordance with subregulation (3).

413W Licence holder to maintain internet access

The licence holder must, to the extent reasonably practical, maintain a means to access the internet at any time.

Reg. 413W
inserted by
S.R. No.
168/2013
reg. 15.

413X Submission of annual report

Reg. 413X
inserted by
S.R. No.
168/2013
reg. 15.

- (1) The licence holder must give the Victorian Fisheries Authority a report on activities carried out under the licence in respect of the following periods and at the following times—
- (a) not later than 31 May 2015, in respect of the period beginning on the date of issue of the licence and ending on 31 March 2015;
 - (b) not later than 31 May in each succeeding year, in respect of the period of the previous licensing year.
- (2) The report must include—
- (a) the total weight of scallop taken in each scallop commercial fishing management zone; and
 - (b) the catch value at the first point of sale of scallop taken in each scallop commercial fishing management zone; and
 - (c) the total catch value at the first point of sale of scallop taken under the licence; and
 - (d) the total number of boats used under the licence; and
 - (e) the total number of divers and the total number of hours spent diving in each scallop commercial fishing management zone; and

Reg. 413X(1)
amended by
S.R. No.
10/2017
reg. 191.

- (f) the total number of fishing trips; and
- (g) details of any research relevant to the Scallop Dive (Port Phillip Bay) Fishery conducted by the licence holder.

Pt 11 Div. 3C
(Heading and
regs 413Y–
413ZA)
inserted by
S.R. No.
168/2013
reg. 15.

Division 3C—Other matters relating to scallop

Reg. 413Y
(Heading)
amended by
S.R. No.
10/2017
reg. 192(1).

413Y Victorian Fisheries Authority to notify licence holder of internet application to be used

The Victorian Fisheries Authority must notify, in writing, each holder of a Scallop Dive (Port Phillip Bay) Fishery Access Licence of—

Reg. 413Y
inserted by
S.R. No.
168/2013
reg. 15,
amended by
S.R. No.
10/2017
reg. 192(2).

Reg. 413Y(a)
amended by
S.R. No.
10/2017
reg. 192(2).

- (a) the internet application to be used to provide the Victorian Fisheries Authority with scallop dive daily catch and effort records and specified scallop dive details via the scallop dive notification service; and
- (b) the telephone number to be used—

Reg.
413Y(b)(i)
amended by
S.R. No.
10/2017
reg. 192(2).

- (i) to provide the Victorian Fisheries Authority with specified scallop dive details if the licence holder does not receive a scallop confirmation number in respect of specified scallop dive details provided via the scallop dive notification service; or

- (ii) for any other purpose required by these Regulations; and
- (c) any changes to the internet application or telephone number notified under paragraph (a) or (b).

413Z Required form of documentation for sale of scallop (scallop receipt)

Reg. 413Z
inserted by
S.R. No.
168/2013
reg. 15.

- (1) Section 120AA(1) of the Act applies to a person who intends to sell any quantity of scallop.
- (2) For the purposes of section 120AA(2)(a) of the Act, the document concerning a proposed sale of scallop must be in the form of a receipt that contains the following details—
 - (a) the full name and address of the person selling the scallop;
 - (b) the full name and address of the person to whom the scallop are sold;
 - (c) the date of sale of the scallop;
 - (d) the net weight in kilograms of scallop sold.

Note

Section 120AA(2) of the Act requires a person who sells scallop in any quantity to create a document that complies with that section.

413ZA Documentation requirement for possession of scallop

Reg. 413ZA
inserted by
S.R. No.
168/2013
reg. 15.

For the purposes of section 120AC(1) of the Act, a person who possesses any quantity of scallop must, while in possession of the scallop, have in his or her possession—

- (a) the completed original scallop catch disposal record for that scallop; or

- (b) the scallop receipt issued at the time of the sale of the scallop to the person.

Note

Section 120AC(1) of the Act applies to a person who possesses scallop and, under the regulations, is required to have a document in their possession relating to that scallop. Section 120AC(3) provides for an offence for not having the prescribed document in possession. Section 120AC(4) provides a defence if the scallop are in a person's possession otherwise than for the purposes of sale, processing for reward, transportation for reward or storage for reward.

Division 4—Activities authorised by a Fish Receivers' (Scallop) Licence

414 Activities authorised by a Fish Receivers' (Scallop) Licence

A Fish Receivers' (Scallop) Licence authorises the licence holder to receive scallop for sale.

Division 5—Conditions of a Fish Receivers' (Scallop) Licence

415 Fish Receivers' (Scallop) Licence subject to conditions

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Fish Receivers' (Scallop) Licence is subject.

Notes

- 1 In addition to the conditions set out in this Subdivision, every Fish Receivers' (Scallop) Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Subdivision 1 of Division 3 of Part 2 of these Regulations.

**Note 1(a) to
reg. 415
amended by
S.R. No.
10/2017
reg. 193.**

- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 3 to
reg. 415
amended by
S.R. No.
10/2017
reg. 193.**

416 Receipt of scallop

- (1) This regulation applies only to scallop taken from Victorian waters.
- (2) The licence holder must not receive any scallop in the shell other than from the holder of a Scallop (Ocean) Fishery Access Licence, a Scallop Dive (Port Phillip Bay) Fishery Access Licence or a person referred to in subregulation (3).
- (3) The licence holder must not receive any scallop in the shell or scallop meat other than from—
 - (a) another holder of a Fish Receivers' (Scallop) Licence; or
 - (b) the holder of an aquaculture licence authorising the hatching, rearing, breeding or growing of scallop who is acting in accordance with the licence, the Act and these Regulations; or
 - (c) the holder of a general permit authorising the taking and sale of scallop who is acting in accordance with the permit, the Act and these Regulations.

**Reg. 416(2)
amended by
S.R. No.
168/2013
reg. 16.**

417 Completion and submission of returns

Reg. 417(1)
amended by
S.R. No.
10/2017
reg. 194.

- (1) The licence holder must complete a monthly scallop receivers' return in the manner directed by the Victorian Fisheries Authority.

Reg. 417(2)
amended by
S.R. No.
10/2017
reg. 194.

- (2) The licence holder must ensure that the monthly scallop receivers' return completed in accordance with subregulation (1) is sent to the Victorian Fisheries Authority by the 18th day of the month following the period specified in the return.

Part 11A—Sea urchin

Division 1—Catch limits in relation to recreational sea urchin fishing

417A Application of Division

This Division does not apply to the holder of a Sea Urchin Fishery Access Licence, or a person acting on behalf of that licence holder, when carrying out any fishing activities authorised by the licence.

Pt 11A
(Heading
and regs
417A–417T)
inserted by
S.R. No.
96/2014
reg. 12.

Reg. 417A
inserted by
S.R. No.
96/2014
reg. 12,
substituted by
S.R. No.
10/2017
reg. 35.

417B Catch limit for sea urchin

- (1) For the purposes of the Act, the catch limit with respect to the taking of sea urchin from Victorian waters is 20 sea urchin of any species.
- (2) For the purposes of the Act, the catch limit for the possession of sea urchin in, on or next to Victorian waters is 20 sea urchin of any species.
- (3) Subregulations (1) and (2) do not apply to a person who takes or possesses sea urchin in a quantity in excess of the catch limit specified in subregulation (1) or (2) if—
 - (a) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, a Sea Urchin Fishery Access Licence authorising the taking and possession of sea urchin; and
 - (ii) takes or possesses the sea urchin in accordance with the licence, the Act and these Regulations; or

Reg. 417B
inserted by
S.R. No.
96/2014
reg. 12.

- (b) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of sea urchin; and
 - (ii) takes or possesses the sea urchin in accordance with the licence, the Act and these Regulations; or
- (c) the person—
 - (i) is the holder of, or is acting on behalf of the holder of, a general permit authorising the taking or possession of sea urchin in that quantity; and
 - (ii) takes or possesses the sea urchin in accordance with the permit, the Act and these Regulations.
- (4) Subregulations (1) and (2) do not apply to a person who possesses sea urchin in a quantity in excess of the catch limit specified in subregulation (1) or (2), and which the person received from a person referred to in subregulation (3).

Note

There are offences in sections 68A and 68B of the Act relating to taking or possessing fish in excess of the catch limit in these Regulations for that species of fish. Various penalties apply.

Division 2—Activities authorised under a Sea Urchin Fishery Access Licence

417C Authorised activities

A Sea Urchin Fishery Access Licence authorises the licence holder to carry out the following activities in the sea urchin commercial fishing management zone—

Reg. 417C
inserted by
S.R. No.
96/2014
reg. 12.

- (a) to take sea urchin by hand for sale (other than in waters that are within a marine national park, a marine sanctuary or a fisheries reserve);
- (b) in connection with the taking of sea urchin, to use underwater breathing apparatus and any equipment approved by the Victorian Fisheries Authority (other than in waters that are within a marine national park, a marine sanctuary or a fisheries reserve);
- (c) to engage one or more persons to carry out any activity authorised by the licence;
- (d) to sample crack sea urchin;
- (e) to process sea urchin taken under the licence.

Reg. 417C(b)
amended by
S.R. No.
10/2017
reg. 195.

Division 3—Conditions of Sea Urchin Fishery Access Licence

417D Sea Urchin Fishery Access Licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, this Division sets out the conditions to which every Sea Urchin Fishery Access Licence is subject.

Reg. 417D
inserted by
S.R. No.
96/2014
reg. 12.

Notes

- 1 In addition to the conditions set out in this Division, every Sea Urchin Fishery Access Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Division 3 of Part 2 of these Regulations.

Note 1(a) to
reg. 417D
amended by
S.R. No.
10/2017
reg. 196.

- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

Note 3 to
reg. 417D
amended by
S.R. No.
10/2017
reg. 196.

Reg. 417E
inserted by
S.R. No.
96/2014
reg. 12.

417E Notification of intention to take sea urchin for sale

Reg. 417E(1)
amended by
S.R. No.
10/2017
reg. 197.

- (1) Subject to subregulation (2), the licence holder must give to the Victorian Fisheries Authority, via the sea urchin notification service, the details set out in paragraph (a) of the definition of ***specified sea urchin details*** at least one hour before a boat to be used for the purposes of taking sea urchin for sale under the licence leaves a port or mooring.
- (2) The licence holder, at any time before a boat used under the licence leaves a port or mooring, may, via the sea urchin notification service—
 - (a) vary the details given to the Victorian Fisheries Authority under subregulation (1);
or
 - (b) if the licence holder cancels the proposed taking of sea urchin for sale, advise the Victorian Fisheries Authority to that effect.

Reg.
417E(2)(a)
amended by
S.R. No.
10/2017
reg. 197.

Reg.
417E(2)(b)
amended by
S.R. No.
10/2017
reg. 197.

417F Prior reporting of sea urchin details before entering port or mooring

Reg. 417F
inserted by
S.R. No.
96/2014
reg. 12.

- (1) The licence holder must ensure that the details set out in paragraph (b) of the definition of *specified sea urchin details* are provided to the Victorian Fisheries Authority via the sea urchin notification service in accordance with subregulation (2) if a boat used under the licence is to enter a port or mooring area and—
- (a) has sea urchin on board; or
 - (b) has been used for fishing for sea urchin during the fishing trip.
- (2) The details must be provided to the Victorian Fisheries Authority at least 30 minutes before the entry.
- (3) If, after the details have been provided in accordance with subregulations (1) and (2), the boat is to enter a port or mooring other than that named in those details, the licence holder must notify the Victorian Fisheries Authority of that port or mooring via the sea urchin notification service at least 30 minutes before entry.

Reg. 417F(1)
amended by
S.R. No.
10/2017
reg. 198.

Reg. 417F(2)
amended by
S.R. No.
10/2017
reg. 198.

Reg. 417F(3)
amended by
S.R. No.
10/2017
reg. 198.

417G Sea urchin must be landed at a specified place

The licence holder must ensure that sea urchin are landed at the port or mooring notified to the Victorian Fisheries Authority under regulation 417F unless—

- (a) there is an impending or actual threat to the safety of a person engaged in activities under the licence; and

Reg. 417G
inserted by
S.R. No.
96/2014
reg. 12,
amended by
S.R. No.
10/2017
reg. 199.

Reg. 417G(b)
amended by
S.R. No.
10/2017
reg. 199.

- (b) the licence holder advises the Victorian Fisheries Authority via the sea urchin notification service as soon as practicable of another place where sea urchin are to be landed.

Reg. 417H
inserted by
S.R. No.
96/2014
reg. 12.

417H Boat not to enter port or mooring area and sea urchin not to be landed before estimated time

Reg. 417H(1)
amended by
S.R. No.
10/2017
reg. 200.

- (1) The licence holder must not allow a boat with sea urchin on board to enter a port or mooring area before the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 417F unless there is an impending or actual threat to the safety of a person engaged in an activity authorised under the licence.

Reg. 417H(2)
amended by
S.R. No.
10/2017
reg. 200.

- (2) The licence holder must not allow sea urchin to be landed from a boat before the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 417F unless there is an impending or actual threat to the safety of a person engaged in an activity authorised under the licence.

Reg. 417I
inserted by
S.R. No.
96/2014
reg. 12.

417I Boat to enter port or mooring area and sea urchin to be landed within one hour after estimated time

Reg. 417I(1)(a)
amended by
S.R. No.
10/2017
reg. 201.

- (1) The licence holder must ensure that—
(a) a boat with sea urchin on board enters a port or mooring area notified to the Victorian Fisheries Authority under regulation 417F within one hour after the estimated time for that entry provided to the Victorian Fisheries Authority under regulation 417F; and

(b) sea urchin are landed from the boat within one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 417F.

Reg. 417(1)(b)
amended by
S.R. No.
10/2017
reg. 201.

(2) Despite subregulation (1), the licence holder may commence landing sea urchin from the boat more than one hour after the estimated time for that landing provided to the Victorian Fisheries Authority under regulation 417F if the licence holder advises the Victorian Fisheries Authority via the sea urchin notification service at least one hour before the new estimated time for the landing of sea urchin of—

Reg. 417(2)
amended by
S.R. No.
10/2017
reg. 201.

(a) the licence holder's intention to land sea urchin more than one hour after the prior estimated time for landing; and

(b) the new estimated time at which the landing of sea urchin will commence.

(3) If the licence holder advises the Victorian Fisheries Authority of a new estimated time for landing sea urchin under subregulation (2)(b), the licence holder must ensure that sea urchin are landed within one hour after that time.

Reg. 417(3)
amended by
S.R. No.
10/2017
reg. 201.

417J Sea urchin to be weighed after landing and information given to the Victorian Fisheries Authority

Reg. 417J
(Heading)
amended by
S.R. No.
10/2017
reg. 202(1).

(1) After landing sea urchin taken under a licence, the licence holder must ensure that, no later than 60 minutes after the landing—

Reg. 417J
inserted by
S.R. No.
96/2014
reg. 12.

(a) the sea urchin are weighed at the place of landing of the sea urchin and the net whole weight is recorded in the sea urchin daily catch and effort record in the manner required by the Victorian Fisheries Authority; and

Reg.
417J(1)(a)
amended by
S.R. No.
10/2017
reg. 202(2).

Reg.
417J(1)(b)
amended by
S.R. No.
10/2017
reg. 202(2).

- (b) the sea urchin daily catch and effort record is forwarded to the Victorian Fisheries Authority via the sea urchin notification service; and

Reg.
417J(1)(c)
amended by
S.R. No.
10/2017
reg. 202(2).

- (c) the details set out in paragraph (c) of the definition of *specified sea urchin details* are provided to the Victorian Fisheries Authority via the sea urchin notification service and the details are correct.

- (2) The licence holder must ensure that any details regarding the weight of the sea urchin that are required to be provided under the Act or these Regulations are correct to within 0.1 kilograms of the actual weight.

Reg. 417K
inserted by
S.R. No.
96/2014
reg. 12.

417K Sea urchin not to be moved before catch disposal record completed

The licence holder must ensure that sea urchin taken under the licence are not moved from the place of landing of the sea urchin or delivered for processing unless—

Reg. 417K(a)
amended by
S.R. No.
10/2017
reg. 203.

- (a) the details of the sea urchin catch disposal record have been entered on the original and duplicate copy of the record in the manner required by the Victorian Fisheries Authority and signed by the licence holder; and
- (b) the original copy of the record accompanies the sea urchin.

417L Victorian Fisheries Authority to give sea urchin confirmation number to licence holder

Reg. 417L
(Heading)
amended by
S.R. No.
10/2017
reg. 204(1).

Reg. 417L
inserted by
S.R. No.
96/2014
reg. 12.

(1) The Victorian Fisheries Authority must make all reasonable efforts to provide the licence holder with a confirmation number via the sea urchin notification service as soon as is practicable after the licence holder has provided any specified sea urchin details via that service.

Reg. 417L(1)
amended by
S.R. No.
10/2017
reg. 204(2).

(2) Subregulation (1) does not apply if the Victorian Fisheries Authority determines that there are reasonable grounds for believing that the licence holder has failed to comply with these Regulations.

Reg. 417L(2)
amended by
S.R. No.
10/2017
reg. 204(2).

(3) If the licence holder does not receive a confirmation number under subregulation (1) via the sea urchin notification service after providing specified sea urchin details to the Victorian Fisheries Authority via that service, the Victorian Fisheries Authority may issue the licence holder with a confirmation number by way of an alternative method.

Reg. 417L(3)
amended by
S.R. No.
10/2017
reg. 204(2).

417M Requirements for keeping fisheries documents and copies relating to sea urchin

Reg. 417M
inserted by
S.R. No.
96/2014
reg. 12.

(1) The licence holder must ensure that the licence holder or any person acting on behalf of the licence holder does not possess a signed sea urchin catch disposal record or a copy of such a record unless all the required details of the record

Reg. 417M(1)
amended by
S.R. No.
10/2017
reg. 205.

have been completed in the manner required by the Victorian Fisheries Authority.

- (2) The licence holder must ensure that all copies of completed, and all unused, sea urchin catch disposal records and sea urchin catch disposal record books are kept by the licence holder.
- (3) The licence holder must ensure that the duplicate copy of each sea urchin catch disposal record that has been completed in respect of the sea urchin landed under the licence is retained in the sea urchin catch disposal record book issued to the licence holder.

Reg. 417N
inserted by
S.R. No.
96/2014
reg. 12,
amended by
S.R. No.
10/2017
reg. 206.

417N Location of sea urchin catch disposal record book to be notified

The licence holder must ensure that the Victorian Fisheries Authority is notified of the location of the sea urchin catch disposal record book if it is not located on a boat used under the licence, or at the place of landing of sea urchin.

Reg. 417O
inserted by
S.R. No.
96/2014
reg. 12.

417O Sea urchin not to be transferred at sea from boat to boat

The licence holder must ensure that sea urchin are not transferred from one boat to another in, under or on Victorian waters.

Reg. 417P
inserted by
S.R. No.
96/2014
reg. 12.

417P Transfer to licence holder of sea urchin taken by other persons prohibited in Victorian waters

The licence holder, whether or not on board a boat, must not receive in, under or on Victorian waters any sea urchin taken by a person other than a person named in the licence.

417Q Possession of recreationally caught sea urchin at commercial premises prohibited

The licence holder must not possess sea urchin taken under a recreational fishery licence at the same premises as sea urchin taken under the licence.

Reg. 417Q
inserted by
S.R. No.
96/2014
reg. 12.

Division 4—Other matters relating to sea urchin

417R Victorian Fisheries Authority to notify licence holder of internet application to be used

The Victorian Fisheries Authority must notify, in writing, each holder of a Sea Urchin Fishery Access Licence of—

Reg. 417R
(Heading)
amended by
S.R. No.
10/2017
reg. 207(1).

Reg. 417R
inserted by
S.R. No.
96/2014
reg. 12,
amended by
S.R. No.
10/2017
reg. 207(2).

- (a) the internet application to be used to provide the Victorian Fisheries Authority with sea urchin daily catch and effort records and specified sea urchin details via the sea urchin notification service; and

Reg. 417R(a)
amended by
S.R. No.
10/2017
reg. 207(2).

- (b) the telephone number to be used—

- (i) to provide the Victorian Fisheries Authority with specified sea urchin details if the licence holder does not receive a sea urchin confirmation number in respect of specified sea urchin details provided via the sea urchin notification service; or
- (ii) for any other purpose required by these Regulations; and

Reg.
417R(b)(i)
amended by
S.R. No.
10/2017
reg. 207(2).

- (c) any changes to the internet application or telephone number notified under paragraph (a) or (b).

Reg. 417S
inserted by
S.R. No.
96/2014
reg. 12.

417S Required form of documentation for sale of sea urchin (sea urchin receipt)

- (1) Section 120AA(1) of the Act applies to a person who intends to sell any quantity of sea urchin.
- (2) For the purposes of section 120AA(2)(a) of the Act, the document concerning a proposed sale of sea urchin must be in the form of a receipt that contains the following details—
 - (a) the full name and address of the person selling the sea urchin;
 - (b) the full name and address of the person to whom the sea urchin are sold;
 - (c) the date of sale of the sea urchin;
 - (d) the net weight in kilograms of sea urchin sold;
 - (e) whether the sea urchin was sold whole or as roe.

Note

Section 120AA(2) of the Act requires a person who sells sea urchin in any quantity to create a document that complies with that section.

Reg. 417T
inserted by
S.R. No.
96/2014
reg. 12.

417T Documentation requirement for possession of sea urchin

For the purposes of section 120AC(1) of the Act, a person who possesses any quantity of sea urchin must, while in possession of the sea urchin, have in his or her possession—

- (a) the completed original sea urchin catch disposal record for that sea urchin; or

- (b) the sea urchin receipt issued at the time of the sale of the sea urchin to the person.

Note

Section 120AC(1) of the Act applies to a person who possesses sea urchin and, under the regulations, is required to have a document in their possession relating to that sea urchin. Section 120AC(2) provides for an offence for not having the prescribed document in possession. Section 120AC(4) provides a defence if the sea urchin are in a person's possession otherwise than for the purposes of sale, processing for reward, transportation for reward or storage for reward.

Part 12—Aquaculture

Division 1—Activities authorised by aquaculture licences

418 Definitions

In this Division—

marine fish means any species of fish that
naturally inhabits seawater;

ornamental fish means fish other than abalone,
that are hatched, reared, bred, or grown for
display only and are not for human
consumption;

salmonid means any fish of the family
Salmonidae;

warm water finfish means any fish other than
marine fish, invertebrates, salmonids and eel.

419 Activities authorised by an Aquaculture (Crown Land—Abalone) Licence

An Aquaculture (Crown Land—Abalone) Licence
authorises the licence holder, on the Crown land
specified in the licence under regulation 33 and in
or on the marine waters covering that land, to
carry out the following activities—

- (a) the use, formation or creation of a habitat
for hatching, rearing, breeding, displaying
or growing of abalone of the species
specified in the licence under regulation 33
(including a commercial quantity) for sale
or other commercial purposes;

- (b) the hatching, rearing, breeding, displaying or growing of abalone of the species specified in the licence under regulation 33 (including a commercial quantity) for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the possession of abalone (including a commercial quantity) which has been hatched, reared, bred or grown under the licence at the area specified in the licence under regulation 33;
- (e) the processing of abalone (including a commercial quantity) which has been hatched, reared, bred, displayed or grown under the licence at the area specified in the licence under regulation 33;
- (f) the sale of abalone (including a commercial quantity) which has been hatched, reared, bred or grown under the licence at the area specified in the licence under regulation 33;
- (g) the engagement of one or more people to carry out any activity authorised by the licence.

420 Activities authorised by an Aquaculture (Crown Land—Bivalve Shellfish) Licence

An Aquaculture (Crown Land—Bivalve Shellfish) Licence authorises the licence holder, on the Crown land specified in the licence under regulation 33 and in or on the marine waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of bivalve shellfish of the species specified in the licence under regulation 33 for sale for human consumption or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of bivalve shellfish of the species specified in the licence under regulation 33 for sale or other commercial purposes including for human consumption;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**421 Activities authorised by an Aquaculture
(Crown Land—Eels) Licence**

An Aquaculture (Crown Land—Eels) Licence authorises the licence holder, on the Crown land specified in the licence under regulation 33 and in or on the protected waters other than marine waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of eel of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of eel of the species specified in the licence under regulation 33 for sale or other commercial purposes;

- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**422 Activities authorised by Aquaculture
(Crown Land—Offshore) Licence**

An Aquaculture (Crown Land—Offshore) Licence authorises the licence holder, on the Crown land specified in the licence under regulation 33 and in or on the marine waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 (which must not include bivalve shellfish for human consumption or abalone) for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 (which must not include bivalve shellfish for human consumption or abalone) for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**423 Activities authorised by an Aquaculture
(Crown Land—Other) Licence**

An Aquaculture (Crown Land—Other) Licence authorises the licence holder, on the Crown land specified in the licence under regulation 33 and in or on the protected waters other than marine waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 (which must not include bivalve shellfish for human consumption, abalone or eel) for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 (which must not include bivalve shellfish for human consumption, abalone or eel) for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**424 Activities authorised by Aquaculture (On-shore
Abalone) Licence**

An Aquaculture (On-shore Abalone) Licence authorises the licence holder, on the private land or the Crown land specified in the licence under regulation 33 and in or on the protected waters other than marine waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of abalone of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of abalone of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the possession of abalone (including a commercial quantity) which has been hatched, reared, bred or grown under the licence at the area specified in the licence under regulation 33;
- (e) the processing of abalone (including a commercial quantity) which has been hatched, reared, bred, displayed or grown under the licence at the area specified in the licence under regulation 33;
- (f) the sale of abalone (including a commercial quantity) which has been hatched, reared, bred or grown under the licence at the area specified in the licence under regulation 33;
- (g) the engagement of one or more people to carry out any activity authorised by the licence.

**425 Activities authorised under an Aquaculture
(Private Land—Eels) Licence**

An Aquaculture (Private Land—Eels) Licence authorises the licence holder, on the private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of eel of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of eel of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**426 Activities authorised under Aquaculture
(Private Land—Indoor Intensive) Licence**

An Aquaculture (Private Land—Indoor Intensive) Licence authorises the licence holder, on the private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 for sale or other commercial purposes;

- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

Note

It is a condition of this licence under regulation 450 that the aquaculture production facility at which activities authorised by the licence are carried out is wholly or substantially contained indoors, utilises purpose-built biological filtration and wholly or substantially recirculates or reconditions the effluent production water.

**427 Activities authorised by an Aquaculture
(Private Land—Marine) Licence**

An Aquaculture (Private Land—Marine) Licence authorises the licence holder, on the private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of the marine fish of the species specified in the licence under regulation 33 (which must not include abalone, ornamental fish, eel and salmonids) for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of the marine fish of the species specified in the licence under regulation 33 (which must not include abalone, ornamental fish, eel and salmonids) for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;

- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**428 Activities authorised by an Aquaculture
(Private Land—Ornamentals) Licence**

An Aquaculture (Private Land—Ornamentals) Licence authorises the licence holder, on the private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of ornamental fish of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of ornamental fish of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**429 Activities authorised under an Aquaculture
(Private Land—Other) Licence**

An Aquaculture (Private Land—Other) Licence authorises the licence holder, on the private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 (which must not include abalone, ornamental fish, eel, salmonids, barramundi, Murray cod, perch, bass, yabby or marine fish) for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 (which must not include abalone, ornamental fish, eel, salmonids, barramundi, Murray cod, perch, bass, yabby or marine fish) for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**430 Activities authorised under an Aquaculture
(Private Land—Salmonids) Licence**

An Aquaculture (Private Land—Salmonids) Licence authorises the licence holder, on the private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of salmonids of the species specified in the licence under regulation 33 for sale or other commercial purposes;

- (b) the hatching, rearing, breeding, displaying or growing of salmonids of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**431 Activities authorised under an Aquaculture
(Private Land—Tourism) Licence**

An Aquaculture (Private Land—Tourism) Licence authorises the licence holder, on the private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 (which must not include eel, abalone, ornamental fish and bivalve shellfish for human consumption) primarily for tourism purposes including sale;
- (b) the hatching, rearing, breeding, displaying or growing of fish of the species specified in the licence under regulation 33 (which must not include eel, abalone, ornamental fish and bivalve shellfish for human consumption) primarily for tourism purposes including sale;

- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

Note

It is a condition of this licence under regulation 451 that any fish sold under the licence are sold from the private land specified in the licence.

**432 Activities authorised by an Aquaculture
(Private Land—Warm Water Finfish) Licence**

An Aquaculture (Private Land—Warm Water Finfish) Licence authorises the licence holder, on the private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of warm water finfish of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of warm water finfish of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**433 Activities authorised by an Aquaculture
(Private Land—Yabbies) Licence**

An Aquaculture (Private Land—Yabbies) Licence authorises the licence holder, on an area of private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of yabby of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (b) the hatching, rearing, breeding, displaying or growing of yabby of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

**434 Activities authorised by an Aquaculture
(Private Land—Yabbies Multi-waters) Licence**

An Aquaculture (Private Land—Yabbies Multi-waters) Licence authorises the licence holder on more than one area of private land specified in the licence under regulation 33 and in or on the protected waters covering that land, to carry out the following activities—

- (a) the use, formation or creation of a habitat for hatching, rearing, breeding, displaying or growing of yabby of the species specified in the licence under regulation 33 for sale or other commercial purposes;

- (b) the hatching, rearing, breeding, displaying or growing of yabby of the species specified in the licence under regulation 33 for sale or other commercial purposes;
- (c) the use and possession of the commercial aquaculture equipment specified in the licence under regulation 33;
- (d) the engagement of one or more people to carry out any activity authorised by the licence.

Division 2—Conditions of all aquaculture licences

435 Every aquaculture licence subject to conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every aquaculture licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every aquaculture licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Subdivision 1 of Division 3 of Part 2; and
 - (c) any conditions applying to that class of licence under Divisions 3, 4 and 5 of this Part.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.

**Note 1(a) to
reg. 435
amended by
S.R. No.
10/2017
reg. 208.**

Note 3 to
reg. 435
amended by
S.R. No.
10/2017
reg. 208.

- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

436 Record keeping in relation to priority species

The licence holder must—

- (a) maintain a book of account for any priority species showing details of the goods in relation to that species produced in the ordinary course of the business while acting under the licence; and
- (b) make the book of account available for inspection by an authorised officer at any reasonable time.

437 Completion of aquaculture production return

- (1) The licence holder must complete an aquaculture production return for the periods—
 - (a) 1 January to 30 June in each year; and
 - (b) 1 July to 31 December in each year.
- (2) The licence holder must ensure that the return completed under subregulation (1) is—
 - (a) sent to the Victorian Fisheries Authority within 30 days after the end of each period;
or

Reg. 437(2)(a)
amended by
S.R. No.
10/2017
reg. 209.

Reg. 437(2)(b)
amended by
S.R. No.
10/2017
reg. 209.

- (b) completed online on the internet site notified by the Victorian Fisheries Authority under regulation 454 and lodged with the Victorian Fisheries Authority within 30 days after the end of each period.

(3) The licence holder must—

- (a) in the case of an aquaculture production return that is not completed online, keep a copy of that return; or
- (b) in the case of an aquaculture production return that is lodged online, keep a record of the verification from the Victorian Fisheries Authority that the return has been lodged.

Reg. 437(3)(b)
amended by
S.R. No.
10/2017
reg. 209.

438 Labelling and documentation requirements for transport or sale of fish

The licence holder must, in relation to the transport or sale of any fish or fish product from the premises specified in the licence, ensure that the licence holder's name and the licence number is clearly marked on—

- (a) the outside of the immediate packaging of the fish or fish product; or
- (b) in the case of live fish, on the outside of the container in which the fish are being transported.

Note

The holder of an Aquaculture (Crown Land—Abalone) Licence and Aquaculture (On-shore—Abalone) Licence must, in addition to the requirements in this regulation, ensure that the immediate packaging of the abalone is labelled or marked with an abalone label in accordance with regulation 444 before abalone leaves the area specified in the licence.

439 Documentation requirements for sale of rock lobster

- (1) The licence holder must, at the time of any sale of rock lobster, issue a receipt in respect of the sale of that rock lobster that contains the following details—
 - (a) the full name of the licence holder;
 - (b) the business address from which the rock lobster were sold;

- (c) the number of the receipt accompanying the rock lobster;
 - (d) the date of the sale of the rock lobster;
 - (e) the form of the rock lobster;
 - (f) the number of rock lobster;
 - (g) the net weight of the rock lobster.
- (2) The licence holder must keep a copy of every receipt issued under subregulation (1) in a safe place.

Note

Under section 120B of the Act, a person must keep any document that he or she is required under the Act (which includes these Regulations) to keep for a period of 3 years after the date it is created. A maximum penalty of 60 penalty units applies.

440 Aquaculture incoming stock record to be kept of source of all fish

The licence holder must, in respect of all fish acquired, purchased or received, keep and maintain an aquaculture incoming stock record which specifies—

- (a) the name and address of the person from whom the fish were acquired, purchased or received; and
- (b) the licence or permit number, or the reference number of any other authority (as the case may be), of the person from whom the fish were acquired, purchased or received; and
- (c) the species and quantity of fish acquired, purchased or received including the form of that fish; and
- (d) observations on the health status of the fish acquired, purchased or received; and

- (e) the date on which the fish were acquired,
purchased or received.

Division 3—Conditions of aquaculture licences relating to abalone

441 Aquaculture licences relating to abalone subject to additional conditions in this Division

For the purposes of section 52(1)(b) of the Act,
the following provisions in this Division set out
the conditions to which every Aquaculture
(Crown Land—Abalone) Licence and
Aquaculture (On-shore—Abalone) Licence is
subject.

Notes

- 1 In addition to the conditions set out in this Division, every
Aquaculture (Crown Land—Abalone) Licence and
Aquaculture (On-shore—Abalone) Licence is subject to—
 - (a) any condition expressed or referred to in the
licence by the Victorian Fisheries Authority
under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out
in Subdivision 1 of Division 3 of Part 2; and
 - (c) any conditions applying to that class of licence set out
in Divisions 2 and 4 of this Part.
- 2 Under section 53 of the Act, the holder of a licence or a
person who does a thing on behalf of a licence holder, must
comply with any condition to which the licence is subject.
A failure to comply may attract a maximum penalty of
50 penalty units and, in the case of an offence involving a
priority species or breach of a designated licence condition,
a maximum penalty of 100 penalty units or 6 months
imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to
the Victorian Fisheries Authority for an exemption from a
specified condition of the licence.

**Note 1(a) to
reg. 441
amended by
S.R. No.
10/2017
reg. 210.**

**Note 3 to
reg. 441
amended by
S.R. No.
10/2017
reg. 210.**

442 Shucking of abalone prohibited

- (1) The licence holder must not shuck abalone or possess shucked abalone.
- (2) Subregulation (1) does not apply to a licence holder who—
 - (a) is also the holder of a Fish Receivers' (Abalone) Licence; and
 - (b) shucks abalone or possesses shucked abalone under and in accordance with that licence and the Act and these Regulations.

443 Document requirements for selling or consignment of abalone

- (1) The licence holder must, at the time of sale or consignment of abalone, issue to the buyer or consignee of the abalone a receipt in respect of that abalone containing the following details—
 - (a) the full name and address of the licence holder;
 - (b) the full name and signature of the person completing the receipt;
 - (c) the date of sale or consignment of the abalone;
 - (d) the net weight in kilograms of abalone sold or consigned;
 - (e) the product description of the abalone;
 - (f) in respect of each sale or consignment of abalone, a unique identifying number generated from a sequential system of numbering of each sale or consignment for the purposes of the receipt;

- (g) any one or more of the following details—
 - (i) the full name and address of the person who processed the abalone;
 - (ii) the trader identification number of the licence holder;
 - (iii) the approved AQIS number of the place or premises where the abalone was processed;
 - (h) the date the abalone was packaged.
- (2) The licence holder must keep a copy of every receipt issued under subregulation (1) in a safe place.

444 Additional packaging and labelling requirements for sale or transport of abalone

- (1) The licence holder must ensure that, before abalone leaves the area specified in the licence, the immediate packaging of the abalone is marked or labelled with a label containing the following details—
- (a) the address of the licence holder or the name and address of the person on whose behalf the licence holder packaged the abalone;
 - (b) the approved AQIS number or, if applicable, the trader identification number of the licence holder;
 - (c) the net weight in kilograms of the abalone;
 - (d) the date that the abalone was packaged.
- (2) Subregulation (1) does not apply if the abalone is approved by AQIS for the purpose of export.
- (3) In this regulation the ***packaging*** in relation to abalone includes a container in which live abalone are being transported.

Division 4—Conditions of all Crown land aquaculture licences

445 Definition

In this Division a ***Crown land aquaculture licence*** means any one of the following classes of aquaculture licence—

- (a) an Aquaculture (Crown Land—Bivalve Shellfish) Licence;
- (b) an Aquaculture (Crown Land—Abalone) Licence;
- (c) an Aquaculture (Crown Land—Offshore) Licence;
- (d) an Aquaculture (Crown Land—Eels) Licence;
- (e) an Aquaculture (Crown Land—Other) Licence.

446 Crown land aquaculture licence subject to additional conditions in this Division

For the purposes of section 52(1)(b) of the Act, the following provisions in this Division set out the conditions to which every Crown land aquaculture licence is subject.

Notes

- 1 In addition to the conditions set out in this Division, every Crown land aquaculture licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence as set out in Subdivision 1 of Division 3 of Part 2; and
 - (c) any conditions applying to that class of licence set out in Divisions 2 and 3 of this Part.

Note 1(a) to
reg. 446
amended by
S.R. No.
10/2017
reg. 211.

- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

Note 3 to
reg. 446
amended by
S.R. No.
10/2017
reg. 211.

447 Introduction of feeds, fish and other products to licensed area

The licence holder must not use in, or introduce into, the area or waters specified in the licence any artificial feed including—

- (a) processed or formulated feeds; or
- (b) whole fish, parts of fish or by-products of fish.

448 Marking of boundaries of licensed area

- (1) The licence holder must ensure that each corner of the area specified in the licence (including the waters covering that area) is marked with a buoy floating on the surface of the water unless that corner is marked with a navigation aid.
- (2) This regulation does not apply to the holder of an Aquaculture (Crown Land—Eels) Licence.
- (3) In this regulation ***navigation aid*** means a device used for navigation and includes a beacon, buoy, marine mark, lighthouse and light ship but does not include a device on board a vessel.

449 Commercial aquaculture equipment to be marked and located within licensed area

- (1) The licence holder must ensure that any float, buoy or other item of floating commercial aquaculture equipment within the area specified in the licence (including the waters covering that area) is marked with the name of the licence holder and a telephone number on which the licence holder can be contacted.
- (2) The licence holder must ensure that any commercial aquaculture equipment set or deployed by the licence holder in the area specified in the licence (including the waters covering that area), remains within the boundaries of that area at all times.
- (3) This regulation does not apply to the holder of an Aquaculture (Crown Land—Eels) Licence.

Division 5—Conditions of certain private land aquaculture licences

450 Additional condition on Aquaculture (Private Land—Indoor Intensive) Licence

It is a condition of an Aquaculture (Private Land—Indoor Intensive) Licence that the licence holder must ensure that any activity authorised by the licence is carried out from an aquaculture production facility that—

- (a) is wholly or substantially contained indoors;
and
- (b) utilises purpose-built biological filtration;
and

- (c) wholly or substantially recirculates or reconditions the effluent production water.

Notes

- 1 In addition to the condition set out in this Regulation, every Aquaculture (Private Land—Indoor Intensive) Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Subdivision 1 of Division 3 of Part 2 and Division 2 of this Part.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

**Note 1(a) to
reg. 450
amended by
S.R. No.
10/2017
reg. 212.**

**Note 3 to
reg. 450
amended by
S.R. No.
10/2017
reg. 212.**

**451 Additional condition of Aquaculture
(Private Land—Tourism) Licence**

It is a condition of an Aquaculture (Private Land—Tourism) Licence that the licence holder must ensure that any fish sold under the licence is sold from the private land specified in the licence.

Notes

Note 1(a) to
reg. 451
amended by
S.R. No.
10/2017
reg. 213.

- 1 In addition to the condition set out in this regulation, every Aquaculture (Private Land—Tourism) Licence is subject to—
 - (a) any condition expressed or referred to in the licence by the Victorian Fisheries Authority under section 52(1)(a) of the Act; and
 - (b) the conditions applying to that class of licence set out in Subdivision 1 of Division 3 of Part 2 and Division 2 of this Part.
- 2 Under section 53 of the Act, the holder of a licence or a person who does a thing on behalf of a licence holder, must comply with any condition to which the licence is subject. A failure to comply may attract a maximum penalty of 50 penalty units and, in the case of an offence involving a priority species or breach of a designated licence condition, a maximum penalty of 100 penalty units or 6 months imprisonment or both.
- 3 Under regulation 460, the holder of a licence may apply to the Victorian Fisheries Authority for an exemption from a specified condition of the licence.

Note 3 to
reg. 451
amended by
S.R. No.
10/2017
reg. 213.

**Division 6—Exemptions relating to
aquaculture activities**

**452 Exemption from offence in Act relating to display of
fish on certain premises**

A person is exempt from section 42(1)(b) of the Act in respect of the display of fish by the person if the fish are displayed on commercial premises where there is no fee charged for entry to view the fish.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person was authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemption in this regulation only has effect to the extent specified in the regulation.

453 Exemption from offence in Act relating to stocking fish into protected waters

(1) A person may apply to the Victorian Fisheries Authority for an exemption from section 42(1)(ba) of the Act in respect of the stocking of fish into protected waters.	Reg. 453(1) amended by S.R. No. 10/2017 reg. 214.
(2) The Victorian Fisheries Authority may exempt a person under subregulation (1), if the Victorian Fisheries Authority considers it necessary or reasonable in the circumstances of a particular case to do so.	Reg. 453(2) amended by S.R. No. 10/2017 reg. 214.
(3) The Victorian Fisheries Authority must give a notice in writing containing details of any exemption granted under subregulation (2) to a person within 5 business days after granting the exemption.	Reg. 453(3) amended by S.R. Nos 168/2013 reg. 46(1), 10/2017 reg. 214.
(3A) The Victorian Fisheries Authority, by notice published in the Government Gazette, may exempt a class of persons from section 42(1)(ba) of the Act in respect of the stocking of fish into protected waters, if the Victorian Fisheries Authority considers it necessary or reasonable in the circumstances and an application has been made under subregulation (1).	Reg. 453(3A) inserted by S.R. No. 168/2013 reg. 46(2), amended by S.R. No. 10/2017 reg. 214.
(3B) An exemption under this regulation takes effect— (a) in the case of an exemption granted under subregulation (2), on the date specified in the notice given under subregulation (3); or (b) in the case of an exemption granted under subregulation (3A), on any date specified in the notice or the day on which the notice is published in the Government Gazette, whichever is the later.	Reg. 453(3B) inserted by S.R. No. 168/2013 reg. 46(2).

Reg. 453(4)
amended by
S.R. No.
10/2017
reg. 214.

- (4) The Victorian Fisheries Authority may impose conditions on an exemption under this regulation that relate to the stocking of fish into protected waters.

Reg. 453(5)
amended by
S.R. Nos
168/2013
reg. 46(3)(a),
10/2017
reg. 214.

- (5) In granting an exemption, the Victorian Fisheries Authority must specify in the notice given under subregulation (3) or published under subregulation (3A)—

Reg. 453(5)(a)
amended by
S.R. No.
168/2013
reg. 46(3)(b).

- (a) that the person or class of persons is exempt from section 42(1)(ba) of the Act; and

Reg. 453(5)(b)
amended by
S.R. No.
168/2013
reg. 46(3)(c).

- (b) the place or area at which the exemption applies; and

- (c) the period during which the exemption applies; and

- (d) the circumstances in which the exemption applies; and

- (e) any conditions that apply to the exemption.

Division 7—Other matters relating to aquaculture licences

Reg. 454
(Heading)
substituted by
S.R. No.
10/2017
reg. 215(1).

454 Obligations of Victorian Fisheries Authority regarding aquaculture production returns

Reg. 454(1)
amended by
S.R. No.
10/2017
reg. 215(2).

- (1) The Victorian Fisheries Authority must ensure that every holder of a class of aquaculture licence for which an aquaculture production return may be lodged online, is notified of the internet site to be used to access and lodge such a return.

- (2) If the holder of an aquaculture licence lodges an aquaculture production return with the Victorian Fisheries Authority online, the Victorian Fisheries Authority must provide verification of that lodgement to the licence holder within 48 hours of the lodgement.

Reg. 454(2)
amended by
S.R. No.
10/2017
reg. 215(2).

Pt 12A
(Heading and
regs 454A–
454D)
inserted by
S.R. No.
118/2010
reg. 5.

Part 12A—Prescribed priority species and exemptions

Reg. 454A
inserted by
S.R. No.
118/2010
reg. 5.

454A Prescribed priority species and commercial quantities

- (1) The species of fish listed in Column 2 of the Table in Schedule 18 is a priority species.
- (2) The commercial quantity of fish in the case of a priority species listed in Column 2 of the Table in Schedule 18 is the quantity of fish listed in Column 3 of that Table that corresponds to that priority species.

Reg. 454B
inserted by
S.R. No.
118/2010
reg. 5.

454B Exemptions relating to the receipt of any quantity of a priority species (other than abalone or rock lobster)

A person is exempt from section 40(1)(a) of the Act, in respect of the receipt of legally obtained fish of a priority species (other than abalone or rock lobster) if—

- (a) the person is acting under and in accordance with a fish receiver permit granted under the Fisheries Management Act 1991 of the Commonwealth that authorises the receipt of that species of fish, and the fish are received from a person authorised to take that species of fish under that Act; or

- (b) the person—
 - (i) received the fish from any other person;
and
 - (ii) the fish are accompanied by a receipt
containing—
 - (A) the date the receipt was issued;
and
 - (B) the quantity (net weight), form
and species of the fish; and
 - (C) the name and address of the
person from whom the fish was
received; and
 - (iii) keeps a copy of that receipt.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not do the thing from which they are exempted from doing or not doing.

454C Exemptions relating to the receipt, processing or possession of a priority species (other than abalone or rock lobster) in a commercial quantity

Reg. 454C
inserted by
S.R. No.
118/2010
reg. 5.

- (1) A person is exempt from section 111A of the Act, in respect of the receipt of legally obtained fish of a priority species (other than abalone or rock lobster) in a commercial quantity if the person received the fish in either of the circumstances set out in regulation 454B.
- (2) A person is exempt from section 111A of the Act, in respect of the processing of legally obtained fish of a priority species (other than abalone or rock lobster) in a commercial quantity if the person received the fish in either of the circumstances set out in regulation 454B.

- (3) A person is exempt from section 111C of the Act, in respect of the possession of legally obtained fish of a priority species (other than abalone or rock lobster) in a commercial quantity if the person received the fish in either of the circumstances set out in regulation 454B.

Reg. 454D
inserted by
S.R. No.
118/2010
reg. 5.

454D Exemptions relating to the sale of a priority species (other than abalone or rock lobster)

A person is exempt from section 40(1)(c) and 111A of the Act in respect of the sale of legally obtained fish of a priority species (other than abalone or rock lobster) if—

- (a) the fish sold by the person was received by the person in either of the circumstances set out in regulation 454B; and
- (b) the person, at the time of the sale of the fish, issues a receipt in respect of that fish containing the following—
 - (i) the date the fish were sold; and
 - (ii) the quantity, form and species of the fish sold; and
 - (iii) the person's name and address; and
- (c) the person keeps a copy of that receipt.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemptions in this regulation only have effect to the extent specified in this regulation.

Part 13—General exemptions

Division 1—Exemptions from offences in the Act

455 Exemption relating to possession of commercial fishing equipment in general

A person is exempt from section 36(2) of the Act, in respect of the possession of commercial fishing equipment by the person in the following circumstances—

- (a) the equipment is possessed in the course of conducting a business where commercial fishing equipment is manufactured or sold from a commercial business premises;
- (b) the equipment is possessed in the course of conducting a business where commercial fishing equipment owned by the holder of an access licence or an aquaculture licence is repaired by the person and the person has a record of—
 - (i) the name of that licence holder; and
 - (ii) the date the commercial fishing equipment was received; and
 - (iii) details of the repairs to be effected;
- (c) the equipment is stored or secured on board a boat in respect of which the person is in charge and the person is authorised under the laws of another State or of a Territory to possess that equipment in that State or Territory and the boat is travelling by the shortest practicable route—

- (i) to or from a place in Victoria; or
- (ii) from a place outside Victorian waters to another place outside those waters;
- (d) the equipment is stored and secured on a boat in respect of which the person is in charge and—
 - (i) the person is the holder of an access licence or a person authorised to act under that licence;
 - (ii) the boat is travelling by the shortest practicable route from a boat ramp, jetty, pier or mooring to or from a place where the person is authorised by the licence to use that equipment.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing.

Reg. 456
(Heading)
amended by
S.R. No.
168/2013
reg. 47(a).
Reg. 456
amended by
S.R. No.
168/2013
reg. 47(b).

456 Exemption relating to possession or use of yabby pots

A person is exempt from section 36(1)(c) and (2) of the Act in respect of the use or possession by the person of no more than 3 yabby pots in any area of Victoria other than in, on or next to any inland waters or marine waters.

Notes

- 1 Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemption under this regulation only has effect to the extent specified in the regulation.
- 2 The definitions of *inland waters* and *marine waters* in the Act do not include waters on private property.

457 Exemption relating to use or possession of gaff

A person is exempt from sections 36(1)(c) and 36(2) of the Act in respect of the use or possession of a gaff for assisting in the taking, or the bringing onto a boat, of any fish (other than invertebrates) taken by angling.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemption under this regulation only has effect to the extent specified in the regulation.

458 Exemption relating to possession of rock lobster pots

A person is exempt from section 36(2) of the Act in respect of the possession of a number of rock lobster pots if—

- (a) the person holds a licence or other authority to fish recreationally under the law of another State or Territory; and
- (b) the licence or authority authorises the possession of that number of rock lobster pots; and
- (c) the person does not possess the rock lobster pots in, on or next to Victorian waters.

Example

An example of a person that this exemption may apply to is a person who is authorised under the law of another State to possess 10 rock lobster pots and who has those pots in his or her possession whilst travelling through Victoria in a motor vehicle.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do the thing from which they are exempted from doing or not doing. The exemption under this regulation only has effect to the extent specified in the regulation.

459 Exemption relating to receipt of certain fish for sale

- (1) A person is exempt from section 40(1)(b) of the Act in respect of the receipt of fish for sale by the person if—
- (a) the fish are legally obtained; and
 - (b) the fish were taken—
 - (i) under a commercial fishery licence authorising the taking of, or the hatching, rearing, breeding, displaying or growing of, fish of that species; or
 - (ii) under a general permit authorising the taking and sale of that species of fish; or
 - (iii) in a place other than Victoria.

Note

Under section 4(9) of the Act, a person who is exempted from any provision or requirement under the Act is to be treated as if the person were authorised to do or not to do the thing from which they are exempted from doing or not doing. The exemption in this subregulation only has effect to the extent specified in the subregulation.

- (2) Subregulation (1) does not apply to the receipt for sale of—
- (a) abalone, rock lobster or giant crab; or
 - (b) scallop received from a Scallop (Ocean) Fishery Access Licence.

Note

There are exemptions and also requirements relating to the receipt of abalone, rock lobster, giant crab and scallop in Parts 8, 9, 10 and 11.

459A Exemption relating to receipt of scallop for sale

Reg. 459A
inserted by
S.R. No.
168/2013
reg. 48.

A person is exempt from section 40(1)(b) of the Act in respect of the receipt of scallop for sale if—

- (a) the scallop are legally obtained; and
- (b) the person receives the scallop from—
 - (i) the holder of a Scallop Dive (Port Phillip Bay) Fishery Access Licence and the scallop is accompanied by the completed original scallop dive catch disposal record in respect of that scallop; or
 - (ii) the holder of an aquaculture licence authorising the hatching, rearing, breeding, growing or displaying of scallop if, at the time of sale, the scallop is accompanied by a scallop receipt in respect of the scallop; or
 - (iii) any other person, if the scallop is accompanied by a scallop receipt issued by that other person to the person in respect of the scallop at the time of sale of the scallop to the person.

Division 2—Exemptions from licence conditions

460 Victorian Fisheries Authority may exempt licence holder from licence condition

Reg. 460
(Heading)
amended by
S.R. No.
10/2017
reg. 216(1).

- (1) The holder of a commercial fishery licence may apply to the Victorian Fisheries Authority for an exemption from one or more conditions set out in these Regulations to which the licence is subject.

Reg. 460(1)
amended by
S.R. No.
10/2017
reg. 216(2).

Reg. 460(2)
amended by
S.R. No.
10/2017
reg. 216(2).

- (2) The Victorian Fisheries Authority may exempt a licence holder under subregulation (1), if the Victorian Fisheries Authority considers it necessary or reasonable in the circumstances of a particular case to do so.

Reg. 460(3)
amended by
S.R. No.
10/2017
reg. 216(2).

- (3) The Victorian Fisheries Authority must give a notice in writing containing details of any exemption granted under this regulation to a licence holder within 5 business days after granting the exemption.

Reg. 460(4)
amended by
S.R. No.
10/2017
reg. 216(2).

- (4) In granting an exemption under this regulation, the Victorian Fisheries Authority may impose conditions on the exemption relating to—
- (a) the taking, possession, landing, weighing, reporting, marketing, hatching, rearing, breeding, displaying, growing, keeping, labelling, packaging, sale, processing, transporting, receiving or sale of fish; or
 - (b) the use, possession or marking of any boat, fishing equipment or other equipment or the use of any other thing used in connection with the carrying out of an activity authorised by the licence; or
 - (c) matters relating to the use or marking of boundaries of the premises or area specified in a commercial fishery licence.

Reg. 460(5)
amended by
S.R. No.
10/2017
reg. 216(2).

- (5) In granting an exemption under this regulation, the Victorian Fisheries Authority must specify—
- (a) the condition or conditions from which the licence holder is exempt; and
 - (b) the place at which the exemption applies; and
 - (c) the period during which the exemption applies; and

- (d) the circumstances in which the exemption applies; and
- (e) any other condition which applies to the exemption.

Note

If a licence holder does not comply with an exemption from a condition of his or her licence, the exemption will no longer be of any effect and the licence holder will have to comply with that condition. Noncompliance with a condition of a licence is an offence under section 53(1) of the Act. Various penalties apply.

Part 14—General

Division 1—Enforcement and legal proceedings matters

461 Designated licence conditions

For the purposes of the definition of *designated licence condition* in the Act, the following licence conditions are specified—

- (a) in respect of an access licence or a fish receiver's licence, any condition imposed under section 52(1)(a) of the Act that is expressed or referred to in the licence as a designated licence condition; and
- (b) in respect of an aquaculture licence, any condition imposed under section 52(1)(a) of the Act that is expressed or referred to in the licence as a designated licence condition; and
- (c) any of the conditions imposed on a licence by these Regulations that are specified in Schedule 14.

462 Prescribed positioning device

For the purposes of section 125(1)(c) of the Act, a satellite global positioning system receiver is prescribed as a positioning device.

463 Time for bringing proceedings extended for certain offences

For the purposes of section 127 of the Act—

- (a) the offences under the Act specified in Column 1 of Schedule 15 are prescribed; and

- (b) the period specified in Column 2 of Schedule 15 corresponding to an offence in Column 1 of Schedule 15 is the prescribed period within which proceedings for that offence may be commenced.

464 Sections of the Act specified for purposes of section 128(1)(a)

For the purposes of section 128(1)(a) of the Act, the sections of the Act listed in Schedule 16 are specified.

465 Classes of licence specified for purposes of section 128A

The following licences are specified for the purposes of section 128A of the Act—

- (a) all classes of fishery access licence;
- (b) all classes of aquaculture licence;
- (c) all classes of fish receiver's licence.

Division 2—Vessel monitoring systems

Subdivision 1—Conditions for use of vessel monitoring system

466 Definitions

In this Subdivision—

boat means a boat used by a person to conduct a fishing activity authorised by a fishery licence;

responsible person means a person who is subject to an order under section 130(1)(e) of the Act requiring the person to install a vessel monitoring system on a boat.

467 Conditions for use of vessel monitoring system set out in this Subdivision

For the purposes of section 130(1)(e) of the Act, the prescribed conditions that a responsible person must comply with when using a vessel monitoring system installed on a boat are set out in the following provisions of this Subdivision.

Note

Under section 130(1) of the Act, a court may, on the application of an authorised officer, prohibit by order a person convicted of an offence against the Act from engaging in any activity authorised by a fishery licence unless the person has installed a vessel monitoring system on a boat and complies with any prescribed conditions on the use of the system. If the person fails to comply with an order under this section, a maximum penalty of 200 penalty units or 12 months imprisonment or both applies.

Reg. 468
amended by
S.R. No.
10/2017
reg. 217.

468 Vessel monitoring system installed on boat

A responsible person must ensure that a vessel monitoring system installed on a boat includes, or consists of, an automatic location communicator of a type that has been approved by the Victorian Fisheries Authority.

Reg. 469
(Heading)
amended by
S.R. No.
10/2017
reg. 218(1).

469 Victorian Fisheries Authority to be notified of installation of vessel monitoring system

A responsible person must, after a vessel monitoring system is installed on a boat and at least 5 business days before the boat is launched or moved from a port or mooring area for the first time after the installation of the system, ensure that—

Reg. 469(a)
amended by
S.R. No.
10/2017
reg. 218(2).

- (a) a notice of the installation is completed in the form approved by the Victorian Fisheries Authority; and

(b) the notice of installation is forwarded to the Victorian Fisheries Authority.

Reg. 469(b)
amended by
S.R. No.
10/2017
reg. 218(2).

470 Contact person on land to be nominated by responsible person

- (1) A responsible person who has installed a vessel monitoring system on a boat must nominate a person to remain on land who will be available at all times to receive messages from the Victorian Fisheries Authority and to communicate with the boat when the boat is not berthed or moored in a port or mooring area.
- (2) The responsible person must make all reasonable efforts to ensure that the person nominated under subregulation (1) co-operates with the Victorian Fisheries Authority in passing on messages to the boat.

Reg. 470(1)
amended by
S.R. No.
10/2017
reg. 219.

Reg. 470(2)
amended by
S.R. No.
10/2017
reg. 219.

471 Victorian Fisheries Authority to be notified of details relating to person nominated under regulation 470

A responsible person must ensure that, at least 2 business days before a boat is launched or moved from a port or mooring area for the first time after installation of a vessel monitoring system on the boat, the Victorian Fisheries Authority is notified in writing of the following details relating to a person nominated under regulation 470—

- (a) the nominated person's name and address;
- (b) the nominated person's contact telephone and facsimile (if any) numbers;
- (c) the name and registration number of the boat that the nominated person will communicate with.

Reg. 471
(Heading)
substituted by
S.R. No.
10/2017
reg. 220(1).

Reg. 471
amended by
S.R. No.
10/2017
reg. 220(2).

Reg. 472
amended by
S.R. No.
10/2017
reg. 221.

472 Boat not to be moved until notification that vessel monitoring system operating correctly

A responsible person must ensure that, after the initial installation of a vessel monitoring system on a boat, the boat is not launched or moved from a port or mooring area until the responsible person receives notification from the Victorian Fisheries Authority that the system is operating correctly.

473 Operation of vessel monitoring system

A responsible person must ensure that, after a vessel monitoring system is installed on a boat—

- (a) he or she takes all reasonable steps to ensure the system is not—
 - (i) interfered with or tampered with in any way; or
 - (ii) altered, damaged or disabled; and
- (b) the system is operating in a state—
 - (i) whereby the boat's position can be reported on; and
 - (ii) that is using a power mode that is not less than the power mode used in normal operation of the system; and
- (c) the system is in full power mode each time the boat departs from a port or mooring area and remains in full power mode for the duration of each fishing trip; and
- (d) if the system is not fully operational, the boat does not leave a port or mooring area.

474 Fishing not to be carried out from boat with non-operational system

- (1) If a vessel monitoring system installed on a boat ceases to operate correctly when the boat is underway, the responsible person must not, unless authorised by the Victorian Fisheries Authority—
- (a) take fish of any species; or
 - (b) use commercial fishing equipment.
- (2) For the purposes of subregulation (1), the Victorian Fisheries Authority may authorise a responsible person to take fish of any species or use commercial fishing equipment if the Victorian Fisheries Authority is satisfied that such an authorisation is necessary in the circumstances.
- (3) The Victorian Fisheries Authority must specify in an authority under subregulation (2)—
- (a) the place at which the authority applies; and
 - (b) the period during which the authority applies; and
 - (c) the circumstances in which the authority applies; and
 - (d) any conditions which apply to the authority.

Reg. 474(1)
amended by
S.R. No.
10/2017
reg. 222(1).

Reg. 474(2)
amended by
S.R. No.
10/2017
reg. 222.

Reg. 474(3)
amended by
S.R. No.
10/2017
reg. 222(1).

475 If required by the Victorian Fisheries Authority password must be used

If required by the Victorian Fisheries Authority under regulation 478(a), a responsible person must use a password known only to the Victorian Fisheries Authority and the responsible person to prevent access to the software that controls the operation of the vessel monitoring system installed on a boat.

Reg. 475
(Heading)
amended by
S.R. No.
10/2017
reg. 223(1).

Reg. 475
amended by
S.R. No.
10/2017
reg. 223(2).

Reg. 476
amended by
S.R. No.
10/2017
reg. 224.

476 Sealing of vessel monitoring system to be arranged

A responsible person must, if required by the Victorian Fisheries Authority under regulation 478(b), arrange for an agent of the manufacturer of a vessel monitoring system installed on a boat or to be installed on a boat, to seal the system against physical intrusion with seals supplied for the purpose by the Victorian Fisheries Authority.

Reg. 477
amended by
S.R. No.
10/2017
reg. 225.

477 Inspection of vessel monitoring system to be allowed

A responsible person must, if required by the Victorian Fisheries Authority under regulation 478(c), allow a person authorised by the Victorian Fisheries Authority access to a boat to inspect the installation of a vessel monitoring system installed on that boat to determine whether it has been installed correctly.

Subdivision 2—Other matters regarding vessel monitoring systems

Reg. 478
(Heading)
amended by
S.R. No.
10/2017
reg. 226(1).

478 Victorian Fisheries Authority may require password for, or inspection or sealing of, vessel monitoring system

The Victorian Fisheries Authority may, by notice in writing, require a person who uses a boat to carry out an activity authorised by a fishery licence on which a vessel monitoring system is installed or to be installed to do any one or more of the following—

Reg. 478
amended by
S.R. No.
10/2017
reg. 226(2).

Reg. 478(a)
amended by
S.R. No.
10/2017
reg. 226(2).

- (a) once the vessel monitoring system is installed, to use a password known only to that person and the Victorian Fisheries Authority for the purpose of preventing access to the software that controls the operation of the system;

- (b) to arrange for an agent of the manufacturer of the system at the time of installation of the system or at a later time to fit the system with seals supplied by the Victorian Fisheries Authority, which are designed to seal the system against physical intrusion;
- (c) once the vessel monitoring system is installed, to allow access to the boat for a person authorised by the Victorian Fisheries Authority to inspect the installation of the system to determine if it has been installed properly.

Reg. 478(b)
amended by
S.R. No.
10/2017
reg. 226(2).

Reg. 478(c)
amended by
S.R. No.
10/2017
reg. 226(2).

479 Offences to interfere with vessel monitoring system

- (1) A person must not interfere or tamper with, or damage, the correct operation of a vessel monitoring system installed on a boat used for carrying out an activity authorised by a fishery licence.

Penalty: 20 penalty units.

- (2) A person must not interfere or tamper with, or damage, seals that are fitted on a vessel monitoring system in accordance with a requirement of the Victorian Fisheries Authority under regulation 478(b).

Penalty: 20 penalty units.

- (3) Subregulations (1) and (2) do not apply to a person who is—
 - (a) repairing, modifying or configuring the automatic location communicator of a vessel monitoring system; and
 - (b) an agent of the manufacturer of the system.

Reg. 479(2)
amended by
S.R. No.
10/2017
reg. 227.

Division 3—Matters prescribed for purposes of the Act

480 Prescribed bodies and persons to which confidential documents or information may be given

For the purposes of section 146(2)(c) of the Act,
the following bodies or persons are prescribed—

Reg. 480(a)
amended by
S.R. No.
168/2013
reg. 49(a).

- (a) a port manager within the meaning of the
Port Management Act 1995;

Reg. 480(b)
amended by
S.R. No.
168/2013
reg. 49(b).

- (b) the Victorian Regional Channels Authority
within the meaning of the **Transport
Integration Act 2010**;

- (c) the National Native Title Tribunal within the
meaning of the Native Title Act 1993 of the
Commonwealth;

Reg. 480(d)
substituted by
S.R. No.
168/2013
reg. 49(c).

- (d) the Safety Director within the meaning of the
Marine Safety Act 2010;

Reg. 480(e)
revoked by
S.R. No.
168/2013
reg. 49(d).

* * * * *

- (f) the Director of Quarantine or a quarantine
officer as defined in the Quarantine Act 1908
of the Commonwealth;

- (g) the Chief Executive Officer of Customs or an
Officer of Customs within the meaning of
the Customs Act 1901 of the
Commonwealth;

- (h) a member of the Australian Federal Police
within the meaning of the Australian Federal
Police Act 1979 of the Commonwealth;

- (i) the Chief Commissioner of Police or a member of the force within the meaning of the **Police Regulation Act 1958**;
- (j) the sheriff within the meaning of the **Sheriff Act 2009**;
- (k) a body or person responsible for enforcement and detection of offences against a law of the Commonwealth or a law of another State or Territory that corresponds with the Act or these Regulations;
- (l) an authorised officer;
- (m) the person in charge of Infringement Management and Enforcement Services within the meaning of the Confiscation Regulations 2008²;
- (n) an authorised officer within the meaning of the **Seafood Safety Act 2003**;
- (o) the Director of Public Prosecutions within the meaning of the **Public Prosecutions Act 1994** or a person employed in the Office of Public Prosecutions within the meaning of that Act;
- (p) the Director of Public Prosecutions of the Commonwealth or another State or a Territory of the Commonwealth, or in an agency of the Commonwealth or of a State or a Territory Government that is responsible for commencing and carrying on a prosecution for a breach of Commonwealth, State or Territory law;
- (q) the Australian Crime Commission established under the Australian Crime Commission Act 2002 of the Commonwealth;

Reg. 480(j)
amended by
S.R. No.
168/2013
reg. 49(e).

Reg. 480(q)
amended by
S.R. No.
168/2013
reg. 49(f).

Reg. 480(r)
inserted by
S.R. No.
168/2013
reg. 49(g).

(r) the Australian Maritime Safety Authority established under the Australian Maritime Safety Authority Act 1990 of the Commonwealth;

Reg. 480(s)
inserted by
S.R. No.
168/2013
reg. 49(g).

(s) a marine safety inspector within the meaning of the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 of the Commonwealth;

Reg. 480(t)
inserted by
S.R. No.
168/2013
reg. 49(g).

(t) a transport safety officer within the meaning of the **Transport (Compliance and Miscellaneous) Act 1983**.

Division 4—Miscellaneous

Reg. 481
(Heading)
amended by
S.R. No.
10/2017
reg. 228(1).

481 Secretary or Victorian Fisheries Authority may approve documents, things and equipment

Reg. 481
amended by
S.R. No.
10/2017
reg. 228(2).

The Secretary or the Victorian Fisheries Authority may, from time to time, approve documents, forms, equipment and any other thing for the purposes of these Regulations.

Part 15—Transitional and savings provisions

482 Change of access licence names

- (1) A person who, immediately before the commencement of these Regulations held a licence of a class created under the old regulations specified in Column 2 of the Table in Schedule 17, is taken to be the holder of a licence of a class created under these Regulations specified in Column 3 of that Table corresponding to that class of licence.
- (2) A licence that is taken to be held by a person under subregulation (1) is taken to remain in force until 31 March 2009 unless otherwise suspended, cancelled or surrendered.

483 Applications for issue or transfer of fishery licences received before commencement

An application for the issue or transfer of a fishery licence received but not determined by the Secretary before the commencement of these Regulations must be determined in accordance with these Regulations.

Part 16—Amendments to Fisheries (Fees, Royalties and Levies) Regulations 2008

484 Amendments to update references to Fisheries Regulations 2009

- (1) In regulation 4(2) of the Fisheries (Fees, Royalties and Levies) Regulations 2008, for "Fisheries Regulations 1998" **substitute** "Fisheries Regulations 2009".
- (2) For regulation 10(2) of the Fisheries (Fees, Royalties and Levies) Regulations 2008 **substitute—**
"(2) In this regulation—
 - (a) giant crab fishery has the same meaning as Giant Crab fishery has in Schedule 4 to the Fisheries Regulations 2009;
 - (b) scallop (ocean) fishery has the same meaning as Scallop (Ocean) fishery has in Schedule 4 to the Fisheries Regulations 2009."

485 Updating of access licence names

- (1) In regulation 17(1) of, and in the Tables in Schedules 1 and 2 to, the Fisheries (Fees, Royalties and Levies) Regulations 2008—
 - (a) for "Gippsland Lakes Fishery (Bait) Access Licence" (wherever occurring) **substitute** "Gippsland Lakes (Bait) Fishery Access Licence";
 - (b) for "Mallacoota Lower Lake Fishery (Bait) Access Licence" (wherever occurring) **substitute** "Mallacoota Lower Lake (Bait) Fishery Access Licence";

- (c) for "Snowy River Fishery (Bait) Access Licence" (wherever occurring) **substitute** "Snowy River (Bait) Fishery Access Licence";
- (d) for "Sydenham Inlet Fishery (Bait) Access Licence" (wherever occurring) **substitute** "Sydenham Inlet (Bait) Fishery Access Licence".
- (2) In regulation 17(1) of the Fisheries (Fees, Royalties and Levies) Regulations 2008, for "Lake Tyers Fishery (Bait) Access Licence" **substitute** "Lake Tyers (Bait) Fishery Access Licence".
- (3) In the Tables in Schedules 1 and 2 to the Fisheries (Fees, Royalties and Levies) Regulations 2008, for "Lake Tyers (Bait) Access Licence" (wherever occurring) **substitute** "Lake Tyers (Bait) Fishery Access Licence".

486 Corrections to access licence names

- (1) In regulation 17(1)(s) of the Fisheries (Fees, Royalties and Levies) Regulations 2008, for "(Ocean Fishery)" **substitute** "(Ocean) Fishery".
- (2) In the Table in Schedule 1 to the Fisheries (Fees, Royalties and Levies) Regulations 2008—
 - (a) in item 6 **omit** "Type A";
 - (b) in item 14, after "(Mussel Bait)" **insert** "Fishery";
 - (c) in item 15, after "(Ocean)" **insert** "Fishery".
- (3) In the Table in Schedule 2 to the Fisheries (Fees, Royalties and Levies) Regulations 2008—
 - (a) in item 1, for "Access Licence (Western Zone)" **substitute** "(Western Zone) Access Licence";

- (b) in item 2, for "Access Licence (Central Zone)" **substitute** "(Central Zone) Access Licence";
 - (c) in item 3, for "Access Licence (Eastern Zone)" **substitute** "(Eastern Zone) Access Licence";
 - (d) in item 7, after "Fishery" **insert** "(Western Zone)";
 - (e) in item 14, after "(Mussel Bait)" **insert** "Fishery";
 - (f) in item 15, after "(Ocean)" **insert** "Fishery".
- (4) In item 4 in the Table in Schedule 4 to the Fisheries (Fees, Royalties and Levies) Regulations 2008, for "(Crown Land Offshore)" **substitute** "(Crown Land—Offshore)".

487 Revocation of Part 6

Part 6 of the Fisheries (Fees, Royalties and Levies) Regulations 2008 is **revoked**.

Fisheries Regulations 2009
S.R. No. 2/2009
Schedules

Schedules

Schedule 1—Revoked regulations

Regulation 4

<i>S.R. No.</i>	<i>Title</i>
23/1998	Fisheries Regulations 1998
1/1999	Fisheries (Merri River) Regulations 1999
25/1999	Fisheries (Fees and Levies) Regulations 1999
90/1999	Fisheries (Amendment) Regulations 1999
109/1999	Fisheries (Abalone) Regulations 1999
15/2000	Fisheries (Commercial) Regulations 2000
20/2000	Fisheries (Fees and Levies) Regulations 2000
28/2000	Fisheries (Scallop) Regulations 2000
107/2000	Fisheries (Commercial and Aquaculture) Regulations 2000
138/2000	Fisheries (Commercial Licences) Regulations 2000
9/2001	Fisheries (Bream Catch Limit) Regulations 2001
20/2001	Fisheries (Fees and Levies) Regulations 2001
43/2001	Fisheries (Mallacoota Top Lake) Regulations 2001
78/2001	Fisheries (Recreational Fishing) Regulations 2001
118/2001	Fisheries (Rock Lobster and Giant Crab) Regulations 2001
145/2001	Fisheries (Abalone) Regulations 2001
19/2002	Fisheries (Fees and Levies) Regulations 2002
63/2002	Fisheries (Commercial Licences) Regulations 2002
78/2002	Fisheries (Amendment) Regulations 2002
22/2003	Fisheries (Fees, Levies and Royalties) Regulations 2003
24/2003	Fisheries (Recreational and Miscellaneous) Regulations 2003
25/2003	Fisheries (Commercial Abalone) Regulations 2003
38/2003	Fisheries (Compensation and Procedures) Regulations 2003

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 1—Revoked regulations

<i>S.R. No.</i>	<i>Title</i>
101/2003	Fisheries (Recreational Fishery Licence Exemption) Regulations 2003
133/2003	Fisheries (Amendment) Regulations 2003
145/2003	Fisheries (Recreational Fees and Levies) Regulations 2003
22/2004	Fisheries (Fees and Levies) Regulations 2004
26/2004	Fisheries (Amendment) Regulations 2004
27/2004	Fisheries (Abalone) Regulations 2004
106/2004	Fisheries (Miscellaneous Amendments) Regulations 2004
136/2004	Fisheries (Consequential Amendments) Regulations 2004
9/2005	Fisheries (Levies) Regulations 2005
12/2005	Fisheries (Levies) (Amendment) Regulations 2005
86/2005	Fisheries (Prescribed Criteria) Regulations 2005
103/2005	Fisheries (Recreational Abalone) Regulations 2005
123/2005	Fisheries (Miscellaneous Amendments) Regulations 2005
150/2005	Fisheries (Aquaculture Fees and Levies) Regulations 2005
12/2006	Fisheries (Abalone) Regulations 2006
17/2006	Fisheries (Fees, Levies and Royalties) Regulations 2006
28/2006	Fisheries (Amendment) Regulations 2006
63/2006	Fisheries (Salmonid) Regulations 2006
109/2006	Fisheries (Documentation) Regulations 2006
122/2006	Fisheries (Further Amendment) Regulations 2006
12/2007	Fisheries (Aquaculture Licences, Fees, Levies and Royalties) Regulations 2007
143/2007	Fisheries (Western Port) (Amendment) Regulations 2007

Schedule 2—Details for aquaculture production return

Sch. 2
amended by
S.R. No.
168/2013
reg. 50.

Regulation 5

1. The name and contact details of the aquaculture licence holder
 2. The licence number
 3. The commencement date and end date of the period to which the return relates
 4. The quantity of fish moved into and from the area or areas specified in the licence
 5. The species of fish moved into and from the area or areas specified in the licence
- * * * * *
10. If applicable, the name of the aquaculture fisheries reserve specified in licence

Sch. 3
amended by
S.R. Nos
168/2013
reg. 51,
10/2017
reg. 19.

Schedule 3—Ports and mooring areas at which abalone may be landed

Regulations 5 and 261

Altona Boat Ramp Car Park
Apollo Bay Boat Ramp
Bastion Point
Bay of Islands Boat Ramp
Black Rock Boat Ramp
Cape Bridgewater Beach
Cape Conran Boat Ramp
Clifton Springs Boat Ramp
Cowes Jetty
Flinders Boat Ramp
Frankston Boat Ramp
Hastings Boat Ramp
Inverloch Boat Ramp
Killarney Boat Ramp
Kirks Point
Lorne–Grey Point Boat Ramp
Mallacoota Main Wharf
Marlo Jetty
Mornington Boat Ramp (Schnapper Point)
Newhaven Boat Ramp
Ocean Grove Boat Ramp
Patterson River Boat Ramp
Peterborough–Boat Bay Carpark
Pier 35

Point Roadknight
Port Albert Boat Ramp
Port Campbell Jetty
Port Fairy Boat Ramp
Portland Boat Ramp
Portland Fishermans Wharf
Port Welshpool Boat Ramp
Queenscliff Boat Ramp
Rhyll Boat Ramp
Rye Boat Ramp
St Helens Boat Ramp
St Kilda Marina Carpark
Sandy Point
San Remo Fishermans Wharf
Shallow Inlet Carpark
Sorrento Boat Ramp
Stony Point Boat Ramp
Taylors Bay Boat Ramp
The Basin Carpark
Torquay Boat Ramp
Walkerville North
Walkerville South
Wally's Ramp
Warrnambool Boat Ramp
Werribee South Boat Ramp
West Bank Ramp

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 4—Definitions of fisheries

Sch. 4
amended by
S.R. Nos
168/2013
reg. 17,
96/2014
reg. 13.

Schedule 4—Definitions of fisheries

Regulation 7				
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item</i>	<i>Fishery</i>	<i>Species of fish</i>	<i>Type of fishing equipment</i>	<i>Area of waters</i>
1	Abalone (Commercial)	Abalone	—	Marine waters
2	Bait (General) (Commercial)	—	As specified in the licence under regulation 33	Protected waters as specified on the licence under regulation 33
3	Corner Inlet (Commercial)	—	—	Corner Inlet
4	Eel (Commercial)	Eel	Fyke nets	—
5	Giant Crab (Commercial)	—	Rock lobster pots	Victorian waters west of longitude 143° 40' East
6	Gippsland Lakes (Commercial)	—	—	Gippsland Lakes
7	Gippsland Lakes (Bait) (Commercial)	—	—	Gippsland Lakes
8	Gippsland Lakes (Mussel Dive) (Commercial)	Mussel	Underwater breathing apparatus	Gippsland Lakes

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 4—Definitions of fisheries

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item</i>	<i>Fishery</i>	<i>Species of fish</i>	<i>Type of fishing equipment</i>	<i>Area of waters</i>
9	Inland waters (Recreational)	—	Recreational fishing equipment	Inland waters, including Lake Hume, excluding Lake Mulwala
10	Lake Tyers (Bait) (Commercial)	—	—	Lake Tyers
11	Mallacoota Lower Lake (Bait) (Commercial)	—	—	Lower Lake at Mallacoota
12	Marine waters (Commercial)	—	—	Marine waters
13	Marine waters (Recreational)	—	Recreational fishing equipment	Marine waters
14	Ocean (Commercial)	—	—	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea
15	Port Phillip Bay (Mussel Bait) (Commercial)	Mussel	Underwater breathing apparatus	Port Phillip Bay
16	Protected waters (Commercial)	—	—	Protected waters excluding marine waters

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 4—Definitions of fisheries

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item</i>	<i>Fishery</i>	<i>Species of fish</i>	<i>Type of fishing equipment</i>	<i>Area of waters</i>
17	Purse Seine (Port Phillip Bay) (Commercial)	—	Purse seine nets	Port Phillip Bay
18	Purse Seine (Ocean) (Commercial)	—	Purse seine nets, and lampara nets	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea
19	Rock lobster (Commercial)		Rock lobster pots	—
20	Scallop (Ocean) (Commercial)	Scallop	Scallop dredge	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea
20A	Scallop Dive (Port Phillip Bay) (Commercial)	Scallop	Underwater breathing apparatus	Port Phillip Bay other than a scallop commercial fishing exclusion zone or an area specified in regulation 413U

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 4—Definitions of fisheries

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item</i>	<i>Fishery</i>	<i>Species of fish</i>	<i>Type of fishing equipment</i>	<i>Area of waters</i>
20B	Sea urchin (commercial)	Black sea urchin White sea urchin	Underwater breathing apparatus	Eastern sea urchin zone Central sea urchin zone Western sea urchin zone Port Phillip Bay sea urchin zone
21	Snowy River (Bait) (Commercial)	—	—	Snowy River
22	Sydenham Inlet (Bait) (Commercial)	—	—	Sydenham Inlet
23	Trawl (Inshore) (Commercial)	—	Trawl nets	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea
24	Western Port/ Port Phillip Bay (Commercial)	—	—	Western Port and Port Phillip Bay

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 4—Definitions of fisheries

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item</i>	<i>Fishery</i>	<i>Species of fish</i>	<i>Type of fishing equipment</i>	<i>Area of waters</i>
25	Wrasse (Ocean) (Commercial)	Wrasse	—	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea

Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 5—Base number of licences for purposes of calculating maximum number of licences

Schedule 5—Base number of licences for purposes of calculating maximum number of licences

Sch. 5
amended by
S.R. Nos
19/2009 reg. 4,
168/2013
reg. 18.

Regulations 21 and 22

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Class of access licence</i>	<i>Base number</i>
1	Abalone Fishery (Central Zone) Access Licence	34
2	Abalone Fishery (Eastern Zone) Access Licence	23
3	Abalone Fishery (Western Zone) Access Licence	14
4	Corner Inlet Fishery Access Licence	18
5	Eel Fishery Access Licence	18
6	Giant Crab Fishery (Western Zone) Access Licence	34
7	Gippsland Lakes (Bait) Fishery Access Licence	10
8	Gippsland Lakes Fishery Access Licence	10
9	Gippsland Lakes (Mussel Dive) Fishery Access Licence	2
10	Lake Tyers (Bait) Fishery Access Licence	2
11	Mallacoota Lower Lake (Bait) Fishery Access Licence	2
12	Ocean Fishery Access Licence	267
13	Port Phillip Bay (Mussel Bait) Fishery Access Licence	1
14	Purse Seine (Ocean) Fishery Access Licence	1
15	Purse Seine (Port Phillip Bay) Fishery Access Licence	1
16	Rock Lobster Fishery (Eastern Zone) Access Licence	46
17	Rock Lobster Fishery (Western Zone) Access Licence	85

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 5—Base number of licences for purposes of calculating maximum
number of licences

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Class of access licence</i>	<i>Base number</i>
18	Scallop (Ocean) Fishery Access Licence	91
18A	Scallop Dive (Port Phillip Bay) Fishery Access Licence	1
19	Snowy River (Bait) Fishery Access Licence	2
20	Sydenham Inlet (Bait) Fishery Access Licence	2
21	Trawl (Inshore) Fishery Access Licence	60
22	Western Port/Port Phillip Bay Fishery Access Licence	42
23	Wrasse (Ocean) Fishery Access Licence	27

Schedule 6

Regulation 61

TABLE A
CATCH LIMITS ON CERTAIN SPECIES OF FISH WHEN
TAKEN BY ACCESS LICENCE HOLDER DURING A
FISHING TRIP

<i>Column 1</i> <i>Item</i> <i>Number</i>	<i>Column 2</i> <i>Species of fish</i>	<i>Column 3</i> <i>Catch limit</i>
1	Albacore, skipjack and longtail tuna and Ray's bream (Pomfret) combined	10 fish
2	Bigeye and yellowfin tuna combined	2 fish
3	Blue-eye trevalla and pink ling combined	50 kilograms
4	Jackass morwong	50 kilograms
5	John dory	30 kilograms
6	Mirror dory	20 kilograms
7	Ocean perch	50 kilograms
8	Redfish	50 kilograms
9	Warehou, blue	100 kilograms
10	Warehou, silver	100 kilograms
11	Yellow eye redfish	50 kilograms

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 6

TABLE B

Regulation 62

**SPECIES OF FISH THAT MAY NOT BE TAKEN BY ACCESS
LICENCE HOLDER**

<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Species of fish</i>
1	Bass, bass groper and hapuku
2	Southern bluefin tuna, northern bluefin tuna, and billfish (all species)
3	King dory
4	Oxeye oreodory
5	Smooth oreodory
6	Spiky oreodory
7	Warty oreodory
8	Blue grenadier
9	Black oreodory
10	Orange roughy

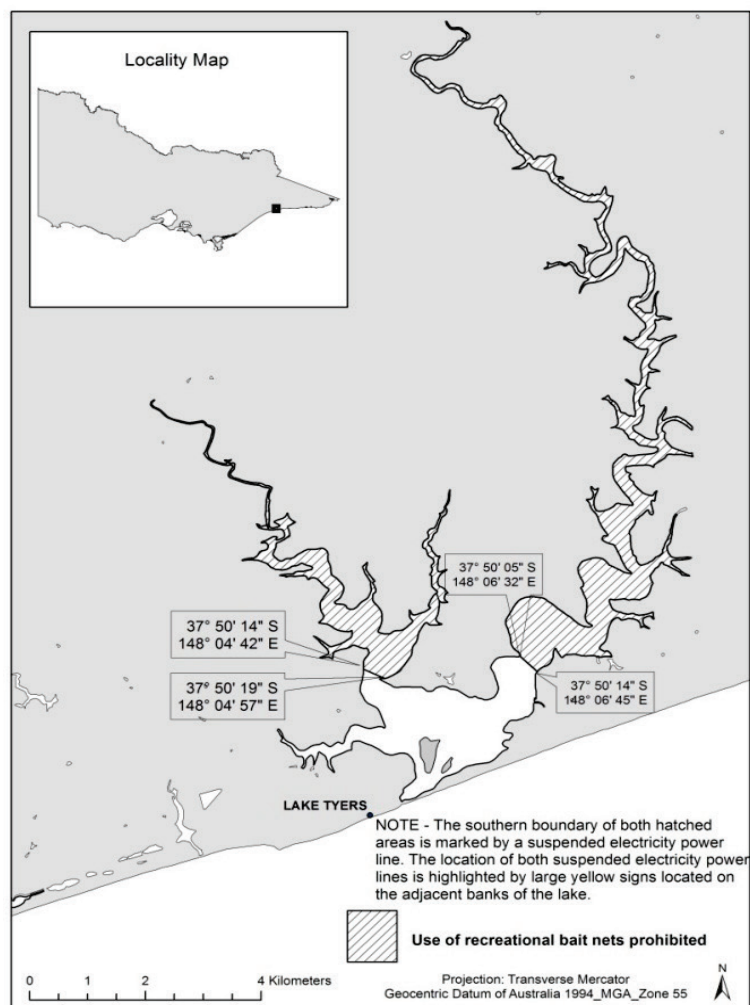
Note

Gemfish were previously included in this list but there is now a prohibition on taking gemfish under regulation 117.

Schedule 6A—Toorloo Arm and Nowa Nowa arm of Lake Tyers

Regulation 85(1)

Sch. 6A
inserted by
S.R. No.
96/2014
reg. 29.



**Schedule 7—Inland waters for the purposes
of item 5 in the Table in regulation 123(1)**

Regulation 123(1)

Aire River (downstream of the Great Ocean Road)
Avon River (downstream of the Stratford Railway Bridge)
Ford River (downstream of the Great Ocean Road)
Gellibrand River (downstream of the Great Ocean Road)
Hopkins River (downstream of Hopkins Falls)
Merri River (below Broomfield Weir)
Mitchell River (downstream of the Princes Highway Bridge at
Bairnsdale)
Moyne River (downstream of the Toolong Bridge)
Tambo River (downstream of the Bruthen Road Bridge)

Schedule 8—Family fishing lakes

Regulation 124

Albert Park Lake, Albert Park
Alexandra Lake, Ararat
Allans Flat Dredge Hole, Allans Flat
Anderson Lake, Chiltern
Arboretum Dam, Euroa
Bannockburn Lagoon, Bannockburn
Calembeen Lake, Creswick
Casey Fields, Cranbourne
Cato Lake, Stawell
Caulfield Racecourse Lake, Caulfield
Cobden Lake, Cobden
Cummins Lake, Yea
Donald Caravan Park Lake, Donald
Dunkeld Arboretum, Dunkeld
Eildon Pondage, Eildon
Emerald Lake, Emerald
Esmond Lake, Ballarat
Ess Lagoon, Casterton
Fosters Dam, Glenrowan
Golf Course Dam, Longwood
Gutheridge Lake, Sale
Guyatt Lake, Sale
Hanging Rock Lake, Hanging Rock
Heyfield Racecourse Lake, Heyfield
Hyland Lake, Churchill

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 8—Family fishing lakes

Jack Emmett Billabong, Rupanyup
Jack Roper Reserve Lake, Broadmeadows
Jubilee Lake, Daylesford
Jubilee Lake, Skipton
Karkarook Lake, Moorabbin
Kennington Reservoir, Strathdale
Kerferd Lake, Beechworth
Lethbridge Lake, Lethbridge
Lillydale Lake, Lilydale
Lismore Golf Course Dam, Lismore
Marysville Dam, Marysville
Mooroopna Recreation Reserve Lake, Mooroopna
Morwell Lake, Morwell
Mt Beauty Pondage, Mt Beauty
Nhill Lake, Nhill
Pakenham Lake, Pakenham
Police Paddock Dam, Horsham
Rabl Park Lake, Murtoa
Rowville Lakes, Rowville
Roxburgh Park Lakes, Roxburgh Park
Ruffey Lake, Doncaster
Sambell Lake, Beechworth
Seagull Lake, Geelong
Spavin Lake, Sunbury
St Arnaud Old Swimming Pool, St Arnaud
St Augustines Water Hole, Geelong
St Georges Lake, Creswick

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 8—Family fishing lakes

Taylors Lakes, Taylors Lakes
Tea Tree Lake, Mortlake
Tom Thumb Lake, Eaglehawk
Victoria Lake, Ballarat
Watonga Drive Dam, Horsham
West Lake, Melton
Whittlesea Botanical Gardens Lake, Thomastown
Yarrambat Park Lake, Yarrambat

**Schedule 9—Species of fish that may be
taken by holders of certain licences**

Regulations 125, 156, 165,
176, 179, 202, 205

- Anchovy and other clupeoid species
- Bass yabby (ghost shrimp)
- Clam
- Crab
- Flathead gudgeon
- Mussel
- Pilchard
- Prawn
- Marine worm
- Shrimp
- Whitebait
- Yabby

Sch. 10
revoked by
S.R. No.
168/2013
reg. 52.

* * * * *

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 11—Quantities of abalone

Schedule 11—Quantities of abalone

Regulations 241(6), 293,
296, 316, 317

Table 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
A total of 5 kilograms of abalone (of which there must be no more than the individual limit specified in Column 2 in respect of the form of abalone specified in Column 3 corresponding to that limit)	1 kilogram	Dried abalone

Table 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
A total of 50 kilograms of abalone (of which there must be no more than the individual limit specified in Column 2 in respect of the form of abalone specified in Column 3 corresponding to that limit)	50 kilograms	Unshucked abalone
	15 kilograms	Shucked (fresh or frozen, but not further processed) abalone
	15 kilograms net (or drained weight)	Canned abalone
	5 kilograms	All other forms of abalone combined

Schedule 12—Abalone stock record details

Regulation 273(b)

1. Full name of licence holder.
2. Trader identification number.
3. For abalone products except canned abalone—
 - (a) description of the abalone (e.g. live, frozen, parboiled, retort, chilled, dried);
 - (b) the species of abalone;
 - (c) the net weight (kg) of the abalone.
4. For canned abalone products—
 - (a) description of the abalone (e.g. number of pieces of abalone per can);
 - (b) the drained weight (grams) of abalone per can;
 - (c) the number of cans of each species of abalone.
5. The time and date at which the details are provided.

**Schedule 13—Ports and mooring areas at
which rock lobster and giant crab may
be landed**

Regulations 337, 352, 378
and 392

Sch. 13
amended by
S.R. Nos
168/2013
reg. 53,
95/2016
reg. 16.

Anglesea
Apollo Bay
Barwon Heads
Cape Bridgewater
Cape Conran
Cowes
Flinders
Hastings
Inverloch
Lakes Entrance
Lorne
Mallacoota
Marlo
McLoughlins Beach
Ocean Grove
Port Albert
Port Campbell
Port Fairy
Portland
Port Welshpool
Queenscliff
San Remo
Sorrento

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 13—Ports and mooring areas at which rock lobster and giant crab
may be landed

Torquay

Ventnor

Walkerville South

Warrnambool

Schedule 14—Designated licence conditions

(section 53 of the Act)

Regulation 461(c)

Sch. 14
amended by
S.R. Nos
168/2013
reg. 19,
96/2014
reg. 14,
11/2017 reg. 5.

Conditions of commercial fishery licences in Part 2

42

45–49

52

56–64

Conditions relating to fish other than abalone, rock lobster, giant crab and scallop in Part 7

127

128

131–137

140–146

149–158

161–164

167–169

172

173

178

181

184–189

192

195

196

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 14—Designated licence conditions

199–201

204

207

210–217

220–231

234

Conditions relating to abalone in Part 8

250–268

271

273–276

278–283

285–288

290–292

294

295

297–300

Conditions relating to rock lobster in Part 9

334–345

347–350

352–357

Conditions relating to giant crab in Part 10

375–385

387–390

392–397

Conditions relating to scallop in Part 11

408–413 and 413BA

413D—413I

413N—413W

416 and 417

Conditions relating to sea urchin in Part 11A

417E–417J

417O–417Q

Conditions of aquaculture licences in Part 12

436–440

442–444

447–449

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 15—Offences prescribed for purposes of section 127 of the Act

Sch. 15.
amended by
S.R. No.
95/2016
reg. 17.

**Schedule 15—Offences prescribed for
purposes of section 127 of the Act**

Regulation 463

<i>Column 1</i> <i>Prescribed offence</i>	<i>Column 2</i> <i>Prescribed period</i>
Section 36(1)(a) of the Act	3 years
Section 36(1)(b) of the Act	3 years
Section 36(1)(c) of the Act	3 years
Section 37(1)(a) of the Act	3 years
Section 37(1)(b) of the Act	3 years
Section 39(1) of the Act	3 years
Section 39(2) of the Act	3 years
Section 39(3) of the Act	3 years
Section 40(1)(a) of the Act	3 years
Section 40(1)(b) of the Act	3 years
Section 40(1)(c) of the Act	3 years
Section 42(1)(a) of the Act	3 years
Section 42(1)(b) of the Act	3 years
Section 42(1)(c) of the Act	3 years
Section 53(1) of the Act	3 years
Section 53(4) of the Act	3 years
Section 60A(3) of the Act	3 years
Section 66(1) of the Act	3 years
Section 66A(1) of the Act	3 years
Section 66N of the Act	3 years
Section 67(3) of the Act	3 years
Section 68A(1)(a) of the Act	3 years
Section 68A(1)(b) of the Act	3 years
Section 68A(2)(a) of the Act	3 years

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 15—Offences prescribed for purposes of section 127 of the Act

<i>Column 1</i> <i>Prescribed offence</i>	<i>Column 2</i> <i>Prescribed period</i>
Section 68A(2)(b) of the Act	3 years
Section 68A(4B) of the Act	3 years
Section 68A(5) of the Act	3 years
Section 68B(1)(a) of the Act	3 years
Section 68B(1)(b) of the Act	3 years
Section 111(1)(f) of the Act	3 years
Section 111(2) of the Act	3 years
Section 112(2)(a) of the Act	3 years
Section 112(2)(b) of the Act	3 years
Section 114(3) of the Act	3 years
Section 116(1) of the Act	3 years
Section 117(1)(a) of the Act	3 years
Section 117(1)(b) of the Act	3 years
Section 118(1) of the Act	3 years
Section 118A of the Act	3 years
Section 118B(1) of the Act	3 years
Section 118B(2) of the Act	3 years
Section 119(1)(a) of the Act	3 years
Section 119(1)(b) of the Act	3 years
Section 119(1)(c) of the Act	3 years
Section 119A(a) of the Act	3 years
Section 119A(b) of the Act	3 years
Section 119B(a) of the Act	3 years
Section 119B(b) of the Act	3 years
Section 120AA(2) of the Act	3 years
Section 120AA(3) of the Act	3 years
Section 120AB(2) of the Act	3 years
Section 120AC(2) of the Act	3 years

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 15—Offences prescribed for purposes of section 127 of the Act

<i>Column 1</i>	<i>Column 2</i>
<i>Prescribed offence</i>	<i>Prescribed period</i>
Section 120B of the Act	3 years
Section 120C(2) of the Act	3 years
Section 130(4) of the Act	3 years
Section 130A(5) of the Act	3 years
Section 130B(6) of the Act	3 years
Regulation 245 of these Regulations	3 years
Regulation 310(1) of these Regulations	3 years
Regulation 310(2) of these Regulations	3 years

**Schedule 16—Sections in the Act specified
for purposes of section 128(1)(a) of the Act**

Regulation 464

Section 36(1)(a)
Section 36(1)(b)
Section 36(1)(c)
Section 36(2)
Section 37(1)(a)
Section 37(1)(b)
Section 39(1)
Section 39(2)
Section 39(3)
Section 40(1)(a)
Section 40(1)(b)
Section 40(1)(c)
Section 42(1)(a)
Section 42(1)(b)
Section 42(1)(ba)
Section 42(1)(c)
Section 66A(1)
Section 66M(1)
Section 66N(1)
Section 67(3)
Section 68A(1)(a)
Section 68A(2)(a)
Section 68A(2)(b)
Section 68A(3)(a)

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 16—Sections in the Act specified for purposes of section 128(1)(a)
of the Act

Section 68A(5)
Section 68A(7)(a)
Section 68B(1)(a)
Section 68B(1)(b)
Section 71(1)
Section 76
Section 108(1)
Section 108A(5)
Section 111(1)(a)(i)
Section 111(1)(a)(ii)
Section 111(1)(b)
Section 111(1)(c)
Section 111(1)(d)
Section 111(1)(e)
Section 111(1)(f)
Section 111(1)(g)
Section 111(1)(h)
Section 111(1)(i)
Section 111(2)
Section 111A
Section 111B
Section 111C
Section 112(1)
Section 112(2)(a)
Section 112(2)(b)
Section 113(1)(a)
Section 113(1)(b)

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 16—Sections in the Act specified for purposes of section 128(1)(a)
of the Act

Section 113(1)(c)

Section 114(3)

Section 115(a)

Section 115(b)

Section 116(1)

Section 119(1)(a)

Section 119(1)(b)

Section 119(1)(c)

Section 119A(a)

Section 119A(b)

Section 119B(a)

Section 119B(b)

Section 120A(4)

Section 130(4)

Section 130A(5)

Section 148(7)

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 17—Change of access licence names

Schedule 17—Change of access licence names

Regulation 482

Table

<i>Column 1</i> <i>Item</i> <i>number</i>	<i>Column 2</i> <i>Class of access licence</i> <i>under old Regulations</i>	<i>Column 3</i> <i>Class of access licence under</i> <i>these Regulations</i>
1	Gippsland Lakes Fishery (Bait) Access Licence	Gippsland Lakes (Bait) Fishery Access Licence
2	Lake Tyers Fishery (Bait) Access Licence	Lake Tyers (Bait) Fishery Access Licence
3	Mallacoota Lower Lake Fishery (Bait) Access Licence	Mallacoota Lower Lake (Bait) Fishery Access Licence
4	Snowy River Fishery (Bait) Access Licence	Snowy River (Bait) Fishery Access Licence
5	Sydenham Inlet Fishery (Bait) Access Licence	Sydenham Inlet (Bait) Fishery Access Licence
6	Westernport/Port Phillip Bay Fishery Access Licence	Western Port/Port Phillip Bay Fishery Access Licence

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 18—Priority species and commercial quantities

Schedule 18—Priority species and commercial quantities

Regulation 454A

Sch. 18
inserted by
S.R. No.
118/2010
reg. 6.

Table

<i>Column 1</i> <i>Item number</i>	<i>Column 2</i> <i>Priority Species</i>	<i>Column 3</i> <i>Commercial quantity</i>
1	Southern Bluefin Tuna (<i>Thunnus maccoyii</i>)	If in carcass form, 3 fish or more; If in any other form, 160 kilograms or more (including ice or any other thing that cannot be readily separated from the Southern Bluefin Tuna in the form that it is found

Notes

1. This Table does not include the commercial quantities for the priority species being abalone, rock lobster and Murray cod.
2. **Commercial quantity** is defined in the **Fisheries Act 1995**.

Fisheries Regulations 2009
S.R. No. 2/2009
Schedule 19—Recreational reef zones

Sch. 19
inserted by
S.R. No.
18/2013
reg. 16,
substituted by
S.R. No.
95/2016
reg. 18.

Schedule 19—Recreational reef zones

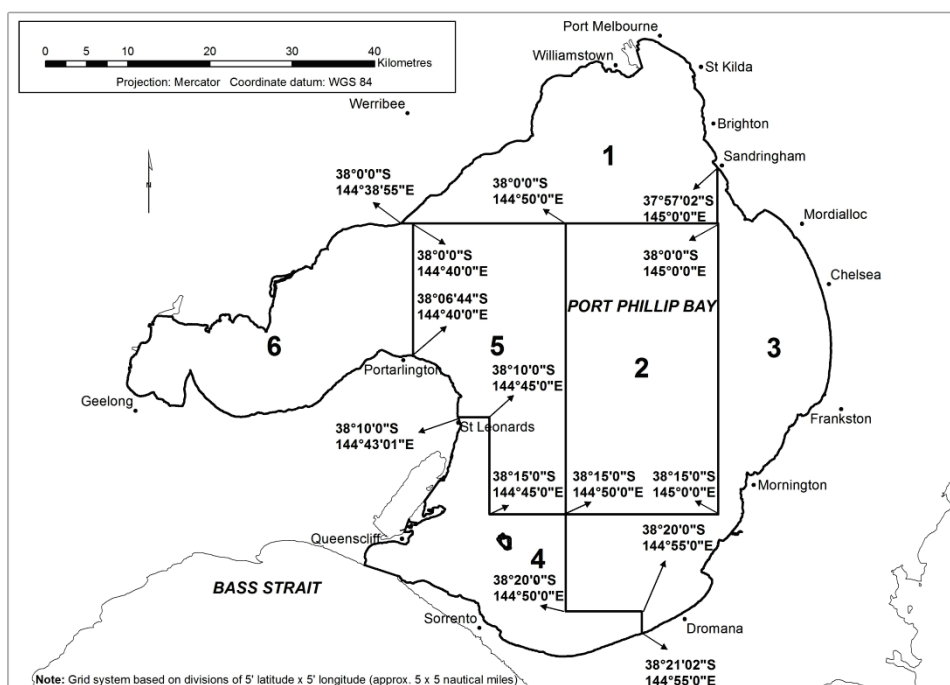
Regulation 5			
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Recreational reef zone</i>	<i>Corner of zone</i>	<i>Latitude</i>	<i>Longitude</i>
Aspendale	NW	-38° 01' 53"	+145° 04' 17"
	NE	-38° 01' 54"	+145° 04' 58"
	SE	-38° 02' 26"	+145° 04' 57"
	SW	-38° 02' 25"	+145° 04' 16"
Frankston	NW	-38° 08' 12"	+145° 05' 08"
	NE	-38° 08' 13"	+145° 05' 50"
	SE	-38° 08' 46"	+145° 05' 49"
	SW	-38° 08' 45"	+145° 05' 08"
Metung	NW	-37° 53' 02"	+147° 51' 37"
	NE	-37° 53' 04"	+147° 51' 41"
	SE	-37° 53' 11"	+147° 51' 39"
	SW	-37° 53' 09"	+147° 51' 35"
Nungurner	N	-37° 53' 04"	+147° 53' 25"
	E	-37° 53' 06"	+147° 53' 27"
	S	-37° 53' 12"	+147° 53' 23"
	W	-37° 53' 10"	+147° 53' 20"
Seaford	NW	-38° 04' 58"	+145° 05' 37"
	NE	-38° 04' 59"	+145° 06' 18"
	SE	-38° 05' 31"	+145° 06' 17"
	SW	-38° 05' 30"	+145° 05' 36"
Torquay	N	-38° 19' 50"	+144° 22' 30"
	E	-38° 19' 57"	+144° 22' 35"
	S	-38° 20' 11"	+144° 22' 19"
	W	-38° 20' 04"	+144° 22' 14"

Schedule 20—Scallop dive (Port Phillip Bay) Fishery Access Licence management zones, exclusion zones and ports and mooring areas

Part 1—Scallop commercial fishing management zones

Sch. 20
inserted by
S.R. No.
168/2013
reg. 20,
amended by
S.R. No.
10/2017
reg. 20.

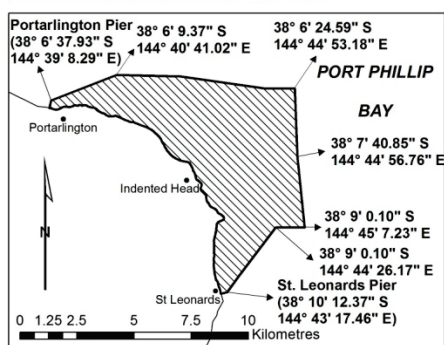
Regulation 5(1)



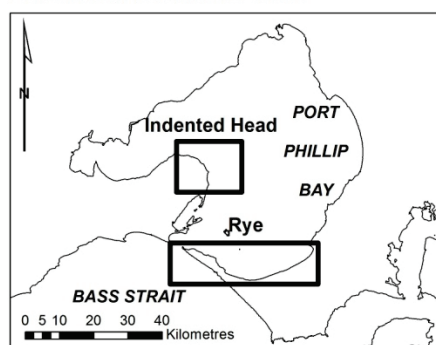
Part 2—Scallop commercial fishing exclusion zones

Regulation 5(1)

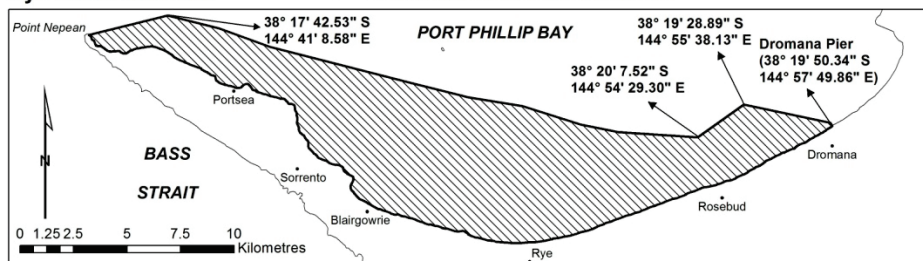
Indented Head Exclusion Zone



Location of Exclusion Zones



Rye Exclusion Zone



Projection: Mercator Coordinate datum: WGS 84

Part 3—Ports and mooring areas

Regulations 5(1), 413F(1), 413H(1)

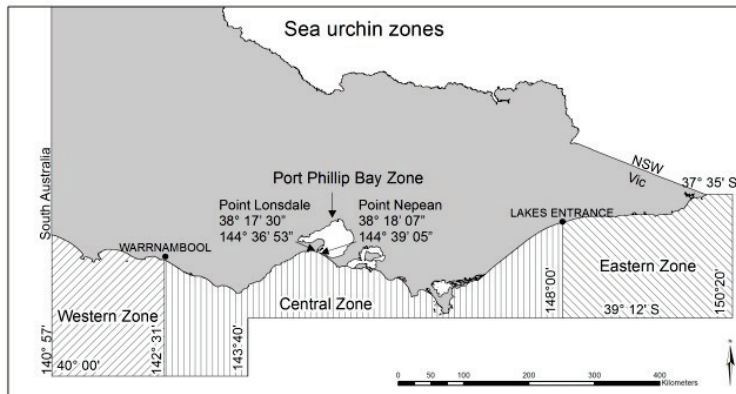
Altona Boat Ramp
Avalon Boat Ramp
Black Rock Boat Ramp
Clifton Springs Boat Ramp
Frankston Boat Ramp
Kirk Point Boat Ramp
Limeburners Point Boat Ramp
Mordialloc Boat Ramp
Mornington Boat Ramp (Schnapper Point)
Newport (Warmies) Boat Ramp
Patterson River Boat Ramp
Point Richards Boat Ramp
Portarlington Boat Ramp
Queenscliff Boat Ramp
Safety Beach Boat Ramp
St Helens Boat Ramp
St Kilda Marina Carpark
Werribee South Boat Ramp
Williamstown Boat Ramp

Sch. 21
inserted by
S.R. No.
96/2014
reg. 15,
amended by
S.R. No.
95/2016
reg. 19.

Schedule 21—Sea urchin zones and ports and mooring areas

Part 1—Sea urchin zones

Regulation 5



Part 2—Ports and mooring areas

Regulation 5

Altona Boat Ramp Car Park
Apollo Bay Boat Ramp
Avalon Boat Ramp
Bastion Point
Bay of Islands Boat Ramp
Black Rock Boat Ramp
Cape Bridgewater Beach
Cape Conran Boat Ramp
Clifton Springs Boat Ramp
Cowes Jetty
Flinders Boat Ramp
Frankston Boat Ramp

Hastings Boat Ramp
Inverloch Boat Ramp
Killarney Boat Ramp
Kirks Point
Lorne–Grey Point Boat Ramp
Mallacoota Main Wharf
Marlo Jetty
Mornington Boat Ramp (Schnapper Point)
Newhaven Boat Ramp
Ocean Grove Boat Ramp
Patterson River Boat Ramp
Peterborough–Boat Bay Carpark
Pier 35
Port Albert Boat Ramp
Port Campbell Jetty
Port Fairy Boat Ramp
Portland Boat Ramp
Portland Fishermans Wharf
Port Welshpool Boat Ramp
Queenscliff Boat Ramp
Rhyll Boat Ramp
Rye Boat Ramp
St Helens Boat Ramp
St Kilda Marina Carpark
Sandy Point
San Remo Fishermans Wharf
Shallow Inlet Carpark

Sorrento Boat Ramp
Stony Point Boat Ramp
Taylors Bay Boat Ramp
The Basin Carpark
Torquay Boat Ramp
Walkerville North
Walkerville South
Wally's Ramp
Warrnambool Boat Ramp
Werribee South Boat Ramp
West Bank Ramp

Schedule 22—Western Port/Port Phillip Bay Port and Moorings

Sch. 22
inserted by
S.R. 10/2016
reg. 13.

Regulation 5

Altona Boat Ramp Car Park
Avalon Beach Boat Ramp
Black Rock Boat Ramp
Clifton Springs Boat Ramp
Corinella Boat Ramp
Cowes Jetty
Cowes West Boat Ramp
Dromana Boat Ramp
Fishermans Beach Boat Ramp
Fishermans Wharf Yarra Street
Flinders Boat Ramp
Grammar School Lagoon Boat Ramp
Hastings Boat Ramp
Indented Head Boat Ramp
Kananook Creek Boat Ramp
Kirks Point Boat Ramp
Limeburners Point Boat Ramp
Maddox Road (Williamstown)
Martha Cove
Mordialloc Boat Ramp
Mornington Boat Ramp (Schnapper Point)
Newhaven Boat Ramp
Newport (Warmies) Boat Ramp
North Road Boat Ramp

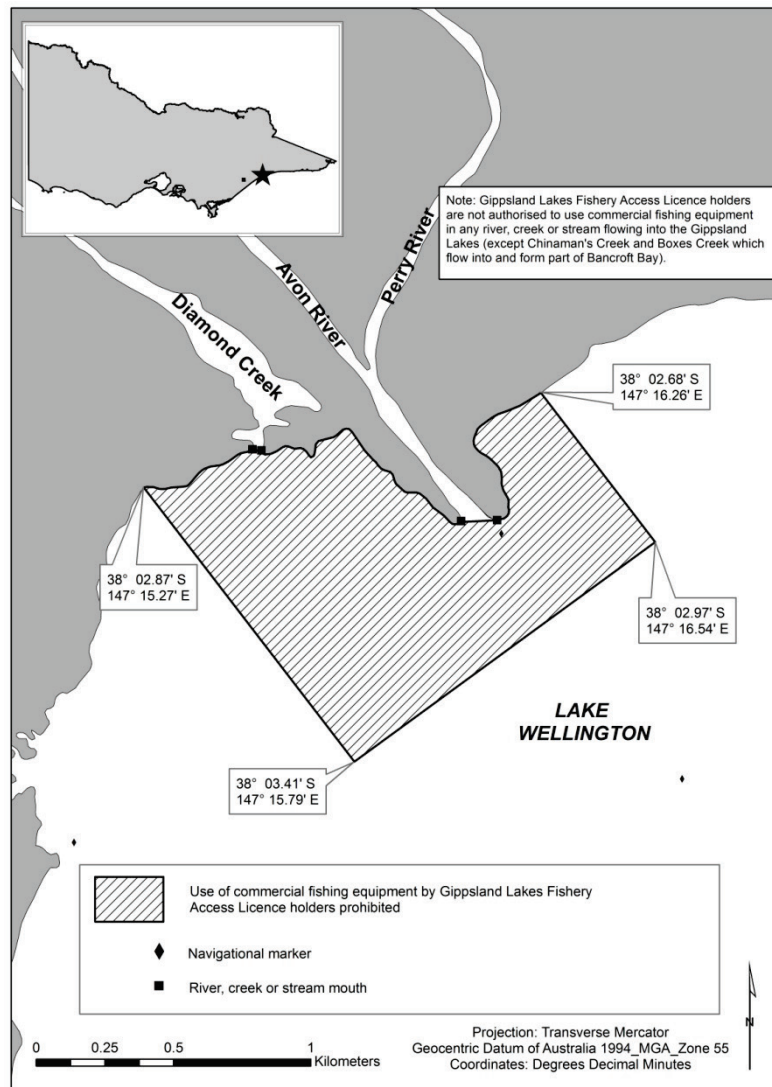
Patterson River Boat Ramp
Point Richards Boat Ramp
Portarlington Pier
Queenscliff Boat Ramp
Queenscliff Wharf
Rhyll Boat Ramp
Rosebud Boat Ramp
Rye Boat Ramp
Safety Beach Boat Ramp
St Helens Boat Ramp
St Kilda Marina Carpark
St Kilda Pier
St Leonards Boat Ramp
St Leonards Pier
San Remo Fishermans Wharf
Sorrento Boat Ramp
Stoney Point Boat Ramp
Swan Bay Boat Ramp
Tootgarook Boat Ramp
Werribee South Boat Ramp

**Schedule 23—Areas in the Gippsland Lakes
where use of commercial fishing by
Gippsland Lakes Fishery Access Licence
holders is prohibited**

Sch. 23
inserted by
S.R. No.
10/2017
reg. 21.

Regulation 149(1)

**Gippsland Lakes River Mouth Exclusions—
Avon River–Perry River**

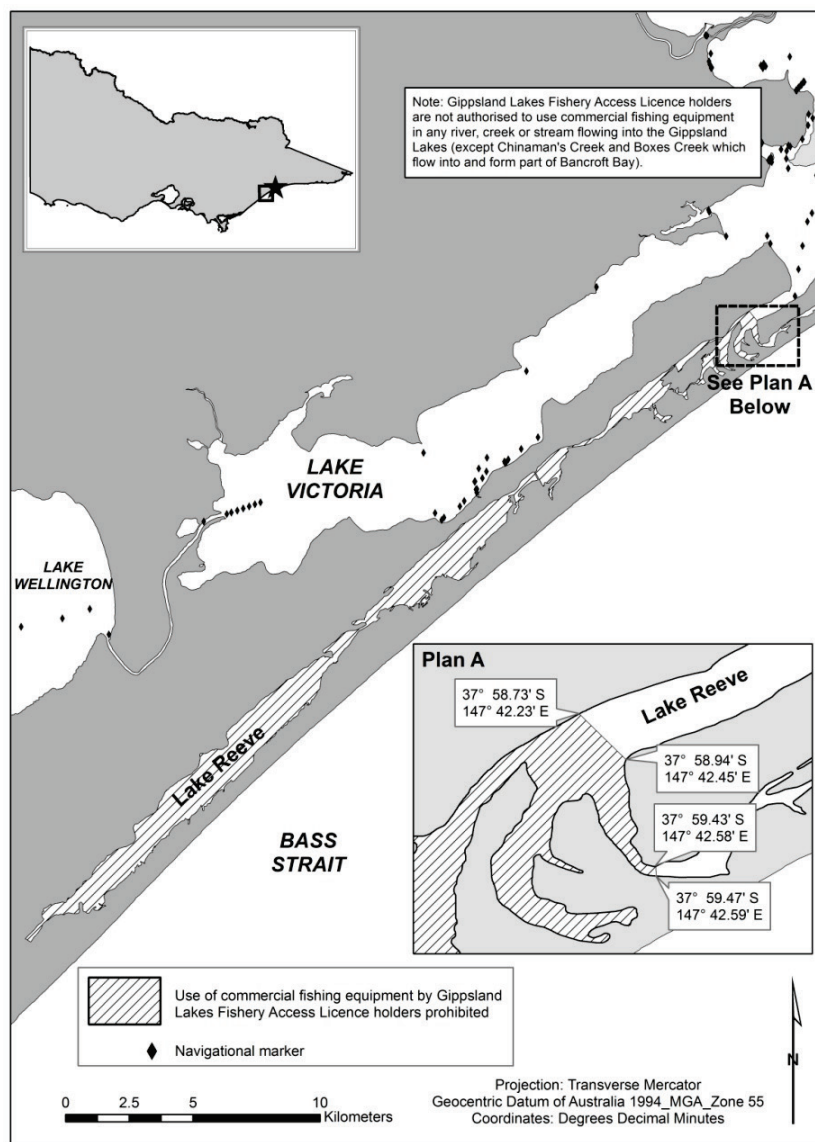


Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing by Gippsland Lakes Fishery Access Licence holders is prohibited

Gippsland Lakes Exclusions—Lake Reeve

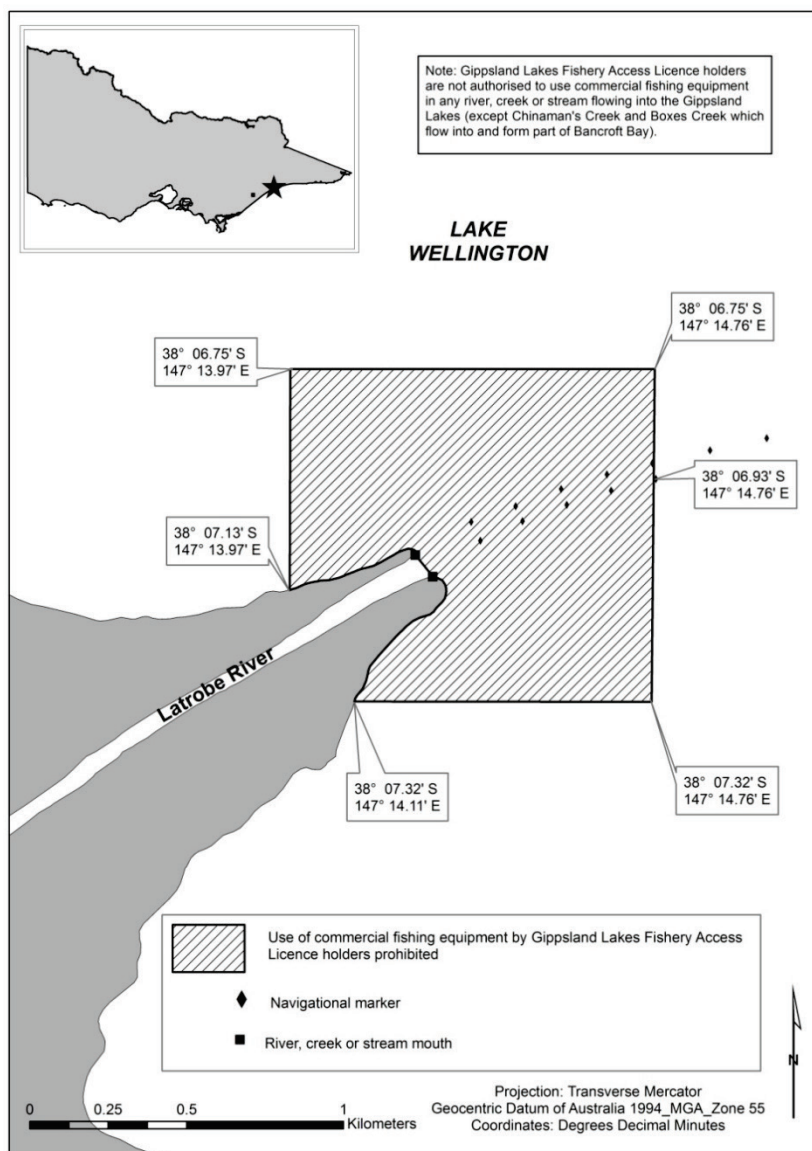


Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing by Gippsland Lakes Fishery Access Licence holders is prohibited

Gippsland Lakes River Mouth Exclusions—Latrobe River

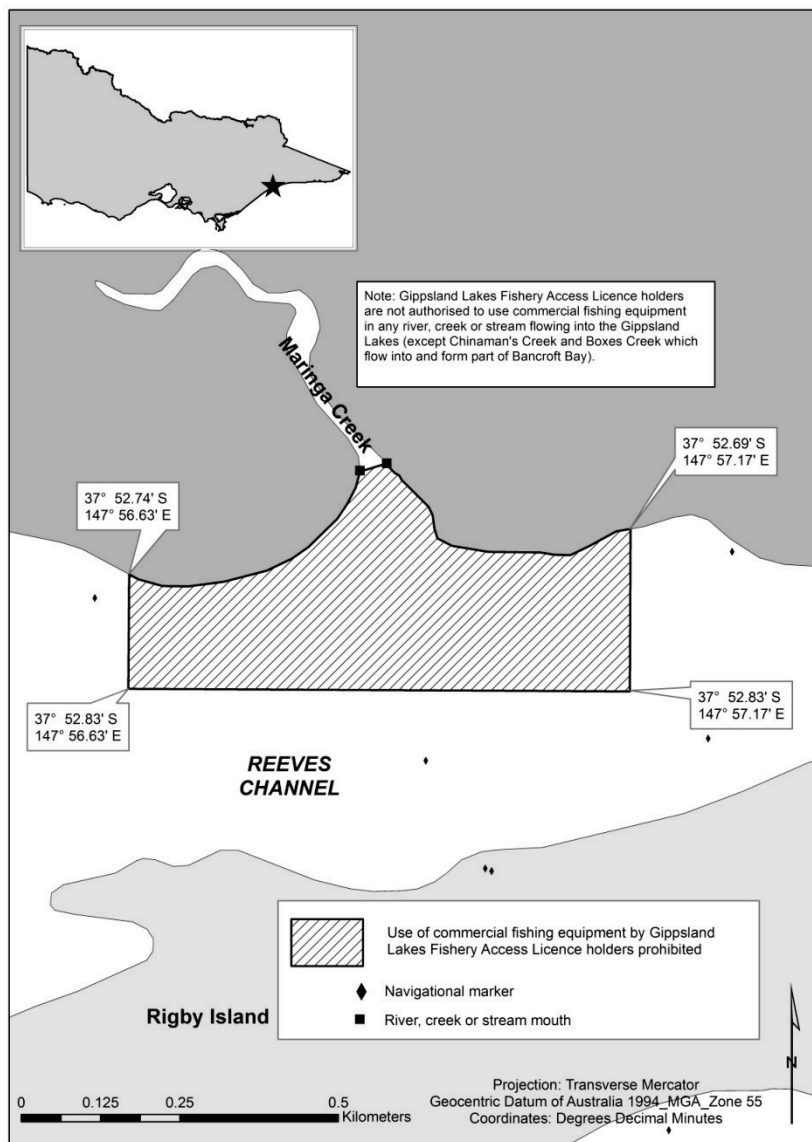


Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing by Gippsland Lakes Fishery Access Licence holders is prohibited

Gippsland Lakes River Mouth Exclusions—Maringa Creek

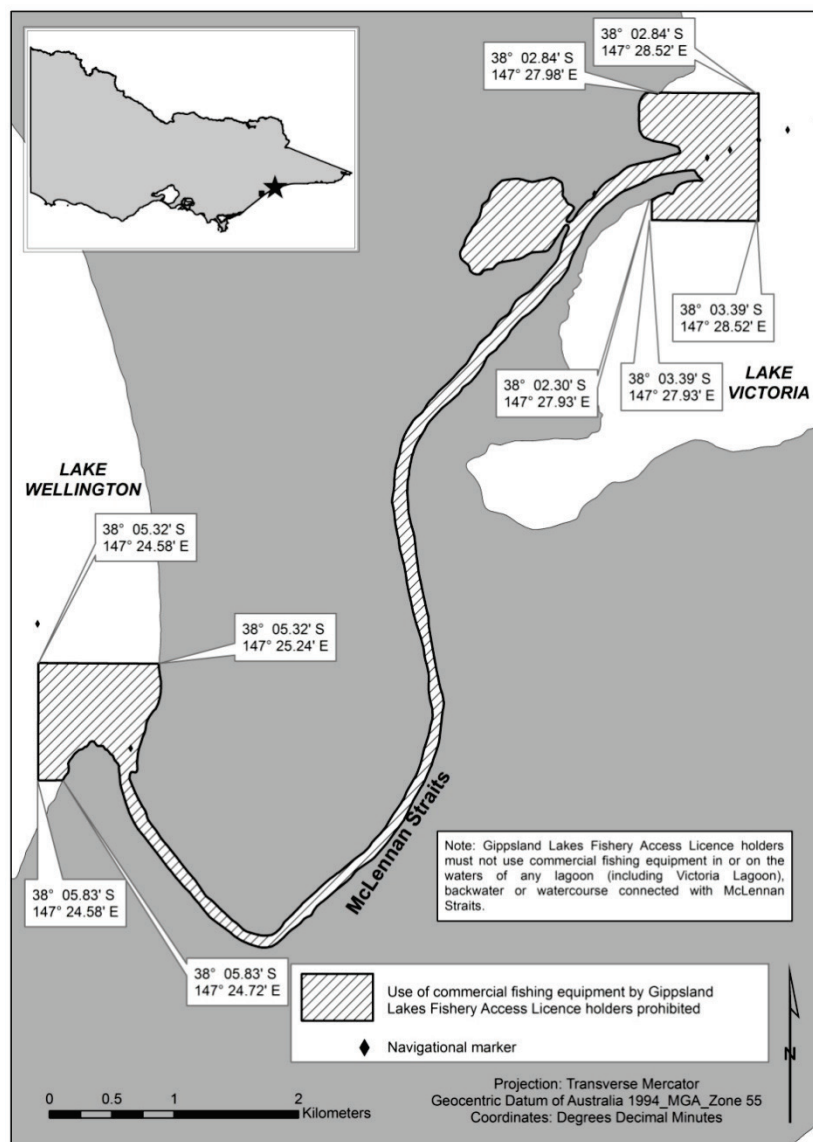


Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing by Gippsland Lakes Fishery Access Licence holders is prohibited

Gippsland Lakes Exclusions—McLennan Straits

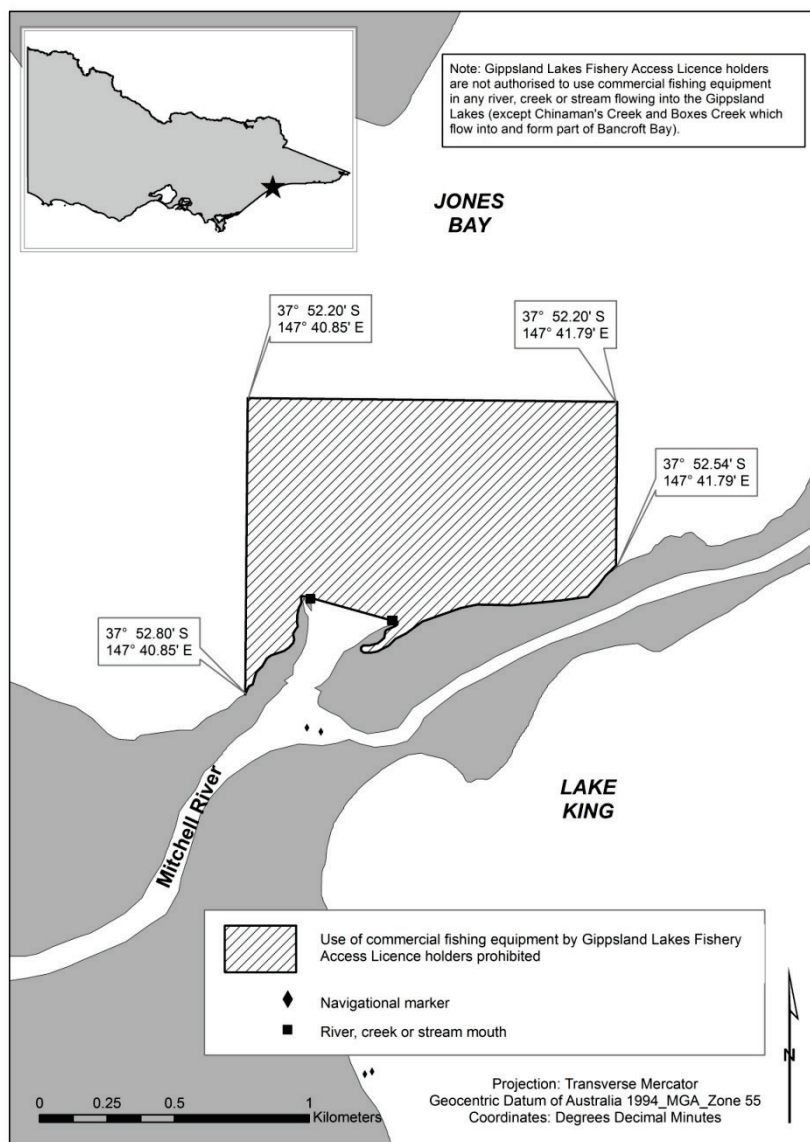


Fisheries Regulations 2009

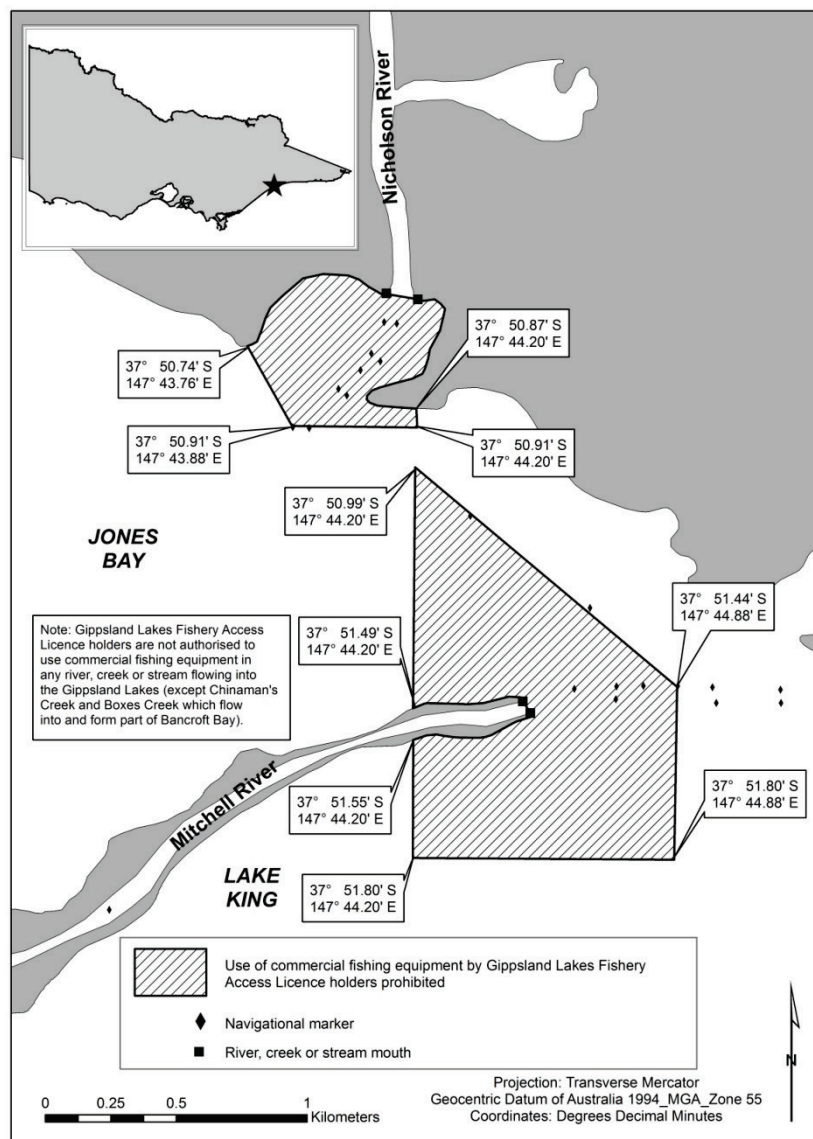
S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing by Gippsland Lakes Fishery Access Licence holders is prohibited

Gippsland Lakes River Mouth Exclusions—Mitchell River



Gippsland Lakes River Mouth Exclusions—Nicholson River and Mitchell River

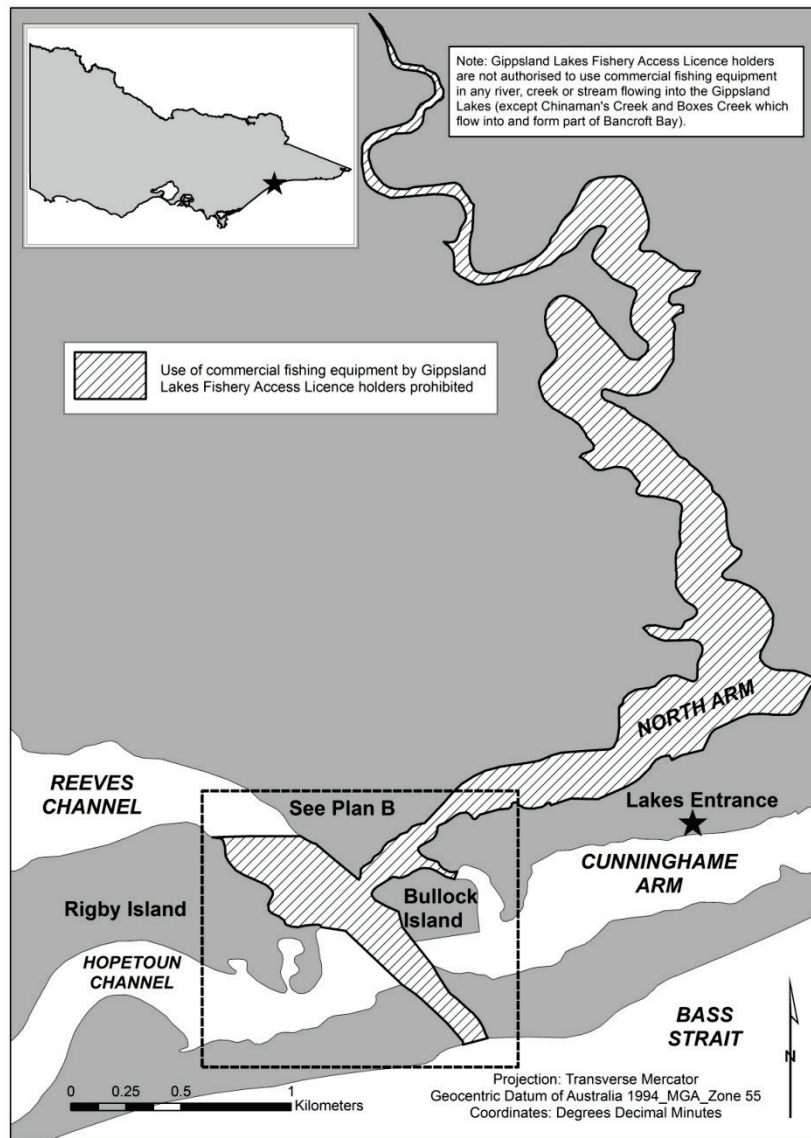


Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing by Gippsland Lakes Fishery Access Licence holders is prohibited

Gippsland Lakes Exclusions—North Arm

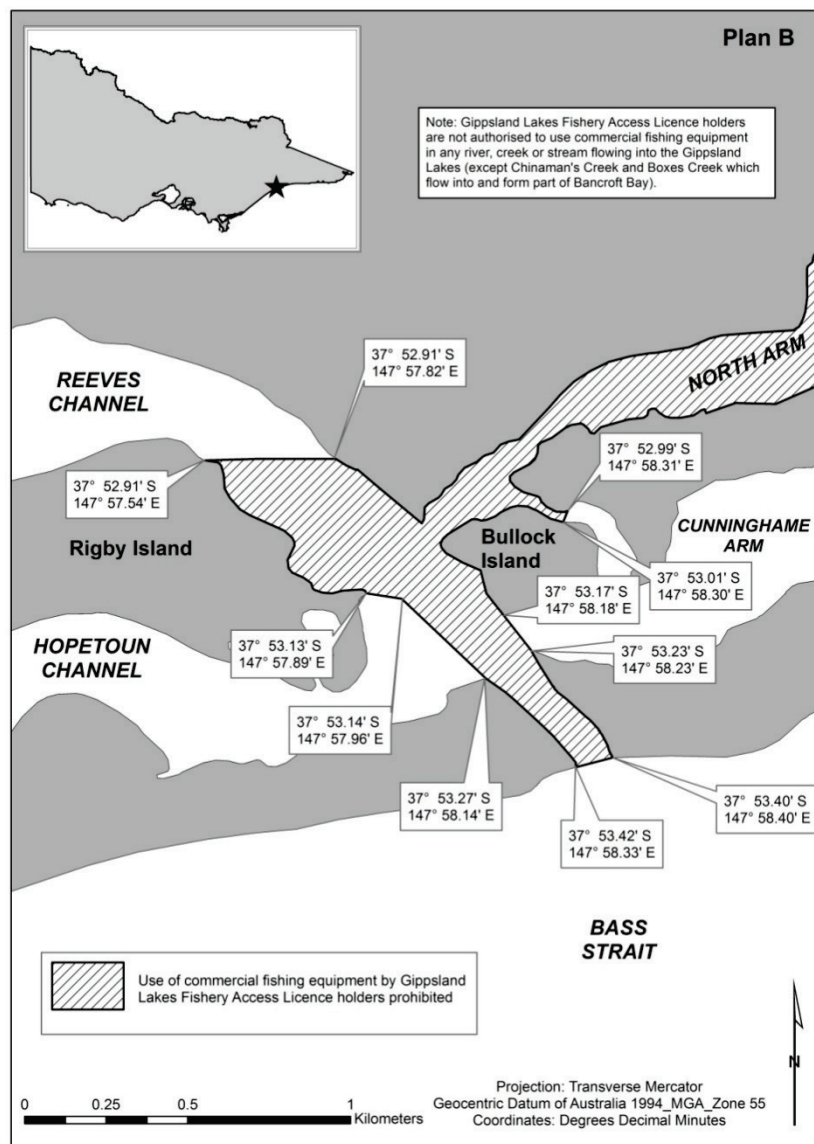


Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing by Gippsland Lakes Fishery Access Licence holders is prohibited

Gippsland Lakes Exclusions—North Arm Plan B

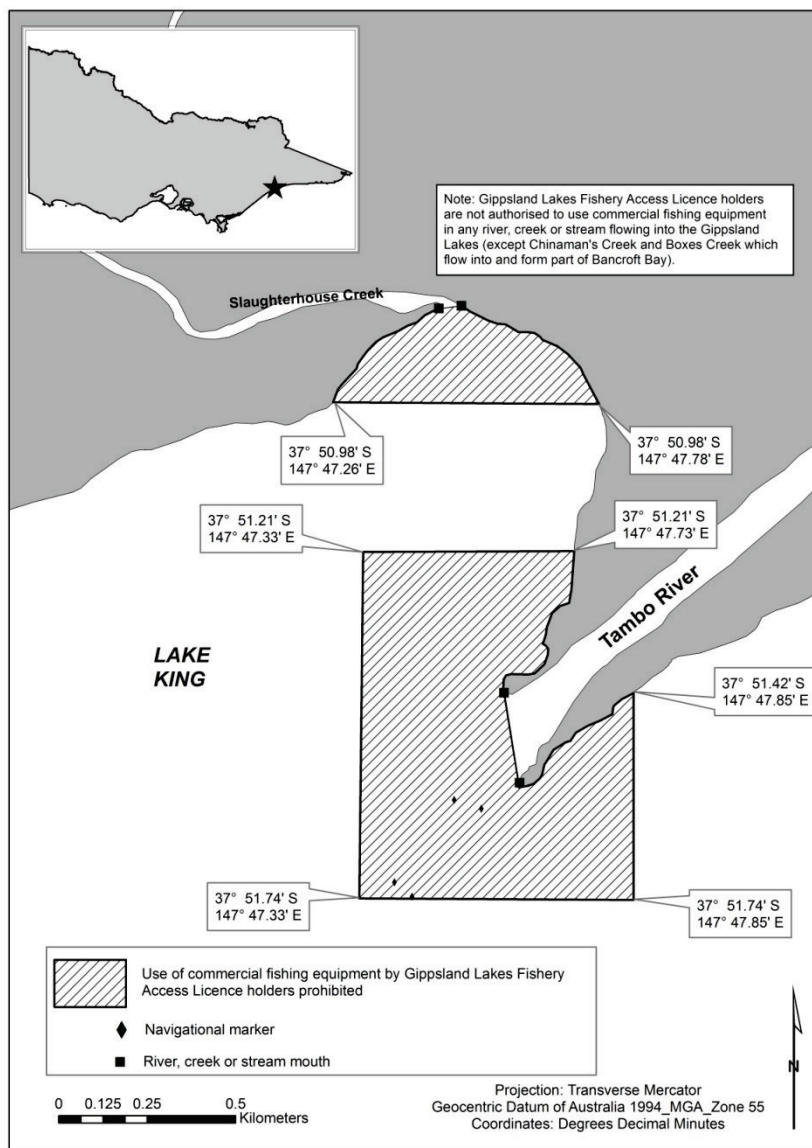


Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing by Gippsland Lakes Fishery Access Licence holders is prohibited

Gippsland Lakes River Mouth Exclusions—Tambo River

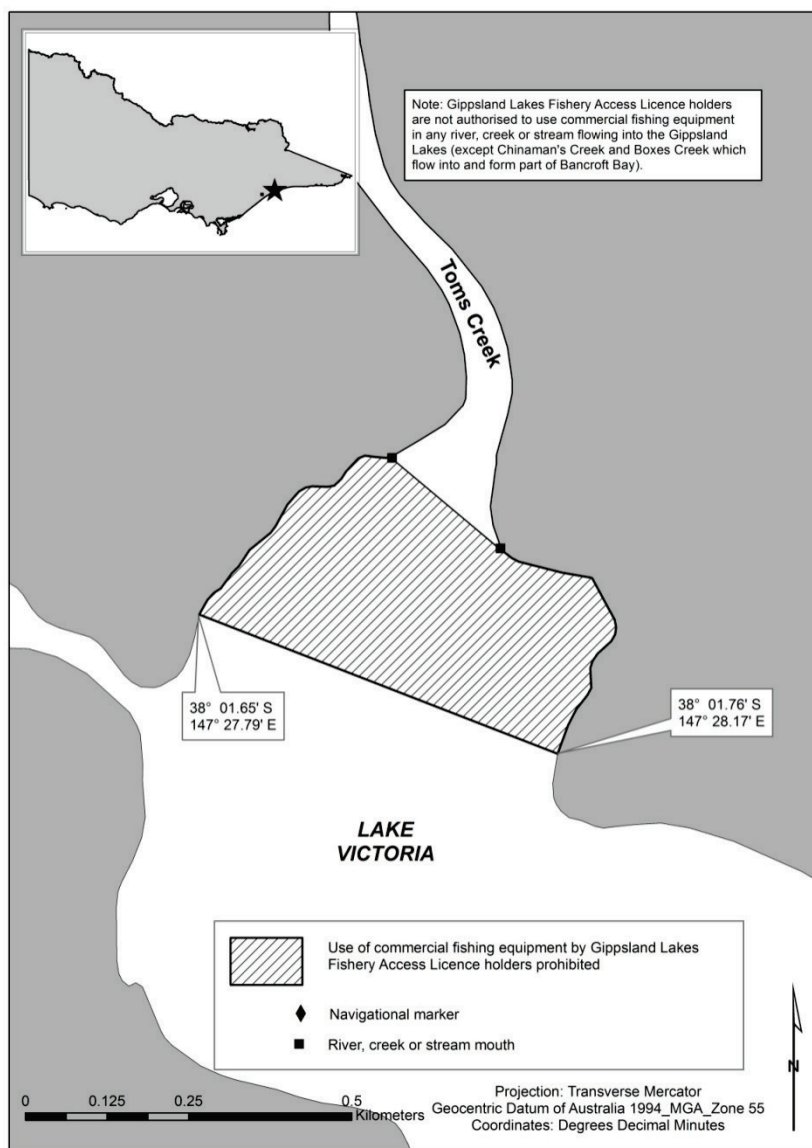


Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing by Gippsland Lakes Fishery Access Licence holders is prohibited

Gippsland Lakes River Mouth Exclusions—Toms Creek

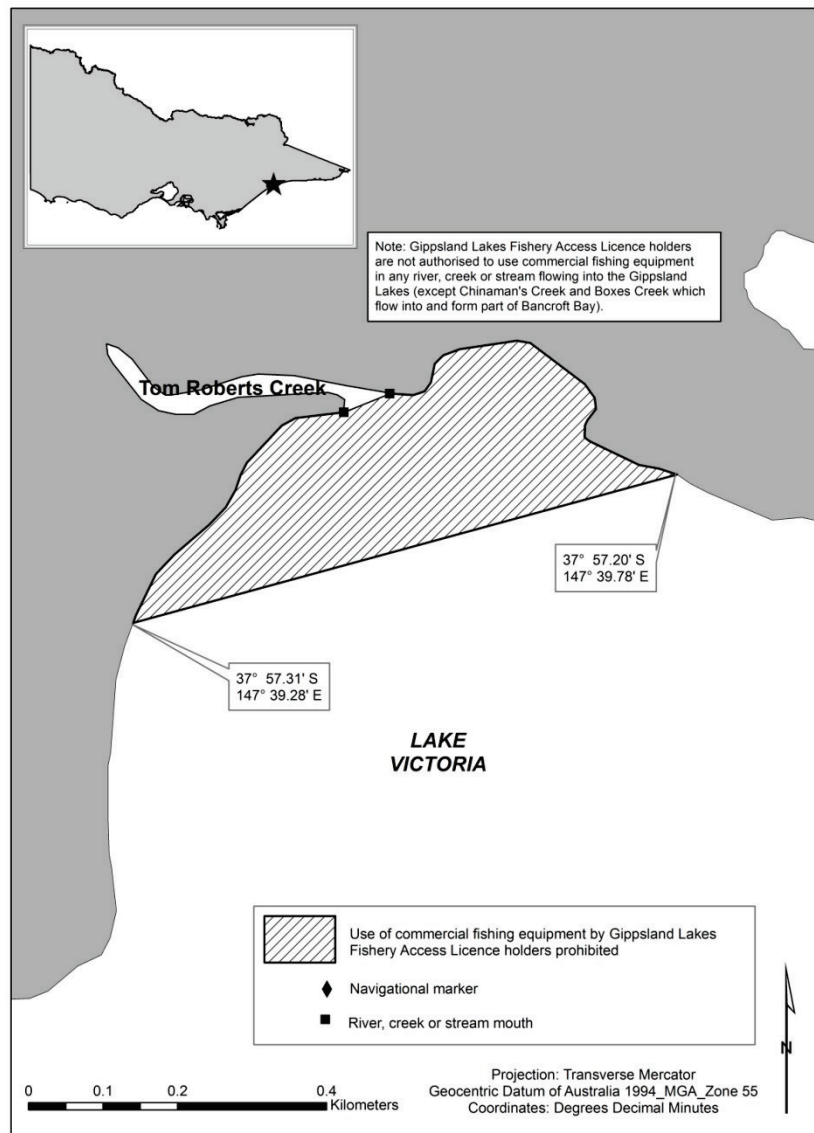


Fisheries Regulations 2009

S.R. No. 2/2009

Schedule 23—Areas in the Gippsland Lakes where use of commercial fishing
by Gippsland Lakes Fishery Access Licence holders is prohibited

**Gippsland Lakes River Mouth Exclusions—
Tom Roberts Creek**



Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Fisheries Regulations 2009, S.R. No. 2/2009 were made on 3 February 2009 by the Governor in Council under section 153 of the **Fisheries Act 1995**, No. 92/1995 and came into operation on 2 March 2009: regulation 3.

The Fisheries Regulations 2009 will sunset on 2 February 2020: see Subordinate Legislation (Fisheries Regulations 2009) Extension Regulations 2018, S.R. No. 112/2018.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Fisheries Regulations 2009
S.R. No. 2/2009
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Fisheries Regulations 2009 by statutory rules, subordinate instruments and Acts.

Fisheries Amendment Regulations 2009, S.R. No. 19/2009

Date of Making: 3.3.09

Date of Commencement: 3.3.09

Fisheries Amendment Regulations 2010, S.R. No. 118/2010

Date of Making: 26.10.10

Date of Commencement: 1.11.10: reg. 3

Fisheries Amendment Regulations 2013, S.R. No. 18/2013

Date of Making: 12.2.13

Date of Commencement: Regs 5, 6, 8–16 on 1.3.13: reg. 3(1); reg. 7 on 1.6.13: reg. 3(2)

Fisheries and Fisheries (Fees, Royalties and Levies) Further Amendment Regulations 2013, S.R. No. 168/2013

Date of Making: 17.12.13

Date of Commencement: Regs 5–53 on 18.12.13: reg. 3(1)

Fisheries (Fees, Royalties and Levies) and Fisheries Amendment Regulations 2014, S.R. No. 5/2014

Date of Making: 25.2.14

Date of Commencement: Reg. 17 on 1.4.14: reg. 3(3)

Fisheries and Fisheries (Fees, Royalties and Levies) Further Amendment Regulations 2014, S.R. No. 96/2014

Date of Making: 8.7.14

Date of Commencement: Regs 4–29 on 10.7.14: reg. 3

Fisheries (Catch Limit) Amendment Regulations 2016, S.R. No. 10/2016

Date of Making: 15.3.16

Date of Commencement: 1.4.16: reg. 3

Fisheries and Fisheries (Fees, Royalties and Levies) Amendment (Recreational Fishery Licences) Regulations 2016, S.R. No. 71/2016

Date of Making: 28.6.16

Date of Commencement: Regs 4–6 on 1.7.16: reg. 3(1)

Fisheries Amendment Regulations 2016, S.R. No. 95/2016

Date of Making: 2.8.16

Date of Commencement: 8.8.16: reg. 3

Fisheries Amendment Regulations 2017, S.R. No. 10/2017

Date of Making: 27.3.17

Date of Commencement: Regs 5–21 on 1.4.17: reg. 3(1); Pt 5 (regs 22–35) on 1.5.17: reg. 3(2); Pt 6 (regs 36–228) on 1.7.17: reg. 3(3)

Fisheries Regulations 2009
S.R. No. 2/2009
Endnotes

Fisheries Amendment (Catch Limit for Scallop Dive (Port Phillip Bay) Fishery) Regulations 2017, S.R. No. 11/2017

Date of Making: 27.3.17

Date of Commencement: 1.4.17: reg. 3

Fisheries and Fisheries and Fisheries (Fees, Royalties and Levies) Amendment (Recreational Fishery Licences) Further Amendment Regulations 2017, S.R. No. 58/2017

Date of Making: 27.6.17

Date of Commencement: Regs 4–6 on 30.6.17: reg. 3(1); reg. 7 on 1.7.17: reg. 3(2)

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 5 def. of **old regulations**: S.R. No. 23/1998. Reprint No. 6 incorporating amendments as at 1 April 2006. Reprinted to S.R. No. 28/2006 and subsequently amended by S.R. Nos 63/2006, 109/2006, 122/2006, 12/2007, 143/2007 and 4/2008. The Fisheries Regulations 1998 are revoked under regulation 4.

² Reg. 480(m): S.R. No. 57/2008.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2018 is \$161.19.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.