

**Version No. 040**  
**Fisheries Regulations 1998**

**S.R. No. 23/1998**

Version incorporating amendments as at 8 April 2004

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**PART 1—PRELIMINARY**

**101. 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 prescribe certain matters required to be prescribed for the purposes of the **Fisheries Act 1995**; and
- (c) to prescribe other matters to assist in the implementation of that Act; and
- (d) to facilitate the smooth transition of existing licences under the **Fisheries Act 1968** to licences with equivalent entitlements under the **Fisheries Act 1995**.

**102. Authorising provisions**

These Regulations are made under sections 153 and 155C of the **Fisheries Act 1995**.

**103. Commencement**

These Regulations come into operation on 1 April 1998.

**104. Revocations**

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

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**105. Definitions**

(1) In these Regulations, except in Part 7—

Reg. 105(1)  
def. of  
"abalone  
docket"  
amended by  
S.R. No.  
25/2003  
reg. 5(1)(a).

**"abalone docket"** means an individually—  
numbered form issued by the Secretary in an  
abalone docket book to the holder of an  
Abalone Fishery Access Licence;

**"abalone docket book"** means a book containing  
abalone dockets issued by the Secretary to  
the holder of an Abalone Fishery Access  
Licence;

Reg. 105(1)  
def. of  
"abalone tool"  
inserted by  
S.R. No.  
109/1999  
reg. 4.

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

Reg. 105(1)  
def. of  
"abalone  
transfer  
certificate"  
amended by  
S.R. No.  
25/2003  
reg. 5(1)  
(b)(i)(ii).

**"abalone transfer certificate"** means—

- (a) an individually—numbered certificate  
issued by the Secretary to the holder of  
a Fish Receivers' (Abalone) Licence; or
- (b) an abalone transfer certificate issued by  
the Secretary under the Fisheries  
(Abalone) Regulations 1996;

Reg. 105(1)  
def. of  
"consolidated  
licence"  
inserted by  
S.R. No.  
63/2002 reg. 3.

**"consolidated licence"** means a licence that is  
issued by the Secretary in the place of  
2 licences that were issued in respect of the  
same fishery;

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**"small sales return"** means—

- (a) a return issued by the Secretary to the holder of a Fish Receivers' (Abalone) Licence; or
- (b) a small sales return issued under the Fisheries (Abalone) Regulations 1996;

\* \* \* \* \*

Reg. 105(1)  
def. of  
"small sales  
return"  
amended by  
S.R. No.  
25/2003  
reg. 5(1)(c).

Reg. 105(1)  
def. of "stock  
record"  
revoked by  
S.R. No.  
145/2001  
reg. 4(1).

(2) In these Regulations—

**"Abalone Fishery Access Licence"** means an access licence of any one of the following classes created by regulation 201—

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

Reg. 105(2)  
def. of  
"Abalone  
Fishery  
Access  
Licence"  
inserted by  
S.R. No.  
22/2004 reg. 5.

**"abalone internet notification service"** means the contact service and details notified to a Fish Receivers' (Abalone) Licence holder by the Secretary in accordance with regulation 627(1)(a);

Reg. 105(2)  
def. of  
"abalone  
internet  
notification  
service"  
inserted by  
S.R. No.  
25/2003  
reg. 5(2)(b).

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Reg. 105(2)  
def. of  
"abalone  
telephone  
notification  
service"  
inserted by  
S.R. No.  
25/2003  
reg. 5(2)(b).

**"abalone telephone notification service"** means the interactive voice response telephone service and number notified to the holder of an Abalone Fishery Access Licence by the Secretary in accordance with regulation 627AA(1)(a) or a Fish Receivers' (Abalone) Licence holder in accordance with regulation 627(1)(b) and includes the automated response system which captures the information provided;

Reg. 105(2)  
def. of  
"abalone  
quota  
balance"  
inserted by  
S.R. No.  
25/2003  
reg. 5(2)(b).

**"abalone quota balance"** means the amount of abalone, in kilograms, permitted to be taken by the holder of an Abalone Fishery Access Licence by virtue of the number of individual quota units that the licence holder holds under the licence minus the number of individual quota units taken in the quota period;

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

**"Andersons 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 Andersons Inlet entrance;

**"approved AQIS number"** means the registered establishment number issued by the Australian Quarantine and Inspection Service of the Commonwealth Department of Primary Industries and Energy;

Reg. 105(2)  
def. of  
"approved  
weighing  
station"  
revoked by  
S.R. No.  
25/2003  
reg. 5(2)(a).

\* \* \* \* \*

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**"Aquaculture (Crown) Licence"** means an aquaculture licence of any one of the following classes created by regulation 203—

Reg. 105(2)  
def. of  
"Aquaculture  
(Crown)  
Licence"  
inserted by  
S.R. No.  
22/2004 reg. 5.

- (a) Aquaculture (Crown Land—Abalone) Licence;
- (b) Aquaculture (Crown Land—Eels) Licence;
- (c) Aquaculture (Crown Land) Licence;
- (d) Aquaculture (Crown Land) Type A Licence;

**"Aquaculture (Private Land) Licence"** means an aquaculture licence of any one of the following classes created by regulation 203—

Reg. 105(2)  
def. of  
"Aquaculture  
(Private Land)  
Licence"  
inserted by  
S.R. No.  
22/2004 reg. 5.

- (a) Aquaculture (Private Land—Abalone) Licence;
- (b) Aquaculture (Private Land—Eels) Licence;
- (c) Aquaculture (Private Land—Marine) Licence;
- (d) Aquaculture (Private Land—Ornamentals) Licence;
- (e) Aquaculture (Private Land—Salmonids) Licence;
- (f) Aquaculture (Private Land—Warm Water Finfish) Licence;
- (g) Aquaculture (Private Land—Yabbies) Licence;
- (h) Aquaculture (Private Land—Yabbies Multi-waters) Licence;

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Reg. 105(2)  
def. of  
"bait trap"  
amended by  
S.R. Nos  
90/1999  
reg. 5(a),  
78/2001  
reg. 5(1).

**"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, 23 centimetres high and 23 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 or 1.5 metres wide and has no more than one entrance;

**"bay garfish seine"** means a positively buoyant surface net not exceeding 460 metres in length that is drawn through the water but does not include a purse seine or lampara net;

**"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 issued by the Secretary to the holder of an Abalone Fishery Access Licence; and
- (b) a bin tag issued to the licence holder under the Fisheries (Abalone) Regulations 1996;

**"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 business and also includes any document used in the ordinary course of



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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;

**"carcass"** means—

Reg. 105(2)  
def. of  
"carcass"  
amended by  
S.R. No.  
24/2003  
reg. 4(a)–(c).

- (a) in relation to shark or elephant fish, the body of a shark or elephant fish 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;

**"catch disposal record"** means an individually-numbered record issued by the Secretary to the holder of a Rock Lobster Fishery Access Licence or Giant Crab Fishery Access Licence which provides for the recording of information in relation to the movement of rock lobster and giant crab from the place of landing;

Reg. 105(2)  
def. of "catch  
disposal  
record"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

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Reg. 105(2)  
def. of "catch  
disposal  
record book"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

**"catch disposal record book"** means a book issued by the Secretary to the holder of a Rock Lobster Fishery Access Licence or Giant Crab Fishery Access Licence containing catch disposal records;

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

Reg. 105(2)  
def. of "coff"  
amended by  
S.R. No.  
118/2001  
reg. 5(2)(a).

**"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;

Reg. 105(2)  
def. of "coff  
register"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

**"coff register"** means an individually-numbered record issued by the Secretary to the holder of a Rock Lobster Fishery Access Licence which provides for recording the movement of rock lobster into and out of a coff;

**"commercial aquaculture equipment"** means—

- (a) commercial fishing equipment;
- (b) commercial abalone equipment;
- (c) any structure or equipment that is designed for use, or is capable of being used for or in connection with the hatching, rearing, breeding or growing of fish or fishing bait;

**"commercial fishery licence"** means—

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

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**"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;

**"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's 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 m<sup>3</sup> with no more than 1 entrance;

**"crab trap"** means a bait trap;

**"crate"** means a wire mesh container with external dimensions not exceeding 100 centimetres by 50 centimetres by 50 centimetres and constructed as specified in the diagrams in Schedule 4;

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Reg. 105(2)  
def. of  
"crate tag"  
revoked by  
S.R. No.  
28/2000  
reg. 3(a).

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**"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;

Reg. 105(2)  
def. of "daily  
bag limit"  
inserted by  
S.R. No.  
78/2001  
reg. 5(2).

**"daily bag limit"** means the maximum number or other specified quantity of fish or fishing bait that may be taken by a person in 1 day;

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

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

**"eastern rock lobster zone"** means all Victorian waters east of longitude 143°40' east;

**"fishing 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 scallops, mussels or other molluscs, but does not include a shrimp dredge or hand-held dip net;

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**"flounder net"** means a mesh net with no more than 15 meshes from cork line to lead line with a mesh size not less than 12 centimetres;

**"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;

Reg. 105(2)  
def. of  
"fyke net"  
amended by  
S.R. No.  
133/2003  
reg. 4(2)(a)  
(i)(ii).

**"giant crab daily catch record"** means an individually-numbered record issued by the Secretary to the holder of a Giant Crab Fishery Access Licence which provides for the recording of information in relation to the taking of giant crab under the licence on any day;

Reg. 105(2)  
def. of "giant  
crab daily  
catch record"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

**"giant crab daily catch record book"** means a book issued by the Secretary to the holder of a Giant Crab Fishery Access Licence containing giant crab daily catch records;

Reg. 105(2)  
def. of "giant  
crab daily  
catch record  
book"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

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Reg. 105(2)  
def. of "Giant  
Crab Fishery  
Access  
Licence"  
inserted by  
S.R. No.  
22/2004 reg. 5.

**"Giant Crab Fishery Access Licence"** means an access licence of the class Giant Crab Fishery (Western Zone) Access Licence, created by regulation 201;

Reg. 105(2)  
def. of "Giant  
Crab Fishery  
(Western  
Zone)"  
inserted by  
S.R. No.  
22/2004 reg. 5.

**"Giant Crab Fishery (Western Zone)"** means all Victorian waters specified in Column 4 of the Table following regulation 107 immediately opposite the words "Giant Crab" in Column 1 of that Table;

Reg. 105(2)  
def. of "giant  
crab  
notification  
service"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

**"giant crab notification service"** means the telephone service and number notified to a Giant Crab Fishery Access Licence holder by the Secretary in accordance with regulation 627B(1)(a) and includes the automated response system which captures the information provided;

Reg. 105(2)  
def. of "giant  
crab pot"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1),  
revoked by  
S.R. No.  
133/2003  
reg. 4(2)(b).

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Reg. 105(2)  
def. of "giant  
crab quota  
balance"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

**"giant crab quota balance"** means the amount of giant crab, in kilograms, permitted to be taken by the holder of a Giant Crab Fishery Access Licence by virtue of the number of individual quota units that the licence holder holds under the licence minus the number of individual quota units taken in the quota period;

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

**"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 highwater 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);

Reg. 105(2)  
def. of  
"Gippsland  
Lakes"  
substituted by  
S.R. No.  
15/2000 reg. 4.

**"gross weight"** means—

- (a) in respect of abalone contained in bins, the total weight of the abalone, bins, bin lids, any bin inserts and including any water or blood contained in the bins;
- (b) in respect of abalone contained in bags, the total weight of the abalone, bags and any bin inserts and including any water or blood contained in the bags;

**"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;

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**"Howe reef area"** means the area of Victorian waters lying north of the northern edge of the Iron Prince Reef;

**"identifying mark"** means the group of up to 4 letters and up to 4 numerals that are specified in the registration certificate in respect of a fishing boat to be that boat's identifying mark;

Reg. 105(2)  
def. of  
"intertidal  
zone"  
inserted by  
S.R. No.  
90/1999  
reg. 5(b).

**"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;

**"Lake Hume"** means all those waters impounded by the Hume Dam which lie in Victoria below or downstream from the Murray Valley Highway bridge situated east of Tallangatta which crosses the Mitta Mitta Arm of Lake Hume;

**"Lake Mulwala"** means all the waters impounded by the Yarrawonga Weir which lie in Victoria below or downstream from the Murray Valley Highway bridge over the Ovens River Arm of Lake Mulwala;

**"lampara net"** means a positively buoyant surface net designed to surround fish that has a lead line shorter than the float line and that is closed by the forward motion of a boat drawing together the ends of the net;

Reg. 105(2)  
def. of  
"landed"  
inserted by  
S.R. No.  
133/2003  
reg. 4(1).

**"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;

**"longline"** means a line to which is attached more than 12 hooks;

**"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;

**"McLennan's Strait"** 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 northern most point of the western bank at the western entrance of that strait to a point on the opposite bank;

**"mesh net"** means a net of any description that is set or used to mesh or gill fish and includes a gill net or set net, but does not include a flounder net or trammel 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—

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- (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;
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**"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;

Reg. 105(2)  
def. of  
"mussel rake"  
inserted by  
S.R. No.  
90/1999  
reg. 5(c).

**"net weight"** 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;

**"notifiable disease"** means a disease listed in Schedule 16;

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Reg. 105(2)  
def. of  
"notification  
service"  
amended by  
S.R. No.  
145/2001  
reg. 4(2)(a),  
revoked by  
S.R. No.  
25/2003  
reg. 5(2)(a).

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Reg. 105(2)  
def. of "place  
of landing"  
inserted by  
S.R. No.  
25/2003  
reg. 5(2)(b),  
substituted by  
S.R. No.  
133/2003  
reg. 4(2)(c).

**"octopus trap"** means a container of any description designed for, or capable of, catching octopus;

**"place of landing"** means—

- (a) for the purposes of giant crab and rock lobster fishing, the place nearest to which the rock lobster or giant crab is landed where the licence holder can reasonably comply with the licence conditions; and
- (b) for the purpose of abalone fishing, a place (other than a boat) that is—
  - (i) listed in Schedule 19 and is adjacent to Victorian waters where abalone is unloaded or disembarked; or
  - (ii) authorised by the Secretary;

**"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;

Reg. 105(2)  
def. of  
"possession  
limit"  
inserted by  
S.R. No.  
78/2001  
reg. 5(2).

**"possession limit"** means the maximum number or other specified quantity of fish or fishing bait that may be in the possession of a person;

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

**"purse seine net"** means a positively buoyant surface net that is closed by the tightening of the lead line;

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**"recreational fishing equipment"** includes a rod and line, handline, dip net, bait trap, landing net, spear gun, hand-held spear, recreational bait net and recreational hoop net;

Reg. 105(2)  
def. of  
"recreational  
fishing  
equipment"  
amended by  
S.R. No.  
90/1999  
reg. 45(a).

**"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;

**"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;

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Reg. 105(2)  
def. of  
"recreational  
mesh net"  
revoked by  
S.R. No.  
90/1999  
reg. 45(b).

**"rock lobster daily catch record"** means an individually-numbered record issued by the Secretary to the holder of a Rock Lobster Fishery Access Licence which provides for the recording of information in relation to the taking of rock lobster under the licence on any day;

Reg. 105(2)  
def. of "rock  
lobster daily  
catch record"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

**"rock lobster daily catch record book"** means a book issued by the Secretary to the holder of a Rock Lobster Fishery Access Licence containing rock lobster daily catch records;

Reg. 105(2)  
def. of "rock  
lobster daily  
catch record  
book"  
inserted by  
S.R. No.  
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reg. 5(1).

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Reg. 105(2)  
def. of "Rock  
Lobster  
Fishery  
Access  
Licence"  
inserted by  
S.R. No.  
22/2004 reg. 5.

**"Rock Lobster Fishery Access Licence"** means  
an access licence of any one of the following  
classes created by regulation 201—

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

Reg. 105(2)  
def. of "rock  
lobster  
notification  
service"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

**"rock lobster notification service"** means the  
telephone service and number notified to a  
Rock Lobster Fishery Access Licence holder  
by the Secretary in accordance with  
regulation 627A(1)(a) and includes the  
automated response system which captures  
the information provided;

Reg. 105(2)  
def. of "rock  
lobster pot"  
amended by  
S.R. No.  
133/2003  
reg. 4(2)(d).

**"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 of rock lobster or  
giant crab, but does not include a  
recreational hoop net or commercial hoop  
net;

Reg. 105(2)  
def. of "rock  
lobster quota  
balance"  
inserted by  
S.R. No.  
118/2001  
reg. 5(1).

**"rock lobster quota balance"** means the amount  
of rock lobster, in kilograms, permitted to be  
taken by the holder of a Rock Lobster  
Fishery Access Licence by virtue of the  
number of individual quota units that the  
licence holder holds under the licence minus  
the number of individual quota units taken in  
the quota period;

**"sack"** means a jute sack of rectangular shape  
that, when laid flat measures no more than  
100 centimetres on one side and no more  
than 59 centimetres on the other side, with  
the opening on the shortest side;

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*	*	*	*	*	Reg. 105(2) def. of "sack tag" revoked by S.R. No. 28/2000 reg. 3(b).
*	*	*	*	*	Reg. 105(2) def. of "Secretary's confirmation" amended by S.R. No. 145/2001 reg. 4(2)(b), revoked by S.R. No. 25/2003 reg. 5(2)(a).
<b>"Secretary's confirmation number"</b> means the number provided by the Secretary—					Reg. 105(2) def. of "Secretary's confirmation number" inserted by S.R. No. 118/2001 reg. 5(1), amended by S.R. No. 25/2003 reg. 5(2)(e).
(a) to the holder of a Rock Lobster Fishery Access Licence in accordance with regulation 627A(2)(a); or					
(b) to the holder of a Giant Crab Fishery Access Licence in accordance with regulation 627B(2)(a); or					
(c) to the holder of an Abalone Fishery Access Licence in accordance with regulation 627AA(2); or					
(d) to the holder of a Fish Receivers' (Abalone) Licence in accordance with regulation 627(2);					
<b>"seine net"</b> means any net that is drawn through the water but does not include a recreational bait net, trawl net, purse seine net or dip net;					
<b>"shell shovel"</b> means a hand-held shovel with a blade not exceeding 30 centimetres in width and attached to a handle;					

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**"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;

**"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) in the Table in regulation 501(2);

**"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;

**"specified details"** means—

- (a) in respect of the reporting of the landing, weighing and transfer of abalone by the holder of an Abalone Fishery Access Licence, the following details—
  - (i) the number allocated by the Secretary to identify the licence;
  - (ii) the abalone docket serial number;
  - (iii) the place of landing;
  - (iv) the time the abalone was weighed using 24 hour time recording;

Reg. 105(2)  
def. of  
"specified  
details"  
amended by  
S.R. Nos  
118/2001  
reg. 5(2)(b),  
145/2001  
reg. 4(2)(c)  
(i)–(v), 25/2003  
reg. 5(2)(c),  
38/2003  
reg. 5(1),  
133/2003  
reg. 4(2)(e)  
(i)(ii), 27/2004  
reg. 3.



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- (v) if the holder of the licence is authorised to take abalone in the—
    - (A) western abalone zone or the central abalone zone—the total net weight (in kilograms) of abalone in respect of each commercial abalone reef code recorded on Part A of the docket; or
    - (B) eastern abalone zone—the total net weight (in kilograms) of abalone recorded on Part B of the docket;
  - (vi) the number of bins containing 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) in respect of the receipt of abalone accompanied by an abalone docket by the holder of a Fish Receivers' (Abalone) Licence, the following details—
    - (i) the trader identification number of the licensed Fish Receivers' (Abalone) Licence holder recorded on Part C of the abalone docket;
    - (ii) the serial number of the docket;
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- (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) in respect of the receipt of abalone without an abalone docket, the following details from the abalone transfer certificate required to be completed with respect to the abalone by the receiver—
- (i) the serial number of the 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) in respect of the sale or consignment of abalone accompanied by an abalone transfer certificate, the following details from the abalone transfer certificate—
- (i) the serial number of the certificate;
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- (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;
  - (e) in respect of the prior reporting of entering a port or mooring area with rock lobster or on a day during which rock lobster fishing takes place by the holder of a Rock Lobster Fishery Access Licence, the following details—
    - (i) the number allocated by the Secretary to identify the 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 rock lobster will be landed;
    - (vi) if landing rock lobster, the estimated time at which landing of rock lobster will commence;
  - (f) in respect of the prior reporting of landing rock lobster from a coff, wetwell or other holding tank by the holder of a Rock Lobster Fishery Access Licence, the following details—
-

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- 
- (i) the number allocated by the Secretary to identify the 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;
  - (g) in respect of the reporting of the landing and weighing of rock lobster by the holder of a Rock Lobster Fishery Access Licence, the following details—
    - (i) the number allocated by the Secretary to identify the licence;
    - (ii) the estimated time at which the rock lobster will leave the 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;
  - (h) in respect of the prior reporting of entering a port or mooring area with giant crab or on a day during which giant crab fishing takes place by the holder of a Giant Crab Fishery Access Licence, the following details—
    - (i) the number allocated by the Secretary to identify the 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 giant crab will commence;
  - (ha) in respect of the prior reporting of landing giant crab from a wetwell or other holding tank by the holder of a Giant Crab Fishery Access Licence, the following details—
    - (i) the number allocated by the Secretary to identify the licence;
    - (ii) the number of giant crab to be landed;
    - (iii) the estimated time at which the giant crab will be landed;
    - (iv) the port or mooring area at which the giant crab will be landed;
  - (i) in respect of the reporting of the landing and weighing of giant crab by the holder of a Giant Crab Fishery Access Licence, the following details—
    - (i) the number allocated by the Secretary to identify the licence;
    - (ii) the estimated time at which the giant crab will leave the 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;
-

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**"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 crabs;

**"stake net"** means a net joined to a stake or stakes in a fixed position that is designed for use or capable of being used to catch fish by the movement of water through the net;

Reg. 105(2)  
def. of "stock  
record book"  
revoked by  
S.R. No.  
145/2001  
reg. 4(2)(d).

\* \* \* \* \*

Reg. 105(2)  
def. of  
"store"  
revoked by  
S.R. No.  
25/2003  
reg. 5(2)(a).

\* \* \* \* \*

**"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;

**"tailed"** in relation to yabby, means the tail of the yabby when it has been removed in any manner, from the carapace;

**"tare weight"** means the weight—

- (a) of all bins, bin lids and bin inserts; or
- (b) of all bags and bin inserts—

not including any abalone contained in the bins or bags;

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**"trader identification number"** means the number issued by the Secretary to every holder of a Fish Receivers' (Abalone) Licence in respect of—

- (a) that licence; and
- (b) the licence holder's customers and suppliers of abalone;

Reg. 105(2)  
def. of  
"trader  
identification  
number"  
substituted by  
S.R. No.  
25/2003  
reg. 5(2)(d).

**"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 southern most point of Point Grant on Phillip Island;

**"western rock lobster zone"** means all Victorian waters west of longitude 143°40' east;

**"wrasse"** means Bluethroat wrasse and Saddleback wrasse;

**"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 yabbies.

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*S.R. No. 23/1998*

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Reg. 105(3)  
inserted by  
S.R. No.  
90/1999 reg. 6.

- (3) For the purpose of paragraph (g) in the definition of "commercial fishing equipment" in section 4(1) of the Act, a snare is commercial fishing equipment.

**106. Application of Regulations**

These Regulations do not apply to an authorised officer acting in the course of his or her duty.

**107. Definitions of fisheries**

For the purposes of the Act and these Regulations, the fisheries specified in Column 1 of the Table below are defined by reference to the fish, equipment, or area specified in column 2, 3 or 4 of the Table.

Reg. 107  
Table  
amended by  
S.R. Nos  
90/1999  
reg. 7(a)–(d),  
107/2000  
reg. 4(1),  
118/2001  
regs 6(a)(b),  
7(1), 133/2003  
reg. 5(a)(b),  
26/2004  
reg. 5(a)(b).

<b>Table</b>			
<i>Column 1</i> <i>Fishery</i>	<i>Column 2</i> <i>Fish</i>	<i>Column 3</i> <i>Equipment</i>	<i>Column 4</i> <i>Area</i>
Abalone	Abalone	—	Marine waters
Bait (General)	—	—	Protected waters other than Gippsland Lakes
Corner Inlet	—	—	Corner Inlet
Eel	Eel	Fyke nets	—
Giant Crab	—	Rock lobster pots	Victorian waters west of longitude 143°40' east
Gippsland Lakes	—	—	Gippsland Lakes
Gippsland Lakes (Bait)	—	—	Gippsland Lakes
Gippsland Lakes (Mussel Dive)	—	Underwater breathing apparatus	Gippsland Lakes



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<i>Column 1 Fishery</i>	<i>Column 2 Fish</i>	<i>Column 3 Equipment</i>	<i>Column 4 Area</i>
Lake Tyers	—	—	Lake Tyers
Lake Tyers (Bait)	—	—	Lake Tyers
Mallacoota Lake	—	—	Mallacoota Lake
Mallacoota Lower Lake (Bait)	—	—	Lower Lake at Mallacoota
Ocean	—	—	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea
Port Phillip Bay (Mussel Bait)	Mussel	Underwater breathing apparatus	Port Phillip Bay
Purse seine (Port Phillip Bay)	—	Purse seine nets	Port Phillip Bay
Purse seine (Ocean)	—	Purse seine nets, and lampara nets	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea
Rock lobster	—	Rock lobster pots	—

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*S.R. No. 23/1998*

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<i>Column 1 Fishery</i>	<i>Column 2 Fish</i>	<i>Column 3 Equipment</i>	<i>Column 4 Area</i>
Scallop (Ocean)	Scallop	Scallop dredge	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea
Snowy River (Bait)	—	—	Snowy River
Sydenham Inlet (Bait)	—	—	Sydenham Inlet
Trawl (Inshore)	—	Trawl nets	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea
Western Port/ Port Phillip Bay	—	—	Western Port and Port Phillip Bay
Wrasse (Ocean)	Wrasse	—	Marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea

**108. Methods of measuring meshes and equipment**

- (1) For the purposes of the Act and these Regulations—
- (a) the length of a net is to be measured along the cork line on which the net is hung;
  - (b) the depth of a net is the distance from the cork line to the lead line of the net.

- 
- (2) For the purposes of the Act and these Regulations, the size of the mesh of a net is to be measured 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 is that distance.
- (4) If there is a dispute or doubt concerning the measurement of the mesh size of a 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, it does not matter whether the net is wet or dry.
-

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*S.R. No. 23/1998*

Part 2—Commercial Fishery Licences

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**PART 2—COMMERCIAL FISHERY LICENCES**

**Division 1—Classes of commercial fishery licences**

**201. Classes of access licences**

- (1) Under section 38 of the Act, the following classes of access licences are created—

Reg. 201(1)(a)  
substituted by  
S.R. No.  
22/2004  
reg. 6(1).

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

Reg. 201(1)(b)  
revoked by  
S.R. No.  
107/2000  
reg. 4(2), new  
reg. 201(1)(b)  
inserted by  
S.R. No.  
22/2004  
reg. 6(1).

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

Reg.  
201(1)(ba)  
inserted by  
S.R. No.  
22/2004  
reg. 6(1).

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

- (c) Bait (General) Fishery Access Licence;

- (d) Corner Inlet Fishery Access Licence;

Reg. 201(1)(e)  
amended by  
S.R. No.  
133/2003  
reg. 6(a).

- (e) Eel Fishery Access Licence;

Reg. 201(1)(f)  
revoked by  
S.R. No.  
63/2002 reg. 4.

\* \* \* \* \*

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(fa) Giant Crab Fishery (Western Zone) Access Licence;

Reg. 201(1)(fa)  
inserted by  
S.R. No.  
118/2001  
reg. 8,  
substituted by  
S.R. No.  
22/2004  
reg. 6(2).

(g) Gippsland Lakes Fishery Access Licence;

(h) Gippsland Lakes Fishery (Bait) Access Licence;

\* \* \* \* \*

Reg. 201(1)(i)  
revoked by  
S.R. No.  
133/2003  
reg. 6(b).

(j) Lake Tyers Fishery Access Licence;

(ja) Lake Tyers Fishery (Bait) Access Licence;

Reg. 201(1)(ja)  
inserted by  
S.R. No.  
90/1999  
reg. 8(a).

(k) Mallacoota Lower Lake Fishery Access Licence;

(ka) Mallacoota Lower Lake Fishery (Bait) Access Licence;

Reg. 201(1)  
(ka)  
inserted by  
S.R. No.  
90/1999  
reg. 8(b).

(l) Purse Seine (Ocean) Fishery Access Licence;

(m) Ocean Fishery Access Licence;

(n) Rock Lobster Fishery (Western Zone) Access Licence;

Reg. 201(1)(n)  
substituted by  
S.R. No.  
22/2004  
reg. 6(3).

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Reg.  
201(1)(na)  
inserted by  
S.R. No.  
22/2004  
reg. 6(3).

(na) Rock Lobster Fishery (Eastern Zone) Access Licence;

(o) Scallop (Ocean) Fishery Access Licence;

Reg. 201(1)(p)  
revoked by  
S.R. No.  
107/2000  
reg. 4(2).

\* \* \* \*

Reg. 201(1)  
(pa)  
inserted by  
S.R. No.  
90/1999  
reg. 8(c).

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

Reg. 201(1)  
(pb)  
inserted by  
S.R. No.  
90/1999  
reg. 8(c).

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

Reg. 201(1)(q)  
revoked by  
S.R. No.  
118/2001  
reg. 7(2).

\* \* \* \*

(r) Trawl (Inshore) Fishery Access Licence;

(s) Westernport/Port Phillip Bay Fishery Access Licence;

(t) Wrasse (Ocean) Fishery Access Licence.

(2) The following licences are created for the purposes of section 155 of the Act only—

(a) Gippsland Lakes (Mussel Dive) Fishery Access Licence;

(b) Port Phillip Bay (Mussel Bait) Fishery Access Licence;

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- (c) Purse Seine (Port Phillip Bay) Fishery  
Access Licence.

**202. Classes of fish receivers' licences**

Under section 41 of the Act, the following classes  
of fish receivers' licences are created—

- (a) Fish Receivers' (Abalone) Licence;

\*                      \*                      \*                      \*                      \*

Reg. 202(b)  
revoked by  
S.R. No.  
25/2003  
reg. 6(a).

- (c) Fish Receivers' (Scallop) Licence.

**203. Classes of aquaculture licences**

Under section 43 of the Act, the following classes  
of aquaculture licences are created—

- (a) Aquaculture (Private Land—Abalone)  
Licence;

- (b) Aquaculture (Private Land—Eels) Licence;

- (c) Aquaculture (Private Land—Marine)  
Licence;

- (d) Aquaculture (Private Land—Ornamentals)  
Licence;

- (e) Aquaculture (Private Land—Salmonids)  
Licence;

- (f) Aquaculture (Private Land—Warm Water  
Finfish) Licence;

- (g) Aquaculture (Private Land—Yabbies)  
Licence;

- (h) Aquaculture (Private Land—Yabbies Multi-  
waters) Licence;

- (i) Aquaculture (Crown Land—Abalone)  
Licence;

Reg. 203  
amended by  
S.R. No.  
107/2000  
reg. 5,  
substituted by  
S.R. No.  
22/2004 reg. 7.

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- (j) Aquaculture (Crown Land—Eels) Licence;
- (k) Aquaculture (Crown Land) Licence;
- (l) Aquaculture (Crown Land) Type A Licence.

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Reg. 204  
substituted by  
S.R. No.  
22/2004 reg. 8.

**204. Entitlements of Abalone Fishery (Western Zone)**  
**Access licence**

An Abalone Fishery (Western Zone) Access  
Licence authorises the licence holder to—

Reg. 204(a)  
amended by  
S.R. No.  
26/2004  
reg. 6(a).

- (a) take abalone (including a commercial  
quantity) for sale; and

Reg. 204(c)  
amended by  
S.R. No.  
26/2004  
reg. 6(b).

- (b) use or possess commercial abalone  
equipment; and

- (c) use the assistance of one or more people to  
carry out any activity authorised under the  
licence; and

Reg. 204(d)  
inserted by  
S.R. No.  
26/2004  
reg. 6(c).

- (d) possess abalone (including a commercial  
quantity); and

Reg. 204(e)  
inserted by  
S.R. No.  
26/2004  
reg. 6(c).

- (e) pack abalone (including a commercial  
quantity) into bins or bags; and

Reg. 204(f)  
inserted by  
S.R. No.  
26/2004  
reg. 6(c).

- (f) sell abalone (including a commercial  
quantity)—

in the western abalone zone.



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**204A. Entitlements of Abalone Fishery (Central Zone)**  
**Access licence**

Reg. 204A  
inserted by  
S.R. No.  
22/2004 reg. 8.

An Abalone Fishery (Central Zone) Access  
Licence authorises the licence holder to—

- (a) take abalone (including a commercial  
quantity) for sale; and
- (b) use or possess commercial abalone  
equipment; and
- (c) use the assistance of one or more people to  
carry out any activity authorised under the  
licence; and
- (d) possess abalone (including a commercial  
quantity); and
- (e) pack abalone (including a commercial  
quantity) into bins or bags; and
- (f) sell abalone (including a commercial  
quantity)—

Reg. 204A(a)  
amended by  
S.R. No.  
26/2004  
reg. 6(a).

Reg. 204A(c)  
amended by  
S.R. No.  
26/2004  
reg. 6(b).

Reg. 204A(d)  
inserted by  
S.R. No.  
26/2004  
reg. 6(c).

Reg. 204A(e)  
inserted by  
S.R. No.  
26/2004  
reg. 6(c).

Reg. 204A(f)  
inserted by  
S.R. No.  
26/2004  
reg. 6(c).

in the central abalone zone.

**204B. Entitlements of Abalone Fishery (Eastern Zone)**  
**Access licence**

Reg. 204B  
inserted by  
S.R. No.  
22/2004 reg. 8.

An Abalone Fishery (Eastern Zone) Access  
Licence authorises the licence holder to—

- (a) take abalone (including a commercial  
quantity) for sale; and

Reg. 204B(a)  
amended by  
S.R. No.  
26/2004  
reg. 6(a).

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*S.R. No. 23/1998*

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Reg. 204B(c)  
amended by  
S.R. No.  
26/2004  
reg. 6(b).

- (b) use or possess commercial abalone equipment; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence; and

Reg. 204B(d)  
inserted by  
S.R. No.  
26/2004  
reg. 6(c).

- (d) possess abalone (including a commercial quantity); and

Reg. 204B(e)  
inserted by  
S.R. No.  
26/2004  
reg. 6(c).

- (e) pack abalone (including a commercial quantity) into bins or bags; and

Reg. 204B(f)  
inserted by  
S.R. No.  
26/2004  
reg. 6(c).

- (f) sell abalone (including a commercial quantity)—

in the eastern abalone zone.

Reg. 205  
revoked by  
S.R. No.  
107/2000  
reg. 4(3).

\* \* \* \* \*

**206. Entitlements of Bait (General) Fishery Access Licence**

A Bait (General) Fishery Access Licence authorises the licence holder to—

- (a) take for sale the fish and fishing bait specified in Schedule 7; and
- (b) use the commercial fishing equipment specified in the licence; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in the protected waters specified in the licence.

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**207. Entitlements of Corner Inlet Fishery Access Licence**

A Corner Inlet Fishery Access Licence authorises the licence holder to—

- (a) take for sale fishing bait and fish (other than abalone, jellyfish, rock lobster, scallop and sea urchin); and
- (b) use a commercial hoop net, longline, flounder net, seine net, mesh net and fishing line; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in Corner Inlet.

**208. Entitlements of Eel Fishery Access Licence**

An Eel Fishery Access Licence authorises the licence holder to—

- (a) take for sale eel, carp (including goldfish), roach and tench; and
- (b) use a fyke net; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in the waters specified in the licence.

\* \* \* \* \*

Reg. 208  
(Heading)  
inserted by  
S.R. No.  
133/2003  
reg. 7(a).

Reg. 208  
amended by  
S.R. No.  
133/2003  
reg. 7(b).

Reg. 209  
revoked by  
S.R. No.  
63/2002 reg. 5.

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*S.R. No. 23/1998*

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**209A. Entitlements of Giant Crab Fishery (Western Zone)  
Access Licence**

Reg. 209A  
(Heading)  
inserted by  
S.R. No.  
22/2004  
reg. 9(1).  
Reg. 209A  
inserted by  
S.R. No.  
118/2001  
reg. 9,  
amended by  
S.R. No.  
133/2003  
reg. 8(2) (ILA  
s. 39B(2)).

Reg. 209A(1)  
amended by  
S.R. No.  
22/2004  
reg. 9(2)(a)(b).

- (1) A Giant Crab Fishery (Western Zone) Access  
Licence authorises the licence holder to use a boat  
specified in the licence—

Reg. 209A  
(1)(a)  
amended by  
S.R. No.  
133/2003  
reg. 8(1)(a).

- (a) to use a rock lobster pot; and

- (b) to take for sale giant crab and fish (other than  
abalone, jellyfish, rock lobster, scallop and  
sea urchin); and

Reg. 209A  
(1)(c)  
amended by  
S.R. No.  
133/2003  
reg. 8(1)(b).

- (c) to use the assistance of one or more people to  
carry out any activity authorised under the  
licence; and

Reg. 209A  
(1)(d)  
inserted by  
S.R. No.  
133/2003  
reg. 8(1)(c).

- (d) to use the rock lobster pots specified in the  
Rock Lobster Fishery Access Licence that is  
specified in the licence—

in the waters of the Giant Crab Fishery (Western  
Zone).

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*S.R. No. 23/1998*

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- (2) In addition to the entitlements in sub-regulation (1)(d), a licence holder who holds 60 or more quota units in the giant crab fishery may use a number of additional rock lobster pots determined by the Secretary and specified in the licence for the purpose of catching giant crab.
- (3) The Secretary may determine the additional number of rock lobster pots for the purposes of sub-regulation (2) and in making that determination, the Secretary is bound by any relevant fisheries management plan.

Reg. 209A(2)  
inserted by  
S.R. No.  
133/2003  
reg. 8(2).

Reg. 209A(3)  
inserted by  
S.R. No.  
133/2003  
reg. 8(2).

**210. Entitlements of Gippsland Lakes Fishery Access Licence**

A Gippsland Lakes Fishery Access Licence authorises the licence holder to—

- (a) take for sale fishing bait and fish (other than abalone, jellyfish, rock lobster, scallop and sea urchin); and
- (b) use a mesh net, seine net, shrimp dredge, crab pot, bait pump, stake net, dip net, shell shovel, spider crab trap, underwater breathing apparatus and fishing line; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in the Gippsland Lakes.

**211. Entitlements of Gippsland Lakes Fishery (Bait) Access Licence**

A Gippsland Lakes Fishery (Bait) Access Licence authorises the licence holder to—

- (a) take for sale the fish and fishing bait specified in Schedule 7; and

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- (b) use a shrimp dredge, crab pot, bait pump, dip net, seine net, shell shovel, spider crab trap; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in the Gippsland Lakes.

**212. Entitlements of Gippsland Lakes (Mussel Dive) Fishery Access Licence**

A Gippsland Lakes (Mussel Dive) Fishery Access Licence authorises the licence holder to—

- (a) take for sale mussels; and
- (b) use underwater breathing apparatus; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in the Gippsland Lakes.

Reg. 213  
revoked by  
S.R. No.  
133/2003  
reg. 9.

\* \* \* \*

**214. Entitlements of Lake Tyers Fishery Access Licence**

A Lake Tyers Fishery Access Licence authorises the licence holder to—

- (a) take for sale fishing bait and fish (other than abalone, jellyfish, rock lobster, scallop and sea urchin); and
- (b) use a mesh net, seine net and fishing line; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in Lake Tyers.

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**214A. Entitlements of Lake Tyers Fishery (Bait) Access Licence**

Reg. 214A  
inserted by  
S.R. No.  
90/1999 reg. 9.

A Lake Tyers Fishery (Bait) Access Licence authorises the licence holder to—

- (a) take for sale the fish and fishing bait specified in Schedule 7; and
- (b) use the assistance of one or more people to carry out any activity authorised under the licence—

in Lake Tyers.

**215. Entitlements of Mallacoota Lower Lake Fishery Access Licence**

A Mallacoota Lower Lake Fishery Access Licence authorises the licence holder to—

- (a) take for sale fishing bait and fish (other than abalone, jellyfish, rock lobster, scallop and sea urchin); and
- (b) use a seine net, stake net, fishing line and a hand operated bait pump; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in the Lower Lake at Mallacoota.

**215A. Entitlements of Mallacoota Lower Lake Fishery (Bait) Access Licence**

Reg. 215A  
inserted by  
S.R. No.  
90/1999  
reg. 10.

A Mallacoota Lower Lake Fishery (Bait) Access Licence authorises the licence holder to—

- (a) take for sale the fish and fishing bait specified in Schedule 7; and

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- (b) use the assistance of one or more people to carry out any activity authorised under the licence—

in the Lower Lake at Mallacoota.

Reg. 216  
amended by  
S.R. No.  
133/2003  
reg. 10(2) (ILA  
s. 39B(2)).

**216. Entitlements of Ocean Fishery Access Licence**

- (1) An Ocean Fishery Access Licence authorises the licence holder to—

- (a) take for sale fishing bait and fish (other than abalone, jellyfish, rock lobster, scallop and sea urchin); and

Reg. 216(1)(b)  
amended by  
S.R. No.  
133/2003  
reg. 10(1).

- (b) use commercial fishing equipment other than a purse seine net, rock lobster pot, commercial hoop net, lampara net, trawl net, mechanically powered drum with line and squid jigs attached, fish trap or fishing dredge; and

- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea.

Reg. 216(2)  
inserted by  
S.R. No.  
133/2003  
reg. 10(2).

- (2) Despite sub-regulation (1)(b), an Ocean Fishery Access Licence authorises the licence holder to use a drum with line and squid jigs attached whilst operating from a vessel that is also nominated on a Commonwealth Southern Squid Fishery Permit.

**217. Entitlements of Port Phillip Bay (Mussel Bait) Fishery Access Licence**

A Port Phillip Bay (Mussel Bait) Fishery Access Licence authorises the licence holder to—

- (a) take for sale as bait, mussels; and
- (b) use underwater breathing apparatus and a mussel rake; and



- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in Port Phillip Bay.

**218. Entitlements of Purse Seine (Ocean) Fishery Access Licence**

A Purse Seine (Ocean) Fishery Access Licence authorises the licence holder or a person employed by the licence holder to act on his or her behalf, using the boat specified in the licence, to—

- (a) take for sale the fish specified in the licence; and
- (b) use a purse seine net or a lampara net; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes or any inlet of the sea.

**219. Entitlements of 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—

- (a) use a purse seine net to take for sale anchovy, pilchard, sprats, whitebait and other clupeoids; and
- (b) use the assistance of one or more people to carry out any activity authorised under the licence—

in Port Phillip Bay.

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**220. Entitlements of Rock Lobster Fishery (Western Zone) Access Licence**

A Rock Lobster Fishery (Western Zone) Access Licence authorises the licence holder to use a boat specified on the licence to—

Reg. 220  
(Heading)  
inserted by  
S.R. No.  
22/2004  
reg. 10(1).  
Reg. 220  
amended by  
S.R. No.  
22/2004  
reg. 10(2)  
(a)(b).

Reg. 220(a)  
substituted by  
S.R. No.  
133/2003  
reg. 11.

Reg. 220(b)  
amended by  
S.R. Nos  
118/2001  
reg. 10(a)(b),  
26/2004  
reg. 7(a).

Reg. 220(c)  
amended by  
S.R. No.  
26/2004  
reg. 7(b).

Reg. 220(d)  
inserted by  
S.R. No.  
26/2004  
reg. 7(c).

Reg. 220(e)  
inserted by  
S.R. No.  
26/2004  
reg. 7(c).

Reg. 220(f)  
inserted by  
S.R. No.  
26/2004  
reg. 7(c).

- (a) use the number of rock lobster pots specified in the licence; and
- (b) take for sale rock lobster (including a commercial quantity) and fish (other than abalone, giant crab, jellyfish, scallop and sea urchin); and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence; and
- (d) possess rock lobster (including a commercial quantity) taken under the licence; and
- (e) process rock lobster (including a commercial quantity) taken under the licence; and
- (f) sell rock lobster (including a commercial quantity) taken under the licence—

in the waters of the western rock lobster zone.

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**220A. Entitlements of Rock Lobster Fishery (Eastern Zone) Access Licence**

A Rock Lobster Fishery (Eastern Zone) Access Licence authorises the licence holder to use a boat specified on the licence to—

- (a) use the number of rock lobster pots specified in the licence; and
- (b) take for sale rock lobster (including a commercial quantity) and fish (other than abalone, giant crab, jellyfish, scallop and sea urchin); and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence; and
- (d) possess rock lobster (including a commercial quantity) taken under the licence; and
- (e) process rock lobster (including a commercial quantity) taken under the licence; and
- (f) sell rock lobster (including a commercial quantity) taken under the licence—

Reg. 220A inserted by S.R. No. 133/2003 reg. 12, substituted by S.R. No. 22/2004 reg. 11.

Reg. 220A(b) amended by S.R. No. 26/2004 reg. 7(a).

Reg. 220A(c) amended by S.R. No. 26/2004 reg. 7(b).

Reg. 220A(d) inserted by S.R. No. 26/2004 reg. 7(c).

Reg. 220A(e) inserted by S.R. No. 26/2004 reg. 7(c).

Reg. 220A(f) inserted by S.R. No. 26/2004 reg. 7(c).

in the waters of the eastern rock lobster zone.

**221. Entitlements of Scallop (Ocean) Fishery Access Licence**

A Scallop (Ocean) Fishery Access Licence authorises the licence holder or a person employed by the licence holder to act on his or her behalf, using the boat specified in the licence, to—

- (a) use a scallop dredge; and

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- (b) take for sale scallop; and
- (c) take for sale fish (other than abalone, bug, jellyfish, rock lobster and sea urchin); and
- (d) use the assistance of one or more people to carry out any activity authorised under the licence—

in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes or any inlet of the sea.

Reg. 222  
revoked by  
S.R. No.  
107/2000  
reg. 4(3).

\* \* \* \* \*

Reg. 222A  
inserted by  
S.R. No.  
90/1999  
reg. 11.

**222A. Entitlements of Snowy River Fishery (Bait) Access Licence**

A Snowy River Fishery (Bait) Access Licence authorises the licence holder to—

- (a) take for sale the fish and fishing bait specified in Schedule 7; and
- (b) use the assistance of one or more people to carry out any activity authorised under the licence—

in the Snowy River.

Reg. 222B  
inserted by  
S.R. No.  
90/1999  
reg. 11.

**222B. Entitlements of Sydenham Inlet Fishery (Bait) Access Licence**

A Sydenham Inlet Fishery (Bait) Access Licence authorises the licence holder to—

- (a) take for sale the fish and fishing bait specified in Schedule 7; and
- (b) use the assistance of one or more people to carry out any activity authorised under the licence—

in Sydenham Inlet.

\* \* \* \* \*

Reg. 223  
revoked by  
S.R. No.  
118/2001  
reg. 7(3).

#### **224. Entitlements of Trawl (Inshore) Fishery Access Licence**

A Trawl (Inshore) Fishery Access Licence authorises the licence holder or a person employed by the licence holder to act on his or her behalf, using the boat specified in the licence, to—

- (a) take for sale fish (other than abalone, jellyfish, rock lobster, scallop, sea urchin and, unless authorised in the licence, bug); and
- (b) use a trawl net; and
- (c) use the assistance of one or more people to carry out any activity authorised under the licence—

in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes or any inlet of the sea.

#### **225. Entitlements of Western Port/Port Phillip Bay Fishery Access Licence**

A Western Port/Port Phillip Bay Fishery Access Licence authorises the licence holder—

- (a) in Port Phillip Bay and Western Port, to—
  - (i) take for sale fishing bait and fish (other than abalone, jellyfish, rock lobster, scallop and sea urchin); and
  - (ii) use a seine net, purse seine net, lampara net, mesh net, flounder net, commercial hoop net, dip net, octopus trap, bay fish trap, bay garfish seine, fishing line (other than a long line), underwater

Reg. 225(a)(ii)  
amended by  
S.R. No.  
133/2003  
reg. 13.

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- breathing apparatus and a hand operated bait pump; and
- (iii) use other commercial fishing equipment specified in the licence; and
- (iv) use the assistance of one or more people to carry out any activity authorised under the licence; and
- (b) to use a long line in Western Port; and
- (c) if authorised in the licence, to use a long line in Port Phillip Bay.

**226. Entitlements of Wrasse (Ocean) Fishery Access Licence**

A Wrasse (Ocean) Fishery Access Licence authorises the licence holder—

- (a) to take wrasse for sale; and
- (b) to use any fishing line (other than a long line); and
- (c) if using a boat authorised to have rock lobster pots on board, to use those rock lobster pots; and
- (d) use the assistance of one or more people to carry out any activity authorised under the licence—

in marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes or any inlet of the sea.

**227. Entitlements of Fish Receivers' (Abalone) Licence**

A Fish Receivers' (Abalone) Licence authorises the licence holder to—

- (a) receive abalone (including a commercial quantity), whether or not at the premises specified in the licence; and

Reg. 227(a)  
amended by  
S.R. No.  
26/2004  
reg. 8(a).

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| (b) receive abalone (including a commercial quantity) for processing and storage at the premises specified in the licence; and | Reg. 227(b) amended by S.R. No. 26/2004 reg. 8(a).     |
| (c) receive abalone (including a commercial quantity) for sale; and  | Reg. 227(c) amended by S.R. No. 26/2004 reg. 8(a).     |
| (d) possess abalone (including a commercial quantity); and   | Reg. 227(d) substituted by S.R. No. 26/2004 reg. 8(b). |
| (e) process abalone (including a commercial quantity) at the premises specified in the licence; and                            | Reg. 227(e) inserted by S.R. No. 26/2004 reg. 8(b).    |
| (f) sell abalone (including a commercial quantity) from the premises specified in the licence.                                 | Reg. 227(f) inserted by S.R. No. 26/2004 reg. 8(b).    |

*	*	*	*	*	Reg. 228 revoked by S.R. No. 25/2003 reg. 6(b).
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**229. Entitlements of Fish Receivers' (Scallop) Licence**

A Fish Receivers' (Scallop) Licence authorises the licence holder to receive for sale from the holder of a Scallop (Ocean) Fishery Access Licence scallop taken under that licence.

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**230. Entitlements of Aquaculture (Private Land) Licence**

An Aquaculture (Private Land) Licence authorises the holder, on the private land and in or on the protected waters covering that land specified in the licence—

- (a) to use, form or create a habitat for hatching, rearing, breeding, displaying or growing fish or fishing bait specified in the licence for sale or other commercial purposes; and
- (b) to hatch, rear, breed, display or grow fish or fishing bait specified in the licence for sale or other commercial purposes; and
- (c) to use the commercial aquaculture equipment specified in the licence; and
- (d) to possess abalone (including a commercial quantity) which has been hatched, reared, bred or grown under the licence at the area specified in the licence; and
- (e) to process (other than to shuck) abalone (including a commercial quantity) which has been hatched, reared, bred, displayed or grown under the licence at the area specified in the licence; and
- (f) to sell abalone (including a commercial quantity) which has been hatched, reared, bred, displayed or grown under the licence at the area specified in the licence.

Reg. 230(c)  
amended by  
S.R. No.  
26/2004  
reg. 9(a).

Reg. 230(d)  
inserted by  
S.R. No.  
26/2004  
reg. 9(b).

Reg. 230(e)  
inserted by  
S.R. No.  
26/2004  
reg. 9(b).

Reg. 230(f)  
inserted by  
S.R. No.  
26/2004  
reg. 9(b).



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**231. Entitlements of Aquaculture (Crown Land) Licence**

An Aquaculture (Crown Land) Licence authorises the holder, on the Crown land and in or on the protected waters covering that land specified in the licence—

- |   |   |
|---|---|
| (a) to use, form or create a habitat for hatching, rearing, breeding, displaying or growing fish (other than bivalve shellfish for human consumption) or fishing bait specified in the licence for sale or other commercial purposes; and | Reg. 231(a)<br>amended by<br>S.R. No.<br>107/2000<br>reg. 6.    |
| (b) to hatch, rear, breed, display or grow fish (other than bivalve shellfish for human consumption) or fishing bait specified in the licence for sale or other commercial purposes; and  | Reg. 231(b)<br>amended by<br>S.R. No.<br>107/2000<br>reg. 6.    |
| (c) to use commercial aquaculture equipment specified in the licence; and   | Reg. 231(c)<br>amended by<br>S.R. No.<br>26/2004<br>reg. 9(a).  |
| (d) to possess abalone (including a commercial quantity) which has been hatched, reared, bred or grown under the licence at the area specified in the licence; and  | Reg. 231(d)<br>inserted by<br>S.R. No.<br>26/2004<br>reg. 9(b). |
| (e) to process (other than to shuck) abalone (including a commercial quantity) which has been hatched, reared, bred, displayed or grown under the licence at the area specified in the licence; and                                       | Reg. 231(e)<br>inserted by<br>S.R. No.<br>26/2004<br>reg. 9(b). |
| (f) to sell abalone (including a commercial quantity) which has been hatched, reared, bred, displayed or grown under the licence at the area specified in the licence.  | Reg. 231(f)<br>inserted by<br>S.R. No.<br>26/2004<br>reg. 9(b). |

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Reg. 231A  
inserted by  
S.R. No.  
107/2000  
reg. 7.

**231A. Entitlements of Aquaculture (Crown Land) Type A Licence**

An Aquaculture (Crown Land) Type A Licence authorises the holder, on the Crown land and in or on the protected waters covering that land specified in the licence—

- (a) to use, form or create a habitat for rearing or growing bivalve shellfish specified in the licence for sale or other commercial purposes; and
- (b) to rear or grow bivalve shellfish specified in the licence for sale or other commercial purposes; and
- (c) to use commercial aquaculture equipment specified in the licence; and
- (d) to possess abalone (including a commercial quantity) which has been hatched, reared, bred or grown under the licence at the area specified in the licence; and
- (e) to process (other than to shuck) abalone (including a commercial quantity) which has been hatched, reared, bred, displayed or grown under the licence at the area specified in the licence; and
- (f) to sell abalone (including a commercial quantity) which has been hatched, reared, bred, displayed or grown under the licence at the area specified in the licence.

Reg. 231A(c)  
amended by  
S.R. No.  
26/2004  
reg. 9(a).

Reg. 231A(d)  
inserted by  
S.R. No.  
26/2004  
reg. 9(b).

Reg. 231A(e)  
inserted by  
S.R. No.  
26/2004  
reg. 9(b).

Reg. 231A(f)  
inserted by  
S.R. No.  
26/2004  
reg. 9(b).

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**Division 3—Administrative matters relating to commercial  
fishery licences**

**232. Classes of commercial fishery licences which are  
transferable**

For the purposes of the Act, the following classes  
of commercial fishery licences are transferable—

- |  |  |
|--|--|
| (a) every class of Abalone Fishery Access<br>Licence;        | Reg. 232(a)<br>amended by<br>S.R. No.<br>22/2004<br>reg. 12(a).  |
| (b) Corner Inlet Fishery Access Licence;                     |  |
| (c) Eel Fishery Access Licence;                              | Reg. 232(c)<br>amended by<br>S.R. No.<br>133/2003<br>reg. 14.  |
| (ca) Giant Crab Fishery (Western Zone) Access<br>Licence;    | Reg. 232(ca)<br>inserted by<br>S.R. No.<br>118/2001<br>reg. 11(1),<br>amended by<br>S.R. No.<br>22/2004<br>reg. 12(b). |
| (d) Gippsland Lakes Fishery Access Licence;                  |  |
| (e) Gippsland Lakes Fishery (Bait) Access<br>Licence;        |  |
| (f) Mallacoota Lower Lake Fishery Access<br>Licence;         |  |
| (fa) Mallacoota Lower Lake Fishery (Bait)<br>Access Licence; | Reg. 232(fa)<br>inserted by<br>S.R. No.<br>90/1999<br>reg. 12(a).  |
| (g) every class of Rock Lobster Fishery Access<br>Licence;   | Reg. 232(g)<br>amended by<br>S.R. No.<br>22/2004<br>reg. 12(c).  |

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Reg. 232(ha)  
inserted by  
S.R. No.  
90/1999  
reg. 12(b).

- (h) Scallop (Ocean) Fishery Access Licence;
- (ha) Snowy River Fishery (Bait) Access Licence;

Reg. 232(hb)  
inserted by  
S.R. No.  
90/1999  
reg. 12(b).

- (hb) Sydenham Inlet Fishery (Bait) Access Licence;

Reg. 232(k)  
amended by  
S.R. No.  
22/2004  
reg. 12(d).

- (i) Trawl (Inshore) Fishery Access Licence;
- (j) Port Phillip Bay/Western Port Fishery Access Licence;
- (k) every class of Aquaculture (Private Land) Licence;

Reg. 232(l)  
amended by  
S.R. No.  
22/2004  
reg. 12(d).

- (l) every class of Aquaculture (Crown Land) Licence;

Reg. 232(m)  
inserted by  
S.R. No.  
107/2000  
reg. 8(1).

- (m) Aquaculture (Crown Land) Type A Licence.

**233. Classes of commercial fishery licences which may be held by a body corporate**

The following classes of commercial fishery licences may be held by a body corporate—

Reg. 233(a)  
amended by  
S.R. No.  
22/2004  
reg. 13(a).

- (a) every class of Abalone Fishery Access Licence;

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(b) Giant Crab Fishery (Western Zone) Access Licence;

Reg. 233(b) revoked by S.R. No. 107/2000 reg. 9(1), new reg. 233(b) inserted by S.R. No. 118/2001 reg. 11(2), amended by S.R. No. 22/2004 reg. 13(b).

\* \* \* \* \*

Reg. 233(c) revoked by S.R. No. 107/2000 reg. 9(1).

(d) every class of Rock Lobster Fishery Access Licence;

Reg. 233(d) amended by S.R. No. 22/2004 reg. 13(c).

(e) Gippsland Lakes Fishery (Bait) Access Licence;

Reg. 233(e) amended by S.R. No. 15/2000 reg. 5.

(f) Scallop (Ocean) Fishery Access Licence;

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Reg. 233(g) revoked by S.R. No. 107/2000 reg. 9(1).

(h) Trawl (Inshore) Fishery Access Licence;

\* \* \* \* \*

Reg. 233(i) revoked by S.R. No. 107/2000 reg. 9(1).

(j) Purse Seine (Ocean) Fishery Access Licence;

(k) Eel Fishery Access Licence;

Reg. 233(k) amended by S.R. No. 133/2003 reg. 14.

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Reg. 233(o)  
amended by  
S.R. No.  
22/2004  
reg. 13(d).

Reg. 233(p)  
amended by  
S.R. No.  
22/2004  
reg. 13(d).

Reg. 233(q)  
inserted by  
S.R. No.  
107/2000  
reg. 8(2).

- (l) Fish Receivers' (Scallop) Licence;
- (m) Fish Receivers' (Abalone) Licence;
- (n) Fish Receivers' (Abalone Storer) Licence;
- (o) every class of Aquaculture (Private Land) Licence;
- (p) every class of Aquaculture (Crown Land) Licence;
- (q) Aquaculture (Crown Land) Type A Licence.

**234. Classes of licences specified for the purposes of section 39(1)**

For the purposes of section 39(1) of the Act, the specified classes of licence are—

Reg. 234(a)  
amended by  
S.R. No.  
22/2004  
reg. 14(1)(a).

Reg. 234(b)  
amended by  
S.R. No.  
133/2003  
reg. 14.

Reg. 234(c)  
revoked by  
S.R. No.  
107/2000  
reg. 9(2), new  
reg. 234(c)  
inserted by  
S.R. No.  
118/2001  
reg. 11(3),  
amended by  
S.R. No.  
22/2004  
reg. 14(1)(b).

- (a) every class of Abalone Fishery Access Licence; and
- (b) Eel Fishery Access Licence; and
- (c) Giant Crab Fishery (Western Zone) Access Licence; and

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*	*	*	*	*	Reg. 234(d) revoked by S.R. No. 107/2000 reg. 9(2).
					(e) Gippsland Lakes Fishery (Bait) Access Licence; and
					(ea) Lake Tyers Fishery (Bait) Access Licence; and
					Reg. 234(ea) inserted by S.R. No. 90/1999 reg. 13(a).
*	*	*	*	*	Reg. 234(f) revoked by S.R. No. 107/2000 reg. 9(2).
					(fa) Mallacoota Lower Lake Fishery (Bait) Access Licence; and
					Reg. 234(fa) inserted by S.R. No. 90/1999 reg. 13(b).
*	*	*	*	*	Reg. 234(g) revoked by S.R. No. 107/2000 reg. 9(2).
					(h) every class of Rock Lobster Fishery Access Licence; and
					Reg. 234(h) amended by S.R. Nos 90/1999 reg. 13(c), 22/2004 reg. 14(1)(c).
					(i) Snowy River Fishery (Bait) Access Licence; and
					Reg. 234(i) inserted by S.R. No. 90/1999 reg. 13(c).
					(j) Sydenham Inlet Fishery (Bait) Access Licence.
					Reg. 234(j) inserted by S.R. No. 90/1999 reg. 13(c).

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**235. Classes of licences specified for purposes of section 39(2)**

For the purposes of section 39(2) of the Act, the specified classes of licence are—

Reg. 235(a)  
substituted by  
S.R. No.  
22/2004  
reg. 14(2)(a).

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

Reg. 235(aa)  
inserted by  
S.R. No.  
22/2004  
reg. 14(2)(a).

(aa) Abalone Fishery (Central Zone) Access Licence; and

Reg. 235(ab)  
inserted by  
S.R. No.  
22/2004  
reg. 14(2)(a).

(ab) Abalone Fishery (Eastern Zone) Access Licence; and

Reg. 235(b)  
amended by  
S.R. No.  
133/2003  
reg. 14.

(b) Eel Fishery Access Licence; and

(c) Corner Inlet Fishery Access Licence; and

Reg. 235(ca)  
inserted by  
S.R. No.  
118/2001  
reg. 11(4),  
substituted by  
S.R. No.  
22/2004  
reg. 14(2)(b).

(ca) Giant Crab Fishery (Western Zone) Access Licence; and

(d) Gippsland Lakes Fishery Access Licence;  
and

(e) Gippsland Lakes Fishery (Bait) Access Licence; and

Reg. 235(ea)  
inserted by  
S.R. No.  
90/1999  
reg. 14(a).

(ea) Lake Tyers Fishery (Bait) Access Licence;  
and



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- |   |  |
|---|--|
| (f) Mallacoota Lower Lake Fishery Access Licence; and         |  |
| (fa) Mallacoota Lower Lake Fishery (Bait) Access Licence; and | Reg. 235(fa) inserted by S.R. No. 90/1999 reg. 14(b).  |
| (g) Port Phillip Bay/Western Port Fishery Access Licence; and |  |
| (h) Rock Lobster Fishery (Western Zone) Access Licence; and   | Reg. 235(h) amended by S.R. No. 90/1999 reg. 14(c), substituted by S.R. No. 22/2004 reg. 14(2)(c). |
| (ha) Rock Lobster Fishery (Eastern Zone) Access Licence; and  | Reg. 235(ha) inserted by S.R. No. 22/2004 reg. 14(2)(c).   |
| (i) Snowy River Fishery (Bait) Access Licence; and            | Reg. 235(i) inserted by S.R. No. 90/1999 reg. 14(c).   |
| (j) Sydenham Inlet Fishery (Bait) Access Licence.             | Reg. 235(j) inserted by S.R. No. 90/1999 reg. 14(c).   |

**236. Classes of licences specified for purposes of section 39(3)**

For the purposes of section 39(3) of the Act, the specified classes of licences are—

- |   |  |
|---|--|
| (a) Rock Lobster Fishery (Western Zone) Access Licence; | Reg. 236(a) substituted by S.R. No. 22/2004 reg. 14(3)(a). |
|---|--|

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Reg. 236(aa)  
inserted by  
S.R. No.  
22/2004  
reg. 14(3)(a).

(aa) Rock Lobster Fishery (Eastern Zone) Access  
Licence;

Reg. 236(ab)  
inserted by  
S.R. No.  
118/2001  
reg. 11(5),  
substituted by  
S.R. No.  
22/2004  
reg. 14(3)(b).

(ab) Giant Crab Fishery (Western Zone) Access  
Licence;

- (b) Scallop (Ocean) Fishery Access Licence;
- (c) Trawl (Inshore) Fishery Access Licence;
- (d) Purse Seine (Ocean) Fishery Access Licence;
- (e) Purse Seine (Port Phillip Bay) Fishery  
Access Licence.

**237. Prescribed classes of renewable commercial fishery  
licences**

In addition to those specified in section 57 of the  
Act, the following classes of commercial fishery  
licences are renewable licences—

Reg. 237(a)  
substituted by  
S.R. No.  
22/2004  
reg. 15.

(a) every class of Aquaculture (Private Land)  
Licence;

Reg. 237(b)  
substituted by  
S.R. No.  
22/2004  
reg. 15.

(b) every class of Aquaculture (Crown) Licence.

Reg. 237(c)  
inserted by  
S.R. No.  
107/2000  
reg. 8(3),  
revoked by  
S.R. No.  
22/2004  
reg. 15.

\* \* \* \* \*

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**238. Maximum number of licences and licence reductions**

- (1) The maximum number of licences that may be issued for a class of fishery access licence listed in column 1 of the Table is the corresponding base number in column 2 of the Table less the adjustment number for that fishery calculated in accordance with sub-regulation (2).
- (2) The adjustment number for a class of fishery access licence is the total number of licences of that class that have, since the commencement of the Fisheries (Commercial Licences) Regulations 2002, been—
  - (a) not renewed within the 2 month period immediately following the date on which any fee, royalty or levy was due in respect of the licences;
  - (b) surrendered;
  - (c) consolidated into another licence;
  - (d) cancelled.

Reg. 238  
inserted by  
S.R. No.  
138/2000  
reg. 3,  
substituted by  
S.R. No.  
63/2002 reg. 6.

Reg. 238(2)(a)  
amended by  
S.R. No.  
24/2003 reg. 5.

<i>Column 1</i>	<i>Column 2</i>	Reg. 238 (Table) amended by S.R. Nos 133/2003 reg. 15(a)(b), 22/2004 reg. 16(a)-(c).
<i>Class of access licence</i>	<i>Base number</i>	
Abalone Fishery (Western Zone) Access Licence	14	
Abalone Fishery (Central Zone) Access Licence	34	
Abalone Fishery (Eastern Zone) Access Licence	23	
Corner Inlet Fishery Access Licence	20	
Eel Fishery Access Licence	18	
Giant Crab Fishery (Western Zone) Access Licence	44	
Gippsland Lakes Fishery Access Licence	18	
Gippsland Lakes Fishery (Bait) Access Licence	10	

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<i>Column 1</i>	<i>Column 2</i>
<i>Class of access licence</i>	<i>Base number</i>
Gippsland Lakes (Mussel Dive) Fishery Access Licence	3
Lake Tyers Fishery Access Licence	3
Lake Tyers Fishery (Bait) Access Licence	3
Mallacoota Lower Lake Fishery Access Licence	4
Mallacoota Lower Lake Fishery (Bait) Access Licence	2
Port Phillip Bay (Mussel Bait) Fishery Access Licence	2
Purse Seine (Ocean) Fishery Access Licence	2
Purse Seine (Port Phillip Bay) Fishery Access Licence	4
Rock Lobster Fishery (Western Zone) Access Licence	85
Rock Lobster Fishery (Eastern Zone) Access Licence	52
Scallop (Ocean) Fishery Access Licence	94
Snowy River Fishery (Bait) Access Licence	2
Sydenham Inlet Fishery (Bait) Access Licence	2
Trawl (Inshore) Fishery Access Licence	61
Western Port/Port Phillip Bay Fishery Access Licence	52
Wrasse (Ocean) Fishery Access Licence	55

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**239. Register of adjustment numbers**

Reg. 239  
inserted by  
S.R. No.  
63/2002 reg. 6.

- (1) The Secretary must establish and keep current a register that sets out the value of the adjustment number calculated in accordance with regulation 238 in respect of each class of access licence listed in the Table in that regulation.
- (2) The Secretary must ensure that a copy of the register is available to be inspected at the office of the Secretary by any member of the public during normal business hours.
- (3) A failure to comply with this section has no effect on regulation 238.

**240. Application to transfer licences**

Reg. 240  
inserted by  
S.R. No.  
63/2002 reg. 6.

- (1) An application to transfer a fishery licence must be made on the form approved by the Secretary.
  - (2) An application must—
    - (a) include the name and address of the holder of the fishery licence to be transferred or the holder of a registered financial interest in such a 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 Secretary, specify any additional information relating to the application; and
    - (e) if the fishery licence is a licence in respect of which any eligibility criteria are prescribed, the proposed transferee's responses to the questions asked by the Secretary in relation to the eligibility criteria; and
    - (f) be lodged with the Secretary.
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Reg. 241  
inserted by  
S.R. No.  
63/2002 reg. 6.

**241. Grounds for refusing the transfer of certain licences**

The Secretary must refuse to transfer an access licence if—

- (a) the licence is in respect of the Corner Inlet Fishery, the Gippsland Lakes Fishery, the Mallacoota Lower Lake Fishery or the Westernport/Port Phillip Bay Fishery and is not a consolidated licence; or
- (b) the licence is in respect of the Corner Inlet Fishery, the Eel Fishery, the Gippsland Lakes Fishery, the Gippsland Lakes (Bait) Fishery, the Mallacoota Lower Lake Fishery or the Westernport/Port Phillip Bay Fishery and the proposed transferee does not satisfy, in the Secretary's opinion, any relevant eligibility criterion.

Reg. 242  
inserted by  
S.R. No.  
63/2002 reg. 6,  
amended by  
S.R. No.  
38/2003  
reg. 5(2)(a)(b).

**242. Eligibility criteria in relation to certain licences**

The eligibility criteria that the proposed transferee of a licence in respect of the Corner Inlet Fishery, the Eel Fishery, the Gippsland Lakes Fishery, the Gippsland Lakes Fishery (Bait) Access Licence, the Mallacoota Lower Lake Fishery, the Ocean Fishery or the Westernport/Port Phillip Bay Fishery must satisfy are—

- (a) the proposed transferee must have a thorough knowledge of the provisions of the Act and the regulations that are relevant to the particular fishery; and
- (b) the proposed transferee must be the holder of a certificate of competency issued under the **Marine Act 1988** or an appropriate certificate issued in another State, Territory or country.

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**243. Process for determination of compensation payable under section 63**

Reg. 243  
inserted by  
S.R. No.  
38/2003 reg. 4.

- (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 sub-regulation (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;
- B is an income support payment equal to 3 times the average of the 4 highest net incomes before tax (NIBT) 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;
- 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;

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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 under section 59 of the Act in the licence.

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

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

where—

B is an income support payment equal to 3 times the average of the 4 highest net incomes before tax (NIBT) 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;

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 under section 59 of the Act in the licence.



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- (4) For the purposes of sub-regulation (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 sub-regulation (2) or sub-regulation (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 sub-regulation (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 sub-regulation (2);
    - (iii) the holder of a non-transferrable access licence, the amount claimed for each item in the formula set out in sub-regulation (3) except items C and E;
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- (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 sub-regulation (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.
- (8) The independent negotiator may provide advice to the Secretary on the financial documentation referred to in sub-regulation (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.
- (10) In this regulation—
- "financial documentation"** means for the purposes of sub-regulation (6)—
- (a) in the case of item A or 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 National Institute of Accountants; or
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- (ii) a personal taxation statement issued by the Australian Taxation Office;
  - (b) in the case of item D, any documentation that the Secretary determines is relevant in determining the claim;
  - (c) 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 sub-regulation (7).

Reg. 244  
inserted by  
S.R. No.  
38/2003 reg. 4.

**244. 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 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 in sub-regulation (a) to the claimant as directed, being by means of a cheque or bank transfer.
- (2) If the Secretary makes an offer for compensation in relation to a cancelled access licence under regulation 243(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 243.
- (3) If the holder of the cancelled access licence or any holder of a registered financial interest in the cancelled access licence accepts in writing an offer for compensation made under regulation 243(1)(b), the Secretary must pay the compensation as directed in writing by the holder of the cancelled access licence or any holder of a registered financial interest, being by means of a cheque or bank transfer.

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**PART 3—COMMERCIAL FISHERY LICENCE CONDITIONS**

**Division 1—Conditions of all commercial fishery licences**

**301. Conditions of every commercial fishery licence**

- (1) Every commercial fishery licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
  - (2) The licence holder or any person acting under the licence—
    - (a) must ensure that any information provided to the Secretary, whether in a prescribed form or otherwise, is provided clearly, legibly, truthfully and accurately; and
    - (b) must notify the Secretary within 28 days of any change to his or her residential address or postal address or, in the case of a corporation, the registered office address; and
    - (c) must not use more people to assist in a fishing operation than the number specified in his or her licence (if any); and
    - (d) must ensure that the licence or a true and accurate copy of the licence is retained on board the boat, or in the case of licensed premises, on those premises, at all times; and
    - (e) must keep any document issued to the licence holder under the Act or these Regulations in a safe place at all times; and
    - (f) if any document issued to the licence holder under the Act or these Regulations is lost, damaged or destroyed, must as soon as practicable notify the Secretary; and
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Reg. 301(2)(g)  
amended by  
S.R. No.  
28/2000 reg. 4.

(g) if an abalone docket book, abalone docket, abalone transfer certificate, copy of a docket or transfer certificate, stock record, stock record book, small sales return, bin tag or other document issued to the licence holder under the Act or these Regulations is stolen, must as soon as practicable—

- (i) notify the Secretary; and
- (ii) report the theft to the police; and
- (iii) obtain and keep a copy of that report; and

Reg. 301(2)(h)  
amended by  
S.R. Nos  
90/1999  
reg. 15,  
28/2000 reg. 4.

(h) must ensure that no abalone docket, abalone transfer certificate, copy of a docket or certificate, stock record, stock record book, small sales return, bin tag or other document issued to the licence holder that has been reported lost, stolen, damaged or destroyed is used and must ensure that any such document that is lost or stolen, if located, and any such document that is damaged, is returned to the Secretary as soon as practicable; and

Reg. 301(2)(i)  
inserted by  
S.R. No.  
90/1999  
reg. 15.

(i) must not take or possess any rock lobster that has a tail fan with—

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

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**Division 2—Conditions of access licences**

**302. Conditions of every access licence (other than Abalone Fishery Access Licence)**

- (1) Every access licence (other than an Abalone Fishery Access Licence) is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder—
  - (a) must ensure that a monthly catch and effort return is completed on the form provided by the Secretary showing all details required by the form; and
  - (b) must ensure that the catch and effort return completed under paragraph (a) is sent to the Secretary by the 14th day of the month following the period of the return; and
  - (c) must retain a copy of every catch and effort return completed under paragraph (a) for a period of 3 years; and
  - (d) must, at any reasonable time when requested to do so by an authorised officer, produce copies of a catch and effort return for inspection by the officer; and
  - (e) must at all times when in charge of crew during a fishing operation—
    - (i) ensure that the crew are in his or her actual physical presence; and
    - (ii) be in control of those crew; and
    - (iii) ensure that those crew are not engaged in a separate fishing operation; and

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- (f) must ensure that any fish taken that are not required to be retained, other than noxious aquatic species, are immediately returned to the water with the least possible injury or damage; and
- (g) must not take, possess, retain on board a boat or land from a boat, more than the catch limit of fish of the taxa specified in regulation 504; and
- (h) must not take, possess, retain on board a boat or land from a boat, more than a total of 400 kilograms of fish of the taxa specified in regulation 504; and
- (i) must not take, possess, retain on board a boat or land from a boat, any fish of the following taxa—

Bass, Bass groper and Hapuku;

Gemfish;

Southern bluefin tuna, Northern bluefin tuna,  
and Bill fish;

King dory;

Ox-eye oreo;

Smooth oreo;

Spiky oreo;

Warty oreo;

Blue grenadier;

Black oreo;

Orange roughy.



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- (3) Despite paragraphs (a) to (d) of sub-regulation (2), the holder of a Rock Lobster Fishery Access Licence or Giant Crab Fishery Access Licence is exempt from the requirements relating to catch and effort returns specified in those paragraphs.

**Reg. 302(3)**  
**inserted by**  
**S.R. No.**  
**118/2001**  
**reg. 12.**

**303. Conditions of Abalone Fishery Access Licence**

- (1) An Abalone Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) In this regulation "**bag**" means a bag of a type approved by the Secretary that can be sealed by means of one bin tag.
- (3) The licence holder must ensure—
- (a) 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; and
  - (b) that abalone from more than one size zone are not taken from, and are not on board, any boat being used under the licence; and
  - (c) that no abalone are taken under the licence from any zone other than the zone specified in the licence; and
  - (d) if authorised to take abalone in the eastern abalone zone, 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; and

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- (e) that he, she or any person acting under the licence does not—
  - (i) shuck abalone; or
  - (ii) possess shucked abalone; or
  - (iii) in, on or next to Victorian waters land from any boat, or otherwise cause to be landed, any shucked abalone; and
- (f) that any person taking abalone under the licence carries at all times while—
  - (i) a boat is being used in connection with the taking of abalone under the licence; or
  - (ii) abalone is being taken underwater under the licence—  
an instrument to facilitate the accurate measurement of abalone; and
- (g) that abalone taken under the licence are not—
  - (i) transferred from one boat to another boat; or
  - (ii) transferred or delivered to another person in, under or on Victorian waters; and
- (h) that abalone taken by a person who is not acting under the licence are not transferred in, under or on Victorian waters to the possession or control of the licence holder or anyone acting under the licence (whether on board a boat or not); and
- (i) that before Part B of the abalone docket is completed and signed, that Part A of the original and quadruplicate copy of the abalone docket has been completed in

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- respect of all abalone taken under the licence; and
- (j) that a bin or bag containing abalone does not contain any kind of packaging other than bin inserts; and
- (k) that shucked abalone is not landed from any boat during an abalone fishing operation carried out under the licence; and
- (l) that all abalone taken under the licence is—
- (i) first landed in Victoria at a place of landing listed in Schedule 19; and
  - (ii) weighed within 60 minutes of landing at that place of landing; and
  - (iii) weighed in full public view which is unobstructed; and
  - (iv) transferred or delivered to the holder of a Fish Receivers' (Abalone) Licence no later than 24 hours after the time the abalone is landed; and
- (la) that any weight information required to be provided under the Act or these Regulations is accurate to within 1.0 kilograms of the actual weight; and
- (m) that all abalone taken under the licence are placed—
- (i) in bins and that each bin is covered and sealed with a bin lid, by means of 1 or 2 bin tags affixed to both the bin and bin lid in such a manner that the bin lid cannot be removed from the bin or that abalone cannot be put into or removed from the bin without breaking the bin tag or tags (other than in accordance with these Regulations); and

Reg. 303(3)(l)  
substituted by  
S.R. No.  
25/2003  
reg. 7(1).

Reg. 303(3)(la)  
inserted by  
S.R. No.  
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reg. 7(1).

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Reg. 303(3)(o)  
substituted by  
S.R. No.  
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reg. 7(2).

- (ii) into bags and sealed by means of 1 bin tag affixed in such a manner that abalone cannot be removed from or put into the bag without breaking the bin tag or tags (other than in accordance with these Regulations); and
- (n) that after sealing—
  - (i) a bin of abalone with a bin lid and bin tag or tags; or
  - (ii) a bag of abalone with a bin tag—  
that the bin tag is not removed, damaged or broken and that no abalone is removed from, or added to, the bin or bag; and
- (o) once the abalone has been weighed and no later than 60 minutes after the time the abalone is landed—
  - (i) that the following details are entered on to Part B of the original and all copies of the appropriate abalone docket—
    - (A) the serial numbers of all bin tags on all bins or bags of abalone landed under the licence; and
    - (B) the total tare weight of those bins or bags; and
    - (C) the net weight of the abalone; and
    - (D) all other details required by Part B of the abalone docket, including his or her signature (or the signature of the person who took the abalone); and
  - (ii) that the specified details are provided to the Secretary and confirmed as correct via the abalone telephone notification service; and

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- (iii) that when the Secretary's confirmation number in respect of that abalone is received, the details in the confirmation are verified as accurate and, if accurate, the confirmation number is recorded on to Part B of the original and all copies of the docket, unless authorised by the Secretary under regulation 627AA(2)(b) to proceed without that confirmation; and
- (iv) that if authorised by the Secretary under regulation 627AA(2)(b), the confirmation number provided by the Secretary is recorded on to Part B of the original and all copies of the abalone docket; and
- (v) that the duplicate and triplicate copies of the abalone docket are placed into the waterproof envelope approved or provided by the Secretary and that the envelope is sealed by affixing it to the bin or bag sealed with the highest numbered bin tag; and

*	*	*	*	*	Reg. 303(3)(p) amended by S.R. No. 145/2001 reg. 5, revoked by S.R. No. 25/2003 reg. 7(3).
*	*	*	*	*	Reg. 303(3)(q) revoked by S.R. No. 25/2003 reg. 7(3).

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**Reg. 303(3)(r)**  
**substituted by**  
**S.R. No.**  
**25/2003**  
**reg. 7(4).**

(r) that abalone taken by him, her or any person acting under the licence—

(i) are not moved from the boat until paragraph (m) has been complied with; and

(ii) are not moved from the place of landing until paragraph (o) has been complied with; and

(iii) do not enter any abalone processing premises until paragraphs (l), (m) and (o) have been complied with in respect of that abalone; and

**Reg. 303(3)(s)**  
**substituted by**  
**S.R. No.**  
**25/2003**  
**reg. 7(5).**

(s) all abalone taken by him, her or any person acting under the licence must be—

(i) transferred or delivered only to the licensed premises of a Fish Receivers' (Abalone) Licence holder; and

(ii) a separate abalone docket completed in respect of each such transfer or delivery of abalone; and

(iii) so delivered or transferred within 24 hours after the time of landing the abalone;

**Reg. 303**  
**(3)(t)–(v)**  
**revoked by**  
**S.R. No.**  
**25/2003**  
**reg. 7(6)(7).**

\* \* \* \* \*

(w) that the original abalone docket completed in respect of abalone taken under his or her licence is submitted to the Secretary by post within 48 hours after the time of landing; and

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(x) that he, she or any person acting under the licence does not possess a signed abalone docket or copy of a docket unless—

(i) all required details on Parts A and B of the docket have been completed in accordance with this regulation; and

\* \* \* \* \*

**Reg. 303(3)**  
**(x)(ii)**  
**revoked by**  
**S.R. No.**  
**25/2003**  
**reg. 7(8).**

(y) that he, she or any person acting under the licence does not give, lend, or make available to any person other than a holder of a Fish Receiver's (Abalone) Licence or an authorised officer, an abalone docket, copy of a docket, abalone docket book or bin tag that has been issued to him or her; and

**Reg. 303(3)(y)**  
**amended by**  
**S.R. No.**  
**25/2003**  
**reg. 6(c).**

(z) that all unused abalone dockets and copies of dockets in the abalone docket book issued to him or her are retained by him or her; and

(za) that the quadruplicate copy of each abalone docket that has been completed in respect of abalone taken by him, her or any person acting under the licence is retained in the abalone docket book issued to him or her; and

(zb) that all bin tags and abalone dockets issued to him or her are used in sequential numerical order beginning at the lowest number; and

(zc) if an error occurs whilst he, she or any person acting under the licence is completing an abalone docket, that—

(i) the words "ERROR—CANCELLED" are written across the docket; and

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- (ii) the next sequentially numbered document in that book or a new book is used; and
- (iii) the original, duplicate and triplicate copies of the cancelled docket are forwarded to the Secretary within 48 hours and the quadruplicate copy is retained in the abalone docket book; and
- (zd) that any bin tag in his or her possession or in the possession of any person taking abalone under the licence is not intentionally damaged, altered, defaced or otherwise interfered with in any way.

Reg. 303(4)  
inserted by  
S.R. No.  
25/2003  
reg. 7(9).

- (4) If the Secretary authorises the licence holder to comply with alternate weighing and reporting requirements and the licence holder has complied with the conditions of that authorisation the following regulations do not apply to the licence holder—

(a) regulations 303(3)(l)(ii) and 303(3)(l)(iv);  
and

(b) regulation 303(3)(o).

Reg. 303(5)  
inserted by  
S.R. No.  
133/2003  
reg. 16.

- (5) If the Secretary authorises the licence holder to land abalone at a place of landing not listed in Schedule 19 and the licence holder has complied with the conditions specified in the licence, then regulation 303(3)(l)(i) does not apply to the licence holder.

Reg. 303(6)  
inserted by  
S.R. No.  
27/2004 reg. 4.

- (6) The Secretary may, in writing, authorise the licence holder to allow abalone from more than one size zone to be taken from, and to be on board, any boat being used under the licence and in granting such an authority—
- (a) may impose conditions on the authority; and



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(b) must specify—

- (i) the time or period during which the authority applies; and
- (ii) the place at which the authority applies; and
- (iii) any conditions imposed on the authority.

(7) Regulation 303(3)(b) does not apply to the licence holder if the licence holder is acting in accordance with an authority of the Secretary under sub-regulation (6).

Reg. 303(7)  
inserted by  
S.R. No.  
27/2004 reg. 4.

\* \* \* \* \*

Reg. 304  
revoked by  
S.R. No.  
107/2000  
reg. 4(3).

**305. Conditions of a Bait (General) Fishery Access Licence**

- (1) A Bait (General) Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder—
  - (a) must not take or sell fish or fishing bait for human consumption; and
  - (b) must not use more than 1 person to assist in a fishing operation.

**306. Conditions of Corner Inlet Fishery Access Licence**

- (1) A Corner Inlet Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.

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*S.R. No. 23/1998*

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- (2) The licence holder, while operating in Corner Inlet—
- (a) subject to regulation 633, must not during the period commencing at midnight on Friday and ending at 5 p.m. on the following Sunday—
    - (i) use commercial fishing equipment; or
    - (ii) move any boat which has commercial fishing equipment on board or attached to it, from any moorings, anchorage, wharf or jetty; and
  - (b) must not use a flounder net that has a mesh size less than 12 centimetres; and
  - (c) must not use more than 1 100 metres of flounder net set singly or in fleets or lines; and
  - (d) must not use more than 650 metres of seine net; and
  - (e) if operating alone, must not use more than 1300 metres of mesh net; and
  - (f) if operating with one or more people, or with another holder of a Corner Inlet Fishery Access Licence, must not use more than 1650 metres of mesh net; and
  - (g) must not use a longline or a combination of longlines with more than 400 hooks attached; and
  - (h) must not use or possess on board a boat at the same time a flounder net in addition to any mesh net; and
  - (i) must not use more than 20 commercial hoop nets; and
-

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- (j) must not—
  - (i) use more than 6 fishing lines; or
  - (ii) use or possess any line with more than 3 hooks attached to each line; and
- (k) must not take more than 8 wrasse on any one day.

**307. Conditions of Eel Fishery Access Licences**

- (1) An Eel Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.

Reg. 307(1)  
amended by  
S.R. Nos  
63/2002 reg. 7,  
133/2003  
reg. 17(1).

- (2) The licence holder—

- (a) must not use any equipment other than a fyke net to take eels, carp, roach or tench; and
- (b) must ensure that every fyke net used—
  - (i) is clearly marked with a surface float marked with the access licence number; or
  - (ii) is identified in the manner approved by the Secretary under sub-regulation (3); and
- (c) must not use in waters specified in the licence—
  - (i) more than the number of fyke nets specified in accordance with sub-regulation (4); or
  - (ii) where no maximum is specified, more than a total of 50 fyke nets; and
- (d) must ensure that all fish are cleared from nets at least once in every 48 hour period; and

Reg. 307(2)(b)  
substituted by  
S.R. No.  
133/2003  
reg. 17(2).

Reg. 307(2)(c)  
substituted by  
S.R. No.  
133/2003  
reg. 17(2).

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- (e) must return fish other than eel, carp (including goldfish), roach, tench or any noxious fish to the water immediately;
- (f) when using any fyke net in a river, stream, creek or other watercourse must ensure that—
  - (i) 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; and
  - (ii) no more than 3 fyke nets are tied together to form a fleet of nets; and
  - (iii) any fyke net or fleet of fyke nets is not set within 5 metres of any other fyke net or fleet of fyke nets.

Reg. 307(3)  
inserted by  
S.R. No.  
133/2003  
reg. 17(3).

- (3) The Secretary may, on application by a licence holder, approve a method of marking fyke nets which is specified in the licence for one or more bodies of water.

Reg. 307(4)  
inserted by  
S.R. No.  
133/2003  
reg. 17(3).

- (4) The Secretary may specify on a licence a maximum number of fyke nets that the licence holder may use or possess in, on or next to particular Victorian waters under the licence.

Reg. 307A  
inserted by  
S.R. No.  
118/2001  
reg. 13.

**307A. Conditions of a Giant Crab Fishery Access Licence**

- (1) A Giant Crab Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations or by the Secretary under section 52 of the Act.

Reg. 307A(1A)  
inserted by  
S.R. No.  
133/2003  
reg. 18(1).

- (1A) The Secretary must specify on a Giant Crab Fishery Access Licence the Rock Lobster Fishery Access Licence held by that licence holder which specifies the same boat and operator as that

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specified in the Giant Crab Fishery Access Licence.

- (1B) The Secretary must not grant an application for the transfer of a Giant Crab Fishery Access Licence unless the proposed transferee is the holder of a Rock Lobster Fishery Access Licence for the western rock lobster zone.

**Reg. 307A(1B)**  
inserted by  
S.R. No.  
133/2003  
reg. 18(1).

- (2) The licence holder—

- (a) must not, during the closed season for male giant crab—

- (i) use any rock lobster pot in any Victorian waters; or

**Reg. 307A**  
**(2)(a)(i)**  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(a).

- (ii) leave or have any rock lobster pot immersed or set in any Victorian waters; or

**Reg. 307A**  
**(2)(a)(ii)**  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(a).

- (iii) have on board a boat any giant crab or rock lobster pot; and

**Reg. 307A**  
**(2)(a)(iii)**  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(a).

- (b) must not at any time—

- (i) take any berried giant crabs; or  
(ii) land or cause to be landed from any boat any berried giant crabs; or  
(iii) possess berried giant crabs in Victoria;  
or  
(iv) remove any eggs from a berried giant crab; and

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Reg. 307A  
(2)(d)  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(a).

Reg. 307A  
(2)(e)  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(a).

Reg. 307A  
(2)(f)  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(b).

Reg. 307A  
(2)(fa)  
inserted by  
S.R. No.  
133/2003  
reg. 18(2)(c).

- (c) must not, in, on or next to Victorian waters, possess, land or cause to be landed—
  - (i) any dismembered giant crab; or
  - (ii) any part of a giant crab; and
- (d) must not take or attempt to take giant crab by the use of any equipment other than a rock lobster pot; and
- (e) must not use or possess in, on or next to Victorian waters a rock lobster pot unless the pot meets the specifications in regulation 631; and
- (f) must not use or have on board a boat, more than the number of rock lobster pots permitted under the licence; and
- (fa) must not, in the area which lies between longitudes 143° 10' east and 143° 40' east and inside a depth of 150 metres—
  - (i) use or have on board a boat more than 50 rock lobster pots in respect of each licence operated from the boat in that area; and
  - (ii) operate more than 2 Giant Crab Fishery Access Licences from a boat (regardless of whether or not those licences are held by the licence holder); and
- (g) must ensure that fish are not transferred in, under or on Victorian waters from the boat specified in the licence to any other boat; and
- (h) must ensure that fish are not sold, transferred or delivered to another person in, under or on Victorian waters; and

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- (i) must ensure that fish taken by a person who is not acting under the licence are not transferred in, under or on Victorian waters to the possession or control of the licence holder or anyone acting under the licence (whether on board a boat or not); and
- (j) must not take more than 8 wrasse on any one day; and
- (k) must not take, possess or land from any boat more than 2 banded morwong on any one day; and
- (l) must not take giant crab if the giant crab quota unit balance in relation to the licence is zero or less; and
- (m) must not have on board a boat any rock lobster pot if—
  - (i) the giant crab quota unit balance in relation to the licence is zero or less; and
  - (ii) the licence holder's rock lobster quota unit balance in relation to the Rock Lobster Fishery Access Licence specified in the licence is zero or less; and
- (n) must not set or immerse a rock lobster pot in Victorian waters if—
  - (i) the giant crab quota unit balance in relation to the licence is zero or less; and
  - (ii) the licence holder's rock lobster quota unit balance in relation to the Rock Lobster Fishery Access Licence specified in the licence is zero or less; and

**Reg. 307A  
(2)(m)  
substituted by  
S.R. No.  
133/2003  
reg. 18(2)(d).**

**Reg. 307A  
(2)(n)  
substituted by  
S.R. No.  
133/2003  
reg. 18(2)(d).**

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Reg. 307A  
(2)(o)(p)  
revoked by  
S.R. No.  
133/2003  
reg. 18(2)(d).

\* \* \* \* \*

Reg. 307A  
(2)(q)  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(e).

- (q) must not haul or retrieve a rock lobster pot set from a boat using another boat unless authorised by the Secretary; and
- (r) must ensure that any weight information required to be provided under the Act or these Regulations is accurate to within 0.1 kilograms of the actual weight; and
- (s) must ensure that all details of the giant crab daily catch record are completed in accordance with the instructions contained in the giant crab daily catch record book on each day during which giant crab fishing takes place before—
  - (i) providing details to the Secretary in accordance with paragraph (v) via the giant crab notification service; or
  - (ii) leaving Victorian waters if giant crab taken from Victorian waters is on board a boat; and
- (t) must have the giant crab daily catch record book on board a boat whenever—
  - (i) the licence holder or any person acting under the licence is on board the boat; or
  - (ii) giant crab is on board the boat; and



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- (u) must ensure that the original copy of the giant crab daily catch record for a particular month is sent to the Secretary by the 14th day of the following month; and

Reg. 307A  
(2)(u)  
amended by  
S.R. No.  
78/2002 reg. 3.

- (v) must ensure that—

- (i) at least 30 minutes prior to entering a port or mooring area on any day between the hours of 9 a.m. and 5 p.m.—

(A) with any giant crab; or

(B) on a day during which giant crab fishing takes place; or

- (ii) at least 2 hours prior to entering a port or mooring area at any other time—

(A) with any giant crab; or

(B) on a day during which giant crab fishing takes place—

the specified details are provided to the Secretary and confirmed as correct via the giant crab notification service; and

- (va) must ensure that any change to the report provided under paragraph (v) that giant crab would not be landed, is provided to the Secretary and confirmed as correct via the giant crab notification service—

Reg. 307A  
(2)(va)  
inserted by  
S.R. No.  
133/2003  
reg. 18(2)(f).

- (i) no later than 15 minutes after entering the port or mooring area; and

- (ii) at least 30 minutes prior to the commencement of landing; and

- (vb) if—

- (i) the licence holder has reported under paragraph (v) that giant crab would not be landed; and

Reg. 307A  
(2)(vb)  
inserted by  
S.R. No.  
133/2003  
reg. 18(2)(f).

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- (ii) that report has not been changed in accordance with paragraph (va)—  
the licence holder must ensure that at least 1 hour prior to landing any giant crab from a wetwell or other holding tank on a boat already in a port or mooring area, the specified details are provided to the Secretary and confirmed as correct via the giant crab notification service; and
- (w) must ensure that no giant crab is landed prior to the time at which it was estimated via the giant crab notification service that landing would commence; and
- (x) must ensure that the landing of giant crab commences within 1 hour after the time at which it was estimated via the giant crab notification service that landing would commence; and
- (y) must ensure that giant crab is not landed between 9 p.m. on any day and 6 a.m. on the following day; and
- (z) must ensure that any giant crab taken from Victorian waters is landed in Victoria at a port or mooring area specified in Schedule 18; and
- (za) must ensure that no giant crab is landed at any place other than the port or mooring area specified via the giant crab notification service; and
- (zb) must ensure that, no later than 20 minutes after landing and weighing the giant crab but—
  - (i) before complying with paragraph (zc); and

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- (ii) before the giant crab leaves the place of landing—  
  
the specified details are provided to the Secretary and confirmed as correct via the giant crab notification service; and
- (zc) must ensure that, no later than 20 minutes after landing and weighing giant crab, all details of the catch disposal record, including his or her signature (or the signature of the person acting under the licence), are entered on the original and the duplicate copy of the catch disposal records in respect of all giant crab landed under the licence in accordance with the instructions contained in the catch disposal record book; and
- (zd) must not allow the giant crab to enter any vehicle that already contains fish, to be sold or leave the place of landing or to enter any premises on which fish is processed or held until the licence holder—
  - (i) has received the Secretary's confirmation number in respect of that giant crab; and
  - (ii) has recorded the confirmation number on the original and the duplicate copy of the catch disposal record and signed the original and the duplicate copy of it—

Reg. 307A  
(2)(zd)  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(g).

unless authorised by the Secretary under regulation 627B(2)(b) to proceed with moving the giant crab from the place of landing; and

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Reg. 307A  
(2)(ze)  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(h)(i).

(ze) must not allow the giant crab to enter any vehicle that already contains fish, to be sold or leave the place of landing or to enter any premises on which fish is processed or held unless—

Reg. 307A  
(2)(ze)(ii)  
amended by  
S.R. No.  
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reg. 18(2)  
(h)(ii).

- (i) the licence holder has complied with paragraph (zb); and
- (ii) the original catch disposal record accompanies the giant crab as it leaves the place of landing; and

Reg. 307A  
(2)(ze)(iii)  
inserted by  
S.R. No.  
133/2003  
reg. 18(2)  
(h)(iii).

- (iii) if more than 2 giant crab leave the place of landing, the original catch disposal record is placed into the waterproof envelope approved or provided by the Secretary and the envelope is sealed; and

Reg. 307A  
(2)(zf)  
revoked by  
S.R. No.  
133/2003  
reg. 18(2)(i).

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Reg. 307A  
(2)(zg)  
amended by  
S.R. No.  
133/2003  
reg. 18(2)(j).

- (zg) if authorised by the Secretary under regulation 627B(2)(b), must ensure that the confirmation number provided by the Secretary is recorded on the original and the duplicate copy of the catch disposal record and the original and the duplicate copy of it are signed before allowing the giant crab to enter any vehicle that already contains fish, to be sold or to leave the place of landing or to enter any premises; and

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- (zh) must ensure that he, she or any person acting under the licence does not possess a signed catch disposal record or a copy of the disposal record unless all required details of the catch disposal record have been completed in accordance with the instructions contained in the catch disposal record book; and
  - (zi) must ensure that he, she or any person acting under the licence does not give, lend or make available to any person other than an authorised officer a catch disposal record, a copy of a catch disposal record or catch disposal record book that has been issued to the licence holder; and
  - (zj) must ensure that all completed and unused catch disposal records, catch disposal record books, giant crab daily catch records and giant crab daily catch record books issued to the licence holder are retained by the licence holder for 3 years; and
  - (zk) must ensure that the duplicate copy of each catch disposal record that has been completed in respect of giant crab landed by him, her or any person acting under the licence is retained in the catch disposal record book issued to the licence holder; and
  - (zl) must ensure that the Secretary is notified if a catch disposal record book or a giant crab daily catch record book is lost; and
  - (zm) must ensure that the Secretary is notified of the location of a 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; and
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(zn) must ensure that, if an error occurs when he, she or any person acting under the licence is completing a catch disposal record—

- (i) the words "ERROR—CANCELLED" are written across the disposal record; and
- (ii) the next sequentially numbered document in that catch disposal record book or a new book is used; and
- (iii) the original of the cancelled disposal record is forwarded to the Secretary within 48 hours and the duplicate copy is retained in the catch disposal record book.

Reg. 307A(3)  
amended by  
S.R. No.  
133/2003  
reg. 18(3).

(3) Despite sub-regulation (2)(a)(ii), a licence holder may leave or set or immerse a rock lobster pot in Victorian waters during the period commencing at 9 a.m. on 15 November each year until the opening of the open season for giant crab.

Reg. 307A(4)  
amended by  
S.R. No.  
133/2003  
reg. 18(4).

(4) Despite sub-regulation (2)(a)(iii), a licence holder may have rock lobster pots on board the boat during the period commencing—

(a) 24 hours before the start of the opening of the open season for giant crab until the start of the opening of the open season for giant crab if the boat is in a port or mooring area specified in Schedule 18; and

Reg. 307A  
(4)(b)  
amended by  
S.R. No.  
133/2003  
reg. 18(4).

(b) at 9 a.m. on 15 November each year until the start of the opening of the open season for giant crab for the purposes of setting or immersing rock lobster pots.

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*S.R. No. 23/1998*

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- (5) Despite sub-regulation (2)(fa)(i), a licence holder may have on board more than 50 rock lobster pots in respect of each licence attached to a boat if that boat is in transit through that part of the western rock lobster fishing zone described in sub-regulation (2)(fa) with the prior approval of an authorised officer.
- (6) Despite sub-regulations (2)(g) and (2)(h), fish may be transferred to the licence holder's tender boat prior to landing if that boat proceeds directly to the port or mooring area nominated via the giant crab notification service.
- (7) Despite sub-regulation (2)(m), a licence holder may have 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 with the approval of an authorised officer.
- (8) Sub-regulation (2)(v) does not apply to a licence holder if—
- (a) the licence authorises the licence holder to comply with alternative prior reporting requirements; and
  - (b) the licence holder has complied with any conditions of that authorisation.
- (9) Sub-regulations (2)(v)(ii) and (2)(y) do not apply to a licence holder if—
- (a) the following details are provided by the licence holder to the Secretary and confirmed as correct via the giant crab notification service at least 12 hours prior to landing giant crab—
    - (i) the number allocated by the Secretary to identify the licence;

Reg. 307A(5)  
substituted by  
S.R. No.  
133/2003  
reg. 18(5).

Reg. 307A(7)  
amended by  
S.R. No.  
133/2003  
reg. 18(4).

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- (ii) the port or mooring area the boat will enter;
    - (iii) the estimated time at which the boat will enter the port or mooring area;
    - (iv) the estimated time at which the landing of giant crab will commence; and
  - (b) at least 30 minutes prior to entering the port or mooring area to land giant crab, the specified details are provided to the Secretary and confirmed as correct via the giant crab notification service.
- (10) Despite sub-regulation (2)(x), a licence holder may commence landing 1 hour or more after the time at which it was estimated that landing would commence via the giant crab notification service if the licence holder contacts the Secretary in accordance with regulation 627B(1)(b) advising of his or her intention to land giant crab 1 hour or more after the estimated time and the new estimated time at which the landing of giant crab will commence.
- (11) Sub-regulation (2)(z) does not apply to a licence holder if—
- (a) the licence authorises the licence holder to land giant crab at the port of Port Macdonnell; and
  - (b) the licence holder provides to the Secretary and confirms as correct the specified details required to be provided by sub-regulation (2)(v) at least 1 hour prior to entering the port of Port Macdonnell—
    - (i) with any giant crab; or
    - (ii) on a day during which giant crab fishing takes place; and
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- (c) the licence holder has complied with any conditions specified in the licence.
- (12) Despite sub-regulation (2)(za), a licence holder may land giant crab at a place other than the port or mooring area specified via the giant crab notification service if—
  - (a) the licence holder contacts the Secretary in accordance with regulation 627B(1)(b) advising of his or her intention to land giant crab at another location at least 1 hour before giant crab is unloaded; or
  - (b) giant crab is landed in an emergency because of an impending or actual threat to the safety of the boat or its crew.
- (13) Sub-regulation (2)(zb) does not apply to a licence holder if—
  - (a) the licence authorises the licence holder to comply with alternative reporting requirements; and
  - (b) the licence holder has complied with any conditions of that authorisation.

Reg. 307A  
(11)(c)  
amended by  
S.R. No.  
133/2003  
reg. 18(6).

**308. Conditions of Gippsland Lakes Fishery Access Licence**

- (1) A Gippsland Lakes Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.

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- (2) The licence holder, when operating in the Gippsland Lakes—
- (a) must not use commercial fishing equipment in the waters—
- (i) of the North Arm; or
  - (ii) of Lake Reeve westward of a line running north-west and south-east through a point on the extreme south-west of Rotamah Island; or
  - (iii) of Lake Victoria and Lake Wellington within a distance of 400 metres from any portion of McLennan's Strait; or
  - (iv) of McLennan's Strait; or
  - (v) of any lagoon (including Victoria Lagoon), backwater or watercourse connected with McLennan's Strait; or
  - (vi) within a distance of 400 metres from any part of the mouth of any river flowing into the Gippsland Lakes or Tom Roberts Creek, Toms Creek, Salt Creek or Maringa Creek; or
  - (vii) of the channels or cuts in the most northern bank of the Mitchell River near Eagle Point which join the river and Jones Bay, and the waters of Jones Bay which lie within a radius of 400 metres from any of such channels or cuts; or
  - (viii) bounded by a line commencing at the navigation light on the northern groyne on Rigby Island, then along that groyne to its intersection with Rigby Island, then along the eastern shore of Rigby Island to the southern groyne on Rigby Island; then along that groyne to its
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end; then in a south-easterly direction to the inner end of the western pier; then along such pier to its outer end; then to the outer end of the eastern pier; then north westerly along the eastern pier to the end of the pier; then to the south-western corner of Bullock Island; then along the rock wall on the western side of Bullock Island to the end of such wall; then north-westerly to the rock wall opposite; then along the rock wall to a point east of the commencement point; then west to the commencement point; and

(b) must not, in Cunninghame Arm, use any commercial fishing equipment other than—

(i) not more than 10 crab pots, if he or she is in attendance of the crab pots at all times; or

(ii) a seine net not exceeding 732 metres in length; and

(c) must not use any commercial fishing equipment in Cunninghame Arm during the period commencing on 1 December in each year and ending on 30 April in the following year; and

(d) during the period commencing on 1 May and ending on 30 November in each year, must not use any commercial fishing equipment in Cunninghame Arm.

**Reg. 308(2)(d)**  
**substituted by**  
**S.R. No.**  
**90/1999**  
**reg. 16(1).**

(e) must not use a seine net exceeding 732 metres in length; and

(f) if operating alone—

(i) must not use more than 1300 metres of mesh net; or

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- (ii) if the meshes of the nets are 10·7 centimetres or more in size, must not use more than 2200 metres of mesh net; and
- (g) if operating with one or more people, must not use more than 2200 metres of mesh net; and
- (h) must not use a stake net—
  - (i) that is more than 66 metres in length (including the bunt or bag) or that has wings that are more than 33 metres in length;
  - (ii) with meshes measuring less than 0·6 centimetres or more than 3·9 centimetres;
  - (iii) unless he or she attends the stake net at all times; and
- (i) must not 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 specified in Schedule 7; and
- (j) must not at the same time use a seine net and a mesh net; and
- (k) 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; and
- (l) must not 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; and

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- (m) must not take mussels other than between 6.30 a.m. and 4.30 p.m. on any Monday or Wednesday; and
- (n) must not take, store, hold or possess more than a weekly catch limit of 150 kilograms or 5 fish bins of mussels; and
- (o) must ensure that mussels are cleaned within 20 metres of the place where the mussels are taken; and
- (p) must ensure that any mussels that are on board his or her boat are contained in a fish bin with a nominal capacity of 54.5 litres; and
- (q) must not—
- (i) use more than 6 fishing lines; or
  - (ii) use or possess any line with more than 3 hooks attached to each line; and
- (r) must not take more than 8 wrasse on any one day; and
- (s) must not use more than 40 spider crab traps; and
- (t) must not use more than 2 bait pumps.
- (3) Despite sub-regulation (2)(a)(viii) the licence holder may use a seine net not exceeding 366 metres in length from the shore of Rigby Island.
- (4) Despite sub-regulation (2)(d) the licence holder may use commercial fishing equipment in the Cunninghame Arm between 1 hour after sunset on any Sunday, Monday, Tuesday, Wednesday or

Reg. 308(2)(s)  
amended by  
S.R. No.  
133/2003  
reg. 19(a).

Reg. 308(2)(t)  
inserted by  
S.R. No.  
133/2003  
reg. 19(b).

Reg. 308(4)  
inserted by  
S.R. No.  
90/1999  
reg. 16(2).

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Thursday and sunrise on the following day during  
the period commencing on 1 May and ending on  
30 November in each year.

**309. Conditions of a Gippsland Lakes Fishery (Bait)  
Access Licence**

- (1) A Gippsland Lakes Fishery (Bait) Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder—
  - (a) must not use any commercial fishing equipment other than—
    - (i) not more than 2 hand-operated bait pumps; and
    - (ii) 2 dip nets; and
    - (iii) not more than 10 crab pots, if he or she is in attendance of the crab pots at all times; and
    - (iv) 1 seine net not exceeding 30 metres in length; and
    - (v) not more than 1 shrimp dredge; and
    - (vi) not more than 40 spider crab traps; and
    - (vii) not more than 2 shell shovels; and
    - (viii) not more than 2 mussel rakes; and
  - (b) if authorised to use a stake net—
    - (i) must not use more than 1 stake net; and
    - (ii) must not use a stake net exceeding 66 metres in length; and
    - (iii) must be in attendance of the net at all times; and

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- (c) must not use more than 1 person to assist in a fishing operation; and
- (d) must not take or sell bait for human consumption.

**310. Conditions of a Gippsland Lakes (Mussel Dive) Fishery Access Licence**

- (1) A Gippsland Lakes (Mussel Dive) Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder—
  - (a) must not take mussels other than between 6.30 a.m. and 4.30 p.m. on any Monday or Wednesday; and
  - (b) must not take store, hold or possess more than a weekly catch limit of 150 kilograms or 5 fish bins of mussels; and
  - (c) must ensure that mussels are cleaned within 20 metres of the place where the mussels are taken; and
  - (d) must ensure that any mussels that are on board his or her boat are contained in a fish bin with a nominal capacity of 54.5 litres.

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Reg. 311  
revoked by  
S.R. No.  
133/2003  
reg. 20.

**312. Conditions of a Lake Tyers Fishery Access Licence**

- (1) A Lake Tyers Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.

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*S.R. No. 23/1998*

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- (2) The licence holder, when operating in Lake Tyers—
- (a) must not use a seine net or mesh net during the period commencing at midnight on 7 September in each year and ending at 5.00 a.m. on the Wednesday following Easter Sunday in the following year; and
  - (b) must not use a seine net or mesh net—
    - (i) in the Toorloo Arm, in the waters that lie north of a line commencing at the end of Ironbark Point and running due north west to the closest point of the opposite bank of the Arm; or
    - (ii) in the Nowa Nowa Arm, in the waters that lie north of a line commencing at the mouth of the southern bank of Ironstone Creek running due west to the opposite bank of the Arm; and
  - (c) must not use a seine net that is more than 366 metres in length; and
  - (d) must not use a mesh net or combination of mesh nets exceeding 1 100 metres in length; and
  - (e) must not use a seine net and a mesh net at the same time; and
  - (f) must not use any net during the period commencing at 12.00 noon on any Friday and ending at sunset of the following Sunday; and
  - (g) must not—
    - (i) use more than 6 fishing lines; or
    - (ii) use or possess any line with more than 3 hooks attached to each line; and
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*S.R. No. 23/1998*

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r. 312A

- (h) must not take more than 8 wrasse on any one day.

**312A. Conditions of a Lake Tyers Fishery (Bait) Access Licence**

Reg. 312A  
inserted by  
S.R. No.  
90/1999  
reg. 17.

- (1) A Lake Tyers Fishery (Bait) Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder, when operating in Lake Tyers, must not use any commercial fishing equipment other than—
  - (a) not more than 2 hand-operated bait pumps; and
  - (b) 2 dip nets; and
  - (c) 1 seine net not exceeding 30 metres in length.

**313. Conditions of a Mallacoota Lower Lake Fishery Access Licence**

- (1) A Mallacoota Lower Lake Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder, when operating in the Lower Lake of Mallacoota Inlet—
  - (a) must not use a stake net—
    - (i) that is more than 40 metres in length; and
    - (ii) that has meshes less than 0.6 centimetres or more than 3.9 centimetres; and

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*S.R. No. 23/1998*

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**r. 313A**

- (iii) unless he or she attends the stake net at all times; and
- (b) must not use a seine net exceeding 550 metres in length; and
- (c) must not use a seine net inside a line running south-easterly from the fishing boundary post situated on the northern shore (bank) of the Northern Arm approximately 400 metres south west from the mouth of Dowell's Creek to the opposite shore (bank); and
- (d) must, when using a seine net—
  - (i) continuously haul the net from both ends until the haul or shot is completed; and
  - (ii) if the net becomes fouled or snagged during the fishing operation, immediately lift the net from the water; and
- (e) must not—
  - (i) use more than 6 fishing lines; or
  - (ii) use or possess any line with more than 3 hooks attached to each line; and
- (f) must not take more than 8 wrasse on any one day.

Reg. 313A  
inserted by  
S.R. No.  
90/1999  
reg. 18.

**313A. Conditions of a Mallacoota Lower Lake Fishery (Bait) Access Licence**

- (1) A Mallacoota Lower Lake Fishery (Bait) Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.

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*S.R. No. 23/1998*

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- (2) The licence holder, when operating in the Mallacoota Lower Lake, must not use any commercial fishing equipment other than—
  - (a) not more than 2 hand-operated bait pumps; and
  - (b) 2 dip nets.

**314. Conditions of an Ocean Fishery Access Licence**

- (1) An Ocean Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder, when operating in the Ocean fishery—
  - (a) must not use any mesh net containing meshes measuring more than 14 centimetres; and
  - (b) must not use more than 1 longline or combination of longlines; and
  - (c) must ensure that any longline or combination of longlines used has no more than 200 hooks attached; and
  - (d) must not—
    - (i) use more than 6 fishing lines; or
    - (ii) use or possess any line with more than 3 hooks attached to each line; and
  - (e) must not on any one day—
    - (i) take, possess or retain on board any boat more than a total combined number of 2 gummy shark and school shark; or

Reg. 314(2)(e)  
substituted by  
S.R. No.  
15/2000 reg. 6.

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Reg. 314(2)(j)  
amended by  
S.R. No.  
107/2000  
reg. 10.

Reg. 314(2)(k)  
inserted by  
S.R. No.  
107/2000  
reg. 10.

- (ii) land from any boat more than a total combined number of 2 gummy shark and school shark; and
- (f) must not use more than 10 mesh nets; and
- (g) must not use a mesh net or combination of mesh nets exceeding 2000 metres in length; and
- (h) must not use a seine net exceeding 650 metres in length; and
- (i) 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; and
- (j) must not take more than 8 wrasse on any one day; and
- (k) must not take, possess or land from any boat more than 2 banded morwong on any one day.

**315. Conditions of a Port Phillip Bay (Mussel Bait) Fishery Access Licence**

- (1) A Port Phillip Bay (Mussel Bait) Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder when operating in the Port Phillip Bay (Mussel Bait) Fishery—
  - (a) must not take mussels other than—
    - (i) by hand; and

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- (ii) where mussels are on man-made structures, by a hand operated mussel rake; and
- (b) must not allow any of his or her crew to take mussels; and
- (c) if offering mussels for sale, must ensure that—
  - (i) the mussels are placed in a container bearing a label with the words "BAIT ONLY, NOT FOR HUMAN CONSUMPTION" together with his or her name or business name clearly and legibly marked on it, before the mussels are moved from his or her possession; and
  - (ii) the mussels have been adulterated with the dye "Ponceau 4R" in such a manner that the red colouration is clearly visible on the mussel and in any liquid in which the mussels are held.

**316. Conditions of a Purse Seine (Ocean) Fishery Access Licence**

- (1) A Purse Seine (Ocean) Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations or by the Secretary under section 52 of the Act.
- (2) The licence holder—
  - (a) must not use or possess a purse seine net exceeding 460 metres in length; and
  - (b) must ensure that fish are not transferred in, under or on Victorian waters from the boat specified in the licence to any other boat.

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**317. Conditions of a Purse Seine (Port Phillip Bay) Fishery Access Licence**

- (1) A Purse Seine (Port Phillip Bay) Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations or by the Secretary under section 52 of the Act.
- (2) The licence holder, when operating in Port Phillip Bay—
  - (a) must not use a boat exceeding 20 metres in length; and
  - (b) must not use or possess a purse seine net exceeding 460 metres in length; and
  - (c) must ensure that any fish taken other than anchovy, pilchard, whitebait and other clupeoids are immediately returned to the water with as little injury to the fish as possible; and
  - (d) must ensure that fish are not transferred in, under or on Victorian waters from the boat specified in the licence to any other boat.

**318. Conditions of a Rock Lobster Fishery Access Licence**

- (1) A Rock Lobster Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations or by the Secretary under section 52 of the Act.
- (2) The licence holder—
  - (a) must not, during the closed season for male rock lobster—
    - (i) use any rock lobster pot in any Victorian waters; or

Reg. 318(2)(a)  
amended by  
S.R. No.  
118/2001  
reg. 14(1)(a).

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(ii) leave or have any rock lobster pot immersed or set in any Victorian waters; or

(iii) have on board a boat any rock lobster or rock lobster pot; and

Reg. 318  
(2)(a)(iii)  
amended by  
S.R. No.  
118/2001  
reg. 14(1)(b).

(b) must not at any time—

(i) take any berried rock lobster; or

(ii) land or cause to be landed from any boat any berried rock lobster; or

(iii) possess berried rock lobster in Victoria; or

(iv) remove any eggs from a berried rock lobster; and

Reg. 318(2)(b)  
substituted by  
S.R. No.  
118/2001  
reg. 14(1)(c).

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Reg. 318  
(2)(c)(d)  
revoked by  
S.R. No.  
118/2001  
reg. 14(1)(d).

(e) must not, in on or next to Victorian waters, possess, land or cause to be landed—

(i) any dismembered rock lobster; or

Reg. 318  
(2)(e)(i)  
amended by  
S.R. No.  
118/2001  
reg. 14(1)(e).

(ii) any part of a rock lobster; and

Reg. 318  
(2)(e)(ii)  
amended by  
S.R. No.  
118/2001  
reg. 14(1)(f).

(f) must not take or attempt to take rock lobster by the use of any equipment other than a rock lobster pot; and

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Reg. 318(2)(g)  
amended by  
S.R. No.  
118/2001  
reg. 14(1)(g).

- (g) must not use or possess in, on or next to Victorian waters a rock lobster pot unless the pot meets the specifications in regulation 631; and

Reg. 318(2)(h)  
substituted by  
S.R. No.  
133/2003  
reg. 21(1)(a).

- (h) must not, in that part of the western rock lobster fishing zone which lies between longitudes 143° 10' east and 143° 40' east and inside a depth of 150 metres—
  - (i) use or have on board a boat more than 50 rock lobster pots in respect of each licence operated from the boat in that area; and
  - (ii) operate more than 2 Rock Lobster Fishery Access Licences from a boat (regardless of whether or not those licences are held by the licence holder); and

- (i) must not use, or have on board a boat, more than the number of rock lobster pots specified in the licence; and

Reg. 318(2)(ia)  
inserted by  
S.R. No.  
133/2003  
reg. 21(1)(b).

- (ia) must not, personally, or in association or conjunction with one or more other licence holders, use or have on board a boat more than—
  - (i) 140 rock lobster pots in the western rock lobster zone; and
  - (ii) 120 rock lobster pots in the eastern rock lobster zone—

regardless of the number of rock lobster pots specified in the licence held by the licence holder and the number of Rock Lobster Fishery Access Licences attached to the boat; and



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| (j) must ensure that fish are not transferred in, under or on Victorian waters from the boat specified in the licence to any other boat; and  |  |
| (ja) must ensure that fish are not sold, transferred or delivered to another person in, under or on Victorian waters; and   | Reg. 318(2)(ja) inserted by S.R. No. 118/2001 reg. 14(1)(h).                                   |
| (jb) must ensure that fish taken by a person who is not acting under the licence are not transferred in, under or on Victorian waters to the possession or control of the licence holder or anyone acting under the licence (whether on board a boat or not); and | Reg. 318(2)(jb) inserted by S.R. No. 118/2001 reg. 14(1)(h).                                   |
| (k) must not take more than 8 wrasse on any one day; and  | Reg. 318(2)(k) amended by S.R. No. 107/2000 reg. 11.   |
| (l) must not take, possess or land from any boat more than 2 banded morwong on any one day; and   | Reg. 318(2)(l) inserted by S.R. No. 107/2000 reg. 11, amended by S.R. No. 118/2001 reg. 14(i). |
| (m) must not take rock lobster if the rock lobster quota unit balance in relation to the licence is zero or less; and   | Reg. 318(2)(m) inserted by S.R. No. 118/2001 reg. 14(1)(j).                                    |
| (n) must not have on board a boat any rock lobster pot if the rock lobster quota unit balance in relation to the licence is zero or less; and   | Reg. 318(2)(n) inserted by S.R. No. 118/2001 reg. 14(1)(j).                                    |
| (o) must not set or immerse a rock lobster pot in Victorian waters if the rock lobster quota unit balance in relation to the licence is zero or less; and   | Reg. 318(2)(o) inserted by S.R. No. 118/2001 reg. 14(1)(j).                                    |
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Reg. 318(2)(p)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

- (p) must not haul or retrieve a rock lobster pot set from a boat using another boat unless authorised by the Secretary; and

Reg. 318(2)(q)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

- (q) must ensure that any weight information required to be provided under the Act or these Regulations is accurate to within 0.1 kilograms of the actual weight; and

Reg. 318(2)(r)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

- (r) must ensure that all details of the rock lobster daily catch record are completed in accordance with the instructions contained in the rock lobster daily catch record book on each day during which rock lobster fishing takes place before—

- (i) providing details to the Secretary in accordance with paragraph (u) via the rock lobster notification service; or
- (ii) leaving Victorian waters if rock lobster taken from Victorian waters is on board a boat; and

Reg. 318(2)(s)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

- (s) must have the rock lobster daily catch record book on board a boat whenever—

- (i) the licence holder or any person acting under the licence is on board the boat; or

- (ii) rock lobster is on board the boat; and

Reg. 318(2)(t)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j),  
amended by  
S.R. No.  
78/2002  
reg. 4(a).

- (t) must ensure that the original copy of the rock lobster daily catch record for a particular month is sent to the Secretary by the 14th day of the following month; and

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(u) must ensure that—

(i) at least 1 hour prior to entering a port or mooring area in the eastern rock lobster zone on any day between the hours of 9 a.m. and 5 p.m.—

(A) with any rock lobster; or

(B) on any day during which rock lobster fishing takes place; or

(ii) at least 30 minutes prior to entering a port or mooring area in the western rock lobster zone on any day between the hours of 9 a.m. and 5 p.m.—

(A) with any rock lobster; or

(B) on any day during which rock lobster fishing takes place; or

(iii) at least 2 hours prior to entering a port or mooring area at any other time—

(A) with any rock lobster; or

(B) on any day during which rock lobster fishing takes place—

the specified details are provided to the Secretary and confirmed as correct via the rock lobster notification service; and

(ua) must ensure that any change to a report under paragraph (u) that rock lobster would not be landed, is provided to the Secretary and confirmed as correct via the rock lobster notification service—

(i) no later than 15 minutes after entering the port or mooring area; and

(ii) at least 30 minutes prior to the commencement of landing; and

Reg. 318(2)(u)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

Reg. 318  
(2)(ua)  
inserted by  
S.R. No.  
133/2003  
reg. 21(1)(c).

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Reg. 318(2)(v)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j),  
amended by  
S.R. No.  
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reg. 21(1)(d).

(v) must ensure that, if the number of rock lobster on board the boat is not known at the time of providing the specified details in accordance with paragraph (u), the following details are provided to the Secretary and confirmed as correct via the rock lobster notification service after hauling the last rock lobster pot but at least 5 minutes prior to entering the port or mooring area—

- (i) the number allocated by the Secretary to identify the licence;
- (ii) the number of rock lobster on board the boat; and

Reg. 318(2)(w)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j),  
substituted by  
S.R. No.  
133/2003  
reg. 21(1)(e).

(w) if—

- (i) the licence holder has reported under paragraph (u) that rock lobster would not be landed; and

- (ii) that report has not been changed in accordance with paragraph (ua)—

the licence holder must ensure that at least 1 hour prior to landing any rock lobster from a coff or wetwell or other holding tank on a boat already in a port or mooring area, the specified details are provided to the Secretary and confirmed as correct via the rock lobster notification service; and

Reg. 318(2)(x)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

(x) must ensure that no rock lobster is landed prior to the time at which it was estimated via the rock lobster notification service that the landing would commence; and

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| (y) must ensure that the landing of rock lobster commences within 1 hour after the time at which it was estimated via the rock lobster notification service that the landing would commence; and | Reg. 318(2)(y) inserted by S.R. No. 118/2001 reg. 14(1)(j).  |
| (z) must ensure that rock lobster is not landed between 9 p.m. on any day and 6 a.m. on the following day; and   | Reg. 318(2)(z) inserted by S.R. No. 118/2001 reg. 14(1)(j).  |
| (za) must ensure that any rock lobster taken from Victorian waters is landed in Victoria at a port or mooring area specified in Schedule 18; and   | Reg. 318(2)(za) inserted by S.R. No. 118/2001 reg. 14(1)(j). |
| (zb) must ensure that no rock lobster is landed at any place other than the port or mooring area specified via the rock lobster notification service; and  | Reg. 318(2)(zb) inserted by S.R. No. 118/2001 reg. 14(1)(j). |
| (zc) must ensure that, no later than 20 minutes after landing and weighing the rock lobster but—   | Reg. 318(2)(zc) inserted by S.R. No. 118/2001 reg. 14(1)(j). |
| (i) before complying with paragraph (zd); and  | Reg. 318(2)(zc)(i) amended by S.R. No. 78/2002 reg. 4(b).    |
| (ii) before the rock lobster leaves the place of landing—  |  |
- the specified details are provided to the Secretary and confirmed as correct via the rock lobster notification service; and
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Reg. 318  
(2)(zd)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

(zd) must ensure that, no later than 20 minutes after landing and weighing rock lobster, all details of the catch disposal record, including his or her signature (or the signature of the person acting under the licence), are entered on the original and the duplicate copy of the catch disposal records in respect of all rock lobster landed under the licence in accordance with the instructions contained in the catch disposal record book; and

Reg. 318  
(2)(ze)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j),  
amended by  
S.R. No.  
133/2003  
reg. 21(1)(f).

(ze) must not allow the rock lobster to enter any vehicle that already contains fish, to be sold or leave the place of landing or to enter any premises on which fish is processed or held until the licence holder—

- (i) has received the Secretary's confirmation number in respect of that rock lobster; and
- (ii) has recorded the confirmation number on the original and the duplicate copy of the catch disposal record and signed the original and the duplicate copy of it—

unless authorised by the Secretary under regulation 627A(2)(b) to proceed with moving the rock lobster from the place of landing; and

Reg. 318(2)(zf)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j),  
amended by  
S.R. No.  
133/2003  
reg. 21  
(1)(g)(i)(ii).

(zf) must not allow the rock lobster to enter any vehicle that already contains fish, to be sold or leave the place of landing or to enter any premises on which fish is processed or held unless—

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| (i) the licence holder has complied with paragraph (zc); and  | Reg. 318<br>(2)(zf)(i)<br>amended by<br>S.R. Nos<br>78/2002<br>reg. 4(c),<br>133/2003<br>reg. 21<br>(1)(g)(iii).                     |
| (ii) the original catch disposal record accompanies the rock lobster as it leaves the place of landing; and   | Reg.<br>318(2)(zf)(ii)<br>amended by<br>S.R. No.<br>133/2003<br>reg. 21<br>(1)(g)(iv).   |
| (iii) if more than 2 rock lobster leave the place of landing, the original catch disposal record is placed into the waterproof envelope approved or provided by the Secretary and the envelope is sealed; and   | Reg. 318<br>(2)(zf)(iii)<br>inserted by<br>S.R. No.<br>133/2003<br>reg. 21<br>(1)(g)(v).   |
| *                      *                      *                      *  | Reg. 318<br>(2)(zg)<br>inserted by<br>S.R. No.<br>118/2001<br>reg. 14(1)(j),<br>revoked by<br>S.R. No.<br>133/2003<br>reg. 21(1)(h). |
| (zh) if authorised by the Secretary under regulation 627A(2)(b), must ensure that the confirmation number provided by the Secretary is recorded on the original and the duplicate copy of the catch disposal record and the original and the duplicate copy of it are signed before allowing the rock lobster to enter any vehicle that already contains fish, to be sold or to leave the place of landing or to enter any premises (whether landed from a boat or a coff); and | Reg. 318<br>(2)(zh)<br>inserted by<br>S.R. No.<br>118/2001<br>reg. 14(1)(j),<br>amended by<br>S.R. No.<br>133/2003<br>reg. 21(1)(i). |

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Reg. 318(2)(zi)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

(zi) must ensure that he, she or any person acting under the licence does not possess a signed catch disposal record or a copy of the disposal record unless all required details of the catch disposal record have been completed in accordance with the instructions contained in the catch disposal record book; and

Reg. 318(2)(zj)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

(zj) must ensure that he, she or any person acting under the licence does not give, lend or make available to any person other than an authorised officer a catch disposal record, a copy of a catch disposal record or catch disposal record book that has been issued to the licence holder; and

Reg. 318  
(2)(zk)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

(zk) must ensure that all completed and unused catch disposal records, catch disposal record books, rock lobster daily catch records and rock lobster daily catch record books issued to the licence holder are retained by the licence holder for 3 years; and

Reg. 318(2)(zl)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

(zl) must ensure that the duplicate copy of each catch disposal record that has been completed in respect of rock lobster landed by him, her or any person acting under the licence is retained in the catch disposal record book issued to the licence holder; and

Reg. 318  
(2)(zm)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

(zm) must ensure that the Secretary is notified if a catch disposal record book or a rock lobster daily catch record book is lost; and

Reg. 318  
(2)(zn)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

(zn) must ensure that the Secretary is notified of the location of a 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; and



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(zo) must ensure that, if an error occurs when he, she or any person acting under the licence is completing a catch disposal record—

Reg. 318  
(2)(zo)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j).

(i) the words "ERROR—CANCELLED" are written across the disposal record; and

(ii) the next sequentially numbered document in that catch disposal record book or a new book is used; and

(iii) the original of the cancelled disposal record is forwarded to the Secretary within 48 hours and the duplicate copy is retained in the catch disposal record book; and

(zp) must not possess or use a coff or load any rock lobster into a coff unless the licence authorises the use of the coff.

Reg. 318  
(2)(zp)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j),  
amended by  
S.R. No.  
133/2003  
reg. 21(1)(j).

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Reg. 318  
(2)(zq)–(zu)  
inserted by  
S.R. No.  
118/2001  
reg. 14(1)(j),  
revoked by  
S.R. No.  
133/2003  
reg. 21(1)(h).

(3) Despite sub-regulation (2)(a)(ii), a licence holder may leave or set or immerse a rock lobster pot or rock lobster coff in Victorian waters during the period commencing at 9 a.m. on 15 November each year until the opening of the open season for rock lobster.

Reg. 318(3)  
amended by  
S.R. No.  
118/2001  
reg. 14(1)(k).

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Reg. 318(4)  
substituted by  
S.R. No.  
118/2001  
reg. 14(2).

(4) Despite sub-regulation (2)(a)(iii), a licence holder may have rock lobster pots on board the boat during the period commencing—

(a) 24 hours before the start of the opening of the open season for rock lobster until the start of the opening of the open season for rock lobster if the boat is in a port or mooring area specified in Schedule 18; and

(b) at 9 a.m. on 15 November each year until the start of the opening of the open season for rock lobster for the purposes of setting or immersing rock lobster pots.

Reg. 318(5)  
inserted by  
S.R. No.  
15/2000 reg. 7.

(5) A licence holder must not use a rock lobster pot in Andersons Inlet, Corner Inlet, Curdies Inlet, the Gippsland Lakes, Mallacoota Inlet, Port Phillip Bay, Swan Bay, Sydenham Inlet, Tamboon Inlet, Lake Tyers, Western Port Bay or Wingan Inlet.

Reg. 318(6)  
inserted by  
S.R. No.  
15/2000 reg. 7.

(6) Despite sub-regulation (5), a licence holder may use a rock lobster pot in a bay or inlet specified in that sub-regulation if he or she holds an access licence that authorises the taking of rock lobster from that bay or inlet.

Reg. 318(6A)  
inserted by  
S.R. No.  
133/2003  
reg. 21(2).

(6A) Despite sub-regulation (2)(h)(i), a licence holder may have on board more than 50 rock lobster pots in respect of each licence attached to a boat if that boat is in transit through that part of the western rock lobster fishing zone described in sub-regulation (2)(h) with the prior approval of an authorised officer.

Reg. 318(7)  
inserted by  
S.R. No.  
118/2001  
reg. 14(3).

(7) Despite sub-regulations (2)(j) and (2)(ja), fish may be transferred to the licence holder's tender boat prior to landing if that boat proceeds directly to the port or mooring area nominated via the rock lobster notification service.

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| (8) Despite sub-regulation (2)(n), a licence holder may have rock lobster pots on board a boat if—   | Reg. 318(8) inserted by S.R. No. 118/2001 reg. 14(3).       |
| (a) the boat is in a port or mooring area; or  |   |
| (b) the boat is in transit with the approval of an authorised officer; or  | Reg. 318(8)(b) amended by S.R. No. 133/2003 reg. 21(3)(a).  |
| (c) the licence holder holds a Giant Crab Fishery Access Licence and the giant crab quota unit balance in relation to that licence is greater than zero.   | Reg. 318(8)(c) inserted by S.R. No. 133/2003 reg. 21(3)(b). |
| (8A) Despite sub-regulation (2)(o), a licence holder may set or immerse a rock lobster pot in Victorian waters if the licence holder holds a Giant Crab Fishery Access Licence and the giant crab quota unit balance in relation to that licence is greater than zero. | Reg. 318(8A) inserted by S.R. No. 133/2003 reg. 21(4).      |
| (9) Sub-regulations (2)(u) and (2)(w) do not apply to a licence holder if—   | Reg. 318(9) inserted by S.R. No. 118/2001 reg. 14(3).       |
| (a) the licence authorises the licence holder to comply with alternative prior reporting requirements; and   |   |
| (b) the licence holder has complied with any conditions of that authorisation.   |   |
| (10) Sub-regulations (2)(u)(iii) and (2)(z) do not apply to a licence holder if—   | Reg. 318(10) inserted by S.R. No. 118/2001 reg. 14(3).      |
| (a) the following details are provided by the licence holder to the Secretary and confirmed as correct via the rock lobster notification service at least 12 hours prior to landing rock lobster—  |   |
| (i) the number allocated by the Secretary to identify the licence;   |   |
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- (ii) the port or mooring area the boat will enter;
  - (iii) the estimated time at which the boat will enter the port or mooring area;
  - (iv) the estimated time at which the landing of rock lobster will commence; and
- (b) at—
- (i) least 1 hour prior to entering a port or mooring area in the eastern rock lobster zone to land rock lobster; or
  - (ii) at least 30 minutes prior to entering a port or mooring area in the western rock lobster zone to land rock lobster—

the specified details are provided to the Secretary and confirmed as correct via the rock lobster notification service.

Reg. 318(11)  
inserted by  
S.R. No.  
118/2001  
reg. 14(3).

- (11) Despite sub-regulation (2)(y), a licence holder may commence landing 1 hour or more after the time at which it was estimated that landing would commence via the rock lobster notification service if the licence holder contacts the Secretary in accordance with regulation 627A(1)(b) advising of his or her intention to land rock lobster 1 hour or more after the estimated time and the new estimated time at which the landing of giant crab will commence.

Reg. 318(12)  
inserted by  
S.R. No.  
118/2001  
reg. 14(3).

- (12) Sub-regulation (2)(za) does not apply to a licence holder if—
- (a) the licence authorises the licence holder to land rock lobster at a port or mooring area at Port Macdonnell or Eden; and
  - (b) the licence holder provides to the Secretary and confirms as correct the specified details required to be provided by sub-regulation (2)(u) at least 1 hour prior to entering the

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port or mooring area at Port Macdonnell or Eden—

- (i) with any rock lobster; or
- (ii) on any day during which rock lobster fishing takes place; and
- (c) the licence holder has complied with any conditions specified in the licence.

**Reg. 318  
(12)(c)  
amended by  
S.R. No.  
133/2003  
reg. 21(5).**

- (13) Despite sub-regulation (2)(zb), a licence holder may land rock lobster at a place other than the port or mooring area specified via the rock lobster notification service if—

**Reg. 318(13)  
inserted by  
S.R. No.  
118/2001  
reg. 14(3).**

- (a) the licence holder contacts the Secretary in accordance with regulation 627A(1)(b) advising of his or her intention to land rock lobster at another location at least 1 hour before rock lobster is unloaded; or
- (b) rock lobster is landed in an emergency because of an impending or actual threat to the safety of the boat or its crew.

- (14) Sub-regulation (2)(zc) does not apply to a licence holder if—

**Reg. 318(14)  
inserted by  
S.R. No.  
118/2001  
reg. 14(3).**

- (a) the licence authorises the licence holder to comply with alternative reporting requirements; and
- (b) the licence holder has complied with any conditions of that authorisation.

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**319. Conditions of a Scallop (Ocean) Fishery Access Licence**

- (1) A Scallop (Ocean) Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations or by the Secretary under section 52 of the Act.

Reg. 319(2)  
revoked by  
S.R. No.  
28/2000 reg. 5.

\* \* \* \*

- (3) The licence holder—

Reg. 319(3)(a)  
revoked by  
S.R. No.  
28/2000 reg. 5.

\* \* \* \*

- (b) must not use or have on board a boat any dredge which exceeds 336 centimetres in width; and
- (c) must not use or have on board a boat a 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; and
- (d) must not have on board a boat, any shucked scallop or any scallop of which the shell has been split; and
- (e) must not land or cause to be landed in Victoria from any boat, any shucked scallop or any scallop of which the shell has been split; and

Reg. 319(3)  
(f)–(k)  
revoked by  
S.R. No.  
28/2000 reg. 5.

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- (l) must ensure that scallop is not contained on board the boat specified in the licence in any container other than a crate or a sack; and
- (m) must ensure that scallop is not landed from the boat specified in the licence in any container other than a crate or a sack; and

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**Reg. 319(3)**  
**(n)–(r)**  
**revoked by**  
**S.R. No.**  
**28/2000 reg. 5.**

- (s) must not possess on board the boat specified in the licence—
  - (i) more than 10 kilograms of fish other than scallop; or
  - (ii) any abalone, rock lobster, sea urchin, jellyfish or bug; and
- (t) must not land from the boat specified in the licence—
  - (i) more than 10 kilograms of fish other than scallop; or
  - (ii) any abalone, rock lobster, sea urchin, jellyfish or bug; and

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**Reg. 319(3)(u)**  
**revoked by**  
**S.R. No.**  
**28/2000 reg. 5.**

- (v) must not within Victoria sell scallop to any person other than the holder of a Fish Receivers' (Scallop) Licence; and
- (w) when on board the boat specified in the licence in the waters of the Gippsland Lakes or any bay or inlet of the sea, must ensure that any dredge is securely stowed on board the boat; and

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- (x) must ensure that fish are not transferred in, under or on Victorian waters from the boat specified in the licence to any other boat; and
- (y) must not take more than 8 wrasse on any one day.

Reg. 320  
revoked by  
S.R. No.  
107/2000  
reg. 4(3).

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Reg. 320A  
inserted by  
S.R. No.  
90/1999  
reg. 19.

**320A. Conditions of a Snowy River Fishery (Bait) Access Licence**

- (1) A Snowy River Fishery (Bait) Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder, when operating in the Snowy River, must not use any commercial fishing equipment other than—
  - (a) not more than 2 hand-operated bait pumps; and
  - (b) 2 dip nets.

Reg. 320B  
inserted by  
S.R. No.  
90/1999  
reg. 19.

**320B. Conditions of a Sydenham Inlet Fishery (Bait) Access Licence**

- (1) A Sydenham Inlet Fishery (Bait) Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder, when operating in Sydenham Inlet, must not use any commercial fishing equipment other than—



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- (a) not more than 2 hand-operated bait pumps;  
and
- (b) 2 dip nets.

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Reg. 321  
revoked by  
S.R. No.  
118/2001  
reg. 7(3).

**322. Conditions of a Trawl (Inshore) Fishery Access  
Licence**

- (1) A Trawl (Inshore) Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.

- (2) The licence holder—

- (a) must not on any one day—

- (i) take, possess or retain on board any boat more than a total combined number of 2 gummy shark and school shark; or
- (ii) land from any boat more than a total combined number of 2 gummy shark and school shark; and

- (b) must not at any one time take or possess on board the boat specified in the licence or land from that boat more than 40 kilograms of bug, unless the licence authorises the taking of bug; and

Reg. 322(2)(a)  
substituted by  
S.R. No.  
133/2003  
reg. 22(a).

Reg. 322(2)(b)  
substituted by  
S.R. No.  
90/1999  
reg. 20(1),  
amended by  
S.R. No.  
133/2003  
reg. 22(b).

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Reg. 322(2)(c)  
revoked by  
S.R. No.  
90/1999  
reg. 20(1), new  
reg. 322(2)(c)  
inserted by  
S.R. No.  
133/2003  
reg. 22(c).

- (c) must not take, possess or retain on board any boat, bugs of the species *ibacus peronii* that have a carapace width of less than 9 centimetres; and

- (d) must not use any net or combination of nets with a total head line length exceeding 33 metres unless the licence authorises the use of that net or combination of nets; and
- (e) must ensure that fish are not transferred in, under or on Victorian waters from the boat specified in the licence to any other boat; and
- (f) must not take more than 8 wrasse on any one day; and
- (g) must not take, possess, retain 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; and

Reg. 322(2)(h)  
amended by  
S.R. No.  
90/1999  
reg. 20(2).

- (h) despite paragraph (g), must not take, possess, retain on board the boat specified in the licence or land from that boat more than a total of 400 kilograms of flathead, silver trevally or school whiting; and

Reg. 322(2)(i)  
inserted by  
S.R. No.  
90/1999  
reg. 20(2),  
amended by  
S.R. No.  
133/2003  
reg. 22(d).

- (i) despite paragraphs (g) and (h), must not, if using a boat nominated on a statutory fishing right under the Commonwealth Act for the South East Trawl fishery or on a fishing concession granted by the Australian Fisheries Management Authority, take, possess, retain on board the boat or land from the boat any of the taxa of fish listed in Schedule 17.

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**323. Conditions of a Western Port/Port Phillip Bay  
Fishery Access Licence**

- (1) A Western Port/Port Phillip Bay Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder, when operating in Port Phillip Bay—
  - (a) if authorised to use a longline, must not use or possess in, on or within 200 metres of Port Phillip Bay—
    - (i) more than 1 longline; or
    - (ii) any longline or combination of lines with more than 200 hooks attached; and
  - (b) must not use any longline which does not have attached at each end, a dahn or a buoy displaying an orange flag of no less than 30.4 centimetres square; and
  - (c) must not—
    - (i) use more than 6 fishing lines; or
    - (ii) use or possess any line with more than 3 hooks attached to each line; and
  - (d) must not use or possess any mesh net or combination of mesh nets, other than—
    - (i) 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; or

**Reg. 323**  
**(2)(d)(i)**  
**amended by**  
**S.R. No.**  
**133/2003**  
**reg. 23(1)(a).**

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

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Reg. 323  
(2)(d)(iii)  
amended by  
S.R. No.  
133/2003  
reg. 23(1)(b).

(ii) 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; or

(iii) throughout the year, a flounder net or combination of flounder 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 cork line and the lead line; and

Reg. 323  
(2)(da)  
inserted by  
S.R. No.  
107/2000  
reg. 12(1).

(da) must not use a drum or spool to hold or store any mesh net with meshes measuring 10 centimetres or more; and

Reg. 323  
(2)(db)  
inserted by  
S.R. No.  
107/2000  
reg. 12(1).

(db) must not 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; and

(e) must not use or possess a seine net—

(i) exceeding 460 metres in length; or

Reg. 323(2)  
(e)(ii)  
substituted by  
S.R. No.  
90/1999  
reg. 21(1),  
revoked by  
S.R. No.  
109/1999  
reg. 5(1).

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Reg. 323(2)  
(e)(iii)  
inserted by  
S.R. No.  
90/1999  
reg. 21(1).

(iii) with meshes in the bag of the net that measure between 2.9 centimetres and 4.5 centimetres; or

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- (iv) with meshes 25 metres either side of the bag of the net that measure between 2.9 centimetres and 4.5 centimetres; and
- Reg. 323(2)  
(e)(iv)  
inserted by  
S.R. No.  
90/1999  
reg. 21(1).
- (f) must not use or possess a purse seine net exceeding 460 metres in length; and
- (g) in the area between Rickett's Point at Beaumaris and Snapper Point at Mornington must not use a seine net—
- (i) other than by hauling or winching the net from the beach; or
- (ii) with more than 660 metres of rope attached at each end of the net; and
- (h) must not use a commercial hoop net exceeding 3 metres in diameter from a pier or jetty; and
- (i) must not use more than 50 commercial hoop nets at any time; and
- (j) must not use or possess on board the boat more than 6 bay fish traps; and
- (k) must be in attendance at all times between the hours of sunrise and sunset, when his or her mesh nets or flounder nets are in the water; and
- Reg. 323(2)(k)  
amended by  
S.R. No.  
133/2003  
reg. 23(1)(c).
- (l) must not take mussels other than—
- (i) by hand; or
- (ii) by the use of breathing apparatus; or
- (iii) by a hand operated mussel rake from man-made structures; and
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*S.R. No. 23/1998*

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- (m) must not allow any of his or her crew to take mussels; and
- (n) if offering mussels for sale, must ensure that—
  - (i) the mussels are placed in a receptacle bearing a clear and legible label with the words "BAIT ONLY, NOT FOR HUMAN CONSUMPTION" together with his or her name or business name before the mussels are moved from his or her possession; and
  - (ii) the mussels have been adulterated with the dye "Ponceau 4R" in such a manner that the red colouration is clearly visible in the liquid in which the mussels are held in that container; and
- (o) must not use any commercial fishing equipment north or west of a line running from the seaward end of the Williamstown Breakwaters Pier to the most southerly point of Webb Dock; and
- (p) in the area south and west of a line from the shoreward end of the Queenscliff Pier to the seaward end of Point Nepean, must not use any commercial equipment other than a seine net or fishing line; and
- (q) must not use any commercial fishing equipment other than a commercial hoop net or a hand operated mussel rake within a distance of 400 metres from any part of the St Kilda Pier or within a distance of 230 metres from any part of the Kerford Road Jetty, Hobson's Bay or within a distance of 30 metres from any part of any other pier or jetty; and

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- (r) must not use any commercial fishing equipment 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; and
  - (s) must not use any commercial fishing equipment in any shipping channel defined by channel markers; and
  - (t) must not take more than 8 wrasse on any one day.
- (2A) Despite regulation 323(2)(db), 2 Western Port/Port Phillip Bay Fishery Access Licence holders working together may use 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.
- (3) The licence holder, when operating in Western Port—
- (a) during the period between 12.00 noon on any Saturday and 10.00 p.m. on the following Sunday, must not use or possess on board a boat any commercial fishing equipment other than a fishing line which has no more than 2 hooks attached; and
  - (b) must not use any lead core rope, weighted rope, rope with attached weight or sinking rope for the purpose of hauling any seine net; and
  - (c) must not use or possess mesh nets or flounder nets exceeding 1650 metres in length; and
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**Reg. 323(2A)**  
**inserted by**  
**S.R. No.**  
**107/2000**  
**reg. 12(2).**

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Reg. 323(3)(e)  
substituted by  
S.R. No.  
109/1999  
reg. 5(2).

Reg. 323(3)(f)  
substituted by  
S.R. No.  
90/1999  
reg. 21(2).

Reg. 323(3)(i)  
amended by  
S.R. No.  
133/2003  
reg. 23(2).

- (d) must not use or possess a mesh net with a mesh size less than 5 centimetres; and
- (e) must not use or possess a seine net—
  - (i) exceeding 366 metres in length; or
  - (ii) that has more than 300 metres in length of rope attached to either end of the net; and
- (f) during the period commencing 1 March and ending on 31 October in each year must not—
  - (i) use more than 1 long line or use a long line with more than 1000 hooks attached; or
  - (ii) within 200 metres of Western Port, possess more than 1 long line or a long line with more than 1000 hooks attached; and
- (g) when using a longline, must connect or attach to each end of the longline a dahn or buoy with an orange flag of not less than 30.4 centimetres square attached to it; and
- (h) during the period commencing on 1 November in each year and ending on the last day of February of the following year must not—
  - (i) use or possess more than 9 fishing lines; and
  - (ii) use or possess a line with more than 2 hooks attached; and
- (i) must be in attendance at all times between sunrise and sunset while his or her mesh nets or flounder nets are in the water; and



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- (j) must not, during the period commencing on 1 October and ending on 31 December in each year, use or possess a seine net or a mesh net in Western Port on the ocean side of the San Remo bridge; and
- (k) must not take more than 8 wrasse on any one day; and
- (l) must, when using a seine net, haul that net by hand or by a mechanical device approved by the Secretary.

Reg. 323(3)(k)  
amended by  
S.R. No.  
90/1999  
reg. 21(3).

Reg. 323(3)(l)  
inserted by  
S.R. No.  
90/1999  
reg. 21(3).

**324. Conditions of a Wrasse Fishery Access Licence**

- (1) A Wrasse Fishery Access Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by these Regulations and by the Secretary under section 52 of the Act.
- (2) The licence holder must not—
  - (a) use more than 6 fishing lines; or
  - (b) use or possess any line with more than 3 hooks attached to each line.

**Division 3—Conditions of Fish Receivers' (Scallop) Licence**

**325. Conditions of a Fish Receivers' (Scallop) Licence**

- (1) The holder of a Fish Receivers' (Scallop) Licence is subject to the conditions specified in this regulation, in addition to any other conditions imposed on the licence by the Secretary under section 52 of the Act.

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- (2) The licence holder, in relation to any scallop taken from Victorian waters—
- (a) must not receive any scallop in the shell other than from the holder of a Fish Receivers' (Scallop) Licence, a Scallop (Ocean) Fishery Access Licence, an aquaculture licence authorising the culture of scallop or any person authorised under the Act to take scallop for sale; and
  - (b) must not receive any scallop meat except from the holder of a Fish Receivers' (Scallop) Licence or an aquaculture licence authorising the culture of scallops; and
  - (c) must complete a monthly Fish Receivers' (Scallop) return, on the form provided by the Secretary, showing all the details required by the form; and
  - (d) must send the return completed to the Secretary by the 14th day of the month following the period of the return.

**Division 4—Conditions of Fish Receivers' (Abalone) Licence**

**326. Fish Receivers' (Abalone) Licence subject to conditions in this Division**

The licence holder of a Fish Receivers' (Abalone) Licence is subject to the conditions specified in this Division, in addition to any other conditions imposed on the licence by the Secretary under section 52 of the Act.

**327. Abalone received from the holder of an Abalone Fishery Access Licence or any person acting under that licence**

In the case of abalone accompanied by an abalone docket relating to that abalone, the holder of a Fish Receivers' (Abalone) Licence—

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- (a) must not receive the abalone at the premises specified in his or her licence any more than 24 hours after the time of landing set out in the abalone docket; and

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Reg. 327(b)(c)  
revoked by  
S.R. No.  
25/2003  
reg. 8(1).

- (d) if any bin or bag containing abalone is not sealed with a bin tag in accordance with regulation 303(3)(m) or is not sealed with a completely intact bin tag—

(i) must notify the Secretary within 30 minutes after the abalone was received, of the place where the abalone can be inspected during the next 24 hours and the diver number from the abalone docket accompanying the abalone; and

(ii) must not break any bin tags, remove the lid from any bin or remove any abalone from, or add any abalone to, any bin or bag in that consignment unless authorised by the Secretary; and

- (e) if Part B of the duplicate and triplicate copies of the abalone docket has not been completed, must notify the Secretary no more than 15 minutes after receiving the abalone; and

- (f) must as soon as practicable, but no more than 25 hours after the time the abalone was landed as set out in the abalone docket—

(i) weigh it and enter the net weight on Part C of the duplicate and triplicate copies of the abalone docket and complete all other details (except the

Reg. 327(f)(i)  
amended by  
S.R. No.  
25/2003  
reg. 8(2)(3).

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

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Reg. 327(f)(ii)  
substituted by  
S.R. Nos  
15/2000 reg. 8,  
25/2003  
reg. 8(4).

notification service details) required by  
Part C of the docket; and

(ii) provide the specified details to the  
Secretary—

(A) via the abalone internet  
notification service; or

(B) if a Secretary's confirmation  
number cannot be received from  
the abalone internet notification  
service, provide the specified  
details to the Secretary via the  
abalone telephone notification  
service; or

(C) if the Secretary's confirmation  
number cannot be received from  
the abalone telephone notification  
service, use the telephone number  
provided under regulation 627(1)  
to provide the specified details to  
the Secretary; and

Reg. 327(f)(iii)  
inserted by  
S.R. No.  
15/2000 reg. 8,  
revoked by  
S.R. No.  
145/2001  
reg. 6(1).

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(g) before breaking any bin tags or removing the  
lid from any bin or removing any abalone  
from, or adding any abalone to, any bin or  
bag must—

(i) have received the Secretary's  
confirmation in respect of that abalone;  
and

(ii) have verified that the details in the  
confirmation are accurate; and

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- (iii) if the details are accurate, have recorded the confirmation number on Part C of the duplicate and triplicate copies of the docket and signed those copies—

Reg. 327(g)(iii)  
amended by  
S.R. No.  
25/2003  
reg. 8(2).

unless authorised by the Secretary under regulation 627(2)(b) to proceed without that confirmation; and

- (ga) if the Secretary authorises the licence holder to comply with alternate weighing and reporting requirements and the licence holder has complied with the conditions of that authorisation, paragraphs 327(f) and 327(g) do not apply to the licence holder; and

Reg. 327(ga)  
inserted by  
S.R. No.  
25/2003  
reg. 8(5).

- (h) if authorised by the Secretary under regulation 627(2)(b), must record the confirmation number provided by the Secretary on Part C of the duplicate and triplicate copies of the abalone docket and sign those copies before breaking any bin tags, removing the lid from a bin or removing abalone from a bin or bag; and
- (i) if the details in the Secretary's confirmation are inaccurate, must not enter the confirmation number on any abalone docket; and
- (j) must, within 48 hours of the abalone entering the licensed premises, forward to the Secretary the duplicate copy of each abalone docket; and
- (k) must retain on the licensed premises the triplicate copy of the abalone docket in respect of abalone received.

Reg. 327(h)  
amended by  
S.R. No.  
25/2003  
reg. 8(2).

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

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**328. Abalone received from other sources**

(1) In the case of abalone accompanied by an abalone transfer certificate relating to that abalone, the holder of a Fish Receivers' (Abalone) Licence—

(a) if Part A of the duplicate and triplicate copies of the abalone transfer certificate has not been completed, must notify the Secretary no more than 15 minutes after receiving the abalone; and

(b) must, as soon as practicable and no more than 2 hours after the abalone entered the licensed premises—

(i) enter the net weight of the abalone on Part B of the duplicate and triplicate copies of the abalone transfer certificate; and

(ii) complete all of the other details (except section (v)) in Part B of the duplicate and triplicate copies of the abalone transfer certificate; and

(iii) provide the specified details to the Secretary via the notification service; and

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(c) 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, must notify the Secretary as soon as practicable of the place where the abalone may be inspected during the next 24 hours

Reg. 328(1)(b)  
amended by  
S.R. No.  
25/2003  
reg. 9(1).

Reg. 328  
(1)(b)(iv)  
revoked by  
S.R. No.  
145/2001  
reg. 6(1).

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- and must not remove any abalone from, or add any abalone to, the consignment during that period unless authorised to do so by the Secretary or an authorised officer; and
- (d) before processing the abalone, or mixing it with other stocks of abalone, must—
- (i) have received the Secretary's confirmation in respect of that abalone; and
  - (ii) have verified that the details in the confirmation are accurate; and
  - (iii) if the details are accurate, have recorded the confirmation number on Part B of the duplicate and triplicate copies of the certificate and signed those copies—
- unless authorised by the Secretary under regulation 627(2)(b) to proceed without that confirmation; and
- (e) if authorised by the Secretary under regulation 627(2)(b), must record the confirmation number provided by the Secretary on Part B of the duplicate and triplicate copies of the abalone transfer certificate and sign those copies before processing the abalone or mixing it with other stocks of abalone; and
- (f) if the details in the Secretary's confirmation are inaccurate, must not enter the confirmation number on the abalone transfer certificate or any copy of the certificate; and
- (g) must, within 48 hours of the abalone entering the licensed premises, forward to the Secretary the duplicate copy of the abalone transfer certificate; and

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(h) must retain on the licensed premises the triplicate copy of the abalone transfer certificate.

(2) In the case of abalone not accompanied by an abalone docket or an abalone transfer certificate relating to that abalone, the licence holder of a Fish Receivers' (Abalone) Licence—

(a) as soon as practicable and no more than 2 hours after the abalone entered the licensed premises, must, in respect of abalone received from each consignor—

(i) enter the net weight of the abalone on Part B of the original and all copies of an abalone transfer certificate; and

(ii) complete all of the other details (except section (v)) in Part B of the original and all copies of the abalone transfer certificate; and

(iii) provide the specified details to the Secretary via the notification service; and

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(b) before processing the abalone, or mixing it with other stocks of abalone, must—

(i) have received the Secretary's confirmation in respect of that abalone; and

(ii) have verified that the details in the confirmation are accurate; and

Reg. 328(2)(a)  
amended by  
S.R. No.  
25/2003  
reg. 9(2).

Reg. 328  
(2)(a)(iv)  
revoked by  
S.R. No.  
145/2001  
reg. 6(1).



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- (iii) if the details are accurate, have recorded the confirmation number on Part B of the original and all copies of the certificate and signed the original and all copies of it—

unless authorised by the Secretary under regulation 627(2)(b) to proceed without that confirmation; and

- (c) if authorised by the Secretary under regulation 627(2)(b), must record the confirmation number provided by the Secretary on Part B of the original and all copies of the abalone transfer certificate and sign the certificate and all copies of it before processing the abalone or mixing it with other stocks of abalone; and
- (d) if the details in the Secretary's confirmation are inaccurate, must not enter the confirmation number on the abalone transfer certificate or a copy of the certificate; and
- (e) must, within 48 hours of the abalone entering the licensed premises, forward to the Secretary the original and duplicate and triplicate copies of the abalone transfer certificate completed under paragraph (a); and
- (f) must retain on the licensed premises the quadruplicate copy of the abalone transfer certificate.

**329. Sale and consignment of abalone**

The holder of a Fish Receivers' (Abalone) Licence—

- (a) must, in relation to the sale or consignment of abalone in a quantity not more than that specified in Table 1 of Schedule 9—

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Reg. 329(a)(i)  
amended by  
S.R. No.  
15/2000  
reg. 9(a).

- (i) at the time of the sale or consignment, issue a receipt showing, in respect of all abalone sold or consigned, all of the details specified in regulation 629 except those in regulation 629(1)(g) and (h); and
- (ii) on completion of the sale or dispatch of the consignment, enter all of the details of the sale or consignment on the original and duplicate copy of the appropriate small sales return; and

Reg. 329(a)(iii)  
amended by  
S.R. No.  
90/1999  
reg. 22,  
revoked by  
S.R. No.  
15/2000  
reg. 9(b).

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- (b) must, no more than 24 hours after—
  - (i) the final entry on a small sales return was made under paragraph (a); or
  - (ii) a request from the Secretary under regulation 628(2) was received—

complete all other details on the original and duplicate copy of the small sales return, sign the return and forward the original return to the Secretary by post; and

- (c) must, in relation to the sale or consignment of abalone in a quantity greater than that specified in Table 1 of Schedule 9—
  - (i) complete all the details (except section (v)) on Part A of the original and all copies of an abalone transfer certificate; and

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- (ii) provide the specified details in respect  
of the abalone to the Secretary via the  
notification service; and

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Reg. 329(c)(iii)  
revoked by  
S.R. No.  
145/2001  
reg. 6(1).

- (d) must not allow abalone in a quantity greater  
than that specified in Table 1 of Schedule 9  
to leave the licensed premises until the  
licence holder—

- (i) has received the Secretary's  
confirmation in respect of that abalone;  
and
- (ii) has verified that the details in the  
confirmation are accurate; and
- (iii) if the details are accurate, has recorded  
the confirmation number on Part A of  
the original and all copies of the  
certificate and signed the original and  
all copies of it—

unless authorised by the Secretary under  
regulation 627(2)(b) to proceed without that  
confirmation; and

- (e) if authorised by the Secretary under  
regulation 627(2)(b), must record the  
confirmation number provided by the  
Secretary on Part A of the original and all  
copies of the abalone transfer certificate  
before allowing the abalone to leave the  
licensed premises; and
- (f) if the details in the Secretary's confirmation  
are inaccurate, must not enter the  
confirmation number on the abalone transfer  
certificate or a copy of the certificate; and

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- (g) must not allow abalone in a quantity greater than that specified in Table 1 of Schedule 9 to leave the premises specified in his or her licence unless it is accompanied by the duplicate and triplicate copies of the completed abalone transfer certificate; and
- (h) must, within 48 hours of abalone in a quantity greater than that specified in Table 1 of Schedule 9 leaving the licensed premises, forward to the Secretary the original of the abalone transfer certificate completed in respect of the abalone; and
- (i) must retain on the licensed premises the quadruplicate copy of the abalone transfer certificate and the duplicate copy of any small sales return in respect of abalone dispatched from those premises.

**330. General and administrative conditions of Fish Receivers' (Abalone) Licence**

The holder of a Fish Receivers' (Abalone) Licence—

- (a) must not obtain or receive abalone taken from Victorian waters other than from—
  - (i) the holder of an Abalone Fishery Access Licence, or any person acting under that licence, acting in accordance with these Regulations; or
  - (ii) another holder of a Fish Receivers' (Abalone) Licence acting in accordance with these Regulations; or

Reg. 330(a)(iii)  
revoked by  
S.R. No.  
25/2003  
reg. 6(d).

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*S.R. No. 23/1998*

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- (iv) an authorised officer or police officer acting in the course of his or her duty; and
- (b) must—
- (i) to the extent that is reasonably possible, maintain on the licensed premises a means to access the internet at any time; and
- (ii) maintain a printer on the licensed premises which is capable of printing information accessed via the internet and, to the extent that is reasonably possible, ensure that the printer is in working order at all times; and
- (c) within 48 hours after receiving a request from the Secretary under regulation 628(1), must—
- (i) access the internet site notified under regulation 627(1)(a) and access the part of the site dealing with stock record requests; and
- (ii) provide all the details listed in Schedule 6 in the manner required by that part of the site in respect of all abalone on the licensed premises at the time the details are provided; and
- (iii) print a copy of those details; and
- (iv) sign and date the copy; and
- Reg. 330(b)  
substituted by  
S.R. No.  
145/2001  
reg. 6(2)(a).

Reg. 330(c)(i)  
substituted by  
S.R. No.  
145/2001  
reg. 6(2)(b).

Reg. 330(c)(ii)  
substituted by  
S.R. No.  
145/2001  
reg. 6(2)(b).

Reg. 330(c)(iii)  
substituted by  
S.R. No.  
145/2001  
reg. 6(2)(b).

Reg. 330(c)(iv)  
inserted by  
S.R. No.  
145/2001  
reg. 6(2)(b).
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*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

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Reg. 330(c)(v)  
inserted by  
S.R. No.  
145/2001  
reg. 6(2)(b).

(v) retain the copy on the licensed premises; and

(d) must, for the period between completing stock records as required by paragraph (c), ensure that the combined total quantity of abalone possessed and consigned by him or her does not exceed the total quantity of abalone—

(i) received and notified in accordance with regulations 327 and 328 for that period; and

(ii) on hand at the beginning of the period; and

Reg. 330(e)  
amended by  
S.R. No.  
145/2001  
reg. 6(2)(c).

(e) must use abalone transfer certificates and small sales returns issued to him or her in sequential numerical order beginning with the lowest number; and

Reg. 330(f)  
amended by  
S.R. No.  
145/2001  
reg. 6(2)(d).

(f) if an error occurs whilst the licence holder is completing an abalone transfer certificate initiated by him or her or a small sales return as required by these Regulations, must—

(i) write the words "ERROR—CANCELLED" across the document; and

(ii) use the next sequentially numbered document in that book or a new book; and

(iii) in the case of a cancelled abalone transfer certificate, forward the original, duplicate and triplicate copies to the Secretary within 48 hours and retain the quadruplicate copy; and

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(iv) in the case of a cancelled small sales return, forward the original to the Secretary within 48 hours and retain the duplicate copy; and

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Reg. 330(f)(v)  
revoked by  
S.R. No.  
145/2001  
reg. 6(2)(e).

(g) must ensure that all unused abalone transfer certificates, small sales returns and copies of those documents issued to him or her are retained on the licensed premises; and

Reg. 330(g)  
amended by  
S.R. No.  
145/2001  
reg. 6(2)(f).

(h) must not give, lend or make available an abalone transfer certificate, small sales return or copies of those documents, or a stock record to any person other than the Secretary, an authorised officer, a holder of a Fish Receivers' (Abalone) Licence or a Fish Receivers' (Abalone Storer) Licence or a person in connection with the sale or consignment of abalone in accordance with these Regulations; and

Reg. 330(h)  
amended by  
S.R. No.  
145/2001  
reg. 6(2)(g).

(i) must not use abalone transfer certificates issued to any other person, other than copies of the certificate accompanying abalone received from the licence holder of a Fish Receivers' (Abalone) Licence or a Fish Receivers' (Abalone Storer) Licence; and

(j) must retain on the premises specified in the licence the duplicate copy of every small sales return completed by him or her; and

(k) must not intentionally—

(i) damage, alter, deface or otherwise interfere with an abalone transfer certificate, an abalone docket, a small sales return or copies of those documents or a stock record; or

Reg. 330(k)(i)  
amended by  
S.R. No.  
145/2001  
reg. 6(2)(h).

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Reg. 330(k)(ii)  
amended by  
S.R. No.  
145/2001  
reg. 6(2)(i).

- (ii) erase any information from an abalone transfer certificate, an abalone docket, a small sales return or copies of those documents or a stock record.

Reg. 330(k)(iii)  
revoked by  
S.R. No.  
145/2001  
reg. 6(2)(j).

\* \* \* \* \*

Reg. 330A  
inserted by  
S.R. No.  
15/2000  
reg. 10.

**330A. Requirement to mark abalone packaging**

- (1) The holder of a Fish Receivers' (Abalone) Licence or any person acting under that licence must, before abalone leaves the licensed premises of the licence holder—
- (a) mark the outside of the immediate packaging of the abalone with the details (if applicable) listed in sub-regulation (2); or
  - (b) affix a label to the outside of the immediate packaging of the abalone that contains the details (if applicable) listed in sub-regulation (2).
- (2) For the purposes of sub-regulation (1) the details are—
- (a) the name of the licence holder or the name and address of the person on whose behalf the abalone was packaged;
  - (b) the approved AQIS number or the trader identification number issued to the licence holder;
  - (c) the net weight (kilograms) of the abalone;
  - (d) the date that the licence holder or person acting under the licence packaged the abalone.



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- (3) Sub-regulation (1) does not apply to a person who consigns abalone approved by AQIS for the purpose of export if that person is the holder of a Fish Receivers' (Abalone) Licence or is acting under that licence.

Reg. 330A(3)  
inserted by  
S.R. No.  
133/2003  
reg. 24.

\* \* \* \* \*

Pt 3 Div. 5  
(Heading and  
regs 331–334)  
amended by  
S.R. No.  
145/2001  
reg. 7(1)  
(2)(a)–(j),  
revoked by  
S.R. No.  
25/2003  
reg. 6(e).

**Division 6—Conditions of aquaculture licences**

**335. Conditions of every aquaculture licence**

- (1) The holder of an aquaculture licence is subject to the conditions specified in this regulation, in addition to any conditions imposed on the licence under these Regulations or by the Secretary under section 52 of the Act.
- (2) The licence holder—
- (a) must 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) must keep the book of account for a period of 3 years after the last entry was made in it; and
  - (c) must make the book of account available for inspection by an authorised officer at any reasonable time; and

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- (d) must—
- (i) within 24 hours of the outbreak of any notifiable disease in an aquaculture crop, notify the Secretary by telephone; and
  - (ii) within 5 days of the outbreak of any notifiable disease in the crop, notify the Secretary in writing; and
- (e) must not sell, remove, discharge, dispose of or transfer any fish, sea water or equipment from an area that is affected by a notifiable disease or toxic algae to any other area; and
- (f) must complete an aquaculture crop production return on the form approved by the Secretary for the periods—
- (i) 1 July to 31 December in each year; and
  - (ii) 1 January to 30 June in each year—
- and forward the original return to the Secretary within 30 days of the end of each period; and
- (g) must ensure that any fish or protected aquatic biota taken that are not to be retained (other than noxious aquatic species) are immediately returned to the water with the least possible injury or damage; and
- (h) in relation to the transport, the consignment for sale or consignment for processing of yabbies, must ensure that the licence holder's name and the licence number is clearly marked on the outside of the immediate packaging of the yabbies.

Reg. 335(2)(g)  
amended by  
S.R. No.  
90/1999  
reg. 23.

Reg. 335(2)(h)  
inserted by  
S.R. No.  
90/1999  
reg. 23.

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*S.R. No. 23/1998*

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**336. Conditions of an Aquaculture (Crown Land) Licence**

- (1) The holder of an Aquaculture (Crown) licence is subject to the conditions specified in this regulation, in addition to any conditions imposed on the licence under these Regulations or by the Secretary under section 52 of the Act.
- (2) The licence holder must, subject to the conditions of any Crown land lease covering the area, not use in, or introduce into, the area specified in the licence or its surrounds or any place where it may flow into the licensed area, any food, chemical or artificial diet other than in accordance with the licence conditions.

Reg. 336(1)  
amended by  
S.R. Nos  
107/2000  
reg. 13,  
22/2004  
reg. 17.

**Division 7—Secretary may exempt licence holder from certain conditions of licence**

**337. Secretary may exempt licence holder from certain licence conditions**

- (1) The Secretary may, in writing, exempt a person who is the holder of a commercial fishery licence from one or more specified conditions of the licence.
- (2) In granting an exemption, the Secretary must specify—
  - (a) the condition 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

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- (e) any conditions which apply to the exemption.
- (3) In granting an exemption, the Secretary may impose conditions relating to the taking, landing, weighing, reporting, marketing, hatching, rearing, breeding, growing, keeping, sale, processing or receiving of fish or fishing bait or the use of any equipment.
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*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Part 4—Recreational Licences

r. 401

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**PART 4—RECREATIONAL LICENCES**

**Division 1—Category of recreational fishery licence**

Pt 4 Div. 1  
(Heading)  
substituted by  
S.R. No.  
90/1999  
reg. 46.

**401. Category of recreational fishery licence**

Under section 45 of the Act, a Recreational Fishing Licence is created as a class of recreational fishery licence.

Reg. 401  
amended by  
S.R. No.  
90/1999  
reg. 24,  
substituted by  
S.R. No.  
90/1999  
reg. 46.

**Division 2—Entitlements of recreational fishery licences**

**402. Entitlements of Recreational Fishing Licence**

A Recreational Fishing Licence authorises the licence holder to take, fish other than for sale from inland waters and marine waters by the use of recreational fishing equipment.

Reg. 402  
substituted by  
S.R. No.  
90/1999  
reg. 25,  
amended by  
S.R. No.  
90/1999  
reg. 47(1).

\* \* \* \* \*

Reg. 403  
revoked by  
S.R. No.  
90/1999  
reg. 47(4).

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*S.R. No. 23/1998*

Part 4—Recreational Licences

r. 404

**Division 3—Exemptions from requirement to hold a  
recreational fishery licence**

**404. Exemptions from requirement to hold Recreational  
Fishing Licence**

Reg. 404  
(Heading)  
substituted by  
S.R. No.  
90/1999  
reg. 26(1),  
amended by  
S.R. No.  
90/1999  
reg. 47(2).

Reg. 404(1)  
amended by  
S.R. No.  
24/2003 reg. 6.

- (1) Despite anything to the contrary in Part 4 of the Act, a person is exempt from the requirement to hold a recreational fishery licence under section 44 of the Act if the person—

- (a) holds an amateur fishing licence issued under section 21 of the **Fisheries Act 1968** that has not reached its expiry date; or

Reg. 404(1)(b)  
revoked by  
S.R. No.  
90/1999  
reg. 26(2)(a).

\* \* \* \* \*

Reg. 404(1)(c)  
amended by  
S.R. No.  
90/1999  
reg. 26(2)(b).

- (c) receives an aged or invalid pension under the Commonwealth Act for the time being in force in relation to social services or to 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

Reg. 404(1)(d)  
inserted by  
S.R. No.  
90/1999  
reg. 26(2)(b).

- (d) holds a Victorian Senior's card; or

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*S.R. No. 23/1998*

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(e) has attained the age of 70 years; or

Reg. 404(1)(e)  
inserted by  
S.R. No.  
90/1999  
reg. 26(2)(b),  
amended by  
S.R. No.  
101/2003  
reg. 4(a).

(f) 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.

Reg. 404(1)(f)  
inserted by  
S.R. No.  
101/2003  
reg. 4(b).

\* \* \* \* \*

Reg. 404(2)  
revoked by  
S.R. No.  
90/1999  
reg. 47(4).

(3) Despite anything to the contrary in Part 4 of the  
Act, the holder of a Recreational Fishery Licence  
referred to in regulation 401(a) as in force  
immediately before the commencement of  
regulation 24 of the Fisheries (Amendment)  
Regulations 1999 is exempt from holding a  
Recreational Fishing Licence under section 45 of  
the Act while his or her Recreational Fishery  
Licence continues in force.

Reg. 404(3)  
inserted by  
S.R. No.  
90/1999  
reg. 26(3).

**Division 4—Transfer of recreational fishery licences**

**405. Recreational fishery licence is non-transferable**

A person to whom a recreational fishery licence  
has been issued must not transfer or lend that  
licence to any other person.

Penalty: 4 penalty units.

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Part 4—Recreational Licences

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**Division 5—Fees for recreational fishery licences**

Reg. 406  
substituted by  
S.R. No.  
90/1999  
reg. 27.

**406. Fees and levies payable for recreational fishery licences**

- (1) For the purposes of section 151 of the Act, a recreational fishery licence is a prescribed class of licence.
- (2) The prescribed rate of levy that may be charged, levied and collected by the Secretary in respect of a class of licence specified in Column 1 of the Table below, for the period specified in Column 2 of the Table, is the levy specified in Column 3 of the Table opposite the licence and licence period.
- (3) Any levy payable under sub-regulation (2) must be paid before a recreational fishery licence is issued.
- (4) Despite sub-regulation (2), the Secretary may exempt a person or class of persons from payment of all or part of a levy specified in Column 3 of the Table below.
- (5) The application fee for a group recreational fishery licence is \$22.00.

Reg. 406(5)  
substituted by  
S.R. No.  
145/2003  
reg. 4(1).

Reg. 406(5)  
Table  
amended by  
S.R. No.  
90/1999  
reg. 47(3),  
substituted by  
S.R. No.  
145/2003  
reg. 4(2).

**Table**

<i>Column 1</i> <i>Class of licence</i>	<i>Column 2</i> <i>Licence period</i>	<i>Column 3</i> <i>Levy</i>
Recreational	1 year	\$22
Fishing Licence	2 days	\$5.50
	28 days	\$11



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*S.R. No. 23/1998*

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**Division 6—Conditions of recreational fishery licences**

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**Reg 407  
revoked by  
S.R. No.  
90/1999  
reg. 47(4).**

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*S.R. No. 23/1998*

Part 5—Prohibitions and Restrictions on Fishing

r. 501

**PART 5—PROHIBITIONS AND RESTRICTIONS ON  
FISHING**

**Division 1—Minimum and maximum sizes, catch limits,  
closed seasons, closed waters**

**501. Minimum sizes**

- (1) For the purposes of the Act, the minimum size with respect to the taking, possession or sale of the fish specified in column 1 of the Table below, from any Victorian waters, is the size specified in column 2 of the Table opposite that fish.

Reg. 501(1)  
Table  
amended by  
S.R. Nos  
90/1999  
reg. 28,  
109/1999  
reg. 6(a)(b),  
78/2001 reg. 6,  
78/2002  
reg. 5(1)(a)(b),  
133/2003  
reg. 25(a)(b).

<b>Table</b>	
<i>Column 1</i>	<i>Column 2</i>
<i>Fish</i>	<i>Minimum size (Centimetres)</i>
Australian bass	25
Australian salmon	21
Bluethroat wrasse	28
Bream (all species)	26
Butterfish (dusky morwong)	23
Estuary perch	25
Flathead (all species)	25
Flounder (all species)	23
Giant crab	15
Grass whiting (Stranger)	20
Greenlip abalone	13
King George whiting	27
Ling (all species)	33
Luderick	22
Mulloway	50
Rock cod (all species)	22
Rock lobster (male)	11
Rock lobster (female)	10·5
Shark, gummy	45
Shark, school	45
Silver trevally	20

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<i>Column 1</i>	<i>Column 2</i>
<i>Fish</i>	<i>Minimum size (Centimetres)</i>
Shortfinned pike	36
Snapper	27
Sweep (all species)	23
Tailor	23

- (2) For the purposes of the Act, the minimum size with respect to the taking, sale or possession of the fish specified in column 1 of the Table below, from the waters specified in column 2 of the Table, is the size specified in column 3 of the Table opposite that fish.

<b>Table</b>		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Waters taken from</i>	<i>Minimum size (Centimetres)</i>
Abalone (species, forms, races and hybrids other than greenlip)	Victorian waters— (a) west of longitude 143°58'30"E (Lorne)	12
	(b) between longitude 143°58'30"E and longitude 147°58'30"E (Lorne to Lakes Entrance) except Port Phillip Bay	11
	(c) Port Phillip Bay	10
	(d) east of longitude 147°58'30"E (Lakes Entrance) except the Mallacoota Airport Area and the Howe Reef Area	12
	(e) Mallacoota Airport Area and Howe Reef Area	11

Reg. 501(2)  
Table  
amended by  
S.R. No.  
78/2002  
reg. 5(2).

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Waters taken from</i>	<i>Minimum size (Centimetres)</i>
Blackfish (River blackfish)	South of the Great Dividing Range only	22
Freshwater catfish	Inland waters within the Wimmera Basin	30
Golden perch	Inland waters	30
Macquarie perch	(a) Lake Dartmouth and all its tributaries	30
	(b) Yarra River and all its tributaries	30
	(c) Upper Coliban Reservoir and all its tributaries	30
Murray cod	Inland waters	50
Silver perch	Inland waters	25
Spiny freshwater crayfish	Glenelg River system Victorian waters other than the Glenelg River system	10 9

- (3) Despite anything to the contrary in sub-regulations (1) and (2), the minimum size with respect to the taking by the holder of an access licence, or the sale or possession for sale, of the fish specified in column 1 of the Table below, taken from the waters specified in column 2 of the Table, is the size specified in column 3 of the Table opposite that fish.

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**Table**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Waters taken from</i>	<i>Minimum size (Centimetres)</i>
Abalone (species, forms, races, and hybrids other than greenlip)	The waters of Port Phillip Bay westward of a straight line from the shoreward end of St. Leonard's Jetty to the shoreward end of the Portsea Jetty	11
	Howe Reef Area	11
Garfish (all species)	All Victorian waters	20
Luderick	All Victorian waters	22
Mullet (flat tail and sand)	All Victorian waters	22
Mullet sea (poddy)	All Victorian waters	25
Mullet (yellow eye)	All Victorian waters	24
Southern Bluefin Tuna	All Victorian waters	70
Tailor (skipjack)	All Victorian waters	25

- (4) Sub-regulation (1), (2) or (3) do not apply to a person who sells or possesses fish reared and harvested in accordance with an aquaculture licence issued under the Act.

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**502. Methods for measuring size of fish**

For the purposes of the Act, the following methods must be used for measuring the size of fish—

- (a) in the case of abalone, the measurement must be taken at the widest part of the shell whether or not the shell is broken or damaged;
- (b) in the case of rock lobster, the length 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;
- (c) 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;
- (d) 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;
- (e) in the case of giant crab, the length 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; and
- (f) in the case of shark, the length must be measured from the posterior gill slit to the base of the tail fin; and
- (g) in the case of tuna, from the tip of the snout to the fork of the tail fin; and

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- (h) in the case of other fin fish, the length must be measured from the tip of the snout with the mouth closed, to the end of the tail fin; and
- (i) 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.

Reg. 502(h) amended by S.R. No. 133/2003 reg. 26(a).

Reg. 502(i) inserted by S.R. No. 133/2003 reg. 26(b).

**503. Catch limits**

- (1) For the purposes of section 68A of the Act, the catch limit with respect to the taking from, or possession in, on or next to Victorian waters of the fish specified in column 1 of the Table below, from any Victorian waters, is the daily bag limit specified in column 2 and possession limit (if any) specified in column 3 of the Table opposite that fish.

Reg. 503(1) amended by S.R. Nos 90/1999 reg. 29(1), 109/1999 reg. 7(1), 78/2001 reg. 7(1)(a)(b), 24/2003 reg. 7(1)(a).

**Table**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Daily bag limit (number of fish unless otherwise specified)</i>	<i>Possession limit (number of fish unless otherwise specified)</i>
Abalone	10 (of which no more than 2 fish may be greenlip abalone)	10 (of which no more than 2 fish may be greenlip abalone)
Australian bass	2	2
Australian salmon and Tommy ruff	20	20
Boarfish (all species)	1	1
Bream (all species)	10	10

Reg. 503(1) Table substituted by S.R. Nos 90/1999 reg. 29(2), 109/1999 reg. 7(2), amended by S.R. No. 9/2001 reg. 3, substituted by S.R. No. 78/2001 reg. 7(2), amended by S.R. Nos 78/2002 reg. 6(1)(a)(b), 24/2003 reg. 7(1)(b).

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Daily bag limit (number of fish unless otherwise specified)</i>	<i>Possession limit (number of fish unless otherwise specified)</i>
Butterfish (dusky morwong)	5	5
Crabs (all species other than sand crabs and red shore crabs)	5 litres (or, if parts or crushed, 1 litre)	5 litres (or, if parts or crushed, 1 litre)
Eel (all species)	10	10
Elephant fish	3	3
Estuary perch (and Australian bass)	10 (of which no more than 2 fish may be Australian bass)	10 (of which no more than 2 fish may be Australian bass)
Flathead (all species)	30 (of which no more than 2 fish may be equal to or exceed 60 centimetres in length)	30 (of which no more than 2 fish may be equal to or exceed 60 centimetres in length)
Flounder (all species)	20	20
Garfish (all species)	40	40
Greenlip abalone	2	2
King George whiting	20	20
Luderick (blackfish)	10	10



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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Daily bag limit (number of fish unless otherwise specified)</i>	<i>Possession limit (number of fish unless otherwise specified)</i>
Molluscs (all species other than abalone, mussels, scallops and cephalopods)	5 litres (or, if shucked, 1 litre)	5 litres (or, if shucked, 1 litre)
Mullet (all species)	40	40
Mulloway	10	10
Mussels	10 litres (or, if shucked, 1 litre)	10 litres (or, if shucked, 1 litre)
Rock lobster	2	4
Sand crabs and red shore crabs	30	30
Sand worms and other marine worms (all species)	1 litre	1 litre
Scale fish (all species other than bait species and noxious species)	40	40
Scallop	100	100
Seahorses, seadragons and pipefish	0 (protected)	0 (protected)
Sea urchin (all species)	20	20

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Daily bag limit (number of fish unless otherwise specified)</i>	<i>Possession limit (number of fish unless otherwise specified)</i>
Shark (all species other than gummy, school, elephant fish and great white)	1 per species	1 per species
Shark (great white)	0 (protected)	0 (protected)
Shark (school and gummy)	2	2
Silver trevally	20	20
Skates and rays (all species)	5	5
Snapper	10 (of which no more than 3 fish may be equal to or exceed 50 centimetres in length)	10 (of which no more than 3 fish may be equal to or exceed 50 centimetres in length)
Southern bluefin tuna	2	2
Squid (including calamari), octopus and cuttlefish (all species)	10	10
Warehou (haddock) (all species)	20	20
Wrasse (all species)	5	5

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Daily bag limit (number of fish unless otherwise specified)</i>	<i>Possession limit (number of fish unless otherwise specified)</i>
Yabby (freshwater)	20 litres (or, if tailed, 5 litres)	20 litres (or, if tailed, 5 litres)
Yellowtail kingfish	5	5

- (1A) For the purposes of the Table in sub-regulation (1)—

**Reg. 503(1A)**  
inserted by  
S.R. No.  
78/2001  
reg. 7(3).

**"bait species"** means anchovy, garfish, gudgeon, blue mackerel, jack mackerel, yellowtail scad, minnow, mullet, pilchard and sprat.

- (2) For the purposes of section 68A of the Act, the catch limit with respect to the possession of abalone anywhere in Victoria is 10 abalone (of which no more than 2 may be greenlip abalone).

**Reg. 503(2)**  
amended by  
S.R. No.  
24/2003  
reg. 7(1)(a).

- (3) For the purposes of section 68A of the Act, the catch limit with respect to the taking from, or possession in, on or next to the waters specified in column 2 of the Table below, of the fish specified in column 1 of the Table, is the daily bag limit specified in column 3 of the Table and the possession limit specified in column 4 of the Table opposite that fish.

**Reg. 503(3)**  
amended by  
S.R. No.  
90/1999  
reg. 29(3),  
substituted by  
S.R. No.  
78/2001  
reg. 7(4),  
amended by  
S.R. No.  
24/2003  
reg. 7(1)(a).

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**Reg. 503(3)**  
**Table**  
**amended by**  
**S.R. Nos**  
**78/2002**  
**reg. 6(2)(3),**  
**24/2003**  
**reg. 7(1)(c).**

<b>Table</b>			
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Fish</i>	<i>Waters taken from</i>	<i>Daily bag limit (number of fish unless otherwise specified)</i>	<i>Possession limit (number of fish unless otherwise specified)</i>
Blackfish (River blackfish)	Waters south of the Great Dividing Range	5	5
Fresh-water catfish	(a) Inland waters within the Wimmera Basin	2	2
	(b) All other inland waters	0 (protected)	0 (protected)
Golden perch	(a) Rivers and streams of inland waters	5	5
	(b) Lakes and impoundments of inland waters	10	10
Macquarie perch	(a) Lake Dartmouth and all its tributaries	2	2
	(b) Yarra River and all its tributaries	2	2
	(c) Upper Coliban Reservoir and all its tributaries	2	2
	(d) All other inland waters	0 (protected)	0 (protected)

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Fish</i>	<i>Waters taken from</i>	<i>Daily bag limit (number of fish unless otherwise specified)</i>	<i>Possession limit (number of fish unless otherwise specified)</i>
Murray cod	Inland waters	2, of which no more than 1 may be equal to or greater than 75 centimetres in length	2, of which no more than 1 may be equal to or greater than 75 centimetres in length
Salmonids (brown trout, rainbow trout, Atlantic salmon and chinook salmon)	(a) All Victorian lakes and reservoirs other than those specified in Parts A and B of Schedule 11	A total of 10 salmonids	A total of 10 salmonids
	(b) Inland waters specified in Part A of Schedule 11	A total of 10 salmonids of which no more than 5 may be less than 30 centimetres in length	A total of 10 salmonids of which no more than 5 may be less than 30 centimetres in length
	(c) Inland waters specified in Part B of Schedule 11	A total of 5 salmonids	A total of 5 salmonids
	(d) All Victorian rivers and streams	A total of 5 salmonids of which no more than 2 may be more than 35 centimetres in length	A total of 5 salmonids of which no more than 2 may be more than 35 centimetres in length

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Fish</i>	<i>Waters taken from</i>	<i>Daily bag limit (number of fish unless otherwise specified)</i>	<i>Possession limit (number of fish unless otherwise specified)</i>
Silver perch	(a) Lakes and impoundments of inland waters north of the Great Dividing Range (excluding the Wimmera Basin)	5	5
	(b) Rivers and streams of inland waters north of the Great Dividing Range (excluding the Wimmera Basin)	0 (protected)	0 (protected)
	(c) All inland waters south of the Great Dividing Range (including the Wimmera Basin)	5	5
Spiny freshwater crayfish	(a) Glenelg River system and all its tributaries	5 (of which no more than 1 fish may be equal to or exceed 11 centimetres carapace length)	5 (of which no more than 1 fish may be equal to or exceed 11 centimetres carapace length)

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Fish</i>	<i>Waters taken from</i>	<i>Daily bag limit (number of fish unless otherwise specified)</i>	<i>Possession limit (number of fish unless otherwise specified)</i>
	(b) Victorian waters other than the Glenelg River system and all its tributaries	5 (of which no more than 1 fish may be equal to or exceed 12 centimetres carapace length)	5 (of which no more than 1 fish may be equal to or exceed 12 centimetres carapace length)

(3A) For the purposes of the catch limits specified in the Table in sub-regulation (3), 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.

Reg. 503(3A)  
inserted by  
S.R. No.  
78/2001  
reg. 7(4).

(4) Sub-regulations (1), (2), (3) and (6) do not apply to the holder of an access licence or any person acting under that licence or an aquaculture licence in accordance with these Regulations.

Reg. 503(4)  
amended by  
S.R. No.  
9/1999  
reg. 4(a).

(5) Sub-regulations (2) and (6) do not apply to a person if—

Reg. 503(5)  
amended by  
S.R. No.  
9/1999  
reg. 4(b).

(a) the person is the holder of a Fish Receivers' (Abalone) Licence acting in accordance with these Regulations; or

Reg. 503(5)(a)  
amended by  
S.R. No.  
25/2003  
reg. 6(f).

(b) the abalone was obtained legally within Victoria and—

(i) is in a quantity not more than that specified in Table 1 of Schedule 9 and is accompanied by a receipt in

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accordance with regulation 629 that is less than 60 days old; or

(ii) is in a quantity more than that specified in Table 1 of Schedule 9 and is accompanied by a receipt in accordance with regulation 629 that is less than 72 hours old; or

(c) the abalone is in a quantity not more than that specified in Table 2 of Schedule 9, accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate that was completed not more than 60 days previously; or

(d) the abalone is in a quantity more than that specified in Table 2 of Schedule 9 and is accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate that was completed not more than 72 hours previously; or

(e) the person is acting in accordance with an authority of the Secretary under regulation 505.

(6) Despite sub-regulations (1) and (2), persons in—

(a) a car or other vehicle; or

(b) a boat—

carrying 5 or more persons, must not possess more than a total of 50 abalone in or on the car, other vehicle or boat that have been taken from Victorian waters on any one day.

(7) Each person in breach of sub-regulation (6) is guilty of an offence under section 68A(4A) or 68A(4B) of the Act.

Reg. 503(6)  
inserted by  
S.R. No.  
9/1999  
reg. 4(c),  
substituted by  
S.R. No.  
109/1999  
reg. 8.

Reg. 503(7)  
inserted by  
S.R. No.  
109/1999  
reg. 8,  
amended by  
S.R. No.  
24/2003  
reg. 7(1)(d).



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- (8) Sub-regulation (6) does not apply to—
- (a) the holder of an Abalone Fishery Access Licence acting in accordance with that licence or a person acting under that licence; or
  - (b) a person acting in accordance with an authority of the Secretary under regulation 505; or
  - (c) a person who obtains abalone from the holder of a Fish Receivers' (Abalone) Licence.
- (9) Despite sub-regulation (1), a person must not be in or on a vehicle in or on which there are—
- (a) 2 or more other people; and
  - (b) more than 15 litres (or 3 litres, if shucked) of molluscs (other than abalone, mussels, scallops or cephalopods).
- (10) Sub-regulation (9) does not apply to—
- (a) the holder of an access licence or a person acting under that licence; or
  - (b) a person acting in accordance with an authority of the Secretary under regulation 505; or
  - (c) a person who obtains molluscs (other than abalone, mussels, scallops or cephalopods) from the holder of an access licence or other legal commercial source.
- (11) A reference to a car, boat or vehicle in this regulation includes a reference to anything attached to, or towed by, the car, boat or vehicle.
- Reg. 503(8)**  
inserted by  
S.R. No.  
109/1999  
reg. 8.

**Reg. 503(9)**  
inserted by  
S.R. No.  
78/2001  
reg. 7(5).

**Reg. 503(10)**  
inserted by  
S.R. No.  
78/2001  
reg. 7(5).

**Reg. 503(11)**  
inserted by  
S.R. No.  
78/2001  
reg. 7(5).

**Reg. 503(8)**  
inserted by  
S.R. No.  
109/1999  
reg. 8.

**Reg. 503(9)**  
inserted by  
S.R. No.  
78/2001  
reg. 7(5).

**Reg. 503(10)**  
inserted by  
S.R. No.  
78/2001  
reg. 7(5).

**Reg. 503(11)**  
inserted by  
S.R. No.  
78/2001  
reg. 7(5).

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Reg. 504  
amended by  
S.R. No.  
24/2003  
reg. 7(2).

**504. Catch limit for access licence holders**

- (1) For the purposes of section 68A of the Act, the catch limit with respect to the taking, possession or landing by an access licence holder or any person acting under that licence of the taxa of fish specified in column 1 of the Table below, is specified in column 2 of the Table.

Reg. 504(1)  
Table  
amended by  
S.R. No.  
90/1999  
reg. 30.

Table	
<i>Column 1</i> <i>Taxa of fish</i>	<i>Column 2</i> <i>Catch limit</i>
Albacore, skipjack and longtail tuna and Ray's bream (Pomfret) combined	10 fish
Bigeye and yellowfin tuna combined	2 fish
Blue-eye trevalla and Pink ling combined	50 kilograms
Jackass morwong	50 kilograms
John dory	30 kilograms
Mirror dory	20 kilograms
Warehou, blue	100 kilograms
Warehou, spotted	100 kilograms
Ocean perch	50 kilograms
Yellow eye nannygai	50 kilograms
Redfish	50 kilograms

**505. Secretary may authorise person to possess fish in excess of the catch limit**

- (1) The Secretary may, in writing, authorise a person to possess fish in excess of the catch limit.
- (2) In granting an authority, the Secretary must specify—
- (a) the time or period during which the authority applies; and
  - (b) the place at which the authority applies; and

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- (c) the quantity of fish to which the authority applies; and
  - (d) the product description of the fish to which the authority applies.
- (3) In granting an authority, the Secretary may impose conditions relating to the packaging or marking of the fish.

**506. Closed seasons**

- (1) For the purposes of the Act and these Regulations, the closed season for fish of the kind specified in column 1 of the Table below from the waters specified in column 2 of the Table, is specified in column 3 of the Table opposite that fish.

<b>Table</b>		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Waters closed season applies to</i>	<i>Period of closed season</i>
Abalone, greenlip	All Victorian waters	1 October in each year to 31 March in the next year following
Giant crab (female)	All Victorian waters	1 June to 15 November in each year
Giant crab (male)	All Victorian waters	1 September to 15 November in each year.
Macquarie perch	All Victorian waters	1 October to 31 December in each year
Murray cod	All Victorian waters	1 September to 30 November in each year
River blackfish	Victorian waters south of the Great Dividing Range	1 September to 31 December in each year

**Reg. 506(1)**  
**Table**  
**amended by**  
**S.R. Nos**  
**78/2001**  
**reg. 8(1)(a)(b),**  
**118/2001**  
**reg. 15,**  
**78/2002 reg. 7.**

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fish</i>	<i>Waters closed</i>	<i>Period of closed</i>
<i>season applies to</i>	<i>season</i>	
Rock lobster (female)	All Victorian waters	1 June to 15 November in each year
Rock lobster (male)	All Victorian waters	1 September to 15 November in each year
Salmonids (brown trout, rainbow trout, Atlantic salmon, chinook salmon)	All inland waters except the inland waters specified in Part C of Schedule 11, lakes and 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

- (2) The taking or possession of fish of the kind specified in column 1 of the Table in sub-regulation (1) from the waters specified in column 2 of that Table, during the closed season for fish of that kind, is prohibited.
- (3) Despite the closed season specified in the Table in sub-regulation (1) for salmonids (brown trout, rainbow trout, Atlantic salmon and chinook salmon), the taking or possession of salmonids (brown trout, rainbow trout, Atlantic salmon and chinook salmon) from—
- (a) Lake Wendouree; and
  - (b) while in a boat, from Lake Purrumbete—
- is prohibited during the closed season for those fish.

Penalty: 10 penalty units.

Reg. 506(3)  
amended by  
S.R. No.  
78/2001  
reg. 8(2).

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(3A) For the purposes of the salmonid closed season specified in the Table in sub-regulation (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.

Reg. 506(3A)  
inserted by  
S.R. No.  
78/2001  
reg. 8(3).

(4) Sub-regulation (1), (2) or (3) does not apply to a person who, during the closed season for a taxon of fish, possesses fish of that taxon that have been reared and harvested in accordance with an aquaculture licence issued under the Act.

**506A. Secretary may authorise person to take or possess fish during closed season**

Reg. 506A  
inserted by  
S.R. No.  
109/1999  
reg. 9.

The Secretary may, in writing, authorise a person to take or possess fish of the kind specified in column 1 of the Table in regulation 506(1) during the closed season.

**Division 2—Prohibitions**

**507. Prohibitions on the use of certain boats or equipment**

(1) The use of the following boats or equipment is prohibited under section 114 of the Act, and if applicable, in the places, periods and circumstances specified—

Reg. 507(1)  
amended by  
S.R. No.  
90/1999  
reg. 31(1).

(a) a trammel net absolutely; and

Reg. 507(1)(a)  
substituted by  
S.R. No.  
90/1999  
reg. 31(1).

(b) a firearm to take fish throughout Victoria; and

Reg. 507(1)(b)  
substituted by  
S.R. No.  
90/1999  
reg. 31(1).

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Reg.  
507(1)(c)(ii)  
amended by  
S.R. No.  
24/2003  
reg. 8(a).

Reg.  
507(1)(c)(iii)  
inserted by  
S.R. No.  
24/2003  
reg. 8(b).

Reg. 507(1)(g)  
amended by  
S.R. No.  
15/2000  
reg. 11.

- (c) a speargun—
  - (i) in inland waters; or
  - (ii) in the waters of Anderson's Inlet, Corner Inlet, the Gippsland Lakes, Lake Tyers, the Lower Lake at Mallacoota Inlet, Shallow Inlet, Tamboon Inlet, Wingan Inlet, Curdies Inlet; or
  - (iii) within 30 metres of any jetty or the mouth of any creek or river; and
- (d) any device involving electrical means (other than a light) to attract or take fish; and
- (e) any equipment other than underwater breathing apparatus or recreational hoop nets for the taking of, or attempting to take, rock lobster; and
- (f) any net to take—
  - (i) Murray cod; or
  - (ii) golden perch or silver perch during the period commencing at midnight on the last Sunday in August and ending at midnight on the last Friday in November in each year; and
- (g) any kind of seine net, a purse seine net, lampara net, any kind of mesh net, a trawl net or a scallop dredge—
  - (i) within 500 metres of the mouth of the Merri River; or
  - (ii) within 1000 metres of the mouth of the Bemm River or the Snowy River; or
  - (iii) within 400 metres of the mouth of any other river, stream or creek; and

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- (h) a mesh net in Lake Hindmarsh—
  - (i) within 1600 metres of the mouth of the Wimmera River; or
  - (ii) within a radius of 600 metres from where the Outlet Creek leaves that lake; and
- (i) a motor boat while it is under propulsion for towing, dragging or hauling a net in inland waters, Port Phillip Bay, Western Port, the Gippsland Lakes or any inlet of the sea (other than Corner Inlet); and
- (j) commercial fishing equipment—
  - (i) in the waters of Apollo Bay confined by the boat harbour walls and the waters 30 metres seaward from the boat harbour walls; or
  - (ii) within 50 metres of the Main Breakwater or the Lee Breakwater at Portland; or
  - (iii) within 30 metres of any other pier, jetty or breakwater other than a privately owned pier, jetty or breakwater; or
  - (iv) in the waters of Lady Bay at Warrnambool confined by a line commencing at the seaward end of the breakwater and ending at the lighthouse on Flagstaff Hill; or
  - (v) in the North Arm of the Gippsland Lakes; or

**Reg. 507(1)**  
**(j)(v)**  
**amended by**  
**S.R. No.**  
**90/1999**  
**reg. 31(2).**

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Reg. 507(1)  
(j)(va)  
inserted by  
S.R. No.  
43/2001 reg. 3

- (va) 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; or
- (vi) in Rutherford's Inlet; and
- (k) any kind of fishing net other than a rock lobster pot or a recreational hoop net 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; and
- (l) a floating fish trap; and
- (m) a coff to hold fish during the closed season for that fish; and
- (n) a rock lobster pot—
  - (i) without an escape gap that meets the specifications in regulation 631; or
  - (ii) a rock lobster pot in waters north and east of a line commencing at the shoreward end of the Queenscliff Pier and ending at the seaward end of the Portsea Pier; and
- (o) a fishing dredge in the waters of—
  - (i) Port Phillip Bay, Western Port, the Gippsland Lakes or any inlet of the sea; or
  - (ii) the Ports of Apollo Bay and Port Fairy; and
- (p) any kind of trawl net or a scallop dredge on the shoreward side of a straight line commencing at the eastern-most point of Point Danger and ending at the mouth of the Surrey River; and



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Reg. 507(1)(q)  
revoked by  
S.R. No.  
90/1999  
reg. 47(4).

(r) a mesh net, seine net, trawl net, purse seine net or lampara 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 boundary post erected on Snapper Point—

(i) during the period commencing on 24 December in each year and ending on 22 January in the following year; or

(ii) during the period commencing on Good Friday and ending on Easter Monday in each year; or

(iii) during any long weekend period when a public holiday falls on a Friday or Monday; and

Reg. 507(1)  
(r)(iii)  
amended by  
S.R. No.  
1/1999 reg. 3.

(s) a rock lobster pot or fish trap within 400 metres of the mouth of the Merri River; and

Reg. 507(1)(s)  
inserted by  
S.R. No.  
1/1999 reg. 3,  
amended by  
S.R. No.  
109/1999  
reg. 10.

(t) any equipment other than an abalone tool to take abalone; and

Reg. 507(1)(t)  
inserted by  
S.R. No.  
109/1999  
reg. 10,  
amended by  
S.R. No.  
78/2001 reg. 9.

(u) a yabby pot in inland waters.

Reg. 507(1)(u)  
inserted by  
S.R. No.  
78/2001 reg. 9.

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- (2) Sub-regulation (1) does not apply to a person who is the holder of a licence or permit issued under the Act to the extent that the person uses equipment or a boat in accordance with the Act and these Regulations.
- (3) Sub-regulation (1)(c) does not apply to a person who uses a spear gun—
  - (a) within 20 metres of the rocky groynes off Rigby Island; or
  - (b) within 20 metres of the barrier in Hopetoun Channel situated west of the barrier landing; or
  - (c) within 50 metres of any of the compass beacons in Eagle Point Bay; or
  - (d) in Lake Victoria between lines running from Wattle Point to Trouser Point and from Waddy Point to Pelican Point.
- (4) Sub-regulation (1)(f) does not apply to a person who uses a landing net to assist in the landing of fish when angling.

Reg. 507(5)  
revoked by  
S.R. No.  
90/1999  
reg. 47(4).

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**508. Possession of certain equipment prohibited**

- (1) The possession of the following equipment is prohibited under section 114 of the Act in the places specified—
  - (a) a trammel net in, on or next to Victorian waters; and
  - (b) a speargun in, on or next to any inland waters; and

Reg. 508(1)(a)  
substituted by  
S.R. No.  
90/1999  
reg. 32.

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- (c) a speargun in, on or next to the Gippsland Lakes, Lake Tyers, the Lower Lake at Mallacoota Inlet and Wingan or Curdies Inlet; and
- Reg. 508(1)(c) amended by S.R. No. 78/2001 reg. 10.
- (d) a yabby pot in, on or next to inland waters.
- Reg. 508(1)(d) inserted by S.R. No. 78/2001 reg. 10.
- (2) Sub-regulation (1) does not apply to a person who is the holder of a licence or permit issued under the Act to the extent that the person possesses prohibited equipment in accordance with the Act and these Regulations.
- (3) Sub-regulations (1)(b) and (c) do not apply to a person—
- (a) who possesses a spear gun in a boat 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; or
- (b) who—
- (i) possesses a cross-bow having a draw-weight of not less than 36·6 kilograms for the purposes of hunting deer in accordance with regulations 17(1)(c) and 17(2)(c) of the Wildlife (Game) Regulations 1990; and
- (ii) holds a Game Licence endorsed for deer under section 22A of the **Wildlife Act 1975**.
- (4) Sub-regulation (1)(c) does not apply to a person who possesses a spear gun—
- (a) within 20 metres of the rocky groynes off Rigby Island; or

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- (b) within 20 metres of the barrier in Hopetoun Channel situated west of the barrier landing; or
- (c) within 50 metres of any of the compass beacons in Eagle Point Bay; or
- (d) in Lake Victoria between lines running from Wattle Point to Trouser Point and from Waddy Point to Pelican Point.

**509. Sale of certain equipment prohibited**

The sale of a trammel net is prohibited under section 114 of the Act.

**510. Taking of certain fish prohibited in certain areas**

- (1) The taking of scallops from the waters of Port Phillip Bay bounded by a straight line commencing at St. Leonard's Pier and then to the West Channel Pile and then in a generally easterly direction to the point 38°12.2' south; 144°50' east and then due north to the point 38°9' south; 144°50' east and then in a westerly direction to the shore at Indented Head is prohibited.
- (2) The taking of fish from Seven Creeks between the retaining wall of Polly McQuinn's Dam and the Galls Gap road bridge which crosses Seven Creeks downstream from its junction with Watchbox Creek is prohibited.
- (3) The taking of Macquarie perch from the waters of Lake Eildon and its inflowing waters on or before 18 December 1999 is prohibited.
- (4) The taking of fish from Ryan's Creek and Loombah Weir between the retaining wall of Loombah Weir and the retaining wall of McCall's Weir is prohibited.

Reg. 510(4)  
inserted by  
S.R. No.  
90/1999  
reg. 33.

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**511. Taking of fish by dragging nets on to dry land prohibited**

- (1) The taking of fish by dragging or drawing a seine net containing fish on to dry land, or into water less than 60 centimetres deep, is prohibited.
- (2) Sub-regulation (1) does not apply to a person using a recreational bait net in accordance with these Regulations.

**Division 3—General fishing offences**

**512. Offences relating to marine invertebrates in Port Phillip Bay**

- (1) A person must not take marine invertebrates other than marine worms from Port Phillip Bay in the intertidal zone.

Reg. 512(1)  
substituted by  
S.R. No.  
90/1999  
reg. 34(1).

Penalty: 20 penalty units.

- (1A) Sub-regulation (1) does not apply to Swan Bay<sup>1</sup>.

Reg. 512(1A)  
inserted by  
S.R. No.  
90/1999  
reg. 34(1).

- (2) Sub-regulation (1) does not apply to a person who takes dead shells.
- (3) A person must not use any commercial fishing equipment, commercial abalone equipment or any other fishing equipment in Port Phillip Bay and Swan Bay in the intertidal zone.

Reg. 512(3)  
amended by  
S.R. No.  
90/1999  
reg. 34(2).

Penalty: 20 penalty units.

- (4) Sub-regulations (1) and (3) do not apply to a person who—

Reg. 512(4)  
substituted by  
S.R. No.  
90/1999  
reg. 34(3).

- (a) is the holder of an access licence or permit or is acting under the licence or permit in accordance with these Regulations; or

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- (b) uses equipment associated with recreational fishing; or
- (c) uses a hand operated pump to take Bass yabbies and marine worms.

**513. Offence to fish or take fish in certain waters**

A person must not fish or take fish from a boat within 100 metres of that part of Lake Purrumbete known as "Hoses Rocks" or "Hoses Rocks Barrier".

Penalty: 20 penalty units.

**514. Use of bait traps**

- (1) A person must not use more than 2 bait traps at any one time.

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to a holder of an access licence who uses more than 2 bait traps at one time in accordance with the Act and these Regulations.

**515. Use of recreational bait nets**

- (1) A person must not take fish from inland waters by the use of a recreational bait net in waters other than—
  - (a) any lake, swamp, marsh or lagoon; or
  - (b) the Curdies River between the Narrows and the Great Ocean Road bridge at Peterborough; or
  - (c) the Fitzroy River downstream from the boat ramp; or
  - (d) the Glenelg River downstream from the southern boundary of the Lower Glenelg National Park; and

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

Penalty: 20 penalty units.

- (2) A person must not use a recreational bait net—
  - (a) in Port Phillip Bay or Western Port;
  - (b) in the North or Cunninghame Arms of the Gippsland Lakes;
  - (c) in the Toorloo or Nowa Nowa Arms of Lake Tyers;
  - (d) within 30 metres of any pier or jetty, or within 400 metres of the mouth of any creek or river or in fisheries reserves.

Penalty: 20 penalty units.

**516. Use and possession of recreational hoop nets**

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

Penalty: 20 penalty units.

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- (2) A person must not leave a recreational hoop net immersed or set in any marine waters other than Port Phillip Bay, Western Port, the Gippsland Lakes and any inlet of the sea, during the period commencing on 1 September and ending on 15 November in each year.
- Penalty: 20 penalty units.
- (3) A person must not use more than 2 recreational hoop nets in marine waters.
- Penalty: 20 penalty units.
- (4) A person must not possess more than 2 recreational hoop nets in, on or within 400 metres of any marine waters.
- Penalty: 20 penalty units.
- (5) Subject to sub-regulation (6), a person must not use more than 10 recreational hoop nets in inland waters.
- Penalty: 20 penalty units.
- (6) A person must not use 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, the Tarra River, the Mitta Mitta River, the Kiewa River, the Wodonga Creek, Ryans Creek, Waranga Basin, Carroll's Creek and any streams, tributaries, inflowing or impounded waters on those waters.
- Penalty: 20 penalty units.
- (7) Sub-regulation (6) does not apply to Lake Eildon, Rocklands Reservoir or Lake Dartmouth.
- (8) A person must not use a recreational hoop net in marine waters unless—
- (a) if constructed of 2 hoops, the mesh size of the netting between the 2 hoops is not less than 10·8 centimetres; and
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- (b) if constructed of one hoop, the mesh size of the netting is not less than 10·8 centimetres.

Penalty: 20 penalty units.

**517. Offence to take, land or possess giant crabs, rock lobster, bugs and spiny freshwater crayfish in berry**

- (1) A person must not—
- (a) take any berried giant crab, berried rock lobster, berried bug or berried spiny freshwater crayfish; or
  - (b) in, on or next to Victorian waters, land or cause to be landed from any boat any berried giant crab, berried rock lobster, berried bug or berried spiny freshwater crayfish.

Penalty: 20 penalty units.

- (2) A person must not possess berried giant crab, berried rock lobster, berried bug or berried spiny freshwater crayfish in Victoria.

Penalty: 20 penalty units.

- (3) A person must not remove eggs from a berried giant crab, berried rock lobster, berried bug or berried spiny freshwater crayfish.

Penalty: 20 penalty units.

- (4) Sub-regulations (1), (2) and (3) do not apply to a person who is the holder of an access licence authorising the taking of rock lobster or giant crab<sup>2</sup>.

**518. 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.

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**519. Offence to possess or land dismembered giant crabs**

- (1) A person must not in, on or next to Victorian waters land or cause to be landed any dismembered giant crab or part of a giant crab.

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to a person who is the holder of a commercial fishery licence authorising the landing of giant crab<sup>3</sup>.

Reg. 519A  
inserted by  
S.R. No.  
133/2003  
reg. 27.

**519A. Offence to possess or land rock lobster unless the tail and carapace are attached**

- (1) A person must not in, on or next to Victorian waters possess or 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.

- (2) Sub-regulation (1) does not apply to a person who is the holder of a commercial fishery licence authorising the landing of rock lobster.

Note: Holders of commercial fishery licences have been exempted from this provision to avoid duplication of offences, as this provision is also a condition of particular licences.

**520. Offence to land certain fish other than in the form of a carcass**

Reg. 520(1)  
amended by  
S.R. No.  
24/2003  
reg. 9(a).

- (1) A person must not in, on or next to Victorian waters land or cause to be landed shark or elephant fish in any form other than in the form of a carcass.

Penalty: 20 penalty units.

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- (2) A person must not, in or on Victorian waters, possess any snapper, King George whiting, bream (all species) or eels (longfinned and shortfinned) in any form other than in the form of a carcass.

Penalty: 20 penalty units.

Reg. 520(2)  
amended by  
S.R. Nos  
78/2001  
reg. 11(1),  
78/2002  
reg. 8(1),  
24/2003  
reg. 9(b).

- (3) A person must not in, on or next to inland waters, possess any freshwater catfish, golden perch, Macquarie perch, Murray cod, silver perch, spiny freshwater crayfish or salmonids (brown trout, rainbow trout, Atlantic salmon and chinook salmon) in any form other than in the form of a carcass.

Penalty: 20 penalty units.

Reg. 520(3)  
inserted by  
S.R. No.  
78/2001  
reg. 11(2),  
amended by  
S.R. Nos  
78/2002  
reg. 8(2),  
24/2003  
reg. 9(c).

**521. Offence to shuck scallop at sea or land shucked scallop**

- (1) A person must not, while on board a boat specified in a Scallop (Ocean) Fishery Access Licence—

- (a) shuck any scallop; or
- (b) possess any scallop meat that has been removed from its shell.

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to a person who is the holder of a Scallop (Ocean) Fishery Access Licence<sup>4</sup>.

**522. Offence to shuck abalone**

- (1) A person must not in, under or on Victorian waters—

- (a) shuck abalone; or
- (b) be in possession of shucked abalone.

Penalty: 20 penalty units.

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- (2) 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.

- (3) Sub-regulations (1) and (2) do not apply to the holder of an Abalone Fishery Access Licence or any person acting under the licence<sup>5</sup>.

Reg. 522A  
inserted by  
S.R. No.  
109/1999  
reg. 11.

**522A. Offence not to carry instrument to measure abalone**

- (1) A person, when taking abalone, must carry an instrument to measure abalone.

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to the holder of an Abalone Fishery Access Licence acting in accordance with that licence or any person acting under that licence.

**523. Offence to take gemfish**

- (1) A person must not take gemfish from Victorian waters.

Penalty: 20 penalty units.

- (2) 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.

**524. Offence to take molluscs from certain waters**

Reg. 524(1)  
substituted by  
S.R. No.  
90/1999  
reg. 35.

- (1) A person must not, between the eastern side of Thompsons Creek at Breamlea and Arch Rock at Venus Bay, take any mollusc from the intertidal zone.

Penalty: 20 penalty units.

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

(a) molluscs in accordance with an access licence; or

(b) squid, cuttlefish, octopus, pipi; or

Reg. 524(2)(b)  
amended by  
S.R. No.  
109/1999  
reg. 12.

(c) squirter by the use of his or her bare hands or his or her bare feet; or

(d) dead shells.

**525. Offence to use certain fishing equipment in intertidal zone**

(1) A person must not use—

(a) a scoop, dredge, fork, spade, rake, shovel or other hand-held digging implement for taking or attempting to take molluscs or other marine invertebrates; or

(b) a bait pump with a barrel exceeding 8.5 centimetres in diameter—

in the intertidal zone.

Penalty: 10 penalty units.

(2) Sub-regulation (1) does not apply to a person who is the holder of an access licence who is acting in accordance with these Regulations.

Reg. 525(1)  
amended by  
S.R. No.  
90/1999  
reg. 36.

**526. Equipment used by person other than access licence holder must be marked**

(1) Subject to regulation 527, any person who uses a yabby pot, recreational hoop net or bait trap must ensure that—

Reg. 526(1)  
amended by  
S.R. No.  
90/1999  
reg. 47(5).

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Reg. 526(1)(a)  
amended by  
S.R. No.  
90/1999  
reg. 47(5).

- (a) each yabby pot, recreational hoop 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 remains on or above the water surface at all times.

Penalty: 20 penalty units.

Reg. 526(2)  
amended by  
S.R. No.  
90/1999  
reg. 47(5).

- (2) A person must not use any yabby pot, recreational hoop net or bait trap with a tag attached that is marked with any information other than his or her full name and place of residence.

Penalty: 20 penalty units.

**527. Access licence holder must mark equipment**

A person who is the holder of an access licence—

- (a) must ensure that—

Reg. 527(a)(i)  
amended by  
S.R. Nos  
118/2001  
reg. 16(1),  
133/2003  
reg. 28(a).

- (i) any trap, crab pot, long line, commercial hoop net or mesh net; or

- (ii) any fleet or line of mesh nets, commercial hoop nets or pots; or

- (iii) any cage or coff used for the purpose of holding fish—

that is used by him or her is attached to a buoy, flag, stake or other object that is clearly, legibly and accurately marked with the number of his or her access licence; and

- (b) must ensure that any rock lobster pot used by him or her is attached to a buoy or flag and marked with the registration number of the boat used in the setting of that equipment; and

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Reg. 527  
(ba)(bb)  
inserted by  
S.R. No.  
118/2001  
reg. 16(2),  
revoked by  
S.R. No.  
133/2003  
reg. 28(b).

- (c) must ensure that any yabby pot used by him or her is marked with his or her access licence number; and
- (d) must ensure that equipment referred to in paragraph (a) does not contain any markings other than the number of his or her access licence or boat number, as appropriate; and
- (e) must ensure that any fleet or line or octopus traps set by him or her is marked with his or her access licence number.

Penalty: 20 penalty units.

**528. Use of rods and lines**

- (1) A person must not in marine waters use more than 4 lines or a line with more than 2 hooks or baits attached.

Penalty: 20 penalty units.

- (2) A person must not in inland waters use more than 2 lines or a line with more than 2 hooks or baits attached.

Penalty: 20 penalty units.

- (3) Sub-regulations (1) and (2) do not apply to a person who is the holder of an access licence and who is using a fishing line in accordance with the Act and these Regulations.

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Reg. 528(5)  
inserted by  
S.R. No.  
24/2003  
reg. 10.

- (4) A person must not leave any fishing line unattended in inland waters, the Gippsland Lakes, Lake Tyers, the Lower Lake at Mallacoota Inlet or Wingan Inlet.

Penalty: 20 penalty units.

- (5) Despite sub-regulation (2), when yabby fishing, a person may use not more than 10 baited lines with no hooks attached in inland waters.

**529. Offence to tag or mark fish**

- (1) A person must not tag, brand, mark or fin clip any fish intended to be released into Victorian waters.

Penalty: 10 penalty units.

- (2) Sub-regulation (1) does not apply to a person who tags, brands, marks or fin clips a fish in accordance with an authority of the Secretary.

**530. Offence to stock fish into protected waters**

Reg. 530(1)  
amended by  
S.R. No.  
90/1999  
reg. 37(1).

- (1) A person must not stock fish into protected waters.

Penalty: 20 penalty units.

Reg. 530(2)  
amended by  
S.R. No.  
90/1999  
reg. 37(2).

- (2) Sub-regulation (1) does not apply to a person who stocks fish into protected waters in accordance with a licence, permit or other authority under the Act.

Reg. 530(3)  
inserted by  
S.R. No.  
90/1999  
reg. 37(3).

- (3) For the purposes of sub-regulation (2), the Secretary may, in writing, authorise any person or a class of persons to stock fish into specified protected waters.



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**531. Offence to fail to return fish to water without injury or damage**

A person who takes fish that are not required to be retained, other than noxious aquatic species, must immediately return that fish to the water with the least possible injury or damage.

Penalty: 20 penalty units.

**532. 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 (including goldfish) as bait.

Penalty: 20 penalty units.

Reg. 532(2)  
amended by  
S.R. No.  
90/1999  
reg. 38(1).

- (3) A person must not use—

- (a) trout or salmon ova as bait or berley; or
- (b) the blood or offal of any mammal as berley—

to take or attempt to take fish of any species.

Penalty: 20 penalty units.

- (4) Sub-regulation (3)(b) does not apply to a person who uses berley pellets containing mammal blood or offal.

- (5) 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.

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Reg. 532(6)  
substituted by  
S.R. No.  
90/1999  
reg. 38(2).

- (6) 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.

**533. Offence to use or possess certain equipment in certain areas**

Reg. 533(1)  
amended by  
S.R. No.  
90/1999  
reg. 39.

- (1) A person must not in inland waters, Andersons Inlet, Corner Inlet, Curdies Inlet, the North Arm of the Gippsland Lakes, Mallacoota Inlet, Swan Bay, Sydenham Inlet, Tamboon Inlet, Lake Tyers, Wingan Inlet or within 30 metres of any jetty or the mouth of any creek or river use or possess—

- (a) a hand-held spear; or
- (b) a light in conjunction with a hand-held spear.

Penalty: 20 penalty units.

Reg. 533(2)  
amended by  
S.R. No.  
78/2001  
reg. 12.

- (2) Sub-regulation (1) does not apply to a person—
- (a) in Anderson's Inlet north of a line bearing north-easterly from the mean high water mark on the most northern point of Point Griffith to the most seaward point of the north-western bank of the mouth of Cherry Tree Creek, but not within 400 metres of the mouth of Pound and Screw Creeks; or
  - (b) in 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.

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

Penalty: 20 penalty units.

- (4) Sub-regulation (3) does not apply to a person who uses a speargun or hand-held spear in accordance with these Regulations.

**533A. Offence to use or possess a line and hook in certain inland waters during the salmonid closed season**

Reg. 533A  
inserted by  
S.R. No.  
78/2001  
reg. 13.

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, a person must not use or possess a line and hook—

- (a) in or on—
- (i) 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; and
  - (ii) the Mitta Mitta River and its tributaries upstream of Peters Bridge (Tallandoon) to the Dartmouth Pondage; and
  - (iii) the Kiewa River and its tributaries upstream of Keegan's Bridge (near Dederang); and
  - (iv) the Tanjil River and its tributaries upstream of its junction with the Latrobe River, to the Blue Rock Dam; and
- (b) within 20 metres inland of the banks of the waters referred to in paragraph (a).

Penalty: 20 penalty units.

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**534. Offence in relation to use of hand-held spear**

A person must not use—

- (a) a hand-held spear with more than 2 prongs;
- (b) a hand-held spear with barbs.

Penalty: 20 penalty units.

**535. Offence to fish or possess certain equipment in certain inland waters**

A person must not fish or possess recreational fishing equipment—

- (a) in or on—
  - (i) the Goulburn River from the walk way over the Eildon Pondage Weir water release gates to the fishing boundary posts situated 200 metres downstream; and
  - (ii) Ryan's Creek and Loombah Weir between the retaining wall of Loombah Weir and the retaining wall of McCallsay Weir; and
  - (iii) 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; and
- (b) within 20 metres inland of the banks of the waters referred to in paragraph (a).

Penalty: 20 penalty units.

Reg. 535  
substituted by  
S.R. Nos  
90/1999  
reg. 40,  
78/2001  
reg. 14.

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**536. Offence not to mark rock lobster**

Reg. 536  
inserted by  
S.R. No.  
90/1999  
reg. 40.

- (1) A person who takes a rock lobster other than under a Rock Lobster Fishery Access Licence must—
- (a) mark the central segment of the tail fan of the rock lobster by—
    - (i) punching in it a hole of not less than 10 millimetres in diameter; or
    - (ii) 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 remain attached; and
  - (b) comply with the requirements of paragraph (a)—
    - (i) if the rock lobster is caught by any means from a boat, within 5 minutes of being brought to the boat and before landing; or
    - (ii) if the rock lobster is caught by any means from the shore, within 5 minutes or before the rock lobster is put into any basket, bag or receptacle, whichever is the sooner; or
    - (iii) if the rock lobster is caught by any means from the shore, within 50 metres of the place of landing.

Penalty: 20 penalty units.

- (2) Sub-regulations (1)(b)(i) does not apply if the rock lobster is taken by a person engaged in underwater dive fishing until the person lands the rock lobster.

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Reg. 537  
inserted by  
S.R. No.  
90/1999  
reg. 40.

**537. Offence to sell marked rock lobster**

A person must not sell rock lobster that has a tail fan with—

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

Penalty: 20 penalty units.

Reg. 538  
inserted by  
S.R. No.  
109/1999  
reg. 13.

**538. Offence not to cut abalone in half**

- (1) A person who takes abalone must, within 20 metres of the place of landing or as near as practicable to the place of landing, cut the meat of each abalone in half vertically to the shell along a line that may be drawn connecting the 2 points on the circumference of the meat that are the furthest apart.

Penalty: 20 penalty units.

- (2) A person who takes abalone must retain in its shell the meat that has been cut in accordance with sub-regulation (1) until before cooking or until that abalone has been taken to the person's ordinary place of residence.

Penalty: 20 penalty units.

- (3) Sub-regulations (1) and (2) do not apply to—
  - (a) the holder of an Abalone Fishery Access Licence acting in accordance with that licence or any person acting under that licence; or
  - (b) a person acting in accordance with an exemption granted by the Secretary under regulation 539.

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**539. Secretary may exempt a person from regulation 538**

The Secretary may, in writing, exempt a person from the requirements of regulation 538.

Reg. 539  
inserted by  
S.R. No.  
109/1999  
reg. 13.

**540. Offence to take abalone between sunset and sunrise**

- (1) A person must not in, on or next to Victorian waters take abalone between sunset on any day and sunrise on the following day.

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to a person acting in accordance with an exemption granted by the Secretary under regulation 541.

Reg. 540  
inserted by  
S.R. No.  
109/1999  
reg. 13.

**541. Secretary may exempt a person from regulation 540**

The Secretary may, in writing, exempt a person from the requirements of regulation 540.

Reg. 541  
inserted by  
S.R. No.  
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reg. 13.

**542. Offence to sell unmarked or unlabelled abalone**

A person must not sell abalone unless the immediate packaging of the abalone is marked or labelled in accordance with regulation 330A.

Penalty: 20 penalty units.

Reg. 542  
inserted by  
S.R. No.  
15/2000  
reg. 12.

**543. Offence to deface, damage, remove or destroy abalone packaging or label**

- (1) A person must not deface, damage, remove or destroy abalone packaging or a label that has been affixed to that packaging in accordance with regulation 330A.

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to a person who removes packaging or a label from abalone at the place where that abalone is to be consumed.

Reg. 543  
inserted by  
S.R. No.  
15/2000  
reg. 12.

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

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Reg. 544  
inserted by  
S.R. No.  
78/2001  
reg. 15.

**544. Offence to remove roe from sea urchins**

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

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to the holder of a general permit issued by the Secretary under section 49 of the Act.



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**PART 6—MISCELLANEOUS**

**Division 1—Forfeited abalone quota**

**601. Allocation of forfeited abalone quota**

If a court orders the forfeiture of an individual quota unit under section 66 of the Act, the holder of the Abalone Fishery Access Licence to which the forfeiture applies must return the quota notice to the Secretary within 10 days of the forfeiture.

Penalty: 20 penalty units.

**602. Process for sale of forfeited abalone quota**

- (1) If a court orders the forfeiture of an individual quota unit under section 66 of the Act and if the Secretary determines that the quota unit should be allocated to one or more holders of an Abalone Fishery Access Licence, the Secretary must allocate the quota unit in accordance with this regulation.
- (2) The Secretary must give every holder of an Abalone Fishery Access Licence authorised to take abalone in the abalone zone in which the quota unit had been allocated a notice—
  - (a) that advises of the forfeiture; and
  - (b) that invites the holder to purchase the quota unit by tender in the manner set out in the notice.
- (3) Any licence holder who receives the notice may apply to the Secretary by the date specified in the notice to purchase the quota unit by completing a tender document in the form approved by the Secretary and specifying on that document—

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- (a) the licence number to which the quota unit is to be allocated; and
  - (b) the price to be paid for the quota unit; and
  - (c) if more than 1 quota unit was forfeited, the quantity of quota units requested to be purchased; and
  - (d) any other information required by the Secretary.
- (4) The Secretary may fix a reserve price in respect of each forfeited quota unit.
- (5) If the reserve price determined by the Secretary in respect of the forfeited quota unit is reached by more than one tender, the Secretary may sell the quota unit to the licence holder who specifies the highest price for the quota unit.
- (6) If the reserve price determined by the Secretary in respect of a forfeited quota unit is not reached by any tender, the Secretary must refuse all tenders and—
- (a) may refuse to re-allocate the quota; or
  - (b) may give all licence holders in that abalone zone notice inviting them to apply again to purchase the quota unit.
- (7) If the Secretary gives a notice under sub-regulation (6)(b), sub-regulations (3), (4) and (5) apply.
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**Division 1A—Forfeited Rock Lobster and Giant Crab Quota**

Pt 6 Div. 1A  
(Heading and  
regs 602A,  
602B)  
inserted by  
S.R. No.  
118/2001  
reg. 17.

**602A. Secretary may sell forfeited rock lobster quota by tender**

Reg. 602A  
inserted by  
S.R. No.  
118/2001  
reg. 17.

If a court orders the forfeiture of an individual quota unit under section 66 of the Act and if the Secretary determines that the quota unit should be allocated to one or more holders of a Rock Lobster Fishery Access Licence, the Secretary may invite each holder of a Rock Lobster Fishery Access Licence authorised to take rock lobster in the rock lobster fishing zone in which the quota unit had been allocated to purchase the quota unit by tender in the manner set out in the invitation.

**602B. Secretary may sell forfeited giant crab quota by tender**

Reg. 602B  
inserted by  
S.R. No.  
118/2001  
reg. 17.

If a court orders the forfeiture of an individual quota unit under section 66 of the Act and if the Secretary determines that the quota unit should be allocated to one or more holders of a Giant Crab Fishery Access Licence, the Secretary may invite each holder of a Giant Crab Fishery Access Licence to purchase the quota unit by tender in the manner set out in the invitation.

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**Division 2—Boat registration**

**603. Definitions for purposes of this Division**

In this Division—

**"tender"** means—

- (a) where 2 boats are engaged or employed in 1 fishing operation, the smaller of the 2 boats; or
- (b) where 3 boats are engaged or employed in 1 fishing operation, the 2 smaller of the 3 boats—

but does not include a boat registered under this Division.

**604. Offence to use boat for commercial fishing unless registered**

- (1) Subject to the Act and these Regulations, a person must not use a boat for—
  - (a) taking fish for sale; or
  - (b) setting or using commercial fishing equipment; or
  - (c) using commercial abalone equipment; or
  - (d) landing fish for sale or marketing; or
  - (e) setting or using commercial aquaculture equipment on Crown land or in or on the waters covering that land; or
  - (f) moving an aquaculture crop—

unless the boat is registered under this Division.

Penalty: 20 penalty units.

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- (2) Sub-regulation (1) does not apply to a tender that—
- (a) is engaged in a fishing operation (other than by use of purse seine nets) with a registered boat; and
  - (b) has the letter "T" and the identifying mark of that registered boat displayed on both sides of the bow.

**605. Registration or renewal of registration of a fishing boat**

- (1) The owner of a boat may apply to the Secretary, on the form approved by the Secretary, for the registration or for the renewal of registration of that boat.
- (2) On receiving an application that is accompanied by a fee of \$36, the Secretary may, if satisfied that the boat is to be used for the purposes specified in regulation 604(1), issue a certificate of registration in respect of the boat.
- (3) On receiving an application that is accompanied by a fee of \$36, the Secretary may, if satisfied that the boat is to be used for the purposes specified in regulation 604(1), renew a certificate of registration in respect of the boat.
- (4) The Secretary must specify, in the certificate of registration, the identifying mark to be displayed on the boat.

Reg. 605(2)  
amended by  
S.R. Nos  
25/1999 reg. 5,  
20/2000 reg. 4,  
20/2001  
reg. 4(2),  
19/2002  
reg. 4(1),  
22/2003 reg. 4,  
22/2004  
reg. 18.

Reg. 605(3)  
amended by  
S.R. Nos  
25/1999 reg. 5,  
20/2000 reg. 4,  
20/2001  
reg. 4(2),  
19/2002  
reg. 4(1),  
22/2003 reg. 4,  
22/2004  
reg. 18.

**606. Duration of boat registration certificate**

A boat registration certificate continues in force for the period specified in the certificate.

**607. Offence to use boat for commercial fishing without identifying mark**

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

Penalty: 5 penalty units.

**608. Owner must have identifying mark on boat at all times**

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

- (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: 5 penalty units.

**609. Additional identifying mark required on boats exceeding 8 metres**

- (1) The owner of a registered fishing 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 wheel house 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: 10 penalty units.

(2) If a lack of surface area prevents the marking of the wheelhouse of a boat or other surface as required by sub-regulation (1), the owner of the boat may comply with sub-regulation (1) by—

(a) setting out the mark in accordance with paragraphs (a), (b) and (c) of sub-regulation (1) on a canvas screen; and

(b) ensuring that the screen is carried aboard the boat by the boat's skipper and is displayed at all times on the close approach of an aircraft.

**610. Boat owner must apply to transfer registered boat**

The owner of a registered fishing boat must within 14 days of selling or transferring the fishing boat—

(a) notify the Secretary of the name and address of the purchaser or transferee; and

(b) forward to the Secretary the registration certificate issued in respect of the boat.

Penalty: 10 penalty units.

**611. Transfer of registration of fishing boat**

(1) A person who becomes the owner of a registered fishing boat must, within 14 days after becoming the owner of the boat, apply to the Secretary in the form approved by the Secretary for the transfer of the boat registration if the boat is to be used for a purpose specified in regulation 604(1).

Penalty: 10 penalty units.

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*S.R. No. 23/1998*

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Reg. 611(2)  
amended by  
S.R. Nos  
25/1999 reg. 5,  
20/2000 reg. 4,  
20/2001  
reg. 4(1),  
19/2002  
reg. 4(2),  
22/2003 reg. 4,  
22/2004  
reg. 18.

- (2) On receiving an application that is accompanied by a transfer fee of \$36, the Secretary may, if satisfied that the boat is to be used for a purpose specified in regulation 604(1), issue a certificate of registration in respect of the boat to the new owner.
- (3) The Secretary must specify, in the certificate of registration, the identifying mark to be displayed on the boat.

**612. Offence to use boat with identifying mark when not registered**

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

Penalty: 10 penalty units.

**Division 3—Fees, royalties and levies**

Reg. 613  
(Heading)  
inserted by  
S.R. No.  
22/2004  
reg. 19(1).

Reg. 613  
amended by  
S.R. No.  
107/2000  
reg. 14 (ILA  
s. 39B(2)).

Reg. 613(1)  
substituted by  
S.R. No.  
22/2004  
reg. 19(2).

**613. Application fees—commercial fisheries licences**

- (1) The application fee for the issue of a commercial fishery licence or an aquaculture licence of the class specified in column 2 of Table A in Schedule 12 is the fee specified in column 3 of that Table opposite that class of licence.



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*S.R. No. 23/1998*

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- (2) Despite sub-regulation (1), a person who applies for an Aquaculture (Crown Land) Licence is not liable to pay the application fee if the person holds a current Aquaculture (Crown Land) Type A Licence in respect of the growing area or areas to which the application relates.

Reg. 613(2)  
inserted by  
S.R. No.  
107/2000  
reg. 14.

**614. Licence fees for commercial fishery licences**

The fee for the issue or renewal of any commercial fishery licence is \$36.

Reg. 614  
amended by  
S.R. Nos  
25/1999 reg. 5,  
20/2000 reg. 4,  
20/2001 reg. 5,  
19/2002 reg. 5,  
22/2003 reg. 5,  
22/2004  
reg. 21.

**615. Manner and period in respect of which fees must be paid**

A fee payable under regulation 614 must be paid annually by the date specified by the Secretary.

**616. Transfer fees for commercial fisheries licences**

The fee for the transfer of a commercial fishery licence and an aquaculture licence of the class specified in column 2 of Table A in Schedule 12 is the fee specified in column 4 of that Table opposite that class of licence.

Reg. 616  
substituted by  
S.R. No.  
22/2004  
reg. 19(3).

**617. Levies on Commercial Fishery Licences**

- (1) The holder of a commercial fishery licence that is of any one of the following classes—
- (a) Giant Crab Fishery Access Licence;
  - (b) Rock Lobster Fishery Access Licence (Western Zone);

Reg. 617  
substituted by  
S.R. No.  
22/2004  
reg. 20.

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*S.R. No. 23/1998*

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- (c) Rock Lobster Fishery Access Licence  
(Eastern Zone)—

must pay to the Secretary—

- (d) the levy for management specified in  
Column 2 of Table B of Schedule 12  
opposite that class of licence; and
- (e) the levy for compliance and research  
specified in Columns 3 and 4 of Table B of  
Schedule 12 opposite that class of licence;  
and
- (f) the levy for the Fisheries Research  
Development Corporation specified in  
Column 5 of Table B of Schedule 12  
opposite that class of licence; and
- (g) the levy for funding peak bodies specified in  
Column 6 of Table B of Schedule 12  
opposite that class of licence.

Penalty: 20 Penalty units

- (2) The holder of a commercial fishery licence or an  
aquaculture licence that is of a class specified in  
Column 1 of Table B of Schedule 12 (other than a  
class of licence to which sub-regulation (1)  
applies) must pay to the Secretary—
- (a) the levy for management specified in  
Column 2 of that Table opposite that class of  
licence; and
- (b) the levy for compliance specified in  
Column 3 of that Table opposite that class of  
licence; and
- (c) the levy for research specified in Column 4  
of that Table opposite that class of licence;  
and

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- (d) the levy for the Fisheries Research Development Corporation specified in Column 5 of that Table opposite that class of licence; and
- (e) the levy for funding peak bodies specified in Column 6 of that Table opposite that class of licence.

Penalty: 20 Penalty units.

**617A. Application fee, transfer fee and levy for Aquaculture (Crown Land) Type A Licence**

Reg. 617A  
inserted by  
S.R. No.  
107/2000  
reg. 15.

- (1) The application fee for the issue of an Aquaculture (Crown Land) Type A Licence is \$1206.

Reg. 617A(1)  
amended by  
S.R. Nos  
20/2001  
reg. 6(a),  
19/2002  
reg. 6(a),  
22/2003  
reg. 6(a),  
22/2004  
reg. 22(a).

- (2) Sub-regulation (1) does not apply if the applicant holds a current Aquaculture (Crown Land) Licence or an Aquaculture (Crown Land) Type A Licence in respect of the growing area or areas to which the application relates.
- (3) The fee for the transfer of an Aquaculture (Crown Land) Type A Licence is \$189.

Reg. 617A(3)  
amended by  
S.R. Nos  
20/2001  
reg. 6(b),  
19/2002  
reg. 6(b),  
22/2003  
reg. 6(b),  
22/2004  
reg. 22(b).

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- (4) The holder of an Aquaculture (Crown Land) Type A Licence must pay to the Secretary a levy for a specified period calculated in accordance with sub-regulation (6) if the Secretary makes a declaration under sub-regulation (5).

Penalty: 20 penalty units.

- (5) The Secretary may, by notice published in the Government Gazette, declare in respect of a specified period—
- (a) an area to be a growing area;
  - (b) the estimated total fixed costs of the Secretary for administering Aquaculture (Crown Land) Type A Licences;
  - (c) the total area in hectares of Aquaculture (Crown Land) Type A Licences at the time of making a declaration;
  - (d) the estimated total variable costs of the Secretary for administering Aquaculture (Crown Land) Type A Licences for each growing area;
  - (e) the total area in hectares of Aquaculture (Crown Land) Type A Licences of each growing area at the time of making the declaration.

- (6) The levy payable is \$950 plus, for each growing area in which the holder of the Aquaculture (Crown Land) Type A Licence is licensed to operate, an amount calculated in accordance with the following formula—

$$\left( \frac{\text{ETFC}}{\text{TA}} + \frac{\text{ETVC}}{\text{TGA}} \right) \times \frac{\text{NHG}}{3}$$

where—

ETFC is the estimated total fixed costs of the Secretary for administering Aquaculture (Crown

Reg. 617A(6)  
amended by  
S.R. Nos  
20/2001  
reg. 6(c),  
19/2002  
reg. 6(c),  
22/2003  
reg. 6(c),  
22/2004  
reg. 22(c).

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Land) Type A Licences for the period in which the levy will apply, minus \$950 for each holder of an Aquaculture (Crown Land) Type A Licence at the time the declaration is made under sub-regulation (5);

TA is the total area in hectares to which Aquaculture (Crown Land) Type A Licences apply at the time the declaration is made under sub-regulation (5);

ETVC is the estimated total variable costs of the Secretary for administering Aquaculture (Crown Land) Type A Licences for the growing area for the period in which the levy will apply;

TGA is the total area in hectares of Aquaculture (Crown Land) Type A Licences in the growing area;

NHG is the number of hectares of the growing area held by the holder of the Aquaculture (Crown Land) Type A Licence at the time the declaration is made under sub-regulation (5).

- (7) The Secretary must give a copy of any declaration made under sub-regulation (5) to each Aquaculture (Crown Land) Type A Licence holder within 14 days after publication of the declaration in the Government Gazette.

**617B. Levy on general permits for banded morwong developing fishery**

The holder of a general permit to take fish from the banded morwong developing fishery must pay to the Secretary a levy of \$3320.

Penalty: 20 penalty units.

Reg. 617B  
inserted by  
S.R. No.  
107/2000  
reg. 15,  
amended by  
S.R. Nos  
20/2001 reg. 7,  
19/2002 reg. 7,  
22/2003 reg. 7,  
22/2004  
reg. 23.

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Reg. 617C  
inserted by  
S.R. No.  
22/2004  
reg. 24.

**617C. Levy on general permits for jellyfish developing fishery**

The holder of a general permit to take fish from the jellyfish developing fishery must pay the Secretary a levy of \$10 000.

Penalty: 20 penalty units.

**618. Reduced levy payable by certain class of person**

Despite anything to the contrary in regulation 617, a person who, on 1 April 1997 paid a reduced licence renewal fee under section 15(1)(a) of the **Fisheries Act 1968** for a licence with entitlements equivalent to those of a licence specified in column 2 of the table in Schedule 12, need only pay to the Secretary under regulation 617 a levy in an amount equal to 20% of the amount specified in column 5 of that Table.

Reg. 619  
amended by  
S.R. No.  
107/2000  
reg. 16.

**619. Manner and period in which levy must be paid**

A levy payable under regulation 617, 617A or 617B must be paid annually by the date specified by the Secretary.

**620. Royalties in respect of certain commercial fishery licences**

- (1) The holder of an Abalone Fishery Access Licence must pay to the Secretary a royalty calculated in accordance with sub-regulation (2).

Penalty: 20 penalty units.

- (2) The royalty payable in respect of an Abalone Fishery Access Licence is the amount calculated in accordance with the following formula—

$$\left( 5000 \times \frac{T-1}{3 \cdot 2} \times \frac{\text{TAC in year X}}{\text{TAC in base year Y} + (5\% \text{ of TAC in base year Y}) \right) - F$$

Reg. 620(2)  
substituted by  
S.R. No.  
22/2003 reg. 8.

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where—

T – 1            is the average beach price of  
abalone for the financial year  
immediately preceding year X;

TAC in year X   is the total allowable catch of  
unshucked abalone set by a  
further quota order under section  
64A of the Act in respect of the  
eastern abalone zone, the central  
abalone zone or the western  
abalone zone in the abalone  
fishery (as applicable);

TAC in base year Y is the total allowable catch of  
unshucked abalone for the year  
commencing on 1 April 1988 in  
respect of the eastern abalone  
zone, the central abalone zone or  
the western abalone zone in the  
abalone fishery (as applicable);

Year X           is the year commencing on  
1 April in respect of which the  
abalone licence is to be issued or  
renewed;

F                is the total of all fees, levies and  
charges imposed on the licence.

Note: In the base year the total allowable catch (TAC) for  
the eastern abalone zone was 460 tonnes of  
unshucked abalone; the TAC for the central abalone  
zone was 700 tonnes of unshucked abalone; and the  
TAC for the western abalone zone was 280 tonnes of  
unshucked abalone.

**621. Manner and period in respect of which royalty must  
be paid**

The royalty specified in regulation 620 must be  
paid to the Secretary annually by the date  
specified by the Secretary.

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**622. Application fee for transfer of individual quota units**

The application fee for the transfer of individual quota units is—

Reg. 622  
amended by  
S.R. Nos  
25/1999 reg. 6,  
20/2000 reg. 5,  
20/2001 reg. 8,  
substituted by  
S.R. No.  
118/2001  
reg. 18.

(a) \$189 for the Abalone Fishery; and

Reg. 622(a)  
amended by  
S.R. Nos  
19/2002  
reg. 8(a),  
22/2003  
reg. 9(a),  
22/2004  
reg. 25(a).

(b) \$36 for the Giant Crab Fishery; and

Reg. 622(b)  
amended by  
S.R. Nos  
19/2002  
reg. 8(b),  
22/2003  
reg. 9(b),  
22/2004  
reg. 25(b).

(c) \$36 for the Rock Lobster Fishery; and

Reg. 622(c)  
amended by  
S.R. Nos  
19/2002  
reg. 8(b),  
22/2003  
reg. 9(b),  
22/2004  
reg. 25(b).

(d) \$36 for the Scallop (Ocean) Fishery.

Reg. 622(d)  
amended by  
S.R. Nos  
19/2002  
reg. 8(b),  
22/2003  
reg. 9(b),  
22/2004  
reg. 25(b).



**623. Individual quota units not to be transferred if levy has not been paid**

The Secretary must not transfer individual quota units if the licence holder who applies to transfer the quota units has not paid any levy due in respect of the quota units.

**624. Fee for variation of commercial fishery licence**

The fee for the variation of a commercial fishery licence is \$36.

Reg. 624  
amended by  
S.R. Nos  
25/1999 reg. 5,  
20/2000 reg. 4,  
20/2001 reg. 5,  
19/2002 reg. 5,  
22/2003 reg. 5,  
22/2004  
reg. 21.

**625. Permit fees**

- (1) Subject to sub-regulation (2) and (4), the application fee for the issue of a general permit is \$105.

Reg. 625(1)  
amended by  
S.R. Nos  
25/1999  
reg. 7(a),  
90/1999  
reg. 41(1),  
20/2000  
reg. 6(a),  
20/2001  
reg. 9(a),  
19/2002  
reg. 9(a),  
22/2003  
reg. 10(a),  
22/2004  
reg. 26(a).

- (2) The application fee for the issue of a general permit in respect of a developing fishery is \$278.

Reg. 625(2)  
amended by  
S.R. Nos  
25/1999  
reg. 7(b),  
20/2000  
reg. 6(b),  
20/2001  
reg. 9(b),  
19/2002  
reg. 9(b),  
22/2003  
reg. 10(b),  
22/2004  
reg. 26(b).

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Reg. 625(3)  
amended by  
S.R. Nos  
25/1999  
reg. 7(a),  
20/2000  
reg. 6(a),  
20/2001  
reg. 9(a),  
19/2002  
reg. 9(a),  
22/2003  
reg. 10(a),  
22/2004  
reg. 26(a).

- (3) The fee for the renewal of a general permit or the change of conditions of a general permit is \$105.

Reg. 625(4)  
inserted by  
S.R. No.  
90/1999  
reg. 41(2).

- (4) The Secretary may, in writing, waive the fees prescribed under sub-regulations (1) and (3).

**Division 4—Secretary's obligations and powers in relation to licences**

Reg. 626  
revoked by  
S.R. No.  
25/2003  
reg. 6(g).

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**627. Secretary's obligations and powers relating to abalone fishery**

Reg. 627(1)  
amended by  
S.R. No.  
145/2001  
reg. 8(a)(b),  
substituted by  
S.R. No.  
25/2003  
reg. 10(1).

- (1) The Secretary must notify, in writing, each holder of a Fish Receivers' (Abalone) Licence of—
- (a) the address for the internet site to be used to notify the Secretary of the specified details in relation to abalone using the abalone internet notification service; and
  - (b) the telephone number to be used to contact the Secretary via the abalone telephone notification service if the Secretary's confirmation number is not received using the abalone internet notification service or for any other purpose required by these Regulations; and

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- (c) the telephone service number to be used to contact the Secretary if the Secretary's confirmation number is not received using the abalone telephone notification service or for any other purpose of these Regulations; and
- (d) any changes to those addresses and numbers.
- (2) In respect of each notification by a holder of an Abalone Fishery Access Licence (or any person acting under that licence), a Fish Receivers' (Abalone) Licence and Fish Receivers' (Abalone Storer) Licence via the abalone internet notification service—
- (a) the Secretary must make all reasonable efforts to give the licence holder confirmation via the abalone internet notification service of the specified details provided by the licence holder to the abalone internet notification service and a confirmation number as soon as is practicable after the time at which the details are provided to the abalone internet notification service; and
- (b) if—
- (i) a licence holder has not received the notice within 15 minutes after the time at which the specified details were provided to the abalone internet notification service; or
- Reg. 627(2) amended by S.R. No. 25/2003 reg. 10(2)(a).
- Reg. 627(2)(a) substituted by S.R. No. 145/2001 reg. 8(c), amended by S.R. No. 25/2003 reg. 10(2) (a)(b).
- Reg. 627(2)(b) substituted by S.R. No. 145/2001 reg. 8(c), amended by S.R. No. 25/2003 reg. 10(2)(b).
- Reg. 627(2) (b)(i) amended by S.R. No. 25/2003 reg. 10(2) (a)(b).

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- (ii) if the details in the Secretary's confirmation are inaccurate—

the Secretary may authorise the licence holder to proceed with processing or consigning the abalone (as appropriate) without receiving the confirmation and issue the licence holder with a confirmation number.

- (3) Sub-regulation (2)(a) does not apply if the Secretary determines that—

Reg. 627(3)(a)  
amended by  
S.R. No.  
25/2003  
reg. 10(2)(b).

- (a) there are reasonable grounds for believing that the licence holder has failed to comply with these Regulations; or

- (b) an inspection of the licensed premises or the abalone under section 102 of the Act is required.

Reg. 627AA  
inserted by  
S.R. No.  
25/2003  
reg. 11.

**627AA. Secretary's obligations and powers relating to Abalone fishery**

- (1) The Secretary must notify, in writing, each holder of an Abalone Fishery Access Licence (or any person acting under that licence) of—
- (a) the telephone service and number for the abalone telephone notification service to be used to notify the Secretary of the specified details in relation to abalone; and
- (b) the telephone service number to be used to contact the Secretary if the Secretary's confirmation number is not received or for any other purpose required by these Regulations; and
- (c) any changes to those services or numbers.

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- (2) In respect of each notification by a holder of an Abalone Fishery Access Licence (or any person acting under that licence) or a Fish Receivers' (Abalone) Licence via the abalone telephone notification service—
- (a) the Secretary must make all reasonable efforts to provide the licence holder (or any person acting under that licence in the case of an Abalone Fishery Access Licence or a Fish Receivers' (Abalone) Licence) with the Secretary's confirmation number via the abalone telephone notification service as soon as is practicable after the licence holder (or any person acting under that licence in the case of an Abalone Fishery Access Licence or a Fish Receivers' (Abalone) Licence) has confirmed that the specified details are correct; and
  - (b) if a licence holder (or any person acting under that licence in the case of an Abalone Fishery Access Licence or a Fish Receivers' (Abalone) Licence)—
    - (i) has not received the Secretary's confirmation number via the abalone telephone notification service; or
    - (ii) is unable to confirm that the specified details are correct—the Secretary may—
    - (iii) authorise the licence holder (or any person acting under that licence in the case of an Abalone Fishery Access Licence) to proceed with moving the abalone from the place of landing without receiving the Secretary's confirmation number; or
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- (iv) authorise the Fish Receivers' (Abalone) Licence holder to proceed with processing or consigning the abalone (as appropriate) without receiving the Secretary's confirmation number; and
  - (v) issue the licence holder with a Secretary's confirmation number for the purposes of sub-paragraph (iii) or (iv); and
  - (c) the specified details will be stored via the abalone telephone notification service as a record of the notification.
- (3) Sub-regulation (2)(a) does not apply if the Secretary determines that there are reasonable grounds for believing that the licence holder (or any person acting under that licence) has failed to comply with these Regulations.

Reg. 627A  
inserted by  
S.R. No.  
118/2001  
reg. 19.

**627A. Secretary's obligations and powers relating to rock lobster fishery**

- (1) The Secretary must notify, in writing, each holder of a Rock Lobster Fishery Access Licence (or any person acting under that licence) of—
  - (a) the telephone service and number to be used to notify the Secretary of the specified details in relation to rock lobster; and
  - (b) the telephone number to be used to contact the Secretary if the Secretary's confirmation number is not received or for any other purpose required by these Regulations; and
  - (c) any changes to those services or numbers.
- (2) In respect of each notification by a holder of a Rock Lobster Fishery Access Licence (or any person acting under that licence) via the rock lobster notification service—

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- (a) the Secretary must make all reasonable efforts to provide the licence holder (or any person acting under that licence) with the Secretary's confirmation number via the rock lobster notification service as soon as is practicable after the licence holder (or any person acting under that licence) has confirmed that the specified details are correct; and
- (b) if a licence holder (or any person acting under that licence)—
- (i) has not received the Secretary's confirmation number via the rock lobster notification service; or
  - (ii) is unable to confirm that the specified details are correct—
- the Secretary may—
- (iii) authorise the licence holder (or any person acting under that licence) to proceed with moving the rock lobster from the place of landing without receiving the Secretary's confirmation number; and
  - (iv) issue the licence holder with a confirmation number for the purposes of sub-paragraph (iii); and
- (c) the specified details will be stored via the automated response system as a record of the notification.
- (3) Sub-regulation (2)(a) does not apply if the Secretary determines that there are reasonable grounds for believing that the licence holder (or any person acting under that licence) has failed to comply with these Regulations.
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Reg. 627B  
inserted by  
S.R. No.  
118/2001  
reg. 19.

**627B. Secretary's obligations and powers relating to giant crab fishery**

- (1) The Secretary must notify, in writing, each holder of a Giant Crab Fishery Access Licence (or any person acting under that licence) of—
  - (a) the telephone service and number to be used to notify the Secretary of the specified details in relation to giant crab; and
  - (b) the telephone number to be used to contact the Secretary if the Secretary's confirmation number is not received or for any other purpose required by these Regulations; and
  - (c) any changes to those services or numbers.
- (2) In respect of each notification by a holder of a Giant Crab Fishery Access Licence (or any person acting under that licence) via the giant crab notification service—
  - (a) the Secretary must make all reasonable efforts to provide the licence holder (or any person acting under that licence) with the Secretary's confirmation number via the giant crab notification service as soon as is practicable after the licence holder (or any person acting under that licence) has confirmed that the specified details are correct; and
  - (b) if a licence holder (or any person acting under that licence)—
    - (i) has not received the Secretary's confirmation number via the giant crab notification service; or



- (ii) is unable to confirm that the specified details are correct—

the Secretary may—

- (iii) authorise the licence holder (or any person acting under that licence) to proceed with moving the giant crab from the place of landing without receiving the Secretary's confirmation number; and

- (iv) issue the licence holder with a confirmation number for the purposes of sub-paragraph (iii); and

- (c) the specified details will be stored via the automated response system as a record of the notification.

- (3) Sub-regulation (2)(a) does not apply if the Secretary determines that there are reasonable grounds for believing that the licence holder (or any person acting under that licence) has failed to comply with these Regulations.

**628. Secretary may request stock record or small sales return to be completed**

- (1) The Secretary, 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 330(c).
- (2) The Secretary, at any reasonable time, may request in writing the holder of a Fish Receivers' (Abalone) Licence to complete a small sales return in accordance with regulation 329(b).

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Reg. 628(2)  
amended by  
S.R. No.  
15/2000  
reg. 13.

Reg. 628(3)  
revoked by  
S.R. No.  
25/2003  
reg. 6(h).

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**Division 5—Offences relating to required documentation**

**629. Offence to sell abalone without document showing prescribed details**

Reg. 629(1)  
amended by  
S.R. No.  
15/2000  
reg. 14(1)(a).

- (1) A person who sells legally obtained and received abalone in any form in a quantity in excess of the catch limit specified in regulation 503 must issue a document at the time of sale, showing, in respect of each sale—

- (a) his or her name; and
- (b) the address from which the abalone was sold; and
- (c) the document number; and

Reg. 629(1)(c)  
amended by  
S.R. No.  
15/2000  
reg. 14(1)(b).

- (d) the date of the sale; and
- (e) the quantity of abalone sold; and
- (f) the product description of the abalone sold; and

Reg. 629(1)(g)  
amended by  
S.R. No.  
15/2000  
reg. 14(1)(c).

- (g) the name and address of the person who processed the abalone or the trader identification number or approved AQIS number of the place where the abalone was processed; and

Reg. 629(1)(h)  
inserted by  
S.R. No.  
15/2000  
reg. 14(1)(c).

- (h) the date that the abalone was packaged.

Penalty: 20 penalty units.

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(2) Sub-regulation (1) does not apply to the holder of—

(i) an Abalone Fishery Access Licence acting in accordance with these Regulations; or

(ii) a Fish Receivers' (Abalone) Licence acting in accordance with regulation 328(1)(a) or (c); or

Reg. 629(2)(ii)  
amended by  
S.R. No.  
109/1999  
reg. 14.

(iii) an Aquaculture (Crown Land) Licence or an Aquaculture (Private Land) Licence acting in accordance with these Regulations.

Reg. 629(2)(iii)  
inserted by  
S.R. No.  
109/1999  
reg. 14.

(3) A copy of a document issued by a person under sub-regulation (1) must be retained by that person for a period of 3 years from the date of issue of that document.

Reg. 629(3)  
inserted by  
S.R. No.  
15/2000  
reg. 14(2).

**630. Offence to use documents issued to licence holder**

(1) A person must not—

(a) write on; or

(b) otherwise use in any way; or

(c) be in possession of—

an abalone docket, abalone docket book, abalone transfer certificate, bin tag, small sales return, stock record or stock record book or any copy of those documents.

Penalty: 20 penalty units.

(2) Sub-regulation (1) does not apply to a person who is the holder of—

(a) an Abalone Fishery Access Licence or who is acting under the licence; or

(b) a Fish Receivers' (Abalone) Licence;

Reg. 630(2)(b)  
amended by  
S.R. No.  
25/2003  
reg. 6(i).

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Reg. 630(2)(c)  
revoked by  
S.R. No.  
25/2003  
reg. 6(j).

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who uses, is in possession of, or writes on, an abalone docket, abalone transfer certificate, bin tag, small sales return, stock record or stock record book or copies of those documents in connection with the possession, control, conveyance, sale, marketing or transport of abalone in accordance with these Regulations.

(3) Sub-regulation (1)(c) does not apply to a person who—

Reg. 630(3)(a)  
amended by  
S.R. No.  
25/2003  
reg. 6(k).

(a) possesses the duplicate copy 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

Reg. 630(3)(b)  
amended by  
S.R. No.  
25/2003  
reg. 6(k).

(b) has been the holder of an Abalone Fishery Access Licence, 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 or suspended, who possesses, controls or conveys unused abalone dockets, copies of dockets, abalone docket books or bin tags issued to him or her while holding the licence; or

Reg. 630(3)(d)  
amended by  
S.R. No.  
25/2003  
reg. 6(l).

(d) has held a Fish Receivers'(Abalone) licence that has been transferred, cancelled or suspended 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 to him or her while holding the licence.

- (4) A person referred to in sub-regulation (3)(c) must return to the Secretary all unused abalone docketts and copies of those docketts and all abalone docket books and bin tags issued to him or her within 48 hours after the date of transfer, cancellation or suspension of the licence.

Penalty: 20 penalty units.

- (5) A person referred to in sub-regulation (3)(d) must return to the Secretary all unused abalone transfer certificates, small sales returns and copies of those documents and all stock records and stock record books issued to him or her within 48 hours after the date of transfer, cancellation or suspension of the licence.

Penalty: 20 penalty units.

- (6) Sub-section (1) does not apply to a person who writes on, uses or possesses a document referred to in that sub-section in accordance with an authority given to the person by the Secretary.

**630A. Offence to receive rock lobster or giant crab from licence holder without a catch disposal record**

Reg. 630A  
inserted by  
S.R. No.  
118/2001  
reg. 20.

A person who receives rock lobster or giant crab from the holder of a Rock Lobster Fishery Access Licence or a Giant Crab Fishery Access Licence (or any person acting under such a licence) at the place where the rock lobster or giant crab was landed must hold the original of the relevant catch disposal record for the period during which the person possesses or has control of the rock lobster or giant crab.

Penalty: 20 penalty units.

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Reg. 630B  
inserted by  
S.R. No.  
118/2001  
reg. 20,  
substituted by  
S.R. No.  
25/2003  
reg. 12,  
revoked by  
S.R. No.  
26/2004  
reg. 10.

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**Division 6—Specifications for Equipment**

Reg. 631  
substituted by  
S.R. No.  
118/2001  
reg. 21.

**631. Specifications for certain fishing equipment**

Reg. 631(1)  
substituted by  
S.R. No.  
133/2003  
reg. 29(1).

(1) The specifications for a rock lobster pot are as specified in sub-regulations (2) and (3).

Reg. 631(2)  
amended by  
S.R. No.  
133/2003  
reg. 29(2).

(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 sub-regulation (4).

(3) A rock lobster pot must not be more than 150 centimetres long by 150 centimetres wide by 120 centimetres high.

(4) An escape gap must—

Reg. 631(4)(a)  
amended by  
S.R. No.  
133/2003  
reg. 29(2).

- (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

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- 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.

Reg. 631  
(4)(b)(ii)  
amended by  
S.R. No.  
24/2003  
reg. 11(a).

Reg. 631(4)(c)  
inserted by  
S.R. No.  
24/2003  
reg. 11(b).

**Division 7—Exemptions from requiring a commercial fishery licence for certain purposes**

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Reg. 632  
revoked by  
S.R. No.  
78/2001  
reg. 16(1).

**633. Exemption relating to possession of commercial fishing equipment**

- (1) Despite anything to the contrary in Part 4 of the Act, a person may possess commercial fishing equipment if the person—
- (a) in the course of a business, manufactures, retails or wholesales commercial fishing equipment from a commercial business premises; or

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- (b) in the course of a business, repairs commercial fishing equipment owned by a holder of an access licence or an aquaculture licence and 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; or
  - (c) is in charge of a boat that has commercial fishing equipment on board who is authorised under the laws of another State or of a Territory to possess that equipment in that State or Territory and the equipment is stored and secured 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; or
  - (d) is the holder of an access licence or a person authorised under an access licence to be in charge of a boat which has commercial fishing equipment on board that is not authorised by that licence in that place or at that particular time, but the equipment is stored and secured and the boat is travelling by the shortest practicable route to a place where the use of that equipment is permitted under an access licence held by that person.
- (2) Despite anything to the contrary in Part 4 of the Act, a person may possess 3 yabby pots in any area of Victoria other than in, on or next to any inland waters.

Reg. 633(2)  
substituted by  
S.R. No.  
78/2001  
reg. 16(2).



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- (3) Despite anything to the contrary in Part 4 of the Act, a person may use or possess a gaff for assisting in the taking or bringing on to a boat, any fin fish taken by angling.
- (4) Despite anything to the contrary in section 36(2) of the Act, a person may possess a number of rock lobster pots if—
  - (a) the person holds a licence to fish recreationally under the law of another State or Territory; and
  - (b) the licence 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.

Reg. 633(4)  
inserted by  
S.R. No.  
26/2004  
reg. 11.

**634. Exemptions relating to receipt and sale of non-commercial quantities of abalone**

- (1) Despite anything to the contrary in section 40 of the Act, a person may receive abalone, not being a commercial quantity, if that person—
  - (a) receives legally taken abalone for preparation for inclusion in a meal; or
  - (b) receives abalone for storage or sale and the abalone was legally obtained or legally possessed within Victoria and the abalone—
    - (i) is in a quantity equal to or less than that specified in Table 1 of Schedule 9 and is accompanied by a receipt in accordance with regulation 629 that is less than 60 days old; or
    - (ii) is in a quantity more than that specified in Table 1 of Schedule 9 and is accompanied by a receipt in accordance with regulation 629 that is less than 72 hours old; or

Reg. 634  
amended by  
S.R. Nos  
109/1999  
reg. 15,  
15/2000  
reg. 15,  
substituted by  
S.R. No.  
26/2004  
reg. 12.

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- (iii) is accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate which was completed not more than 60 days previously; or
  - (c) receives abalone for storage or sale and the abalone was legally obtained in a place outside Victoria and entered Victoria not more than 72 hours previously; or
  - (d) receives abalone for any purpose in accordance with an authority of the Secretary under regulation 505 and the abalone was legally obtained; or
  - (e) receives legally obtained abalone from the holder of an aquaculture licence, under which the holder of the licence is authorised to culture abalone, and the abalone is accompanied by a receipt for that abalone issued by the licence holder or a person acting on behalf of the licence holder setting out—
    - (i) the name of the licence holder; and
    - (ii) the address from which the abalone was sold or consigned for sale; and
    - (iii) the receipt number; and
    - (iv) the date of the sale or consignment; and
    - (v) the quantity of abalone; and
    - (vi) the product description of the abalone.
- (2) Despite anything to the contrary in section 40 of the Act, a person may sell abalone, not being a commercial quantity, if—
- (a) the abalone was received in accordance with sub-regulation (1) or regulation 634A(1); and
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- (b) the person issues a receipt for that abalone at the time of sale in accordance with regulation 629; and
- (c) the immediate packaging of the abalone is marked or labelled in accordance with regulation 330A.

**634A. Exemptions relating to the possession, receipt, processing and sale of commercial quantities of abalone**

Reg. 634A  
inserted by  
S.R. No.  
26/2004  
reg. 12.

- (1) Despite anything to the contrary in sections 40, 111A and 111C of the Act, a person may receive and possess a commercial quantity of abalone if—
  - (a) the abalone was legally obtained within Victoria and is accompanied by a receipt for that abalone in accordance with regulation 629 that is less than 72 hours old; or
  - (b) the abalone was legally obtained and is in a quantity not more than that specified in Table 2 of Schedule 9, and is accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate for that abalone that was completed not more than 60 days previously; or
  - (c) the abalone was legally obtained and is in a quantity more than that specified in Table 2 of Schedule 9, and is accompanied by the completed duplicate and triplicate copies of an abalone transfer certificate for that abalone that was completed not more than 72 hours previously; or
  - (d) the abalone was legally obtained in a place outside Victoria and entered Victoria not more than 72 hours previously; or
  - (e) the person is acting in accordance with an authority of the Secretary under regulation 505 and the abalone was legally obtained; or

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- (f) the abalone was legally obtained from the holder of an aquaculture licence, under which the holder is authorised to culture abalone, and the abalone is accompanied by a receipt for that abalone issued by the licence holder or a person acting under the licence setting out—
- (i) the name of the licence holder; and
  - (ii) the address from which the abalone was sold or consigned for sale; and
  - (iii) the receipt number; and
  - (iv) the date of the sale or consignment; and
  - (v) the quantity of abalone; and
  - (vi) the product description of the abalone; or
- (g) if that person is transporting legally obtained abalone from the holder of an Abalone Fishery Access Licence and the abalone—
- (i) is contained in—
    - (A) 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) bags that are sealed with a bin tag in such a manner that the abalone cannot be removed from or added to the bag without breaking the bin tag; and
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- (ii) is accompanied by the duplicate and triplicate of an abalone docket on which Parts B and C have been completed not more than 72 hours before the commencement of the transportation; or
  - (h) if that person is transporting legally obtained abalone from the area specified in an aquaculture licence where the holder of the aquaculture licence is authorised to culture abalone, and the abalone—
    - (i) is being transported to—
      - (A) the specified premises of the holder of a Fish Receivers' (Abalone) Licence; or
      - (B) an area specified in another aquaculture licence which authorises the holder of the licence to culture abalone; and
    - (ii) is labelled and identified in accordance with any conditions imposed on the first mentioned aquaculture licence by the Secretary.
- (2) Despite anything to the contrary in sections 40 and 111A of the Act, a person may sell a commercial quantity of abalone if—
- (a) the abalone was received and is possessed in accordance with sub-regulation (1); and
  - (b) the person issues a receipt for that abalone at the time of sale in accordance with regulation 629; and
  - (c) the immediate packaging of the abalone is marked or labelled in accordance with regulation 330A.
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- (3) Despite anything to the contrary in section 111A of the Act, a person may process a commercial quantity of abalone if—
- (a) the abalone was received and is possessed in accordance with sub-regulation (1); and
  - (b) the processing occurs at the place where the abalone is to be consumed.

Reg. 634B  
inserted by  
S.R. No.  
26/2004  
reg. 12.

**634B. Exemptions relating to the possession, receipt, processing and sale of rock lobster**

- (1) Despite anything to the contrary in sections 40, 111A and 111C of the Act, a person may receive, possess or process rock lobster (including a commercial quantity) if—
- (a) the rock lobster were legally obtained from the holder of a Rock Lobster Fishery Access Licence, or a person acting under the licence, and are accompanied by the completed original catch disposal record issued in relation to that rock lobster; or
  - (b) the rock lobster were legally obtained and are accompanied by a receipt for that rock lobster issued in accordance with sub-regulation (3)(b).
- (2) Despite anything to the contrary in sections 111A and 111C of the Act, a person may possess or process rock lobster (including a commercial quantity) if—
- (a) the person is authorised under the law of another State or Territory to take a commercial quantity of rock lobster in that State or Territory; and
  - (b) the rock lobster were taken under such an authority in that State or Territory.

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- (3) Despite anything to the contrary in sections 40 and 111A of the Act, a person may sell rock lobster (including a commercial quantity) if—
- (a) the rock lobster were legally obtained and possessed in accordance with sub-regulation (1) or (2); and
  - (b) the person issues a receipt for the rock lobster at the time of sale, setting out in respect of each sale—
    - (i) the full name of the seller; and
    - (ii) the business address from which the rock lobster were sold; and
    - (iii) the receipt number; and
    - (iv) the date of the sale; and
    - (v) the form of the rock lobster and the number and net weight of the rock lobster; and
  - (c) the person keeps a copy of that receipt for a period of 3 years from the date the receipt was issued.

**634C. Exemption relating to receipt of fish for sale**

Reg. 634C  
inserted by  
S.R. No.  
26/2004  
reg. 12.

Despite anything to the contrary in section 40 of the Act, a person may receive legally obtained fish for sale, other than—

- (a) abalone; or
- (b) rock lobster; or
- (c) scallop received from the holder of a Scallop (Ocean) Fishery Access Licence.

**635. Exemption from requirement to hold a licence to consign rock lobster for sale**

Despite anything to the contrary in Part 4 of the Act, a person may consign rock lobster for sale.

Reg. 636  
substituted by  
S.R. No.  
26/2004  
reg. 13.

**636. Exemption for transport of abalone from certain access licence holders and aquaculture licence holders**

Despite anything to the contrary in section 68A of the Act, a person may possess abalone (including a commercial quantity) if that person is transporting legally obtained abalone—

- (a) from the holder of an Abalone Fishery Access Licence and the abalone—
  - (i) are contained in—
    - (A) 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) bags that are sealed with a bin tag in such a manner that the abalone cannot be removed from or added to the bag without breaking the bin tag; and
  - (ii) are accompanied by the duplicate and triplicate of an abalone docket on which Parts B and C have been completed not more than 72 hours before the commencement of the transportation; or



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- (b) from the area specified in an aquaculture licence where the holder of the licence is authorised to culture abalone, and the abalone—
    - (i) are being transported to—
      - (A) the specified premises of the holder of a Fish Receivers' (Abalone) Licence; or
      - (B) an area specified in another aquaculture licence under which the licence holder is authorised to culture abalone; and
    - (ii) are labelled and identified in accordance with any conditions imposed on the first mentioned aquaculture licence by the Secretary.

**637. Exemption from requirement to hold a licence for certain aquaculture purposes**

Despite anything to the contrary in Part 4 of the Act, a person may display fish—

- (a) on commercial premises if there is no fee charged for entry to view the fish; or
- (b) if that person is acting in accordance with an authority of the Secretary.

**Division 8—Matters prescribed for purposes of the Act**

**638. Designated licence conditions**

For the purposes of section 53 of the Act, the designated licence conditions are—

- (a) any conditions that are expressed or referred to on the licence under section 52(a) of the Act; and

- (b) the conditions imposed on a licence under section 52(b) of the Act by the regulations specified in Schedule 13.

**639. 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 14 are prescribed; and
- (b) the period specified in Column 2 of Schedule 14 opposite an offence is the prescribed period for that offence.

**640. Specified sections for purposes of section 128**

The sections of the Act listed in Schedule 15 are specified for the purposes of section 128 of the Act.

Reg. 641  
inserted by  
S.R. No.  
26/2004  
reg. 14.

**641. 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.

Reg. 642  
inserted by  
S.R. No.  
26/2004  
reg. 14.

**642. 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—

- (a) the Port of Melbourne Corporation within the meaning of the **Port Services Act 1995**;
- (b) the Victorian Regional Channels Authority within the meaning of the **Port Services Act 1995**;
- (c) the National Native Title Tribunal within the meaning of the Native Title Act 1993 of the Commonwealth;
- (d) the Director of Marine Safety within the meaning of the **Marine Act 1988**;

- 
- (e) a local authority within the meaning of the **Marine Act 1988**;
  - (f) the Director of Quarantine or a quarantine officer within the meaning of the Quarantine Act 1908 of the Commonwealth;
  - (g) the Chief Executive Officer or an officer of the Australian Customs Service 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 police force of Victoria;
  - (j) the sheriff referred to in the **Supreme Court Act 1986**;
  - (k) an agency responsible for enforcement and detection of offences against a law of the Commonwealth or another State or Territory that corresponds with this Act or these Regulations;
  - (l) an authorised officer within the meaning of the **Conservation, Forests and Lands Act 1987**;
  - (m) the Asset Confiscation Office within the meaning of the Confiscation Regulations 1998<sup>6</sup>;
  - (n) an authorised officer within the meaning of the **Seafood Safety Act 2003**.
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**PART 7—TRANSITIONAL PROVISIONS**

**701. Definitions**

In this Part—

**"abalone docket"** means an abalone docket issued by the Secretary under the Fisheries (Abalone) Regulations 1996;

**"abalone docket book"** means a book containing abalone dockets issued by the Secretary under the Fisheries (Abalone) Regulations 1996;

**"abalone transfer certificate"** means an abalone transfer certificate issued by the Secretary under the Fisheries (Abalone) Regulations 1996;

**"catch and effort return"** means a return provided by the Secretary under regulation 32, and in the form of Schedule 3, of the Fisheries (Commercial) Regulations 1992;

**"small sales return"** means a small sales return issued by the Secretary under the Fisheries (Abalone) Regulations 1996;

**"stock record"** means an stock record issued under the Fisheries (Abalone) Regulations 1996.

**702. Certain people to retain copies of documents required to be kept under the Fisheries Act 1968**

- (1) A person who, at any time during the 12 months before 1 April 1998, was the holder of an abalone licence issued under section 13 of the **Fisheries Act 1968** must retain the quadruplicate copy of any abalone docket issued to him or her under that

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Part 7—Transitional Provisions

r. 702

Act for a period of 3 years from the date shown on the docket.

Penalty: 20 penalty units.

- (2) A person who, at any time during the 12 months before 1 April 1998, was the holder of an abalone processor's licence issued under section 13 of the **Fisheries Act 1968** must retain copies of any abalone docket, abalone transfer certificate, small sales return, or stock record required to be kept by him or her under that Act or under the Fisheries (Abalone) Regulations 1996, on the licensed premises for a period of 3 years from the date shown on that document.

Penalty: 20 penalty units.

- (3) A person who, at any time during the 12 months before 1 April 1998, was the holder of an abalone storer's licence issued under section 13 of the **Fisheries Act 1968** must retain copies of any abalone transfer certificate or stock record required to be kept by him or her under that Act or under the Fisheries (Abalone) Regulations 1996, on the licensed premises for a period of 3 years from the date shown on that document.

Penalty: 20 penalty units.

- (4) A person who, at any time during the 12 months before 1 April 1998, was the holder of a licence issued under section 13 or 14 of the **Fisheries Act 1968** (other than an abalone licence, an abalone processor's licence or an abalone storer's licence) must retain a copy of every catch and effort return completed by him or her under the **Fisheries Act 1968**, or under the Fisheries (Commercial) Regulations 1992, for a period of 3 years from the date shown on that return.

Penalty: 20 penalty units.

**703. Certain people to return unused abalone docketts and abalone docket books**

A person who, at any time during the 12 months before 1 April 1998, was the holder of an abalone licence issued under section 13 of the **Fisheries Act 1968** must, no more than 14 days after that date, return any unused abalone docketts and abalone docket books issued to him or her, to the Secretary.

Penalty: 20 penalty units.

**704. Recreational fishery licences may be issued on old forms**

- (1) The Secretary and any person authorised to issue recreational fishery licences may issue—
  - (a) a 28 day recreational fishery licence in the form of Form 1 of Schedule 2 of the Fisheries (Recreational) Regulations 1992;
  - (b) a 1 year recreational fishery licence in the form of Form 2 of Schedule 2 of the Fisheries (Recreational) Regulations 1992;
  - (c) a 3 year recreational fishery licence in the form of Form 3 of Schedule 2 of the Fisheries (Recreational) Regulations 1992;
  - (d) a recreational netting licence in the form of Form 4 of Schedule 2 of the Fisheries (Recreational) Regulations 1992.
- (2) Any person issuing a licence on a form referred to in sub-regulation (1) must ensure that the licence is accompanied by a notice—
  - (a) that states that the description of what the licence authorises printed on the licence no longer applies; and
  - (b) that sets out the entitlements and conditions that apply to the licence (as listed in Part 4).

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Part 7—Transitional Provisions

r. 705

- (3) A licence issued on a form referred to in subsection (1) has effect as a recreational fishery licence or recreational netting licence (as the case may be).

**705. Transitional provision concerning prescribed financial interests**

- (1) This regulation applies if—
- (a) the Secretary issues a licence under section 155A of the **Fisheries Act 1995** to replace a licence held under the **Fisheries Act 1968**; and
  - (b) a prescribed financial interest was registered and current under section 14A of the **Fisheries Act 1968** immediately before 1 April 1998 in respect of the licence being replaced.
- (2) The financial interest is deemed to have been registered with the Secretary under section 59(2) of the **Fisheries Act 1995** in respect of the replacement licence.

*	*	*	*	*	Reg. 706 inserted by S.R. No. 107/2000 reg. 17, amended by S.R. No. 63/2002 reg. 8, revoked by S.R. No. 133/2003 reg. 30.
*	*	*	*	*	Regs 707, 708 inserted by S.R. No. 107/2000 reg. 17, revoked by S.R. No. 133/2003 reg. 30.

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Part 7—Transitional Provisions

r. 709

Reg. 709  
inserted by  
S.R. No.  
107/2000  
reg. 17.

**709. Western Port/Port Phillip Bay Fishery Access  
Licence may continue to be held by a body  
corporate**

A Western Port/Port Phillip Bay Fishery Access Licence which was held by a body corporate immediately before the day on which the Fisheries (Commercial and Aquaculture) Regulations 2000 came into operation can continue to be held by that body corporate until the date on which the licence is due to be renewed.

Reg. 710  
inserted by  
S.R. No.  
107/2000  
reg. 17.

**710. Transitional provisions for Aquaculture (Crown Land) Licences**

- (1) A person who immediately before the day on which the Fisheries (Commercial and Aquaculture) Regulations 2000 came into operation—
  - (a) was the holder of an Aquaculture (Crown Land) Licence; and
  - (b) was rearing or growing bivalve shellfish for human consumption—is deemed to hold an Aquaculture (Crown Land) Type A Licence until the date on which the Aquaculture (Crown Land) Licence is due to be renewed.
- (2) A person to whom sub-regulation (1) applies is not liable to pay the levy under regulation 617A in respect of the period during which the person is deemed to hold an Aquaculture (Crown Land) Type A Licence.



**711. Transitional provisions for Eel Fishery Access  
Licences Type A**

A person who immediately before 14 November 2003 was the holder of an Eel Fishery Access Licence Type A is deemed to hold an Eel Fishery Access Licence until the date on which the Eel Fishery Access Licence Type A is due to be renewed.

Reg. 711  
inserted by  
S.R. No.  
118/2001  
reg. 22,  
substituted by  
S.R. No.  
133/2003  
reg. 31.

**712. Expiry of regulations**

Regulations 307A(2)(fa) and 318(2)(h) expire on 15 November 2007.

Reg. 712  
inserted by  
S.R. No.  
118/2001  
reg. 22,  
substituted by  
S.R. No.  
133/2003  
reg. 32

**713. Deemed entitlements to new classes of licences**

- (1) A person who, immediately before the commencement of regulation 6 of the Fisheries (Fees and Levies) Regulations 2004, held a licence of a class specified in Column 1 of Table A, that had an entitlement specified in Column 2 of that Table opposite that licence, is deemed to be, on and from the commencement of that regulation, the holder of the licence of the class specified in Column 3 of that Table that is set out opposite the licence in Column 1, and the licence which the person is deemed to hold is deemed—
- (a) to be due to be renewed on the day on which regulation 6 commences; and
- (b) to remain in force, unless otherwise suspended, cancelled or surrendered until 31 March 2005.

Reg. 713  
inserted by  
S.R. No.  
118/2001  
reg. 22,  
revoked by  
S.R. No.  
133/2003  
reg. 33,  
new reg. 713  
inserted by  
S.R. No.  
22/2004  
reg. 27.

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Part 7—Transitional Provisions

**r. 713**

**Table A—Access Licences**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Access Licence class</i>	<i>Entitlement on licence</i>	<i>New licence class</i>
Abalone Fishery Access Licence	Western abalone zone	Abalone Fishery (Western Zone) Access Licence
Abalone Fishery Access Licence	Central abalone zone	Abalone Fishery (Central Zone) Access Licence
Abalone Fishery Access Licence	Eastern abalone zone	Abalone Fishery (Eastern Zone) Access Licence
Giant Crab Fishery Access Licence	Giant Crab to be taken from the Western Rock Lobster Zone	Giant Crab Fishery (Western Zone) Access Licence
Rock Lobster Fishery Access Licence	Western rock lobster zone	Rock Lobster Fishery (Western Zone) Access Licence
Rock Lobster Fishery Access Licence	Eastern rock lobster zone	Rock Lobster Fishery (Eastern Zone) Access Licence

- (2) A person who, immediately before the commencement of regulation 7 of the Fisheries (Fees and Levies) Regulations 2004, held a licence of a class specified in Column 1 of Table B, that had an entitlement specified in Column 2 of that Table opposite that licence, is deemed to be, on and from the commencement of that regulation, the holder of a licence of the class specified in Column 3 of that Table that is set out opposite the licence in Column 1 and that licence is deemed to continue in force, unless otherwise cancelled, suspended or surrendered until 31 October 2004.

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Part 7—Transitional Provisions

r. 713

**Table B—Aquaculture (Crown Land) Licences**

<i>Column 1</i> <i>Aquaculture</i> <i>Licence class</i>	<i>Column 2</i> <i>Entitlement on</i> <i>licence</i>	<i>Column 3</i> <i>New licence</i> <i>class</i>
Aquaculture (Crown Land) Licence	If the species permitted to be kept on the licence is Abalone	Aquaculture (Crown Land— Abalone) Licence; or
Aquaculture (Crown Land) Licence	If the species permitted to be kept on the licence is Eel	Aquaculture (Crown Land— Eels) Licence

- (3) A person who, immediately before the commencement of regulation 7 of the Fisheries (Fees and Levies) Regulations 2004, held a licence of a class specified in Column 1 of Table C, that had an entitlement specified in Column 2 of that Table opposite that licence, is deemed to be, on and from the commencement of that regulation, the holder of a licence of the class specified in Column 3 of that Table that is set out opposite the licence in Column 1 and that licence is deemed to continue in force, unless otherwise cancelled, suspended or surrendered until 31 October 2004.

**Table C—Aquaculture (Private Land) Licences**

<i>Column 1</i> <i>Aquaculture</i> <i>Licence class</i>	<i>Column 2</i> <i>Entitlement on</i> <i>licence</i>	<i>Column 3</i> <i>New licence</i> <i>class</i>
Aquaculture (Private Land) Licence	If the species permitted to be kept on the licence is Abalone	Aquaculture (Private Land— Abalone) Licence
Aquaculture (Private Land) Licence	If the species permitted to be kept on the licence is Eel	Aquaculture (Private Land— Eels) Licence

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Part 7—Transitional Provisions

**r. 713**

<i>Column 1</i> <i>Aquaculture</i> <i>Licence class</i>	<i>Column 2</i> <i>Entitlement on</i> <i>licence</i>	<i>Column 3</i> <i>New licence</i> <i>class</i>
Aquaculture (Private Land) Licence	If the species permitted to be kept on the licence is a Marine species other than Abalone	Aquaculture (Private Land— Marine) Licence
Aquaculture (Private Land) Licence	If the species permitted to be kept on the licence is a species of ornamental fish	Aquaculture (Private Land— Ornamentals) Licence
Aquaculture (Private Land) Licence	If the species permitted to be kept on the licence is a species of salmonids	Aquaculture (Private Land— Salmonids) Licence
Aquaculture (Private Land) Licence	If the species permitted to be kept on the licence is a species of native warm water finfish, other than eels	Aquaculture (Private Land— Warm Water Finfish) Licence
Aquaculture (Private Land) Licence	If the species permitted to be kept on the licence is yabbies in a single specified area	Aquaculture (Private Land— Yabbies) Licence

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Part 7—Transitional Provisions

**r. 714**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Aquaculture Licence class</i>	<i>Entitlement on licence</i>	<i>New licence class</i>
Aquaculture (Private Land) Licence	If the species permitted to be kept on the licence is yabbies in multiple specified areas	Aquaculture (Private Land— Yabbies Multi- waters) Licence

**714. Application provision for commercial fishery  
licences**

These Regulations as amended by the Fisheries  
(Amendment) Regulations 2004 apply to any  
commercial fishery licence which was in force as  
at the commencement of those regulations.

Reg. 714  
inserted by  
S.R. No.  
26/2004  
reg. 15.

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

**Sch. 1**

**SCHEDULES**

**SCHEDULE 1**

**REVOKED REGULATIONS**

<i>S.R. No.</i>	<i>Title</i>
110/1988	Fishing (Abalone) Regulations 1988
111/1988	Fisheries (Abalone )(Eastern Zone) Regulations 1988
112/1988	Fisheries (Abalone) (Central Zone) Regulations 1988
116/1988	Fishing (Abalone) (Amendment No. 1) Regulations 1988
442/1988	Fishing (Mussel Dredge) Regulations 1988
36/1989	Fishing (Abalone) (Amendment No. 1) Regulations 1989
103/1989	Fishing (Gemfish) Regulations 1989
142/1989	Fisheries (Crayfish) Regulations 1989
372/1989	Fishing (Crayfish) (Amendment) Regulations 1989
101/1990	Fisheries (Prescribed Financial Interest) Regulations 1990
182/1990	Fisheries (Prescribed Financial Interest) (Amendment) Regulations 1990
193/1990	Fisheries (Prescribed Aquarium Fish) Regulations 1990
35/1991	Fishing (Licence Fees) Regulations 1991
101/1991	Fishing (Crayfish) (Amendment) Regulations 1991
290/1991	Bunurong Sanctuary Zone Marine Reserve Proclamation
151/1992	Fisheries (Recreational) Regulations 1992
152/1992	Fisheries (Commercial) Regulations 1992
153/1992	Fisheries (Fees) Regulations 1992
154/1992	Fisheries (Eel) Regulations 1992
156/1992	Fishing (Abalone) (Amendment) Regulations 1992
158/1992	Fishing (Crayfish) (Amendment) Regulations 1992
325/1992	Fishing (Shark) (Further Amendment) Regulations 1992
15/1993	Fisheries (Recreational) (Amendment) Regulations 1993
47/1993	Fisheries (Fees) (Amendment) Regulations 1993
55/1993	Fisheries (Commercial) (Amendment) Regulations 1993
147/1993	Fisheries (Shell Fish Protection) Regulations 1993
164/1993	Fisheries (Recreational) (Further Amendment) Regulations 1993
208/1993	Fisheries (Greenlip Abalone) Regulations 1993
17/1994	Fisheries (Fees) (Amendment) Regulations 1994
115/1994	Fisheries (Commercial) (King Crab) Regulations 1994
16/1995	Fisheries (Fees) (Amendment) Regulations 1995
37/1995	Fisheries (General Amendments) Regulations 1995
84/1995	Fisheries (Scallop) Regulations 1995
96/1995	Fisheries (King Crab) Regulations 1995
104/1995	Fisheries (Commercial) (Amendment) Regulations 1995

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

**Sch. 1**

<i>S.R. No.</i>	<i>Title</i>
114/1995	Fisheries (Recreational) (Bag Limits—Mallacoota) Regulations 1995
140/1995	Fisheries (King Crab) (Amendment) Regulations 1995
14/1996	Fisheries (Recreational) (Bag Limits—Mallacoota) Regulations 1996
16/1996	Fisheries (Fees) (Amendment) Regulations 1996
26/1996	Fisheries (Abalone) Regulations 1996
120/1996	Fisheries (Recreational) (Macquarie Perch at Lake Eildon) Regulations 1996
152/1996	Fisheries (Commercial) (Bream—Gippsland Lakes) Regulations 1996
154/1996	Fisheries (Recreational) (Bream—Gippsland Lakes) Regulations 1996
18/1997	Fisheries (Fees) (Amendment) Regulations 1997
34/1997	Fisheries (Abalone) (Amendment) Regulations 1997
44/1997	Fisheries (Recreational) (Salmonid) Regulations 1997
53/1997	Fisheries (Abalone) (Amendment No. 2) Regulations 1997
72/1997	Fisheries (Abalone) (Amendment No. 3) Regulations 1997
83/1997	Fisheries (Port Phillip Bay—Temporary Closure of Area to Fishing) Regulations 1997
96/1997	Fisheries (Recreational) (Bream) Regulations 1997
97/1997	Fisheries (Commercial) (Bream) Regulations 1997

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Sch. 2
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Schs 2, 3  
revoked by  
S.R. No.  
25/2003  
reg. 13.

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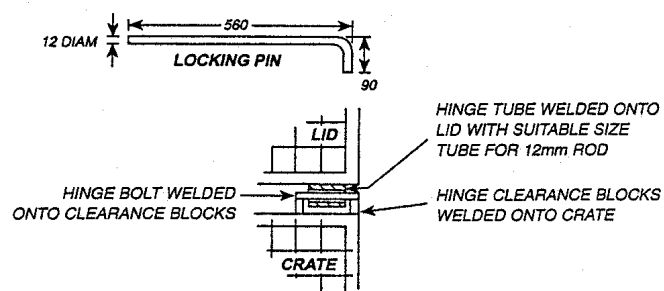


**SCHEDULE 4**

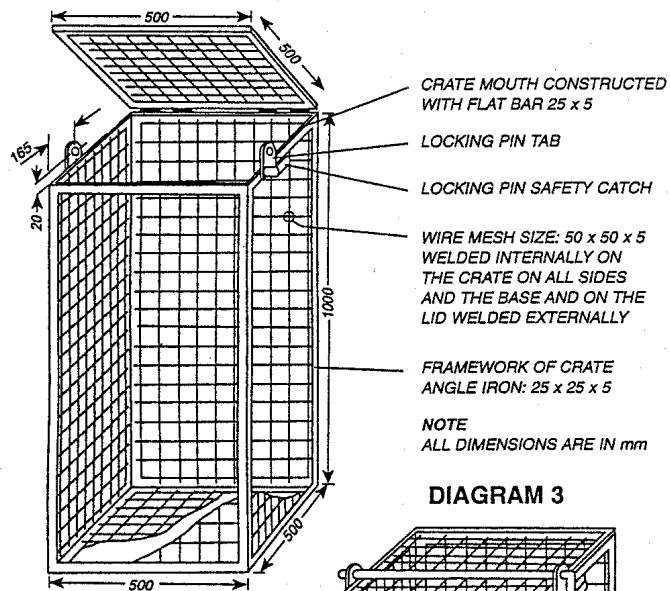
**SPECIFICATIONS FOR SCALLOP CRATE**

Refer to attached diagram

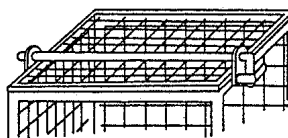
**DIAGRAM 1**



**DIAGRAM 2**



**DIAGRAM 3**



*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Sch. 5
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Sch. 5  
revoked by  
S.R. No.  
25/2003  
reg. 13.

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*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

**Sch. 6**

**SCHEDULE 6**

**ABALONE STOCK RECORD DETAILS**

**Sch. 6**  
**substituted by**  
**S.R. No.**  
**145/2001**  
**reg. 9.**

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.
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*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

**Sch. 7**

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**SCHEDULE 7**

**SPECIES OF FISH THAT MAY BE TAKEN BY HOLDERS OF  
CERTAIN LICENCES**

Anchovies and other Clupeoids

Bass yabbies (Ghost shrimp)

Bull-headed Gudgeons

Clams

Crabs

Mussels

Pilchards

Prawns

Marine worms

Shrimps

Whitebait

Yabbies

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**SCHEDULE 8**

**INLAND NETTING WATERS (ACCESS LICENCE HOLDERS)**

Lake Albacutya  
Lake Brandy (near Kerang)  
Lake Boga  
Lake Buloke (Near Donald)  
Lake Charm (near Kerang)  
Lake Cooper (Corop)  
Cope Cope Lakes in the Parish of Swan Water  
Lake Corrong (near Hopetoun) but not including Lake Lascelles which is  
connected to Lake Corrong  
Cullens Lake (near Kerang)  
Lake Elizabeth (near Kerang)  
Kangaroo Lake (near Kerang)  
Lake Gilmour  
Greens Lake (Corop)  
Lake Hawthorn  
Lake Hindmarsh  
Kow (or Mount Hope) Swamp  
Lake Lalbert  
Lakes Leaghur and Lyndger (near Boort)  
Long Lake (near Lake Boga)  
Pelican Lake  
Racecourse Lake (near Lake Charm)  
Reedy Lake  
Second Reedy Lake (near Kerang)  
Third Reedy Lake (near Kerang)  
Round Lake (near Kerang)  
Lake Touchewop  
Lake Wandella

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*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

**Sch. 9**

**SCHEDULE 9**

**QUANTITIES OF ABALONE FOR PURPOSES OF CERTAIN  
REGULATIONS**

**Table 1**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
A total of 5 kilograms of abalone, but not exceeding the individual limit specified in column 2 in respect of abalone in the form specified in column 3	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, but not exceeding the individual limits specified in column 2 in respect of abalone in the forms specified in column 3.	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

Sch. 10  
revoked by  
S.R. No.  
90/1999  
reg. 47(4).

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*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Sch. 11

**SCHEDULE 11**

**SALMONID WATERS**

**PART A**

**Inland waters for the purposes of paragraph (b) in the Table in  
regulation 503(3)**

Sch. 11  
amended by  
S.R. Nos  
90/1999  
reg. 42(1)(2),  
78/2001  
reg. 17(1)–(4).

Aringa Reservoir  
Barkers Creek Reservoir  
Beaufort Lake  
Berwick Springs Estate Lake  
Blue Rock Dam  
Bostock Reservoir  
Bullarto Reservoir  
Cairn Curran Reservoir  
Colbrook Reservoir  
Cosgrove Reservoir  
Dean Reservoir  
Deep Lake  
Dock Lake  
Fyans Lake  
Goldfield Reservoir  
Gong Gong Reservoir  
Greenhill Lake  
Hamilton Lake  
Hepburn Lagoon  
Jil Jil Lake  
Konongwotong Reservoir  
Lake Banimboola  
Lake Batyo Catyo  
Lake Bolac  
Lake Bullen Merri  
Lake Burrumbeet  
Lake Cartcarrong  
Lake Colongulac

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

<b>Sch. 11</b>
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Lake Eildon  
Lake Elingamite  
Lake Gilleard  
Lake Glenmaggie  
Lake Hume  
Lake Learmonth  
Lake Modewarre  
Lake Murdeduke  
Lake Natimuk  
Lake Purrumbete  
Lake Tooliorook  
Lake Wallace  
Lake Wendouree  
Landsborough Reservoir  
Lauriston Reservoir  
Lilydale Lake  
Malmsbury Reservoir  
Moorabool Reservoir  
Newlyn Reservoir  
Nursery Reservoir (Macedon)  
Pine Lake  
Rocklands Reservoir  
Sugarloaf Reservoir  
Talbot Reservoir  
Teddington Reservoirs  
Toolondo Reservoir  
Tullaroop Reservoir  
Upper Coliban Reservoir  
West Barwon Dam  
Wombat Reservoir  
Wurdi Boluc Reservoir



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**PART B**

**Inland waters for the purposes of paragraph (c) in the Table in  
regulation 503(3)**

Albert Park Lake (Albert Park)  
Alexandra Lake (Ararat)  
Allans Flat Dredge Hole (Allans Flat)  
Anderson Lake (Chiltern)  
Arboretum Dam (Euroa)  
Caulfield Racecourse Lake (Caulfield)  
Charlies Dam (Bairnsdale)  
Cobden Lake (Cobden)  
Daylesford Lake (Daylesford)  
Donald Caravan Park Lake (Donald)  
Eildon Pondage (Eildon)  
Emerald Lake (Emerald)  
Esmonde Lake (Ballarat)  
Fosters Dam (Glenrowan)  
Guyatt Lake (Sale)  
Hanging Rock Lake (Hanging Rock)  
Harrietville Dredge Holes (Harrietville)  
Hyland Lake (Churchill)  
Jack Roper Reserve Lake (Campbellfield)  
Jubilee Lake (Daylesford)  
Kennington Reservoir (Bendigo)  
King Lake (Rutherglen)  
Lake Glenrowan (Hamilton Park Estate)  
Lake Guthridge (Sale)  
Lake Kerferd (Beechworth)  
Lake King (Rutherglen)  
Lismore Golf Course Dam (Lismore)  
Marysville Lake (Marysville)  
Mt Beauty Pondage (Mt Beauty)  
Morwell Lake (Morwell)  
Neanger Lake (Eaglehawk)  
Nhill Lake (Nhill)  
O'Keefe's Dam (Creswick)  
Police Paddock Dam (Horsham)

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Rable Park (Murtoa)  
Rawson Dam (Rawson)  
Rotary Park (Bendigo)  
Rowville Lakes (Rowville)  
Roxburgh Park Lakes (Roxburgh Park)  
St Georges Lake (Creswick)  
Sambell Lake (Beechworth)  
Seagull Lake (Geelong)  
Tea Tree Lake (Mortlake)  
Tom Thumb Lake (Eaglehawk)  
Trudy's Dam (Bairnsdale)  
Victoria Lake (Ballarat)  
Watonga Drive Dam (Horsham)  
Weeroona Lake (Bendigo)  
Whittlesea Botanical Gardens Lake (Whittlesea)

**PART C**

Inland waters for the purposes of the Table in regulation 506(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)  
Merri River (downstream of the Dennington Railway Bridge)  
Mitchell River (downstream of the Princes Highway Bridge at Bairnsdale)  
Tambo River (downstream of the Bruthen Road Bridge)

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**SCHEDULE 12**

**TABLE A**

**APPLICATION AND TRANSFER FEES FOR COMMERCIAL  
FISHERY LICENCES**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Category of Licence</i>	<i>Application Fee</i>	<i>Transfer Fee</i>
1.	Abalone Fishery (Western Zone) Access Licence	\$278	\$278
2.	Abalone Fishery (Central Zone) Access Licence	\$278	\$278
3.	Abalone Fishery (Eastern Zone) Access Licence	\$278	\$278
4.	Bait (General) Fishery Access Licence	\$185	Not applicable
5.	Corner Inlet Fishery Access Licence	\$185	\$185
6.	Eel Fishery Access Licence Type A	\$185	\$185
7.	Giant Crab Fishery (Western Zone) Access Licence	\$185	\$185
8.	Gippsland Lakes Fishery Access Licence	\$185	\$185
9.	Gippsland Lakes Fishery (Bait) Access Licence	\$185	\$185
10.	Gippsland Lakes Fishery (Mussel Dive) Access Licence	\$185	Not applicable
11.	Lake Tyers (Bait) Access Licence	\$185	Not applicable
12.	Mallacoota Lower Lake Fishery (Bait) Access Licence	\$185	\$185

Sch. 12 substituted by S.R. No. 25/1999 reg. 8, amended by S.R. No. 15/2000 reg. 16(a)–(c), substituted by S.R. Nos 20/2000 reg. 7, 20/2001 reg. 10, amended by S.R. No. 118/2001 reg. 23, substituted by Nos 19/2002 reg. 10, 22/2003 reg. 11, 22/2004 reg. 28.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Category of Licence</i>	<i>Application Fee</i>	<i>Transfer Fee</i>
13.	Ocean Fishery Access Licence	\$185	Not applicable
14.	Port Phillip Bay (Mussel Bait) Access Licence	\$185	Not applicable
15.	Purse Seine (Ocean) Access Licence	\$185	\$185
16.	Purse Seine (Port Phillip Bay) Fishery Access Licence	\$185	\$185
17.	Rock Lobster Fishery (Western Zone) Access Licence	\$185	\$185
18.	Rock Lobster Fishery (Eastern Zone) Access Licence	\$185	\$185
19.	Scallop (Ocean) Fishery Access Licence	\$185	\$185
20.	Snowy River Fishery (Bait) Access Licence	\$185	\$185
21.	Sydenham Inlet Fishery (Bait) Access Licence	\$185	\$185
22.	Trawl (Inshore) Fishery Access Licence	\$185	\$185
23.	Western Port/Port Phillip Bay Fishery Access Licence	\$185	\$185
24.	Wrasse (Ocean) Fishery Access Licence	\$185	Not applicable
<b>Fish Receivers'</b>			
25.	Fish Receivers' (Abalone) Licence	\$278	Not applicable
26.	Fish Receivers' (Scallop) Licence	\$189	Not applicable

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Category of Licence</i>	<i>Application Fee</i>	<i>Transfer Fee</i>
	<b>Aquaculture (Private Land)</b>		
27.	Aquaculture (Private Land—Abalone) Licence	\$278	\$189
28.	Aquaculture (Private Land—Eels) Licence	\$278	\$189
29.	Aquaculture (Private Land—Marine) Licence	\$278	\$189
30.	Aquaculture (Private Land—Ornamentals) Licence	\$278	\$189
31.	Aquaculture (Private Land—Salmonids) Licence	\$278	\$189
32.	Aquaculture (Private Land—Warm Water Finfish) Licence	\$278	\$189
33.	Aquaculture (Private Land—Yabbies) Licence	\$278	\$189
34.	Aquaculture (Private Land—Yabbies Multi-waters) Licence	\$278	\$189
	<b>Aquaculture (Crown) Licences</b>		
35.	Aquaculture (Crown Land) Type A Licence	\$1206	\$189
36.	Aquaculture (Crown Land) Licence	\$1206	\$189
37.	Aquaculture (Crown Land—Abalone) Licence	\$1206	\$189
38.	Aquaculture (Crown Land—Eels) Licence	\$1206	\$189

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*S.R. No. 23/1998*

**Sch. 12**

**TABLE B**  
**LEVIES FOR COMMERCIAL FISHERY LICENCES**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
<i>Category of Licence</i>	<i>Management FMS<sup>7</sup> Levy</i>	<i>Compliance FMS Levy</i>	<i>Research FMS Levy</i>	<i>FRDC<sup>8</sup> Levy</i>	<i>Peak Body Levy</i>	<i>TOTAL of Columns 2 to 6</i>
Abalone Fishery Access Licence (Western Zone)	\$7825	\$7804	\$4363	\$1814	\$927	\$22 733
Abalone Fishery Access Licence (Central Zone)	\$8059	\$8037	\$4458	\$1887	\$927	\$23 368
Abalone Fishery Access Licence (Eastern Zone)	\$8158	\$8135	\$4497	\$1918	\$927	\$23 635
Bait (General) Fishery Access Licence	\$40	\$35	\$31	\$5	\$322	\$433
Corner Inlet Fishery Access Licence	\$508	\$294	\$162	\$202	\$322	\$1488
Eel Fishery Access Licence Type A	\$310	\$184	\$107	\$118	\$322	\$1041
Giant Crab Fishery Access Licence	\$64	Variable amount: \$7.40 per quota unit (for combined compliance and research Levies)		\$15	\$322	\$401 plus variable amount calculated as set out in the combined Column 3 and 4
Gippsland Lakes Fishery Access Licence	\$499	\$289	\$159	\$198	\$322	\$1467
Gippsland Lakes Fishery (Bait) Access Licence	\$53	\$72	\$23	\$10	\$241	\$399
Gippsland Lakes Fishery (Mussel Dive) Access Licence	\$106	\$71	\$50	\$33	\$322	\$582

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
<i>Category of Licence</i>	<i>Management FMS<sup>2</sup> Levy</i>	<i>Compliance FMS Levy</i>	<i>Research FMS Levy</i>	<i>FRDC<sup>3</sup> Levy</i>	<i>Peak Body Levy</i>	<i>TOTAL of Columns 2 to 6</i>
Lake Tyers (Bait) Access Licence	\$42	\$36	\$32	\$6	\$241	\$357
Mallacoota Lower Lake Fishery (Bait) Access Licence	\$53	\$72	\$23	\$10	\$241	\$399
Ocean Fishery Access Licence	\$88	\$25	\$41	\$16	\$322	\$492
Port Phillip Bay (Mussel Bait) Access Licence	\$37	\$33	\$31	\$4	\$241	\$346
Purse Seine (Ocean) Access Licence	\$88	\$25	\$41	\$16	\$322	\$492
Purse Seine (Port Phillip Bay) Fishery Access Licence	\$57	\$54	\$53	\$149	\$322	\$635
Rock Lobster Fishery (Western Zone) Access Licence	\$1109	\$35.50 per quota unit, plus \$13.50 for each rock lobster pot specified in the licence (for combined Compliance and Research Levies)		\$373	\$322	\$1804 plus total of variable amount calculated as set out in the combined Column 3 and 4
Rock Lobster Fishery (Eastern Zone) Access Licence	\$475	\$10.50 per quota unit, plus \$2.50 for each rock lobster pot specified in the licence (for combined Compliance and Research Levies)		\$160	\$322	\$957 plus total of variable amount calculated as set out in the combined Column 3 and 4
Scallop (Ocean) Fishery Access Licence	\$230	\$322	\$98	\$38	\$322	\$1010
Snowy River Fishery (Bait) Access Licence	\$49	\$40	\$34	\$9	\$241	\$373
Sydenham Inlet Fishery (Bait) Access Licence	\$53	\$72	\$23	\$10	\$241	\$399

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
<i>Category of Licence</i>	<i>Management FMS<sup>2</sup> Levy</i>	<i>Compliance FMS Levy</i>	<i>Research FMS Levy</i>	<i>FRDC<sup>3</sup> Levy</i>	<i>Peak Body Levy</i>	<i>TOTAL of Columns 2 to 6</i>
Trawl (Inshore) Fishery Access Licence	\$114	\$76	\$52	\$36	\$322	\$600
Western Port/Port Phillip Bay Fishery Access Licence	\$393	\$230	\$130	\$153	\$322	\$1228
Wrasse (Ocean) Fishery Access Licence	\$65	\$49	\$86	\$35	\$322	\$557
<b>Fish Receivers'</b>						
Fish Receivers' (Abalone) Licence	\$1943	\$2915	\$1620	n.a.	\$3500	\$9978
Fish Receivers' (Scallop) Licence	\$371	\$556	\$308	n.a.	\$631	\$1866
<b>Aquaculture (Private Land)</b>						
Aquaculture (Private Land—Abalone) Licence	\$452	\$322	\$138	\$154	\$181	\$1247
Aquaculture (Private Land—Eels) Licence	\$307	\$213	\$0	\$154	\$181	\$855
Aquaculture (Private Land—Marine) Licence	\$379	\$264	\$0	\$154	\$181	\$978
Aquaculture (Private Land—Ornamentals) Licence	\$195	\$136	\$0	\$154	\$181	\$666
Aquaculture (Private Land—Salmonids) Licence	\$207	\$144	\$0	\$154	\$181	\$686
Aquaculture (Private Land—Warm Water Finfish) Licence	\$222	\$161	\$69	\$154	\$181	\$787



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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
<i>Category of Licence</i>	<i>Management FMS<sup>2</sup> Levy</i>	<i>Compliance FMS Levy</i>	<i>Research FMS Levy</i>	<i>FRDC<sup>3</sup> Levy</i>	<i>Peak Body Levy</i>	<i>TOTAL of Columns 2 to 6</i>
Aquaculture (Private Land—Yabbies) Licence	\$64	\$26	\$0	\$154	\$181	\$425
Aquaculture (Private Land—Yabbies—Multi-waters) Licence	\$538	\$374	\$0	\$154	\$181	\$1247
<b>Aquaculture (Crown)</b>						
Aquaculture (Crown Land) Licence	\$531	\$571	\$0	\$154	\$181	\$1437
Aquaculture (Crown Land—Abalone) Licence	\$509	\$400	\$138	\$154	\$181	\$1382
Aquaculture (Crown Land—Eels) Licence	\$535	\$418	\$0	\$154	\$181	\$1288
Aquaculture (Crown Land) Type A Licence	\$1091	\$804	\$0	\$154	\$181	\$2230

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**Sch. 13**

Sch. 13  
amended by  
S.R. No.  
38/2003  
reg. 5(3)  
(a)–(c).

**SCHEDULE 13**

**DESIGNATED LICENCE CONDITIONS**

(section 53 of the Act)

The following regulations—

303(3)(a)	319(3)(a) to (g)
303(3)(b)	319(3)(i) to (y)
303(3)(c)	320(2)
303(3)(d)	321(2)
303(3)(e)	322(2)
303(3)(g)	323(2)(a)
303(3)(h)	323(2)(c) to (t)
303(3)(k)	323(3)(a) to (f)
303(3)(l)	323(3)(h) to (k)
303(3)(m)	324(2)
303(3)(n)	327(d)
303(3)(o)(ii)	327(f)
303(3)(r)	327(g)
303(3)(s)	327(h)
303(3)(x)	327(i)
303(3)(zd)	328(1)(c)
304(2)	328(1)(d)
305(2)	328(1)(f)
306(2)(a)(i)	328(2)(a) to (d)
306(2)(b) to (k)	329(c) to (g)
307(2)	330(a)
308(2)(a) to (n)	330(c)
308(2)(p) to (r)	330(d)
308(2)(q)	332(1)(c)
309(2)(a) to (d)	332(1)(d)
310(2)(a) & (b)	332(1)(f)
311(2)	332(2)(a) to (d)
312(2)	333(a) to (g)
313(2)	333(i)
314(2)	334(1)(a)
315(2)	334(1)(c)
316(2)	334(1)(d)
317(2)	335(2)(c) to (e)
318(2)	335(2)(g)
	336(2)(b)

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Sch. 14

**SCHEDULE 14**

Regulation 639

**OFFENCES PRESCRIBED FOR PURPOSES OF SECTION 127 OF  
THE ACT**

Sch. 14  
amended by  
S.R. No.  
15/2000  
reg. 17,  
substituted by  
S.R. No.  
26/2004  
reg. 16.

<i>Column 1</i> <i>Prescribed offence</i>	<i>Column 2</i> <i>Prescribed period</i>
Section 36(1)(a)	3 years
Section 36(1)(b)	3 years
Section 36(1)(c)	3 years
Section 37(1)(a)	3 years
Section 37(1)(b)	3 years
Section 39(1)	3 years
Section 39(2)	3 years
Section 39(3)	3 years
Section 40(1)(a)	3 years
Section 40(1)(b)	3 years
Section 40(1)(c)	3 years
Section 42(1)(a)	3 years
Section 42(1)(b)	3 years
Section 42(1)(c)	3 years
Section 53(1)	3 years
Section 53(4)	3 years
Section 66(1)(a)	3 years
Section 66(1)(b)	3 years
Section 66(1)(c)	3 years
Section 66(1)(d)	3 years
Section 66A(1)	3 years
Section 67(3)	3 years

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<i>Column 1</i> <i>Prescribed offence</i>	<i>Column 2</i> <i>Prescribed period</i>
Section 68A(1)(a)	3 years
Section 68A(1)(b)	3 years
Section 68A(2)(a)	3 years
Section 68A(2)(b)	3 years
Section 68A(4B)	3 years
Section 68A(5)	3 years
Section 68B(1)(a)	3 years
Section 68B(1)(b)	3 years
Section 99(1)	3 years
Section 99(2)	3 years
Section 100	3 years
Section 111(1)(f)	3 years
Section 111(2)	3 years
Section 114(3)	3 years
Section 116(1)	3 years
Section 117(1)(a)	3 years
Section 117(1)(b)	3 years
Section 118(1)	3 years
Section 119A	3 years
Section 119B(a)	3 years
Section 119B(b)	3 years
Section 130(4)	3 years
Section 130A(5)	3 years
Section 130B(6)	3 years
Regulation 542 of the Fisheries Regulations 1998	3 years
Regulation 629(1) of the Fisheries Regulations 1998	3 years

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*S.R. No. 23/1998*

**Sch. 14**

<i>Column 1</i>	<i>Column 2</i>
<i>Prescribed offence</i>	<i>Prescribed period</i>
Regulation 630(1) of the Fisheries Regulations 1998	3 years
Regulation 630A of the Fisheries Regulations 1998	3 years

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*S.R. No. 23/1998*

**Sch. 15**

**Sch. 15**  
**amended by**  
**S.R. No.**  
**90/1999**  
**reg. 43.**

**SCHEDULE 15**

**OFFENCES SPECIFIED FOR PURPOSES OF SECTION 128(1)(a)**

Section 36;

Section 37;

Sections 67(3) and (4) to the extent that they relate to priority species;

Sections 68A(1), (2), (3), (5) and (7);

Sections 112 (1) and (2);

Section 113(1);

Section 114(3);

Section 115;

Section 116 to the extent that it relates to priority species;

Section 119(1);

Section 148(7).

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Sch. 16

**SCHEDULE 16**

**NOTIFIABLE DISEASES**

<b>Title of disease affecting Finfish</b>	<b>Title of disease affecting Crustaceans</b>	<b>Title of disease affecting Molluscs</b>
<i>Aeromonas salmonicida</i> (atypical virus)	<i>Aphanomyces astaci</i> (Crayfish plague)	<i>Bonamia ostreae</i> (Bonamiosis)
<i>Aeromonas salmonicida</i> <i>var. salmonicida</i> (Furunculosis)	Baculoviral midgut gland necrosis virus	<i>Bonamia</i> spp. (Bonamiosis)
<i>Aphanomyces invaderis</i> (Epizootic ulcerative syndrome)	<i>Baculovirus penaei</i>	<i>Haplosporidium</i> <i>amoricanum</i> (Haplosporidiosis)
Channel catfish virus	Infectious hypodermal and haematopoietic necrosis virus	<i>Haplosporidium</i> <i>costale</i> (Haplosporidiosis)
<i>Edwardsiella ictaluri</i> (Enteric septicaemia of catfish)	<i>Penaeus monodon</i> -type baculovirus	<i>Haplosporidium</i> <i>nelsoni</i> (Haplosporidiosis)
Epizootic haematopoietic necrosis virus	Taura syndrome virus	<i>Marteilia</i> <i>refringens</i> (Marteiliosis)
<i>Gyrodactylus salaris</i>	Whitespot disease virus	<i>Marteilia sydneyi</i> (Marteiliosis)
Infectious haematopoietic necrosis virus	Yellowhead disease virus	<i>Mikrocytos mackini</i> (Marteiliosis)
Infectious pancreatic necrosis virus		<i>Mikrocytos</i> <i>roughleyi</i> (Mikrocytosis)
Infectious salmon anaemia virus		Oyster velar disease
<i>Myxobolus cerebralis</i> (Whirling disease)		<i>Perkinsus</i> <i>atlanticus</i> (Perkinsosis)
<i>Oncorhynchus masou</i> virus		<i>Perkinsus marinus</i> (Perkinsosis)

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**Sch. 16**

<b>Title of disease affecting Finfish</b>	<b>Title of disease affecting Crustaceans</b>	<b>Title of disease affecting Molluscs</b>
<i>Piscirickettsia salmoninarum</i> (Piscirickettsiosis)		<i>Perkinsus olseni</i> (Perkinsosis)
<i>Renibacterium salmoninarum</i> (Bacterial kidney disease)		
Spring viraemia of carp virus		
Viral Encephalopathy and Retinopathy		
Viral haemorrhagic septicaemia virus		
<i>Yersinia ruckeri</i> (Enteric redmouth disease/yersiniosis)		
Barramundi picorna- like virus		



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Sch. 17

**SCHEDULE 17**

Sch. 17  
inserted by  
S.R. No.  
90/1999  
reg. 44.

**SPECIES OF FISH FOR THE PURPOSES OF REGULATION 322(2)(i)  
THAT MAY NOT BE TAKEN**

John dory  
King dory  
Mirror dory  
Flathead  
Gemfish  
Blue grenadier  
Ling  
Jackass morwong  
Black oreo  
Ox-eye oreo  
Smooth oreo  
Spiky oreo  
Ocean perch  
Royal red prawns  
Redfish  
Orange roughy  
Blue-eyed trevalla  
Silver trevally  
Blue warehou  
Spotted warehou  
School whiting

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Sch. 18

Sch. 18  
inserted by  
S.R. No.  
118/2001  
reg. 24.

**SCHEDULE 18**

**PORTS AND MOORING AREAS AT WHICH ROCK LOBSTER AND  
GIANT CRAB MAY BE LANDED**

Anglesea  
Apollo Bay  
Barwon Heads  
Cape Bridgewater  
Cape Conran  
Flinders  
Kennett River  
Inverloch  
Lakes Entrance  
Lorne  
Mallacoota  
Marlo  
McLaughlin's Beach  
Port Albert  
Port Campbell  
Port Fairy  
Portland  
Port Welshpool  
Queenscliff  
San Remo  
Sorrento  
Torquay  
Ventnor  
Walkerville South  
Warrnambool

*Fisheries Regulations 1998*  
*S.R. No. 23/1998*

Sch. 19

**SCHEDULE 19**

Sch. 19  
inserted by  
S.R. No.  
25/2003  
reg. 14.

**PORTS AND MOORING AREAS AT WHICH ABALONE MAY BE  
LANDED**

ALTONA BOAT RAMP CAR PARK  
APOLLO BAY BOAT RAMP  
BASTION POINT  
BAY OF ISLANDS BOAT RAMP  
BLACK ROCK BOAT RAMP  
BRODRIBB BOAT RAMP  
CAPE BRIDGEWATER BEACH  
CAPE CONRAN BOAT RAMP  
CLIFTON SPRINGS BOAT RAMP  
CORINELLA BOAT RAMP  
COWES JETTY  
CRIB POINT BOAT RAMP  
FLINDERS BOAT RAMP  
FRANKSTON BOAT RAMP  
HASTINGS BOAT RAMP  
INVERLOCH BOAT RAMP  
KILLARNEY BOAT RAMP  
KIRKS POINT MAIN BOAT RAMP  
LAKES ENTRANCE WHARF  
LIME BURNERS POINT  
LORNE–GREY POINT BOAT RAMP  
MARLO JETTY  
MORDIALLOC CREEK BOAT RAMP  
MORNINGTON BOAT RAMP (SCHNAPPER POINT)  
MORDIALLOC BOAT RAMP

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NEWPORT BOAT RAMP  
NORTH ROAD BOAT RAMP  
OCEAN GROVE BOAT RAMP  
PATTERSON RIVER BOAT RAMP  
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SAFETY BEACH BOAT RAMP  
SANDY POINT  
SAN REMO FISHERMANS WHARF  
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ST KILDA MARINA CARPARK  
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SORRENTO BOAT RAMP  
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WALKERVILLE NORTH

WALKERVILLE SOUTH

WARRNAMBOOL BOAT RAMP

WERRIBEE SOUTH BOAT RAMP

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**ENDNOTES**

**1. General Information**

The Fisheries Regulations 1998, S.R. No. 23/1998 were made on 17 March 1998 by the Governor in Council under sections 153 and 155C of the **Fisheries Act 1995**, No. 92/1995 and came into operation on 1 April 1998: regulation 103.

The Fisheries Regulations 1998 will sunset 10 years after the day of making on 17 March 2008 (see section 5 of the **Subordinate Legislation Act 1994**).

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## **2. Table of Amendments**

This Version incorporates amendments made to the Fisheries Regulations 1998 by statutory rules, subordinate instruments and Acts.

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Fisheries (Merri River) Regulations 1999, S.R. No. 1/1999

*Date of Making:* 19.1.99

*Date of Commencement:* 19.1.99

Fisheries (Temporary Catch Limit on Taking of Abalone) Regulations 1999,  
S.R. No. 9/1999

*Date of Making:* 16.2.99

*Date of Commencement:* 16.2.99

Fisheries (Fees and Levies) Regulations 1999 S.R. No. 25/1999

*Date of Making:* 16.3.99

*Date of Commencement:* 1.4.99: reg. 3

Fisheries (Amendment) Regulations 1999, S.R. No. 90/1999

*Date of Making:* 13.7.99

*Date of Commencement:* Regs 1–44 on 15.7.99: reg. 4(1); regs 45–47 on  
1.9.00: reg 4(2)

Fisheries (Abalone) Regulations 1999, S.R. No. 109/1999

*Date of Making:* 24.8.99

*Date of Commencement:* 24.8.99

Fisheries (Commercial) Regulations 2000, S.R. No. 15/2000

*Date of Making:* 14.3.00

*Date of Commencement:* 14.3.00

Fisheries (Fees and Levies) Regulations 2000, S.R. No. 20/2000

*Date of Making:* 21.3.00

*Date of Commencement:* 1.4.00: reg. 3

Fisheries (Scallop) Regulations 2000, S.R. No. 28/2000

*Date of Making:* 18.4.00

*Date of Commencement:* 18.4.00

Fisheries (Commercial and Aquaculture) Regulations 2000, S.R. No. 107/2000

*Date of Making:* 24.10.00

*Date of Commencement:* 24.10.00

Fisheries (Commercial Licences) Regulations 2000, S.R. No. 138/2000

*Date of Making:* 19.12.00

*Date of Commencement:* 19.12.00

Fisheries (Bream Catch Limit) Regulations 2001, S.R. No. 9/2001

*Date of Making:* 20.2.01

*Date of Commencement:* 20.2.01

Fisheries (Fees and Levies) Regulations 2001, S.R. No. 20/2001

*Date of Making:* 14.3.01

*Date of Commencement:* 1.4.01: reg. 3

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Fisheries (Mallacoota Top Lake) Regulations 2001, S.R. No. 43/2001

*Date of Making:* 22.5.01

*Date of Commencement:* 22.5.01

Fisheries (Recreational Fishing) Regulations 2001, S.R. No. 78/2001

*Date of Making:* 7.8.01

*Date of Commencement:* 1.9.01: reg. 4

Fisheries (Rock Lobster and Giant Crab) Regulations 2001, S.R. No. 118/2001

*Date of Making:* 30.10.01

*Date of Commencement:* 16.11.01: reg. 3

Fisheries (Abalone) Regulations 2001, S.R. No. 145/2001

*Date of Making:* 11.12.01

*Date of Commencement:* 11.12.01

Fisheries (Fees and Levies) Regulations 2002, S.R. No. 19/2002

*Date of Making:* 26.3.02

*Date of Commencement:* 1.4.02: reg. 3

Fisheries (Commercial Licences) Regulations 2002, S.R. No. 63/2002

*Date of Making:* 6.8.02

*Date of Commencement:* 6.8.02

Fisheries (Amendment) Regulations 2002, S.R. No. 78/2002

*Date of Making:* 10.9.02

*Date of Commencement:* 10.9.02

Fisheries (Fees, Levies and Royalties) Regulations 2003, S.R. No. 22/2003

*Date of Making:* 4.3.03

*Date of Commencement:* 1.4.03: reg. 3

Fisheries (Recreational and Miscellaneous) Regulations 2003, S.R. No. 24/2003

*Date of Making:* 25.3.03

*Date of Commencement:* 25.3.03

Fisheries (Commercial Abalone) Regulations 2003, S.R. No. 25/2003

*Date of Making:* 25.3.03

*Date of Commencement:* 1.4.03: reg. 3

Fisheries (Compensation and Procedures) Regulations 2003, S.R. No. 38/2003

*Date of Making:* 20.5.03

*Date of Commencement:* 20.5.03

Fisheries (Recreational Fishery Licence Exemption) Regulations 2003,  
S.R. No. 101/2003

*Date of Making:* 26.8.03

*Date of Commencement:* 1.9.03: reg. 3

Fisheries (Amendment) Regulations 2003, S.R. No. 133/2003

*Date of Making:* 11.11.03

*Date of Commencement:* 14.11.03: reg. 3

Fisheries (Recreational Fees and Levies) Regulations 2003, S.R. No. 145/2003

*Date of Making:* 9.12.03

*Date of Commencement:* 1.1.04: reg. 3



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Fisheries (Fees and Levies) Regulations 2004, S.R. No. 22/2004

*Date of Making:* 16.3.04

*Date of Commencement:* 1.4.04: reg. 4

Fisheries (Amendment) Regulations 2004, S.R. No. 26/2004

*Date of Making:* 6.4.04

*Date of Commencement:* 8.4.04: reg. 3

Fisheries (Abalone) Regulations 2004, S.R. No. 27/2004

*Date of Making:* 6.4.04

*Date of Commencement:* 6.4.04

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**3. Explanatory Details**

<sup>1</sup> Reg. 34(1): An Order in Council in respect of Swan Bay, the Fisheries (Declaration of Harold Holt Swan Bay Fisheries Reserve) Order 1998, was published on 30 April 1998 in the Government Gazette.

<sup>2</sup> Reg. 517(4): Holders of commercial fishery licences have been exempted from these provisions to avoid duplication of offences, as these provisions are also conditions of particular licences.

<sup>3</sup> Reg. 519(2): See note 2.

<sup>4</sup> Reg. 521(2): See note 2.

<sup>5</sup> Reg. 522(3): See note 2.

<sup>6</sup> Reg. 642(m): S.R. No. 67/1998 as amended by S.R. No. 67/2002.

<sup>7</sup> Sch. 12 Table B: FMS means Fisheries Management Services.

<sup>8</sup> Sch. 12 Table B: FRDC means Fisheries Research Development Corporation.

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