



Fisheries Regulations 2019

Seafood traceability requirements Aquaculture

Seafood traceability laws strengthened from 1 February 2020

- From 1 February 2020, all fish received, sold or consigned by aquaculture producers (and other industry participants) must be accompanied by documentation verifying from who the fish came from, who it is going to and other important information. Exemptions may apply.
- These requirements help ensure the product has been legally obtained by licenced operators and will help tackle illegal black market seafood.
- This fact sheet explains what type of documentation aquaculture producers require when possessing fish for commercial purposes in Victoria and the documentation required when selling or consigning aquaculture produce.
- Fact sheets on the documentation requirements for the food service sector (e.g. restaurants, café's, fish and chip shops), fish retailers (e.g. fishmongers, farmers markets), commercial fishers and other seafood industry participants (transporters, receivers, wholesalers, importers, exporters) is also available on the VFA website at: www.vfa.vic.gov.au/newrules.

Overview / background

Illegal take for sale (i.e. unlicensed take and sale of fish) is emerging as a key area of concern for the Victorian Fisheries Authority and many fishers. Illegal 'black market' seafood competes with legitimate seafood operators who work hard to provide safe, quality and affordable seafood.

Once harvested, fish and other seafood products can travel on a complicated path to the consumer's plate and it can be difficult to prove who took or produced the fish and whether the person who obtained the fish is licenced or not. Systems to trace the source of seafood are critical to ensure the product has been legally obtained.

The *Fisheries Act 1995* (the Act) and Fisheries Regulations 2019 (commenced on 1 February 2020) require documentation to accompany all fish sold or transferred for commercial purposes. This requirement applies to all aquaculture producers, commercial wild catch fisheries and other seafood industry participants in Victoria.

These requirements ensure there is documented proof that Victorian seafood has been legally obtained from a licensed aquaculture farmer, licensed commercial fisher or permit holder (taken in accordance with any allocated quota or catch limit) or other fish industry participant, at any point in the market chain.

While seafood businesses have always been required to keep records relating to all fish received, the form of these records have not been clearly set out in the regulations and have not been required to accompany the fish. The new requirements also create consistency across the industry by standardising what information is to be included on a receipt or movement record.

What does this mean for aquaculture producers?

Licensed aquaculture producers in Victoria are required to issue one of the following forms of documentation when selling or consigning fish produced under their licence:

1. **A sales receipt** (a receipt or tax invoice created by the seller of the fish to the buyer of the fish); or
2. **A fish movement record** (a document created where a sale has not occurred (e.g. fish are being transported to a fish co-op and no sales receipt has been provided).



When does a sales receipt have to be issued and what information is required?

There are two forms of receipt that may be issued depending on the circumstances. These information requirements are prescribed in the regulations and businesses need to comply with these laws from 1 February 2020.

Businesses are still able to have their own layout or include other details on the receipt, in addition to the requirements listed below.

1. Long-form sales receipt

Applies to all sales or consignments of abalone

Applies to all sales of other fish where the product may be resold by the receiver

Applies to all sales of other fish where the product may be transported, stored, or processed for reward by the receiver

A long-form sales receipt must be issued by aquaculture licence holders where the product may be sold, transported, stored, or processed for reward by the person receiving the product.

The information that needs to be included on a long-form sales receipts are generally typical of seafood industry tax invoices where the product is for resale and must include:

- the name and net weight (in kilograms) or if the fish are whole or in carcass form, the name and total number of each species sold;
- a description of the form of the fish sold and, if processed, the way the fish have been processed;
- the date of the sale of the fish;
- the price per kilogram, price per packet or price per unit of each species of fish sold;
- the total sales value of each species of fish sold;
- the full name and address of the seller of the fish;
- the full name and address of the purchaser of the fish;
- a unique sequential identifying number allocated to the sale; and
- the aquaculture licence number under which the fish is sold.

If the fish are abalone and are to be resold, the receipt must also include:

- the date the abalone was packaged; and
- the full name and address of the person who processed the abalone or the registered establishment number of the place or premises where the abalone was processed.
- The seller must ensure a copy of the receipt accompanies the fish to the buyer.

Note: *If the fish are to be delivered to the purchaser by a person other than the seller (such as a transport business), then the sales receipt accompanying the fish does not have to have price or value information, providing a receipt containing the full details (as above) has been sent to the buyer electronically before the fish are delivered.*

2. Short-form sales receipt


Applies to all retail sales (ie. sales for direct consumption) of Murray cod

There may be instances where an aquaculture licence holder conducts a retail sale of Murray cod to a member of the public (i.e. it is sold for their consumption or for use as bait). Under these circumstances, a receipt is required to be issued (this requirement also applies to sales of rock lobster and southern bluefin tuna, however, these species are not currently produced by aquaculture farms in Victoria).

Any retail sales (in any quantity or form) of Murray cod must be accompanied by a short-form sales receipt, which includes the following details:

- the date of the sale of the fish;
- the quantity of fish sold;
- a description of the fish sold;
- the total price paid for the fish;
- the full name and address of the seller of the fish.

All sales or consignments of Murray cod, where the product is to be resold or where the product may be used for commercial gain (transported, stored, or processed for reward) by the receiver, must be accompanied by a long-form sales receipt (see above).



Do I need to issue a receipt for retail sales of other types of fish?

No, a receipt is only required for retail sales of abalone (long-form receipt) and retail sales of murray cod (short-form receipt).

Retail sales of other species for direct consumption or use as bait are not required to be accompanied by a sales receipt, although businesses may wish to issue a receipt for taxation purposes.

When would a 'fish movement record' be issued and what information does it contain?

In circumstances where fish are to be transported or stored, and a sale has not yet occurred (and therefore no sales receipt issued) then the person transporting or storing the fish is required to obtain a 'fish movement record' from the aquaculture licence holder to accompany the product. A fish movement record must include:

- the date the fish are obtained from the aquaculture licence holder;
- the quantity of each species of fish;
- a description of the fish (including the species and form i.e. whole or fillets);
- the full name and signature of the aquaculture licence or permit holder;
- the licence number or permit number
- a unique sequential identifying number allocated to each record;
- if the fish have been processed before acquisition, the fish movement record must also include the name and address of the person who processed the fish and the registered establishment number of the premises where the fish was processed.
- If the fish is packaged, the date of packaging must also be included.

The person possessing the fish must possess the document in the same place as the fish are possessed.

Examples of documentation requirements relevant to aquaculture

A person working at an aquaculture farm in Victoria completes an order/consignment of seafood product for a buyer. A receipt (or tax invoice) must include the information requirements relating to that fish as prescribed by the Fisheries Regulations 2019:

- If the buyer is a fish industry participant (e.g. a seafood exporter, fishmonger, fish market, local restaurant etc.) that will re-sell the product or use it for commercial gain, then the long-form receipt must be issued.
- If the sale is of abalone, the long-form receipt must also be issued regardless of the buyer (i.e. applies to retail sales as well)
- If the aquaculture farm conducts a retail sale to a member of the public (i.e. is sold to a person who has purchased a relatively small amount of product for personal use and is not for resale or commercial gain, such as a visitor to the farm), no receipt is required to be issued to the customer unless the fish is abalone (as detailed above) or Murray Cod
- If the person sells any quantity of Murray cod to a retail customer, then a receipt must be issued but this can be the short-form receipt.



What are the record keeping requirements?

- A copy of each purchase, acquisition or sales 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 for 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.

Frequently asked questions

What if I fish recreationally?

Documentation requirements do not apply to licensed (or exempt) recreational fishers who possess fish that has been taken under the licence (or exemption), so long as it is for personal use and not stored on commercial premises or a commercial vehicle. However, it remains **illegal** for recreationally caught fish to be sold.

Do consumers or bait users need to hold a receipt?

No, generally fish obtained for personal consumption or use as bait does not need to be accompanied by a receipt.

However, consumers who possess legitimately purchased fish in excess of a state-wide possession limit or at a commercial quantity will require a receipt to be exempt from offences under the Act. This currently applies to abalone (any more than 10), pipi, yabby and a commercial quantity of any priority species (rock lobster, abalone, southern bluefin tuna, Murray cod).

These laws are designed so that fisheries officers can investigate suspected non-compliance relating to black market seafood. Maintaining this supply chain integrity helps ensure seafood purchased by the public is from a legitimate source and protects the sustainability of Victoria's fisheries.

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