

Authorised Version No. 001
Seafood Safety Regulations 2024

S.R. No. 87/2024

Authorised Version as at
22 September 2024

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1 Objective

The objective of these Regulations is to exempt persons conducting certain seafood business activities from being required to obtain a seafood licence under Part 3 of the **Seafood Safety Act 2003**.

2 Authorising provisions

These Regulations are made under sections 8(3) and 61 of the **Seafood Safety Act 2003**.

3 Commencement

These Regulations come into operation on 22 September 2024.

4 Revocations

The following Regulations are **revoked**—

- (a) the Seafood Safety Regulations 2014¹;
- (b) the Seafood Safety Amendment Regulations 2018².

5 Definition

In these Regulations—

the Act means the **Seafood Safety Act 2003**.

6 Exemption relating to yabbies

- (1) A person who conducts a seafood business in relation to live yabbies, which involves the activities set out in subregulation (2), is exempt from the operation of Part 3 of the Act if the

person carries out those activities in accordance with a licence or permit under the **Fisheries Act 1995**.

- (2) For the purposes of subregulation (1), the activities are—
- (a) aquaculture of yabbies; and
 - (b) harvesting yabbies; and
 - (c) collecting yabbies; and
 - (d) maintaining live yabbies for later processing; and
 - (e) packaging, storing and transporting live yabbies—
 - (i) for later processing; or
 - (ii) for retail sale at the place of aquaculture production of the yabbies.

7 Exemption relating to abalone

- (1) A person who conducts a seafood business in relation to abalone, which involves the activities set out in subregulation (2), is exempt from the operation of Part 3 of the Act if the person carries out those activities in accordance with an access licence under the **Fisheries Act 1995**.
- (2) For the purposes of subregulation (1), the activities are—
- (a) harvesting abalone; and
 - (b) collecting abalone; and
 - (c) maintaining live abalone for later processing; and
 - (d) packaging, storing and transporting live abalone for later processing.

8 Exemption relating to rock lobster

- (1) A person who conducts a seafood business in relation to rock lobster, which involves the activities set out in subregulation (2), is exempt from the operation of Part 3 of the Act if the person carries out those activities in accordance with an access licence under the **Fisheries Act 1995**.
 - (2) For the purposes of subregulation (1), the activities are—
 - (a) harvesting rock lobster; and
 - (b) collecting rock lobster; and
 - (c) maintaining live rock lobster for later processing; and
 - (d) packaging, storing and transporting live rock lobster for later processing.
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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 Seafood Safety Regulations 2024, S.R. No. 87/2024 were made on 17 September 2024 by the Governor in Council under sections 8(3) and 61 of the **Seafood Safety Act 2003**, No. 24/2003 and came into operation on 22 September 2024; regulation 3.

The Seafood Safety Regulations 2024 will sunset 10 years after the day of making on 17 September 2034 (see section 5 of the **Subordinate Legislation Act 1994**).

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).

2 Table of Amendments

There are no amendments made to the Seafood Safety Regulations 2024 by statutory rules, subordinate instruments and Acts.

3 Explanatory details

¹ Reg. 4(a): S.R. No. 136/2014 as amended by S.R. No. 51/2018.

² Reg. 4(b): S.R. No. 51/2018.