



Fisheries Regulations 2019

Commercial wild catch fisheries

New fisheries regulations will commence on 1 February 2020

The Minister for Fishing and Boating, Jaala Pulford MP, recently approved the making of the Fisheries Regulations 2019 and the new regulations will start on 1 February 2020. The new regulations will provide for growth and investment in commercial fishing across Victoria.

When do I need to comply with the new requirements?

The new regulations commence from 1 February 2020. Until 1 February 2020, all existing arrangements continue to apply.

Summary of key changes relating to commercial fishing

All other existing arrangements for commercial fishing remain unchanged.

Regulatory reduction initiatives

1. The requirement for commercial licence holders to physically carry their licence will be removed. This is no longer necessary as enforcement officers can now remotely access licencing information.
2. The required minimum height of boat registration markings will be reduced from 23cm to 20cm to reflect the size of lettering that is readily available commercially (8 inches or 20.32cm).
3. The requirement for licence holders to report theft of documents to police removed (note: licence holders must still notify the VFA).
4. In relation to abalone, 'small sales returns' and 'abalone transfer certificate' documentation requirements will be removed and replaced with standardised fish receipt and fish movement record requirements (more information on these receipt and documentation requirements for commercial access licence holders is available on the VFA website).
5. Licensed abalone fish receivers will no longer be required to produce stock records on request by the VFA and the use of abalone 'trader identification numbers' will be removed.
6. In relation to the Scallop Dive (Port Philip Bay) Fishery Access Licence class, the restriction to limit daily take to one dive zone, and the annual report requirement will be removed.
7. Ocean Fishery Access Licence holders will be permitted to use a combination of longlines (with a combined total of no more than 200 hooks).
8. Wrasse (Ocean) Fishery Access Licences will be able to be held by a corporation.



Removal of redundant access licence classes

9. The Purse Seine (Port Phillip Bay) Fishery Access Licence class is no longer fished (due to previous election commitment) and will be removed from the regulations.
10. The Port Phillip Bay (Mussel Bait) Fishery Access Licence will be removed as a licence class from the regulations as it is no longer operational.
11. The Fish Receivers' (Scallop) Licence class will be removed from the regulations. This will remove the requirement for scallop (ocean) fishers to directly sell, process and transport scallops to these licence holders. This will provide a consistent approach to the sale and processing of product for both the scallop ocean and scallop dive fisheries.

Create new access licence classes (separate fact sheets on these fisheries are available on the VFA website)

12. A new Pigi Fishery Access Licence class and fishery (to be quota managed) will be created in accordance with the declared *Victorian Pigi Fishery Management Plan*. Authorisation to take pigi will be removed from all other relevant access licence classes to create a stand-alone licence for this species. Allocation of the new licences to eligible licence applicants will commence shortly.
13. A new Octopus Fishery Access Licence class and fishery (to be quota managed) will be created and authorisation to take octopus will be removed from the Ocean Fishery Access Licence Class. Allocation of the new licences to eligible licence applicants will commence shortly.
14. A new Banded Morwong Fishery Access Licence class and fishery (to be quota managed) will be created in line with current permits. The existing authorisation to take up to two banded morwong per day by other licence classes will remain unchanged.

Phase-in of Vessel Monitoring System (VMS) requirements to additional classes of access licence

15. A number of licence classes including the abalone, giant crab, and rock lobster fishery access licence classes will be required to have VMS installed and operating on vessels when engaged in commercial fishing operations. This will be phased-in during 2020 to assist licence holders with the transition to this new technology. Other licence classes will be exempt from these requirements, except for those already required to have VMS (e.g. scallop dive). Fishers operating VMS will, where relevant, no longer be required to prior report their intention to go fishing or to land fish. The VFA will also write to licence holders indicating when the transition will occur.

Administration of commercial fishery licences

16. All licence classes will be required to have any 'licence operator' authorised by the VFA and specified on the licence (note: Bait (General) and Ocean Fishery Access Licences remain unable to have an authorised licence operator). All licence operators must pass a fit and proper test and demonstrate a knowledge of the regulations relevant to their fishery. Exemptions may apply.
17. Grounds for suspending a commercial fishery licence have been prescribed in regulation. These include if the person has breached a licence condition, if the person has been found guilty of certain offences, or if they have defaulted on a payment of a fisheries-related fine. Under these circumstances, the VFA may require the holder of a fishery licence to show sufficient cause as to why the licence should not be suspended.



Changes to catch and size limits

18. The combined catch limit for gummy and school shark will be increased from 2 to 5 (with no more than 1 shark being a school shark) for the ocean fishery, inshore trawl, rock lobster and giant crab access licence classes (note: this increase will be restricted to endorsed licence holders only, with expanded reporting arrangements set via a Fisheries Notice). A 40-tonne total annual catch limit for Victoria will continue to apply, in line with the Offshore Constitutional Settlement agreement with the Commonwealth.
19. The commercial minimum size limit for bluelthroat wrasse will be increased from 28 to 30 centimetres.
20. The minimum size limit for commercial take of male giant crab will be reduced from 15 to 14 centimetres.

Changes to reporting and catch disposal records / fish receipts

21. Electronic reporting of daily catch and effort data will be required for specified commercial licence classes, including the abalone, rock lobster, giant crab, scallop dive and sea urchin fisheries. Transitional arrangements may apply dependent on the fishery. The VFA will soon write to licence holders indicating when the transition will occur.
22. Electronic reporting of the number of dead rock lobster in coffs and wet-wells, and number of dead giant crab in wet-wells will be required. The VFA will soon write to licence holders indicating when the transition to electronic reporting will occur.
23. A consistent form of fish receipt or fish movement record will be required for all sales or other commercial acquisitions of fish, for all types of fish, at any point in the market chain. More information on this change relevant to commercial access licence holders is available on the VFA website.

Other licence conditions

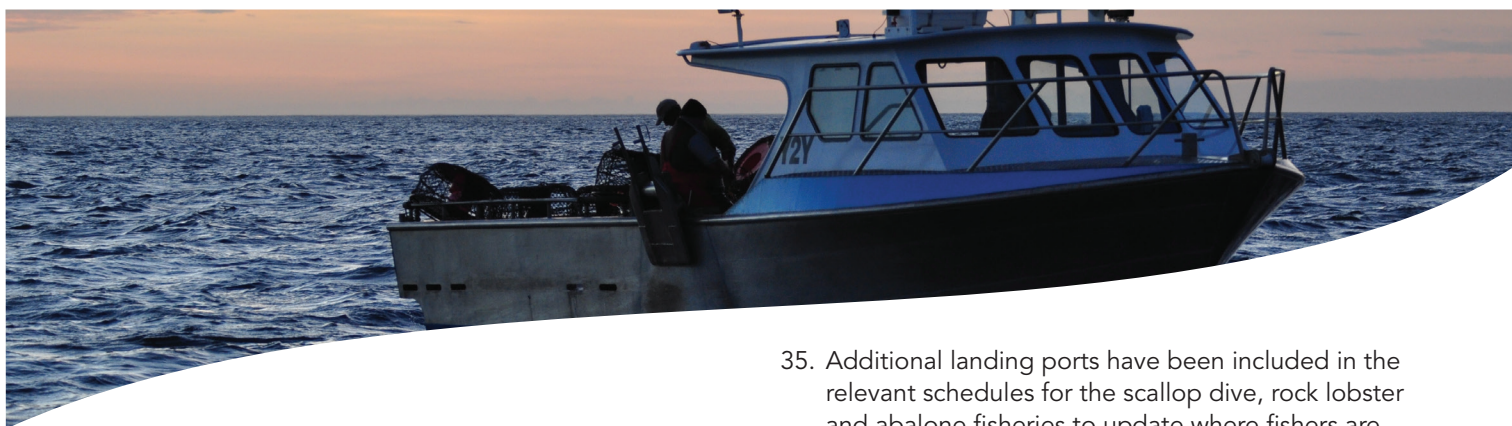
24. Giant crab and rock lobster access licence holders will be required to notify the VFA before retrieving giant crab or rock lobster from a wet-well.
25. The prohibition on the transfer of fish at sea has been clarified. This is currently a licence condition for most commercial fisheries. This change ensures the condition is applied consistently across all commercial licence classes.
26. The prohibition on the sale of bait for human consumption has been clarified. This is currently a licence condition for most bait fisheries. This change will ensure this prohibition is explicitly and consistently stated as a condition on all bait licences.
27. Restrictions on the number of licence operators and crew that may be used under each fishery access licence class have been stated in a consistent manner across all licence classes.

New offences

28. A new offence will be created for defacing or interfering with a fisheries-related sign (e.g. a sign erected by the VFA to show rules around restricted access to aquaculture reserves) (20 penalty units).
29. A new offence prohibiting commercial fishing boats from displaying false identifying marks will be created (20 penalty units).

Revised offence

30. The amount of berley used for fishing in Victoria will be restricted to 10 litres in the following areas:
 - Port Phillip Bay, Western Port Bay, Gippsland Lakes or any inlet of the sea,
 - within 1 nautical mile of coastline, and
 - within 3 nautical miles of Lady Julia Percy Island or 1 nautical mile of any other island.



Administrative changes and consolidation or clarification of existing regulations

31. The common reporting requirements and processes for commercial fisheries have been consolidated into a single section to improve readability of the regulations.
32. The layout of commercial fishing licence conditions has been simplified so that they are in chronological order (from pre-fishing to weighing and reporting) to improve readability of the regulations.
33. The provisions of the Commercial Snapper Catch Limit Fisheries Notice have been incorporated into the regulations (e.g. the catch limit and reporting requirements for snapper taken by inshore trawl fishers).
34. References to generic groups (e.g. clam, crab) authorised to be taken under a bait licence have been removed and replaced with specific species or genus references. This does not change current bait fishers' operations in terms of species that are targeted, as the revised list aligns with catch history over recent years.
35. Additional landing ports have been included in the relevant schedules for the scallop dive, rock lobster and abalone fisheries to update where fishers are able to land their catch.
36. The authorised activities and licence conditions for the Western Port/Port Phillip Bay access licence class have been updated to reflect the arrangements arising out of the recent commercial netting buy out in Port Phillip Bay (i.e. explicitly authorise a long-line as permitted equipment and prohibit longline team-fishing operations).
37. The VFA will be able to exempt all licence holders within a specified licence class from a regulation. The VFA has had the ability to exempt individual fishers from the requirement to comply with specified regulations, however this was administratively cumbersome in instances where all licence holders in a licence class need to be given an exemption.
38. The weight of fish accuracy requirements have been standardised to within 1 kilogram of the actual weight of the fish, with the exception of landings of less than 100kg of rock lobster where the total weight is required to be within 0.1kg.
39. The definition of a trammel net has been clarified. This is an administrative change to update this definition.

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