

Commercial Fishing Guide

Pipi Supplement

Edition 2 2023

DISCLAIMER

This publication may be of assistance to you, but the Victorian Fisheries Authority, State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequences which may arise from you relying on any information in this publication.

This publication is a guide only, it does not replace the Fisheries Act 1995, the Fisheries Regulations 2019 or other Acts and subordinate legislation applying to or affecting commercial fishing.

Copies of the Act and Regulations can be downloaded from https://www.legislation.vic.gov.au.

This guide summarises the law at the time of publication and cannot be used as a defence in court.

Fishing laws change from time to time. It is your responsibility to ensure you are acting within the law.

It is the responsibility of fishers to be aware of any changes that are made to fisheries rules and regulations. You can do this by:

- routinely checking the Fisheries Notices on Victorian Fisheries Authority website (www.vfa.vic.gov.au/operational-policy/legislation-and-regulation/ fisheries-notices)
- in respect to pipi fishing, contact the pipi fishery manager or
- discuss any queries with your local compliance officers

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For more information contact Customer Service Centre 186136

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PIPI SUPPLEMENT

This guide summarises and clarifies the specific management arrangements that apply to Pipi Fishery Access Licence holders and operators. This supplement is to be read in conjunction with *Commercial Fishers User Guide*.

This guide does not address the requirements of commercial permits for pipi harvesting. Inquiries about permits should be directed to the Fishery Manager or local Fisheries Officers.

Legal framework

Legislation

Legislative requirements for the Pipi fishery are detailed in the Fisheries Act 1995, the Fisheries Regulations 2019 and Fisheries (Fees, Royalties and Levies) Regulations 2008. Fisheries Notices may also implement management arrangements that supplement or vary current regulations.

It is your responsibility to familiarise yourselves with these documents.

Management plan

The objectives contained in the *Fisheries Act* require Victoria's fisheries to be managed in an efficient, effective and ecologically sustainable manner. The 'guiding' objectives and subsequent strategies for the Pipi fishery are consistent with these legislated objectives.

The Victorian Pipi Management Plan was declared in 2018 and sets out the management arrangements and objectives, strategies and actions for the Pipi fishery for at least the next five years.

General information

Further information can be found on the Pipi Commercial Fishing page of the Victorian Fisheries Authority's (VFA) website at: https://vfa.vic.gov.au/commercial-fishing/pipi-fishery

Legislation

- Search online
- Fisheries Act 1995
- Fisheries Regulations 2019 www.legislation.vic.gov.au

Victoria Pipi Fishery Management Plan

Current fisheries notices can be found at:

www.vfa.vic.gov.au/operational-policy/legislation-and-regulation

(i) Victoria Pipi Fishery Management Plan

Search online

 https://vfa.vic.gov.au/__data/ assets/pdf_file/0009/436248/ Victorian-Pipi-Fishery-Management-Plan-2018-forwebsite.pdf

DEFINITIONS

Regulation detail

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulation 5

Car park

A car park is a where the car is parked on public land.

Crew member

A crew member is a person engaged by the licence holder or a licence operator to undertake the activities authorised by the licence.

A crew member is not a licence operator.

Commercial Fishers Duty Officer

A Victorian Fisheries Authority staff member – the Commercial Fishers Duty Officer – is always available to take enquiries from fishers if problems occur, or if they seek clarification about a specific regulation or process. Phone: 0418 519 215. They also have the required contacts of the relevant Fisheries Officers who may also be able to provide advice if needed.

Fit and Proper

Fit and Proper means you must satisfy the Victorian Fisheries Authority that you will act reasonably and legally when undertaking fishing operations.

Landed

Landed in the Victorian Pipi Fishery means taking the pipi catch to a place that is above the maximum highwater mark.

NOTE: Landing requirements vary between the commercial pipi management zones.

Licensing year

Means a period from 1 April to 31 March each year.

Licence Operator

A Licence Operator is listed on the licence and is permitted to carry-out all fishing activities authorised by the licence.

Operations Duty Officer

A fisheries officer – Operations Duty Officer is always available to take calls from fishers so they can:

- report a protected species interaction
- or for any other instruction stated in individual licence or permit conditions.

The Operations Duty Officer number is 0419 844 781.

PIPI FISHERY

The State of Victoria owns the wild pipi resource on behalf of the Victorian community.

The Victorian Government manages the commercial harvest of Pipi through the issue and allocation of:

- Pipi Fishery Access Licences (FAL), and
- Pipi Quota Units.

NOTE: There are also commercial permits that authorise the catch and sale of pipi outside of the quota-managed fishery management zones.

Fishery

Pipi is the common name given to the small bivalve, *Donax deltoides*, which is found on high-energy sandy beaches in the intertidal zone.

The commercial Victorian Pipi fishery includes all marine waters other than Port Phillip Bay, Western Port, Gippsland Lakes and any inlet of the sea. Commercial harvesting is also excluded from the 'recreational pipi fishing only' area in Venus Bay, eastern Victoria.

No pipi can be harvested in any Marine National Park or Marine Sanctuary.

In Victoria, there are known harvestable quantities of pipi on beaches in Discovery Bay and surrounds in the west, and in Venus Bay and surrounds in the east.

The Victorian Pipi fishery does not export product.

Regulation detail

Regulation detail

Fisheries Regulations 2019

Part 2: Commercial fishery

Part: 7 Fish other than abalone,

giant crab, rock lobster, scallop

licences Regulation 43.

and sea urchin

Regulations 248

Fisheries Regulations 2019
Part 1: Preliminary
Regulation 5 Definitions Pipi
commercial fishing management
zones
Schedule 8; part 1

Management zones

Management zone are specific areas, where pipi harvesting is allowed, under licence. Different management zones may have different regulations apply in them.

The commercial fishery is divided into five management zones.

Discovery Bay pipi zone, which includes:

- 1. Discovery Bay (Western) pipi zone
- 2. Discovery Bay (Eastern) pipi zone and the
- 3. Western pipi zone
- 4. Eastern pipi zone
- 5. Venus Bay commercial pipi zone

(See Appendix 1 the coordinates for each zone).

Fisheries Regulations 2019
Part 2: Commercial fishery
licences
Regulations 22 and 23
Schedule 17

Regulation detail

Fisheries Regulations 2019
Part 2: Commercial fishery
licences
Regulations 43 and 66.
Part 7: Fish other than abalone,
giant crab, rock lobster, scallop
and sea urchin
Regulations 245 and 246

Regulation detail

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulation 18 (e)

Regulation detail

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulations 62, 63

Legislation

Search online

Fisheries Act 1995 Section 39 www.legislation.vic.gov.au

ENTRY TO THE FISHERY

There are 9 Pipi FALs in the Victorian Pipi Fishery:

- 8 in Discovery Bay pipi zone These Pipi FAL holders can fish in both the Discovery Bay (Western) and the Discovery Bay (Eastern) pipi zones, and
- 1 in the Venus Bay commercial pipi zone.

The Victorian Pipi Fishery in the Discovery Bay (Western) pipi zone, Discovery Bay (Eastern) pipi zone, and Venus Bay commercial pipi zone is quotamanaged.

The Western and Eastern pipi zones are not quota-managed. Permits may be issued for the Western and Eastern pipi zones.

Pipi Fishery Access Licence

A Pipi FAL authorises the licence holder to carry out the following activities in the management zone specified in the licence:

- take pipi for sale
- use and possess a dip net (in the number specified in the licence)
- engage of no more than:
 - one licence operator, and
 - one crew member

Licence holders

Licence holders must be Australian resident individuals. Licences holder in the Victorian Pipi Fishery cannot be corporations.

Licence renewal

There is an automatic right of annual renewal of a Pipi FAL and quota units, subject to the licence holder:

- applying to renew a licence
- paying the applicable levies, and
- meeting the criteria specified in Section 57 of the Fisheries Act 1995 to the satisfaction of the VFA.

The VFA sends out information relating to the renewal of licence, boats and quota. Payment must be received before 1 April and prior to any fishing being conducted in the new quota year. It is illegal to operate on a licence if payment has not been received.

If a licence holder is deemed not to be fit and proper to hold a licence, the licence is cancelled and cannot be re-issued (see Commercial Fisher User Guide for further information).

All people who operate on the licence are also required to be 'fit and proper'.

QUOTA MANAGEMENT

The quota year commences 1 April and concludes 31 March each year.

An individual can buy a unit of quota but this unit has to be allocated to a Pipi Fishery Access Licence before it can be caught.

Total Allowable Commercial Catch

Total Allowable Commercial Catch (TACC) is the primary method used to manage the Victorian pipi fishery in the Discovery Bay (Western), Discovery Bay (Eastern) and Venus Bay commercial pipi zones.

TACC is the weight of pipi that may be taken by Pipi Fishery Access Licence Holders within the annual quota period.

A TACC is set annually for each zone for a 12 month period (1 April to 31 March each year). There are a set number of quota units in each of the management zones that are managed by quota.

The Further Quota Order is Gazetted annually stating:

- the Total Allowable Commercial Catch for each zone (that is managed by quota)
- the kilogram value of each quota, and
- the period for which the quota notice applies.

Individual Transferable Quota

Each Pipi FAL holder is assigned a proportion of the TACC through the allocation of Individual Transferable Quota Units.

A quota notice is issued to each Pipi Fishery Access Licence holder for each management zone stating:

- the Total Allowable Catch
- the period for which the quota notice applies
- the number of individual pipi quota units attached to the licence
- the kilogram value of each quota unit; and
- the kilogram value of the attached quota units.

Minimum quota

There are no limits on the minimum or maximum number of quota units that can be held by an individual.

Fisheries Regulations 2019
Part 2: Commercial fishery
licences

Regulations 82 (c), 83(4), 84(6), 85

QUOTA MANAGEMENT SYSTEM (QMS)

The number of individual transferable quota units assigned to a Pipi FAL is known and tracked in the Quota Management System. As pipi are harvested, the weight of the catch is subtracted from the quota balance assigned to the Pipi Fishery Access Licence.

When the entire quota assigned to a licence has been caught, the holder must either acquire more quota units or cease fishing for the remainder of the quota period.

The Pipi Quota Management System is based on a mobile reporting application and written records. Fishers record the weight of pipi harvested in their daily catch logbook and also report via the application.

Fishers must also have a hand-held electronic tracking device in their possession during fishing activities.

Daily catch records are submitted to the Victorian Fisheries Authority each month.

Trading quota

Within each pipi fishery management zone, quota units are:

- separate, and
- independently tradeable.

A quota holder may apply to transfer units to the holder of another Pipi FAL in the same management zone.

Individual transferable quota units may be transferred:

- permanently or
- for a quota period.

Tracking quota

As pipis are taken under the authority of a Pipi FAL, the net weight of the catch is subtracted from the quota balance of the licence.

When all of a licence holder's quota is caught, the licence holder must:

- acquire more quota OR
- cease fishing until the start of the next quota period.

Regulation detail

Fisheries Regulations 2019
Part 1: Preliminary
Regulation 5 Definitions Quota
unit balance

Fisheries Regulations 2019
Part 7: Fish other than abalone, giant crab, rock lobster, scallop and sea urchin
Regulation 247.

Regulation detail

Fisheries Regulations 2019
Part 7: Fish other than abalone, giant crab, rock lobster, scallop and sea urchin
Regulation 251.

(i) Information

For more information, please follow the links:

- Fisheries (eel and pipi electronic reporting) notice 2023 https://vfa.vic.gov.au/__data/ assets/pdf_file/0006/656439/ Fisheries-Eel-and-Pipi-
- Electronic-TrackingNotice-2023.pdf

 Regulatory Guidance 7 Eel and
- pipi Electronic tracking See Appendix 6.

Regulation detail

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulation 71

Regulation detail

Fisheries Regulations 2019
Part 7: Fish other than abalone, giant crab, rock lobster, scallop and sea urchin
Regulation 254.

HARVESTING PIPI

Pipi can only be taken by hand or using a dip net

A dip net is the only piece of equipment (aside from your hand) that can be used to collect pipis in the commercial fishery (unless you hold an exemption from Regulation 247).

A dip net is hand-held. It has a handle with a net attached to it. The net has a maximum depth and width of 90 cm.

NOTE: The size and shape of fishing equipment matters. It is illegal to possess equipment that is larger than that specified in the Regulations.

Pipi can only be taken between sunrise and sunset

The licence holder must ensure that pipis are only taken between sunrise and sunset on any day.

Electronic tracking device must be used when fishing.

Pre-fishing reporting is undertaken by electronic tracking, via an automatic location communication (ALC) device, of a type approved by the VFA.

NOTE: Before commencing fishing you must contact the VFA to source and register your electronic device.

This device must be in the "immediate possession" of a person when fishing. Immediate possession is:

- in, on or attached to the vehicle if the person is in or on a vehicle
- carried by the person.

NOTE: The ALC needs to be activated at least one hour prior to the commencement of a fishing operation. If this is done, the fisher is exempted from Regulation 79(1)(b).

Licence holder or licence operator must be present and in charge of crew

The licence holder or licence operator must:

- ensure that the crew member is working with the licence holder or licence operator (i.e. with them in person), and
- be in control of that crew member, and
- ensure that the crew member is not engaged in a separate fishing operation.

Only 2 people can be present on pipi fishing trip

If a licence holder has engaged a licence operator and a crew member, no more than 2 of those 3 persons may undertake fishing activities under the licence at the same time.

Fisheries Regulations 2019 Part 7: Fish other than abalone, giant crab, rock lobster, scallop and sea urchin Regulation 252.

Regulation detail

Fisheries Regulations 2019 Part 7: Fish other than abalone, giant crab, rock lobster, scallop and sea urchin Regulation 250.

Regulation detail

Fisheries Regulations 2019 Part 1: Preliminary Regulation 5 Definitions designated access point Schedule 8; part 5

Harvest only from one management zone on any trip

Commercial fishers:

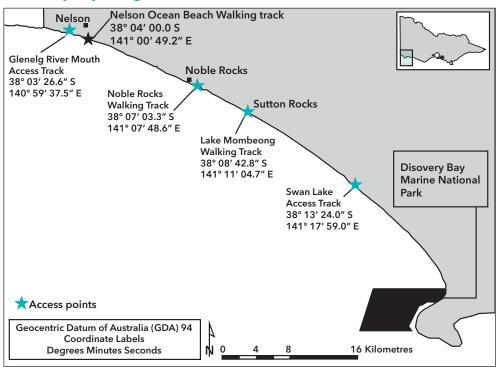
must not take pipis from more than one commercial fishing management zone on any fishing trip.

NOTE: Please see overview map and detailed maps of each zone are presented in Appendix 1.

Use designated access points in both Discovery Bay pipi zones

Commercial fishers must use one of 5 designated access points to get to and from the beach in both the Discovery Bay (Western) pipi zone and the Discovery Bay (Eastern) pipi zone.

Discovery Bay Designated Access Points



Regulation detail

Fisheries Regulations 2019 Part 7: Fish other than abalone, giant crab, rock lobster, scallop and sea urchin Regulation 249.

Minimum Size

The minimum size for pipis is 35 mm shell in length.

Pipis are measured in a straight line at the widest point across the shell.

LANDING PIPIS

Regulation detail

Fisheries Regulations 2019
Part 2: Commercial fishery
licences
Regulation 82(c), 83(4) (a) and (b)

Regulation detail

Fisheries Regulations 2019 Part 1: Preliminary Regulation 5 Definitions designated weighing point Schedule 8; part 6

Regulation detail

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulation 64

Regulation detail

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulation 94

Weighing

Within 60 minutes of landing pipis, commercial fishers:

must weigh pipis within 20 m of the designated pipi weighing point that is closest to the access point used to return from the beach in the Discovery Bay pipi zone.

Discovery Bay Designated Weighing Points

Designated pipi weighing point	Latitude	Longitude
Glenelg River carpark	38° 3′ 25.38″ South	140° 59′ 40.32″ East
Nelson Ocean Beach carpark	38° 3′ 53.22″ South	141° 0′ 54.66″ East
Noble Rocks carpark	38° 6′ 57.84″ South	141° 7′ 52.56″ East
Lake Mombeong carpark	38° 8′ 1.89″ South	141° 11′ 8.99″ East
Swan Lake carpark	38° 12′ 57.54″ South	141° 18′ 40.8″ East

- in all other pipi zones, must weigh pipis at a public car park nearest to the place of landing
- must weigh pipi with an accuracy of 1 kg.

NOTE: In the pipi fishery landed means taking the pipi catch to a place that is above the maximum highwater mark. Guidance on weighing is given in Appendix 5.

Daily catch recording

Pipi daily catch and effort record book must be completed accurately each day pipi fishing takes place.

The catch and effort record book must accompany the one or other of the licence holder or licence operator when they are fishing. It can be:

- On their person
- In their car (if the vehicle if located at the site of the fishing operations)

This document must be completed before post-fishing reporting is undertaken.

NOTE: Examples of daily catch and effort record books are presented in Appendix 2.

Post-landing notification

Fishers are required to notify the VFA and report their post-landing information (includes weight information) no later than 60 minutes after landing pipi and before the pipi are removed from the weighing area

Regulation detail

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulation 84 (6)

i Information

Instructions for using Vic-eQuota has been sent to all licenced fishers

If you have having difficulties or have questions about the Vic e-Quota app please call:

- Pipi Manager, OR
- The local VFA office.

Regulation detail

and sea urchin

Regulation 253

Fisheries Regulations 2019

Part 7: Fish other than abalone, giant crab, rock lobster, scallop

1. Post-fishing repo	rting	
When	How	What needs to be provided
No later than 60 minutes after landing pipi and	Open the Vic- eQuota app and	1. the licence number of the access licence;
before the pipi are removed from the weighing area.	complete the post landing report	2. the estimated time at which pipi taken under the licence are to be moved from the weighing area described in regulation 83(4);
		 the total net weight (in kilograms) of whole pipi landed under the licence;
		4. if the licence holder was fishing in the Discovery Bay pipi zone:
		 the designated access point that was used for exit; and
		 the designated pipi weighing point that was used.

NOTE: the ACL device can be turned off or set to stand-by mode once post fishing details have been provided to the VFA.

NOTE: If for some reason your phone or the app is not working while an unload is occurring, please call the duty officer (0418 519 215) and complete the report via phone call.

Labelling requirements for pipi sold as bait

Before leaving the licence holder/operator possession, pipis offered for sale as bait, must be:

- placed in a container bearing a label with the following clearly and legibly marked,
 - the words "BAIT ONLY, NOT FOR HUMAN CONSUMPTION" and
 - the licence holder's name or business name.

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulation 89(d) and 90–93

Regulation detail

Consigning the catch

The Pipi Catch Disposal Record is a key part key part of the Quota Management System. This form records:

- Catch information:
 - Species
 - Weight
- Details of:
 - Purchaser
 - Transporter.

All fishers must complete the Pipi Catch Disposal Record before selling or giving the pipis to another person.

Original CDR copy goes with the catch

The original copy of the Catch Disposal Record must accompany the catch.

If the catch is consigned to two or more purchasers, at the point of landing, then a separate Catch Disposal Record must be completed for each purchaser.

The duplicate copy (yellow) remains in the Catch Disposal Record book.

The required information must be clear, legible, and accurate.

NOTE: Until all the post reporting paperwork has been completed, fishers must not allow their catch (Pipi) to:

- enter any vehicle that already contains fish
- be sold or to leave the place of landing
- enter any premises on which fish is processed or held.

NOTE: All entries on this form must be made with a ballpoint pen.

NOTE: All fishers must advise the VFA of location of the pipi catch disposal record book if it is not located at the place of landing.

Dealing with Errors

If an error is made, the fisher must write "ERROR_CANCELLED" across the Catch Disposal Record (and all copies) and the next record (sequentially numbered in the book) will be used. The original and duplicate copy of the cancelled record must be kept in the book.

Accuracy of CDR

The original and duplicate copy of the Catch Disposal Record must be accurately completed and signed by the Pipi fisher.

NOTE: It is an offence to provide false or misleading information.

NOTE: Appendix 3 contains an example of a CDR form.

Monthly Reporting of Nil Catches

If no fishing activities are carried out during a particular month, the words 'nil fishing' are written on the catch and effort record for that month.

Returned to VFA

At the end of each month, the yellow copies of each daily catch record for the month are to be removed from the catch and effort record book and sent to the VFA by the 18th day of the following month.

Fishers must keep the duplicate copy of each record in the Catch and Effort book.

See Appendix 3 for example of correctly reported catch information.

Regulation detail

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulation 85.

Regulation detail

Fisheries Regulations 2019 Part 2: Commercial fishery licences Regulation 94(3), (4)

Fisheries Regulations 2019
Part 14: Fish receipt and other documentation requirements
Regulation 448 –453

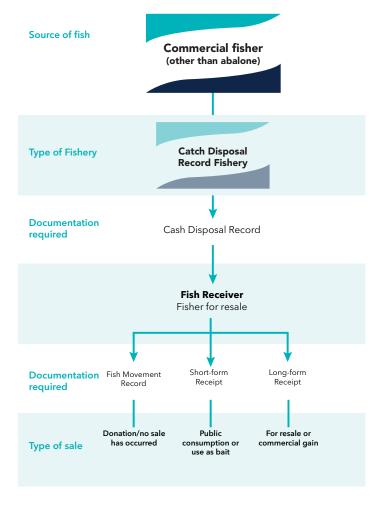
RECEIPTS AND FISH MOVEMENT RECORDS

To ensure the integrity of the commercial fish supply chain:

- receipt must be issued for the amount of pipi that has been sold at the time of a sale or
- a fish movement record must be issued to account for the movement of fish outside a sale and for fish located on commercial premises.

For pipi fishers, the nature of the sale dictates the detail required on the receipt (and hence the type of receipt they need to issue).

The flowchart below shows the documentation that must accompany each sale.



NOTE:

- 1. Records detailing sales are generated when fishers complete the catch disposal record (CDR) when they consign their catch at the point of landing. For most pipi fishers, this is the only documentation they will need to accompany pipi sales.
- 2. Fishers can complete a CDR to themselves (for e.g. if they store fish in tanks at home) for further on-sale. These subsequent sales require receipting details in accordance with reg 450(2) and reg 452(3).

Receipts

Two types of receipts are used:

- A short form receipt is issued when pipi are sold to a person for direct consumption
- A long form receipt is issued when the fisher is on-selling pipi for other commercial purposes (for e.g. to restaurants).

Fish movement records

Fish movement records are issued:

- when pipi are given to a transporter for delivery to market or co-op where no sale has yet occurred
- when pipi are donated
- when the licence holder has fish (other than that accounted for by their licence/permit) on commercial premises.

NOTE: The appropriate documentation (e.g. consignment record, sales receipts, and/or fish movement records) is required to be kept to account for all fish purchased, possessed and/or held on the premises.

NOTE: The appropriate documentation (e.g. consignment record, sales receipts, and/or fish movement records) are required to be possessed if fish are found in, on or attached to any boat, premises, aircraft or vehicle used

- Taking of Fish, or
- Sale of fish, or

for the:

- Receiving for sale of fish, or
- Processing of fish for sale.
- Seafood Retailers

NOTE: Examples of Receipts and Fish Movement Records are available at https://vfa.vic.gov.au/enforcement/buy-safe-and-legal-seafood/receipt-examples and given in Appendix 4.

Record keeping requirements

- A copy of each purchase, acquisition or sale record required by the Act and the Fisheries Regulations 2019 must be kept at the place where the fish are sold, received and possessed.
- If requested by an authorised Fisheries Officer, the person must present the record for inspection.
- All records must be kept for 3 years, be legible and in English. This can be in electronic format (such as emailed tax invoices), so long as a copy can be emailed or printed out at the time of request from a Fisheries Officer.
- Any person completing fisheries records must ensure that the information is not false or misleading. It is a serious offence under the Act to make or furnish false or misleading statement or documents.

Regulation detail

Fisheries Regulations 2019 Part 14: Fish receipt and other documentation requirements Regulation 453

FISHING RESTRICTIONS

No fishing in marine national parks and sanctuaries

Commercial and recreational fishing is prohibited in marine national parks and sanctuaries under the *National Parks Act 1975*.

- One marine national park is located between the Discovery Bay (Eastern) pipi zone and the Western pipi zone.
- Four marine national parks and one marine sanctuary are located within the Eastern pipi zone.



No fishing in the Venus bay recreational pipi zone

Commercial fishers

must not take or possess pipis in the Venus Bay recreational pipi zone. Licence holders/Licence operators may travel through the Venus Bay recreational pipi zone with pipis legally caught from the Venus Bay commercial pipi zone, in order to transport them to a vehicle, only if the pipis are securely contained.

NOTE: Securely contained means the pipis are placed in a bag or container and secured with one or more cable so that pipis cannot be put into or removed from it without breaking the cable tie or cable tie.

(i) Information

Search online

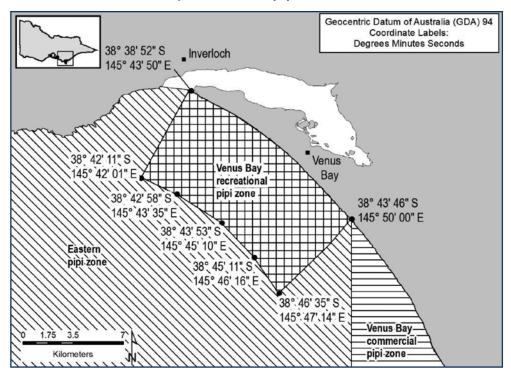
National Parks Act 1975 Part V; Division 2 Regulation 45A www.legislation.vic.gov.au

Regulation detail

Fisheries Regulations 2019
Part 1: Preliminary
Regulation 7
Schedule 16
Part 7: Fish other than abalone,
giant crab, rock lobster, scallop
and sea urchin Regulation 248

Schedule 8, Part 4

Location of the Venus Bay recreational pipi zone



Must not fish outside of the designated zones

Fishers must not take pipis from:

- Port Phillip Bay
- Western Port
- Gippsland Lakes
- Any Inlet.

Regulation detail

Fisheries Regulations 2019 Part 1: Preliminary Regulation 7 Schedule 16

EMERGENCY CONTACTS

Victorian Fisheries Authority	
Operations Duty Officer	0419 844 781
Commercial Fishers Duty Officer	0418 519 215
Pipi fishing reporting Discovery Bay	0429 067 582
Pipi fishing reporting Venus Bay	0418 519 215
Lifesaving Victoria	
LSV Communications (for info on shark sightings, beach closures etc.)	13 SURF (13 7873)
Victoria Police	
Rescue Coordination Centre / Water Police	(03) 9399 7500

KEY STAFF CONTACTS

Luke O'Sullivan

Director Fisheries Management, Policy, Science and Licensing luke.osullivan@vfa.vic.gov.au

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Fisheries Manager, Pipi Sonia.Talman@vfa.vic.gov.au

Paul Shea

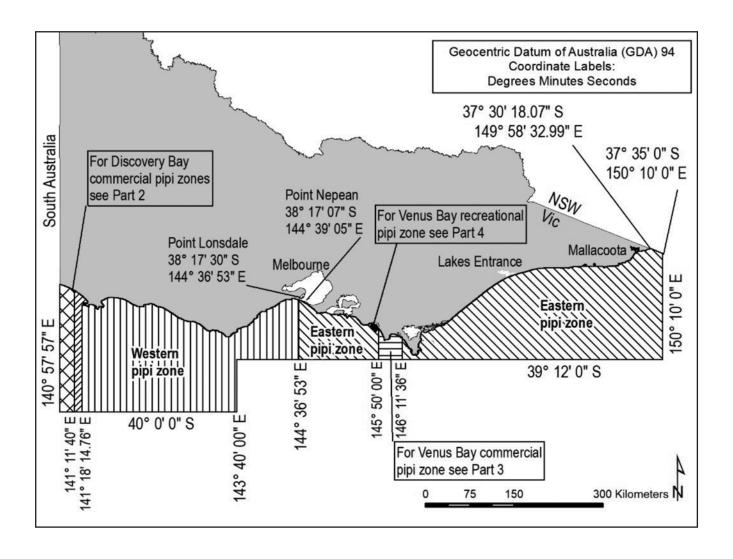
Fisheries Operations Manager enforcement@vfa.vic.gov.au

Commercial Licensing Enquiries

Commercial Fisheries Licensing commercial.licensing@vfa.vic.gov.au 03 9392 6860

APPENDIX 1: MANAGEMENT ZONES BOUNDARY MAPS

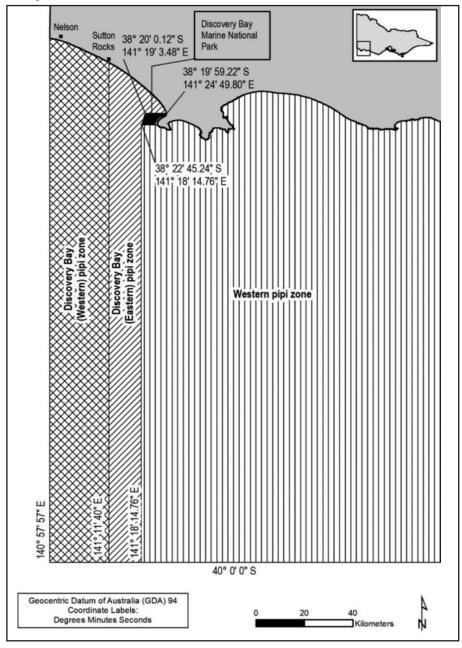
State-wide overview



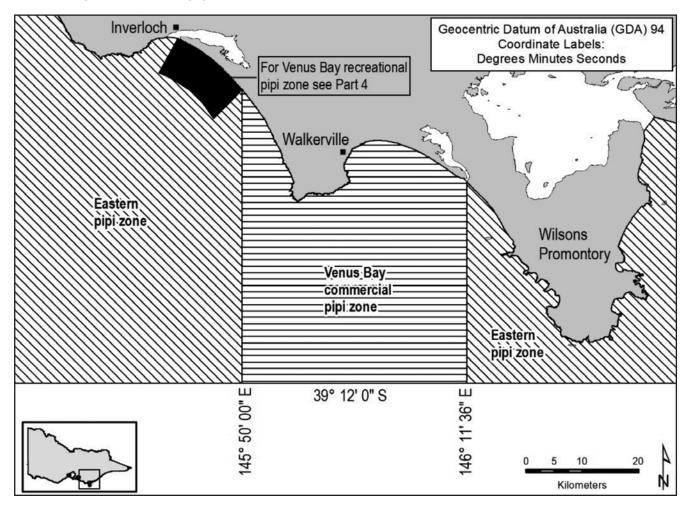
Discovery Bay western and eastern pipi zones

Discovery Bay pipi zone means either of the following zones:

- Discovery Bay (Western) pipi zone;
 all marine waters (including the intertidal zone) between the western
 Victorian border and Sutton Rocks, Discovery Bay.
- Discovery Bay (Eastern) pipi zone;
 all the following marine waters (including the intertidal zone)—
 - between Sutton Rocks, Discovery Bay and longitude 141° 18′ 14·76″ Fast:
 - all waters north and west of Discovery Bay Marine National Park between
 - longitude 141° 18′ 14·76″ East and
 - longitude 141° 24′ 49·8″ East.



Venus Bay commercial pipi zone



APPENDIX 2: CATCH AND EFFORT REPORTING UPDATE FOR NEW LOG BOOK

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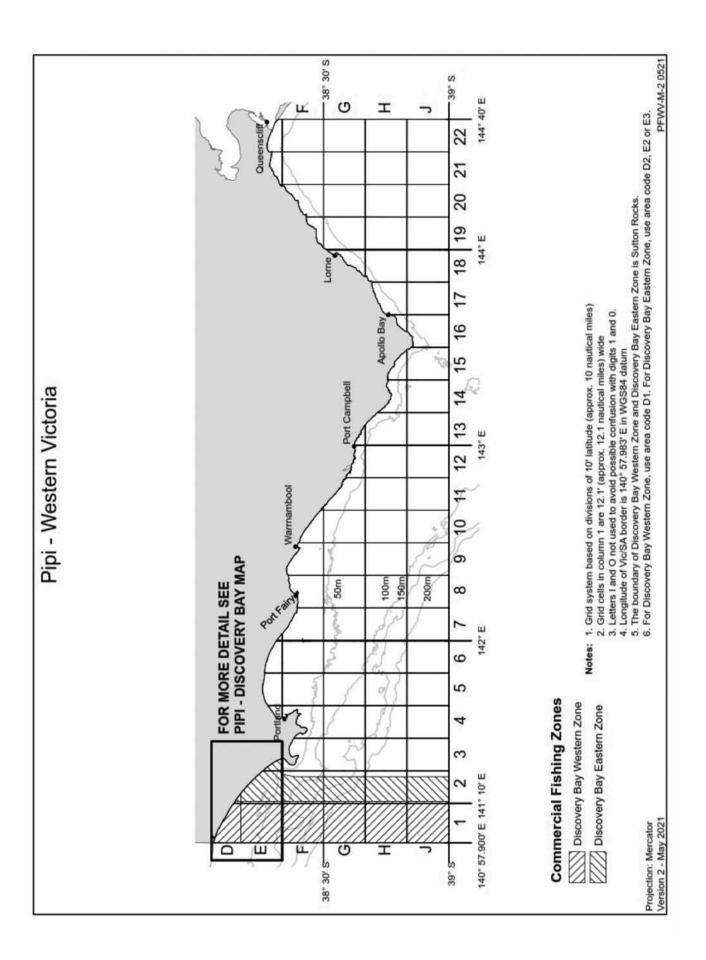
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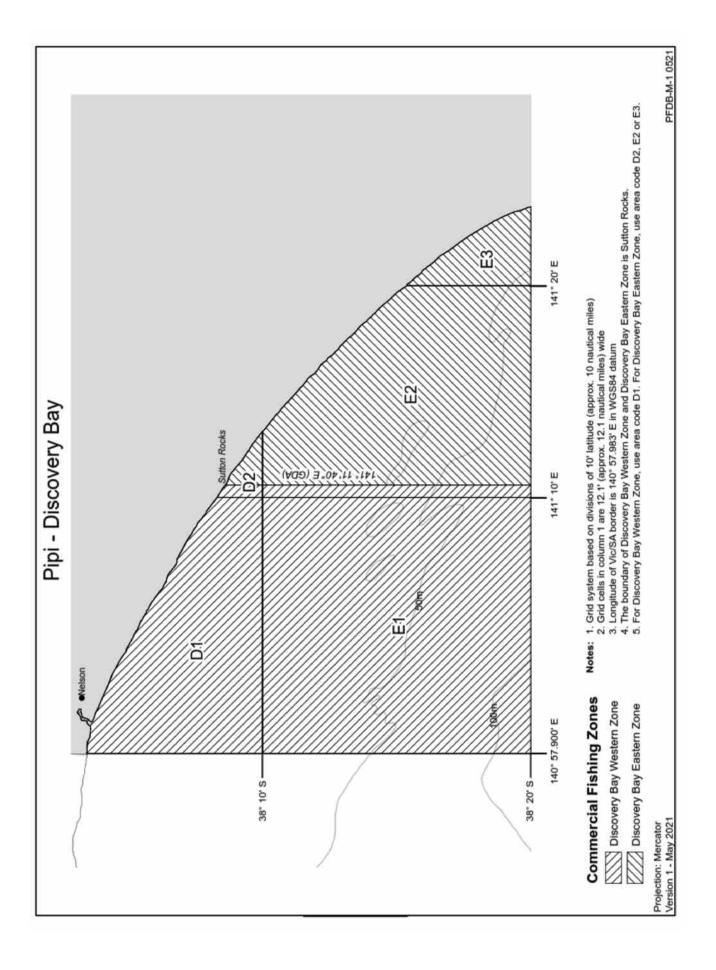
Daily Catch Record - Part 1 Instructions

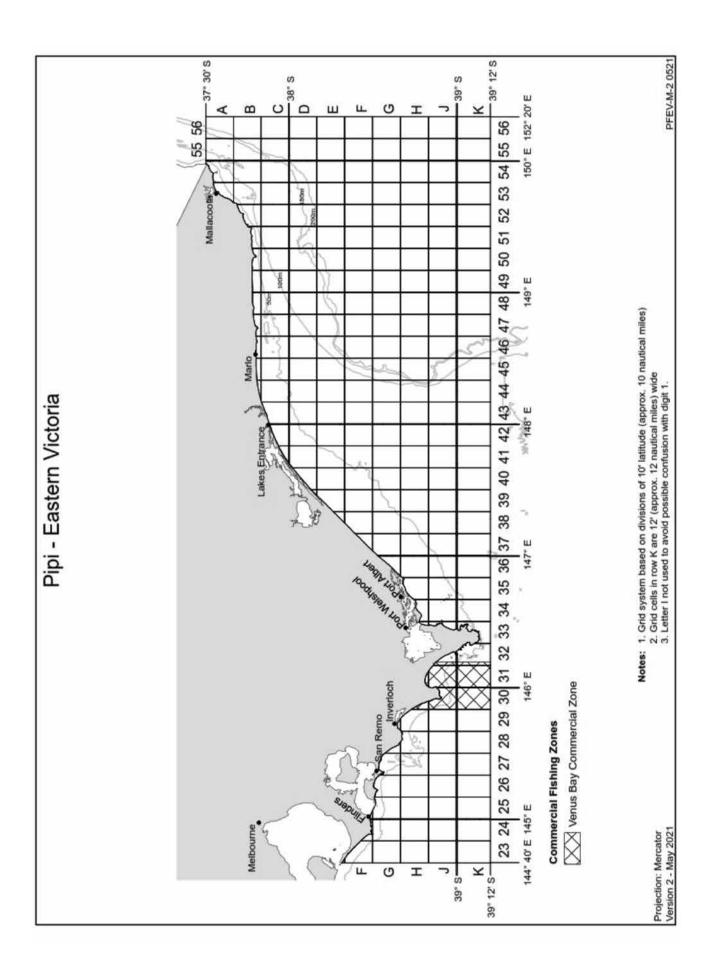
Note: Under Regulation 94 of the Fisheries Regulations 2019 the daily catch and effort record must be completed in accordance with these instructions.

PIPI - DAILY CATCH RECORD - PART 1 - COLUMN INSTRUCTIONS

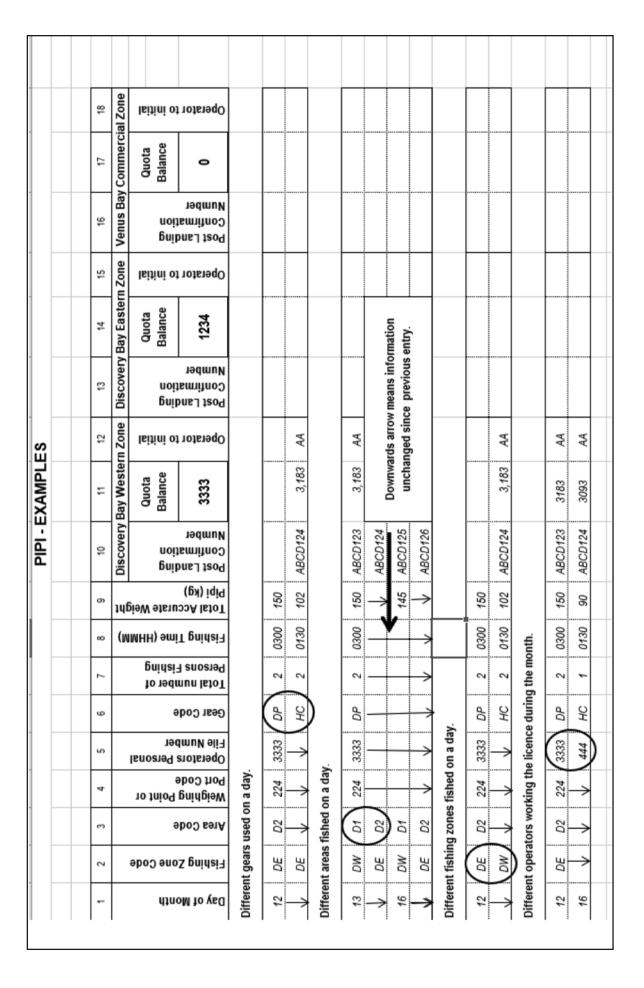
집	PLEASE NOTE IN	In order to collect important effort data: Columns 1 to 8 must be completed whenever fishing activity is undertaken. This includes when no	omple.	ted whenever fish	ng activity is undertaken. This includes when no
3 든 :	plota Balance (top of coles must be completed be	Quota Balance (top of column 11,14,17): Write the total catch for the fishing under permit, do not completed with new management columns. Quota Balance (top of column 11,14,17): Write the total catch for the fishing season up until the last day of previous page. This is the total catch to date from the start of the fishing year. This must be completed before conducting any fishing during the month. If fishing under permit, do not complete quota management columns.	ay of procomple	revious page. This is te quota managemen	os (weigning or iish taken). the total catch to date from the start of the fishing year. it columns.
: -	Day of Month:	Write the day of the month.	12 C	Operator to initial:	The Operator must initial that daily information is complete and
2	Fishing Zone Code:	Write the fishing zone code for the zone in which you fished. If, on any day, you fished in more than one zone, complete a separate line for each zone. Refer to the attached fishing zone code list.	13 P. O	Post Landing Confirmation	Collect. DISCOVERY BAY EASTERN ZONE QUOTA MANAGEMENT Write the confirmation number provided by the VFA notification service when the nost induction enough is made.
က	Area Code:	any day, e line for	4	Number: Quota Balance	Write the quota left after landing pipi. Enter starting quota for each page in the box provided beneath 'Quota balance".
4	Weighing Point or Port Code:	write the weighing point code at the end of the attached weighing point code list. Or if y Bay, write the nearest port code. Refer to		Operator to initial:	The Operator must initial that daily information is complete and correct.
ß	Operator's Personal File	the attached port code list. The Operator is the person in charge of the fishing operations and may not be the Access I inerce Holder. If the nerson in charge of the fishing	<u>. 0 z</u>	Post Landing Confirmation Number:	Write the confirmation number provided by the VFA notification service when the post landing report is made.
	Number			Quota Balance	Write the quota left after landing pipi. Enter starting quota for each page in the box provided beneath 'Quota balance".
9	Gear code:	han one it fishing	8 S	Operator to initial: Signature:	The Operator must initial that daily information is complete and correct. The Operator(s) or Access Licence Holder must sign and date this return
7	Total Number of	details on separate lines. Refer to the attached gear code list. Write the total number of persons fishing (1 or 2).			In the space provided to verify that the information given is a true and accurate record of the month's fishing activity. If there is more than one Operator is responsible for the information associated
∞	Fishing Time (HHMM):	Write the total fishing time. For pipi, this is from the time you enter the water to the time you leave the water at the end of fishing operations. Do not include travel time. Show the time as 4 digits e.g. 0500 = 5 hours, 0530 = 5 hours 30	24	Names of Crew: Purchasers:	with their fishing activities. Provide the names of all crew fishing with you this month. List the co-operatives, processors, wholesalers and/or retailers who purchased your fish this month and, in each case, the quantities sold. If retained for privide use places indicate this and the relaxant quantity.
တ	Total Accurate	nimutes. Write the accurate weight (kilograms) of pipi caught and retained.	0	Comments:	retained for private use, prease indicate this and the retevant quantity. Provide any comments relevant to your fishing activity.
10 1		DISCOVERY BAY WESTERN ZONE QUOTA MANAGEMENT Write the confirmation number provided by the VFA notification service when the post landing report is made. Write the guota left after landing poid. Enter starting guota for each	0026	Quota to date (copy this number to box at top of next page)	Write in the total accurate weight of pipi caught up to the date of this entry.
		page in the box provided beneath 'Quota balance".			







Daily Catch Record - Part 1 example



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Catch and Effort Reporting Codes

Column 2 fishing zone codes

Code	Zone
DW	Discovery Bay Western Zone
DE	Discovery Bay Eastern Zone
VB	Venus Bay Commercial Zone
WZ	Western Zone
EW	Eastern Zone

Column 4 - Weighing Points

Weighing Point Code	Designated Pipi Weighing Points	Latitude	Longitude
222	Glenelg River carpark	38° 3′ 25.38″ South	140° 59′ 40.32″ East
223	Nelson Ocean Beach carpark	38° 3′ 53.22″ South	141° 0′ 54.55″ East
224	Noble Rocks carpark	38° 6′ 57.84″ South	141° 7′ 52.56″ East
225	Lake Mombeong carpark	38° 8′ 1.89″ South	141° 11′ 8.99″ East
308	Swan Lake carpark	38° 12′ 57.54″ South	141° 18′ 40.8″ East

Column 6 - Pipi Gear code

Code	Gear
DP	Dip Net
HC	Hand Collecting

APPENDIX 3: CATCH DISPOSAL RECORD

Example

Book:		Page:		Licence No:	
, con			OR OPER L		
ACCE	SS LICENCE	HOLDER	OR OPERAT	OR TO COMPLE	TE
Licence Holder	Operator:			PFN:	
Port of Landing	or Weigh Point:			Confirmation No. :	
Time landing co	ompleted:			Date: (DD/MM/YY)	
		Catch accom	panying this recei	pt	
Spe	ecies	Accura	te weight (kg)	Number	
Name of Trans	porter:				
Name of Purch	aser:				
Address of Pure	chaser:				
-		=_			
Licence Holder of	or Operator				
			l above. All details we	ere filled out by me and are	
Print Name:	olete in every respect		Signature:		
PFN:			Date:	/ /	
				ER/TRANSPORTER:	
Fisheries R	egulations stat	e that this i	receipt must he i possession.	retained while the fi	sh are in yo

Instructions

COMPLETING A CATCH DISPOSAL RECORD (CDR)

A catch disposal record(s) must be completed by the Access Licence holder or operator to account for, and to accompany from the landing site, all fish landed under the licence.

You must complete all details of the CDR, including your signature, on both the original and duplicate copies.

You must also write the post landing confirmation number issued to you at the conclusion of the landing report onto each CDR. The confirmation number will be provided to you by the Victorian Fisheries Authority.

It is an offence to provide false or misleading information on

Using the CDR

This book does not require carbon paper. Place the cardboard flap under the duplicate page to prevent marking of the next record. All entries must be made with a ball point pen.

If an error occurs in completing a CDR, the words "ERROR - CANCELLED" must be written across the CDR, the next sequentially numbered record is used, and the original of the cancelled record and the duplicate copy are retained in the

When must the CDR be completed?

You must complete the CDR(s) before the fish is moved from the place of landing or delivered for processing.

IT IS AN OFFENCE TO ALLOW FISH TO LEAVE THE PLACE OF LANDING, OR ENTER ANY PREMISES WHERE FISH IS PROCESSED OR HELD, BEFORE A CATCH DISPOSAL RECORD IS FULLY AND ACCURATELY COMPLETED.

Who needs the completed CDR?

You must give the original CDR to the purchaser/transporter to accompany the fish from the point of landing.

It is an offence for a person to receive fish directly from a licence holder at the place of landing without also holding the relevant original catch disposal record for that fish.

You must retain the duplicate copy of the CDR in the book.

What do I do if there is more than one purchaser/transporter?

Where a catch is split between two or more purchasers/transporters at the point of landing, a separate CDR must be completed for each purchaser/transporter who receives fish direct from the access licence holder/operator at the point of landing.

What do I do if I transport the Fish myself?

If the access licence holder/operator is the transporter of the Fish from the place of landing, then his/her details must be entered in that section of the CDR titled 'Name of Purchaser/Transporter' and 'Address of Purchaser/Transporter'.

Other important rules

It is a condition of your Access licence that you ensure that:

The duplicate copy of each CDR remains in the book and is made available to an Authorised Officer upon request.

- · All completed and unused CDR duplicates are retained in the catch disposal record book and that the CDRs and books are retained for 3 years.
- The catch disposal record book is located on the boat or at the place of landing.
- You do not give, lend or make available to any person other than an authorised officer a CDR, a copy of a CDR or CDR book
- You do not possess a signed CDR or copy unless all details of the CDR have been completed.

 You notify the Victorian Fisheries Authority if the CDR book

What about subsequent transactions?

Any person subsequently selling any quantity of Fish for the purpose of resale must provide a receipt that contains the following details:

- (a) any one or both of the following details -
 - (i) the name and net weight (in kilograms) of each species of fish sold:
 - (ii) if the fish are whole or in the form of carcass, the ame and total number of each species of fish sold;
- (b) a description of the form of the fish sold and, if processed. the manner in which the fish have been processed;
- (c) the date of the sale of the fish;
- (d) the price per kilogram, price per packet or price per unit of each species of fish sold;
- (e) the total sales value of each species of fish sold;
- (f) the full name and address of the seller of the fish;
- (a) the full name and address of the purchaser of the fish:
- (h) in respect of each sale of fish, a unique identifying number cated to the sale, being a number that is one of a sequence of unique identifying numbers where each subsequent sale is allocated the next number in the sequence;
- (i) if the sale of fish is by the holder or a person acting on behalf of the holder of a commercial fishery licence or permit, the licence number or permit number of that licence or permit;

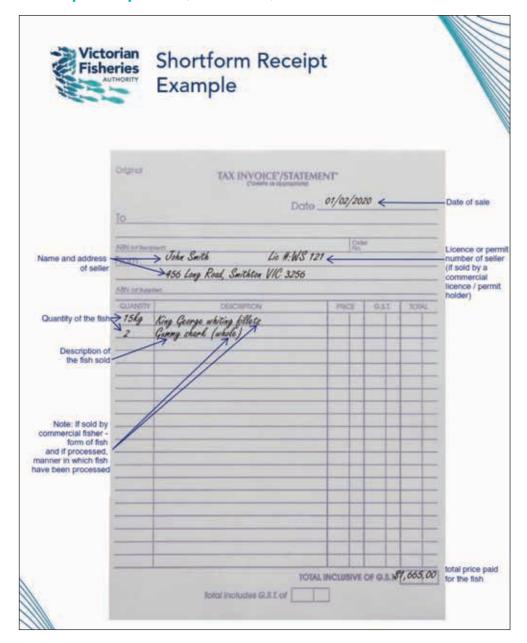
Any person subsequently selling any quantity of Fish for a purpose other than resale must provide a receipt that contains the following details:

- (a) the date of the sale of the fish;
- (b) the quantity of fish sold;
- (c) a description of the fish sold;
- (d) the total price paid for the fish;
- (e) the full name and address of the seller of the fish:
- (f) if the sale of fish is by the holder or a person acting on behalf of the holder of a commercial fishery licence or permit
 - (i) the licence number or permit number of the licence or permit;
 - (ii) a description of the form of the fish sold and, if processed, the manner in which the fish have been processed.

For further information on completing the CDR or your regulatory requirements when fishing, please contact your local Victorian Fisheries Office.

APPENDIX 4: EXAMPLES OF RECEIPTS AND FISH MOVEMENT RECORDS

A receipt to a person (short form)



Victorian Longform Receipt **Fisheries** Non Abalone Example Unique Original _sequential ID number TAX INVOICE'/STATEMENT To ACME Seafonds 4 123 Smith Street, Geology VIC 3225 purchaser Name Swith Lie M: WS 121 e Licence or permit number of seller and address \$ 456 Long Road, Smithton VIC 3256 (if sold by a permit holder) and net weight (kgs) > 1549 \ King George whiting fillets or total number of each species 2 Garay charl (whole) \$825,00 Total price paid for ea \$55,00 paid for each 8420.00 Price per unit of Form of fish and, if processed, the manner of processing TOTAL INCLUSIVE OF Q.S.T. Rotor Includes G.S.I. of

A receipt for further on-sale of fish (long form)

NOTE: Long-form receipts can be completed in 2 stages.

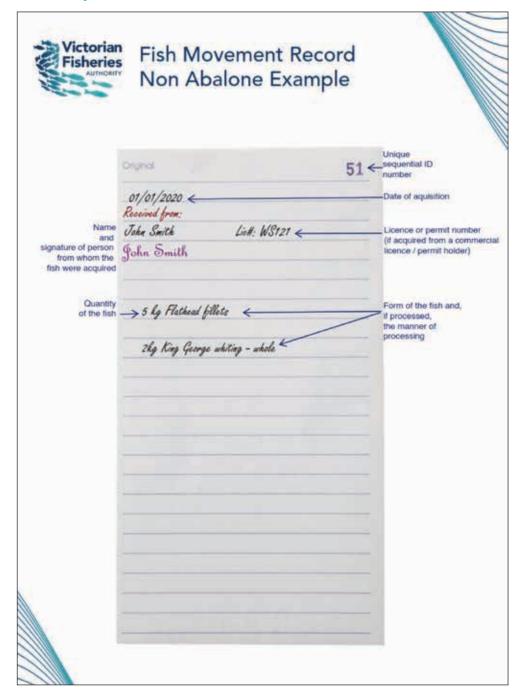
Stage 1: Licence holder fills in all of the required fields except for the fields:

- name and address of the purchaser,
- price per unit measure (kilogram, packet, etc) for each species, and
- total price paid for each species.

The receipt along with fish is given to a person solely for transportation or storage for later sale (i.e not a purchaser).

Stage 2: The seller of the fish, once a sale has been completed, must ensure **these details** are given to the purchaser of the fish.

Example of Fish movement record to document fish on a licenced premise



APPENDIX 5: GUIDANCE ON WEIGHING

When weighing consideration should be given to the following:

- The scales are on a stable and on a solid surface out of the wind if possible.
- Scales are level, in good working order
- Ensure that scales are accurate and tare weights for bags or bins/lids are worked out prior to weighing off catch
- Make sure scales are certified and are accurate. This can be done by placing certified weights on the scales prior to weighing off catch
- Bag/Bin tare weights can vary depending on size, configuration, age and design.

It is the responsibility of the fisher to ensure that their weights are accurate. This should be taken into consideration when working out tare weights of bags/bins prior to weighing off catch.

In determining the net weight, the gross weight of all of the consignment should be weighed and the tare weight should then be subtracted.

The practice of rounding up or down on individual bag/bin tallies is to be avoided.

If a situation occurs where the accurate weight of the catch cannot be determined due to environmental or other factors creating variance in the scale readings, the fisher should call the duty officer to seek guidance.

Reminder: Quantities must be accurate to within 1 kg of the actual weight.

Glossary

tare weight sometimes called unladen weight, is the weight of an empty vehicle or container. By subtracting it from the gross weight (laden weight), the weight of the goods carried (the net weight) may be determined.

APPENDIX 6: REGULATORY GUIDE RG7 FISHERIES (EEL AND PIPI ELECTRONIC TRACKING) NOTICE 2021

Regulatory Guide



RG 7 – Fisheries (Eel and Pipi electronic tracking) Notice 2021

About this guide

This guide is for all holders and operators of an Eel Fishery Access Licence, an Aquaculture (Crown Land—Eels) Licence, a Pipi Fishery Access Licence or a General Permit that authorises the taking of pipi or eel for sale.

This guide outlines the regulatory approach the VFA will take for breaches of electronic tracking requirements and for granting temporary approvals to fish without an operating tracking device in special circumstances.

Document history

This guide was issued on 10 May 2021 and is based on legislation and regulations as at the date of issue.

Disclaimer

This guide does not constitute legal advice. We encourage you to seek your own professional advice to find out how the Fisheries Act and other applicable laws apply to you, as it is your responsibility to determine your obligations.

Examples in this guide are purely for illustration; they are not exhaustive and are not intended to impose or imply particular rules or requirements.

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Overview

The Fisheries (Eel and Pipi electronic tracking) Notice 2021 comes into operation on 1 June 2021.

The objective of this Notice is to require the carriage and operation of an Electronic Tracking System during the carrying out of fishing activities under an Eel Fishery Access Licence, an Aquaculture (Crown Land—Eels) Licence, a Pipi Fishery Access Licence or a General Permit that authorises the taking of pipi or eel for sale.

This regulatory guide seeks to clarify this objective for licence holders.

The VFA will work collaboratively with industry to implement an electronic tracking system in each fishery. This will involve a focus for the first <u>6 months</u> on education and facilitation (i.e. the education phase).

During this education phase, any proposed enforcement action by a fisheries officer (i.e. official warning, infringement notice or prosecution) must be approved by a VFA Regional Manager or above.

Clause 6 - Requirement to have an approved electronic tracking system

Before commencing any fishing activities you must contact the VFA to source and register your electronic tracking device.

It is the responsibility of the holder of a specified licence or permit, or another person acting under the licence or permit, to ensure that during the specified period the responsible person for that fishing operation has in their immediate possession a VFA approved electronic tracking system.

Compliance approach if this requirement is not met

As the VFA is supplying tracking devices and has provided adequate warning of the requirement, it will take a strict approach to fishers engaging in any fishing activity authorised by the licence without an approved device in their immediate possession.

Unless special circumstances apply, a fisher detected commercially fishing without an approved tracking device will receive an infringement notice for a first offence.

Clause 7 & 8 - Engaging in a commercial fishing operation without electronic tracking device activated

The responsible person must ensure that an electronic tracking device is activated and reporting positional information to the VFA, before undertaking a commercial fishing trip, and at all times during the trip.

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When to activate your device

Fishery	Activating the device	When to turn on	When to turn off
Pipi	Unit is always in stand-by mode but it must be activated before fishing	At least one hour before commencing a pipi fishing operation	At the designated weighing point, after post- fishing details have been provided to the VFA
Eel	Unit is always in stand-by mode but it must be activated before fishing	At least 15 minutes before the commencement of a fishing operation	At the completion of all activities under the fishing operation including the retrieval of a boat used to carry out fishing activities.

Compliance approach where electronic tracking device not activated

Where a fisher is detected with an electronic tracking device that is not reporting to the VFA, the VFA will focus on advice and education during the education phase.

Unless special circumstances apply, the VFA will take the following action:

First breach	Advice and education material provided	
Second breach	Official warning	
Third breach	Infringement notice	

Where a fisher can demonstrate that they had an honest and reasonable belief that the device was reporting, no enforcement action will be taken for the breach.

Clause 9 - Requirement to specify and maintain method of communication

Clause 9 requires that fishers provide the VFA with a mobile phone number that the VFA can use to communicate with the person carrying out the fishing activities.

Prior to use, the licence holder must inform the VFA in writing of that telephone number. The notification can be via email to $\underline{\text{commercial.licensing@vfa.vic.gov.au}}$

The notification must include, the name of the responsible person (operator), licence number and the telephone number of the approved communication method.

The operator must make all reasonable efforts to respond in a timely manner to communications from the VFA.

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Requirements if operator cannot confirm device is activated prior to commencing fishing activities

If the responsible person is unable to confirm the device is activated they can contact the VFA Operations Duty Officer (see number under 'VFA Contact Details' section below). The Operations Duty Officer will authorise the responsible person to undertake a fishing trip if satisfied that there are special circumstances to justify the authorisation.

In this case the Operations Duty Officer will consider special circumstances apply if satisfied that:

- a replacement unit is not available and or the replacement unit is not able to be registered with VFA Licensing Commercial Licencing during business hours;
- the fisher has taken reasonable steps to have the device repaired or replaced at the next
 opportunity; and
- the operator is low risk (i.e. has a history of compliance).

Requirements if electronic tracking device ceases to operate during trip

If the fisher becomes aware that the device has ceased working during a fishing trip, they must immediately contact the Operations Duty Officer.

The Operations Duty Officer will grant approval to continue fishing if satisfied there are special circumstances justifying the granting of the approval.

In this case the duty officer will consider special circumstances apply if satisfied that:

- the unit was operating prior to the boat leaving port; and
- the operator is low risk (has a history of compliance).

Conditions of authorisation to operate without tracking device fully operational

Where the Operations Duty Officer grants an authorisation to engage in fishing activities without a fully operational device, they will impose conditions on the authorisation, including that:

- the operator only undertakes fishing activities within areas specified;
- the fisher manually reports their position by SMS on specified timeframes; and
- the fisher provides a notification at the conclusion of fishing activities by SMS.

An authorisation will only be granted for the current fishing trip. Additional authorisations must be sought for any subsequent fishing trips.

Note: The duty officer only has power to grant an authorisation in circumstances where a device is not operational. For approval to engage in commercial fishing activity without owning a device, the licence holder must apply to the VFA for a written exemption. This is done through the Commercial Licensing Unit.

See Attachment 1 for additional information.

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VFA contact details

If you have any questions about the VMS system or administration including registering a e tracking device	Commercial Licensing Unit (business hours)	03 8392 6860 Commercial.licensing@vfa.vic.gov.au
If your device is not working and you are seeking approval to manually report during your fishing trip	Operations Duty Officer (24 hours)	0419 844 781

Cases of multiple offences or deliberate non-compliance

Where the VFA detects other offences in addition to electronic tracking breaches, or believes the breach is deliberate, it may take enforcement action outside of the approach outlined above.

Internal review of infringement notices

As in any case where an infringement notice is issued by a fisheries officer, the fisher may seek an internal review of the infringement in accordance with the *Infringements Act 2006*. Further information on fisheries infringement notices and available grounds for seeking an internal review are set out at

 $\underline{\text{https://vfa.vic.gov.au/enforcement/fisheries-infringement-notices}}.$

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Definitions

Fishing operation means the carrying out of any activities authorised under a specified licence or permit and includes –

- (1) the using, setting, retrieving, transporting or inspecting of commercial fishing equipment or commercial aquaculture equipment in or on Victorian waters; and
- (2) the use of a boat on Victorian waters in connection with the carrying out of activities authorised under the licence, (including the activities specified in sub-clause (1))

Responsible person – means the holder of a specified licence or permit, or a person acting or purporting to act under a specified licence or permit.

Specified licence or permit - means any of the following licences or permit -

- (1) an Aquaculture (Crown Land—Eels) Licence;
- (2) an Eel Fishery Access Licence;
- (3) a General Permit that authorises the taking of eel for sale or commercial purposes;
- (4) a General Permit that authorises the taking of pipi for sale or commercial purposes; or
- (5) a Pipi Fishery Access Licence.

Specified period -

- (1) In the case of a Pipi Fishery Access Licence or General Permit that authorises the taking of pipi, starts 1 hour prior to the commencement of a fishing operation and ends when (a) in the case of a Pipi Fishery Access licence, the licence holder has complied with regulation 84(6) of the Regulations; (b) in the case of a General Permit that authorises the taking of pipi, the permit holder has completed all weighing and post-fishing reporting requirements required under the permit;
- (2) In any other case, starts 15 minutes before the commencement of a fishing operation and ends when the latter of the following happens (a) when a boat used to carry out fishing activities has been retrieved from the water; (b) the completion of all activities under the fishing operation.

Immediate possession in relation to an electronic tracking system means –

- (1) if the person is on a boat the ALC is in, on or attached to the boat;
- (2) if the person is in or on a vehicle the ALC is in, on or attached to the vehicle; or
- (3) in any other case the ALC is carried by the person.

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Attachment 1

Request for Authorisation to Fish Without Operational tracking device

- 1. Call VFA Operations Duty Officer 0419 844 781
- 2. Provide Operator Name, Access Licence Number and Boat registration number (if applicable)
- 3. Provide Fishery you will be operating in
- 4. What is the problem and what has operator done to remedy problem?
- 5. Has authorisation been sought previously? If so, reason for previous request?
- 6. Where do you intend to fish on the trip?

Standard Conditions

If an authority is granted, it will be subject to the following standard conditions:

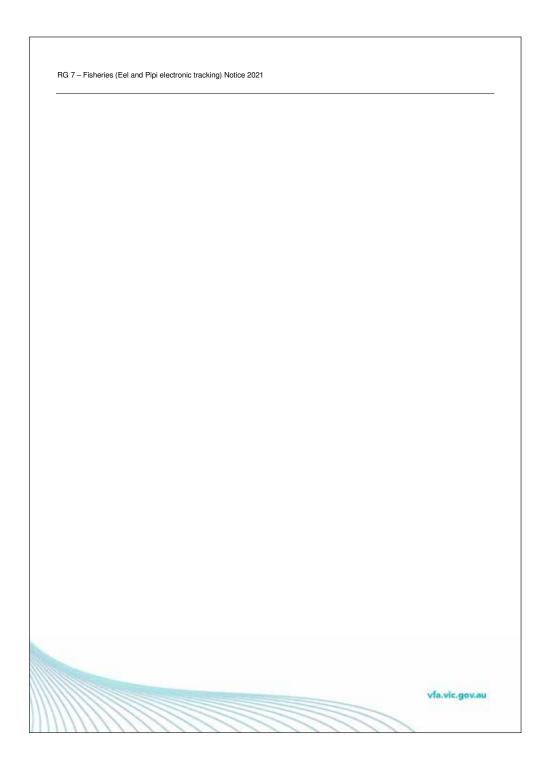
- (a) Authority is limited to one fishing trip
- (b) May only fish in area specified
- (c) Must send SMS to 0419 844 781 when arriving at area with the following details:
 - a. Device registration number
 - b. Arrived at (location)
- (d) Must send report by SMS to 0419 844 781 at an agreed time prior to the completion of fishing activities with the following details:
 - a. Device registration number;
 - b. Place of landing;
 - c. The estimated time of arrival

Special Conditions

The duty officer may also impose additional special conditions

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