



Fisheries Regulations 2019

Seafood traceability requirements

Seafood transporters, processors and receivers, wholesalers, importers and exporters

Seafood traceability laws strengthened from 1 February 2020

- From 1 February 2020, all seafood industry participants in Victoria are required to hold documented proof that seafood has been legally obtained and must issue a receipt for all commercial sales of seafood.
- 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 is required by seafood transporters, processors and receivers, wholesalers, importers and exporters of fish when possessing and selling fish for commercial purposes in Victoria.
- Fact sheets on the documentation requirements for commercial fishers (including access licence holders and permit holders), aquaculture farmers, the food service sector (e.g. restaurants, café's, fish and chip shops) and fish retailers (e.g. fishmongers, farmers markets) are 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 landed, fish and other seafood products can travel on a complicated path to the consumer's plate and it can be difficult to prove who harvested the fish and whether the fish were legally obtained. Systems to trace the source of seafood are critical to ensure the sustainability of Victoria's fisheries.

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. Similarly, the receipt requirements have been required for some species, but not all.

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

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

The new requirements also create consistency across the industry in terms of what information is to be included on a receipt. Previously, there were varying forms of receipt requirements for rock lobster, scallop, sea urchin and abalone (e.g. abalone transfer certificates). The new regulations standardise the details required on the receipt or movement record.



What does this mean for seafood transporters, processors and receivers, wholesalers, importers and exporters?

These seafood industry participants are required to:

1. **Hold appropriate documentation** that includes specific information about the product, including where it came from (see below for more information on what is considered appropriate documentation).
2. **Issue a sales receipt** for all sales of fish in/from Victoria and ensure a copy of the receipt accompanies the fish during transit. The only exceptions to this rule are for the sale of non-priority species that are sold for direct consumption or as bait and for the sale of fish in restaurants and cafes.

What type of documentation do I need to hold when possessing commercial seafood?

Any person who carries on the business of selling, transporting, consigning, receiving or processing fish or fish products (including selling fish for consumption in a restaurant or cafe business) must ensure that any fish received by them, or in their possession, for any commercial purpose, are accompanied by one of the following in relation to those fish:

1. **A Catch Disposal Record** (issued by a commercial access licence holder at the point of landing - typically only used in quota-managed wild catch fisheries); or
2. **A sales receipt** (a receipt or tax invoice created by the seller of the fish to the buyer of the fish); or
3. **A fish movement record** (a document created to account for possession of fish when a sale has not occurred and no CDR or sales receipt provided with the product (e.g. fish are being transported to a fish co-op and no CDR or sales receipt have been provided)).

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

If the sale is being conducted by the seafood transporter, processor, fish receiver, wholesaler, importers or exporter themselves, then they must issue the receipt to the buyer at the time of transfer (or earlier) of the seafood and ensure a copy of the receipt accompanies the product.

The only exceptions to this are the sale of non-priority species that are sold for direct consumption or as bait and for the sale of fish in restaurants and cafes.

Outlined below are the two forms of sales receipt that may be held and issued by a seafood transporter, processor, fish receiver, wholesaler, importers or exporter, depending on the circumstances of the sale.

These requirements are prescribed in the regulations and businesses need to comply with these laws. Businesses are still able to have their own layout or include other details on receipts, 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 seafood where the product may be resold or used for commercial gain (transported/stored/processed for reward) by the receiver

In most instances, a seafood fish receiver, processor, transporter, wholesaler, importers or exporters, will receive seafood as part of their day-to-day duties and the product will be used for commercial gain. This includes where the seafood may be sold, transported, stored, or processed for reward.

The information that needs to be included on a long-form sales receipt accompanying the product in these circumstances are generally typical of seafood industry tax invoices and must include:

- the name and net weight (in kilograms) of each species of fish sold 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 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
- 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.

If the fish are abalone, 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.

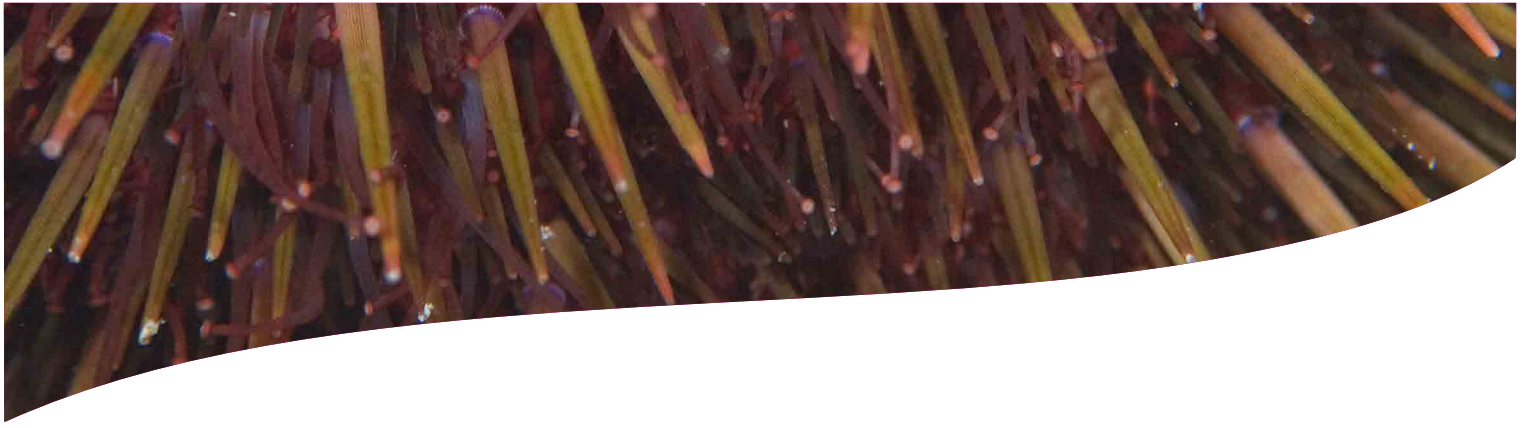
2. Short-form sales receipt

Applies to all retail sales (ie. sales for direct consumption) of rock lobster, southern bluefin tuna and Murray cod

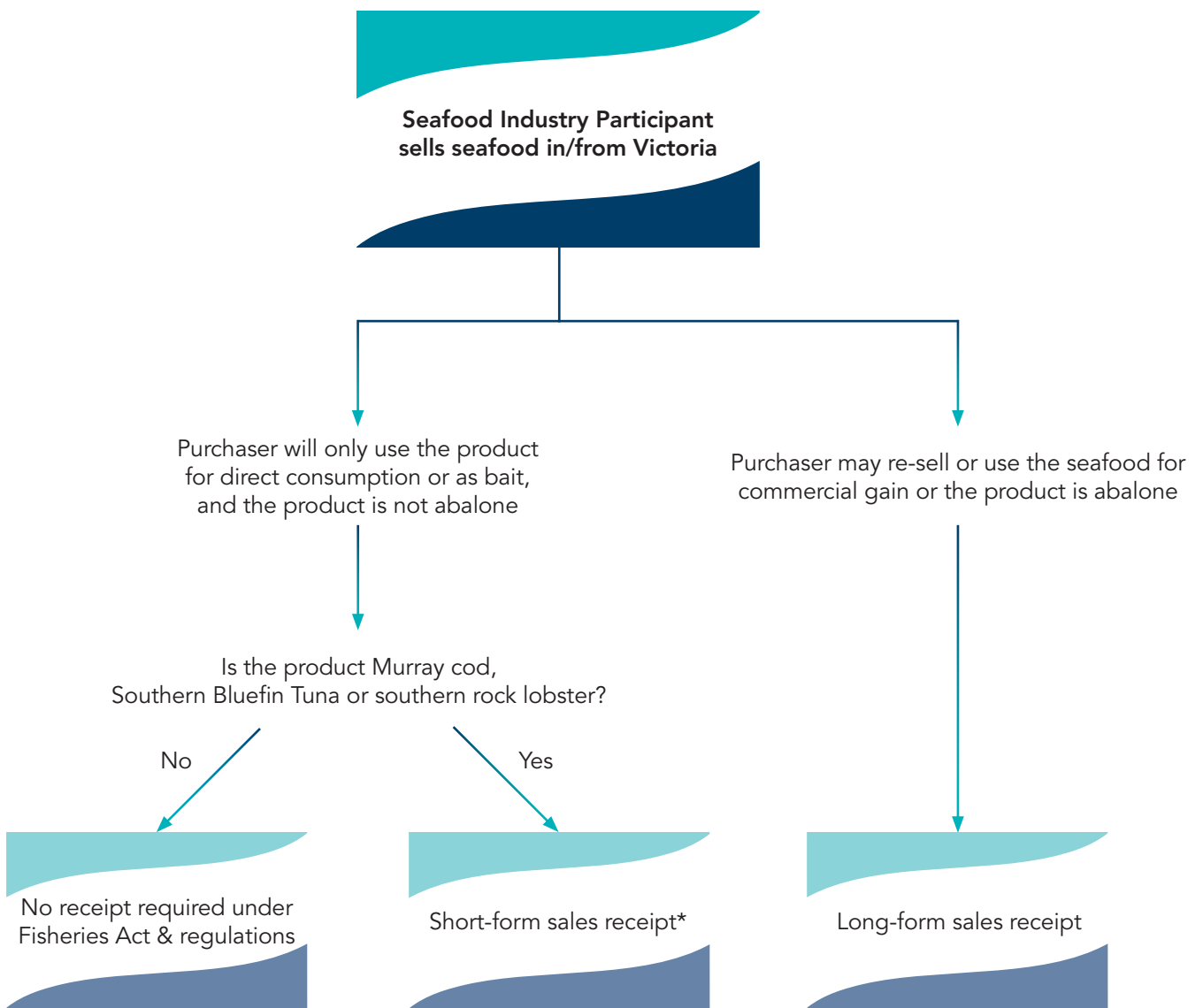
There may be instances where a seafood industry participant, such as a wholesaler, conducts a retail sale of fish to a member of the public (i.e. it is sold for their consumption). Under these circumstances, a receipt is not required to be issued unless the fish is rock lobster, Murray cod or southern bluefin tuna.

Any retail sales (in any quantity or form) of rock lobster, Murray cod or southern bluefin tuna 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; and
- 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 and a description of the form of the fish sold.



When does a seafood industry participant need to issue a sales receipt?



* Café's and restaurants are exempt from issuing a receipt if the fish is sold for immediate consumption



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 southern rock lobster, southern bluefin tuna and murray cod (short form receipt).

Retail sales of non-priority species for direct consumption or use as bait, and the sale of fish in restaurants and cafes, are not required to be accompanied by a sales receipt (neither a long or short form receipt). However, businesses may wish to issue a receipt for taxation purposes.

If I am a transporter or storer, do I need to issue another receipt if the fish is already accompanied by a receipt?

If the seafood has been provided with an accompanying sales receipt and you are not changing the quantity, packaging or form of the fish, and simply transferring the fish between the seller and the buyer, then you do not need to create a new receipt. You must, however, maintain possession of the receipt in the same place as the product and ensure the receipt accompanies the fish on any further sales.

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

There may be circumstances where a seafood industry participant acquires seafood but has not purchased it directly and the fish is not accompanied by a Catch Disposal Record or sales receipt. If the seafood has been acquired from another fishing industry participant, then you need to obtain a 'fish movement record' from the supplier to accompany the product while it is in your possession. If you acquire commercial seafood some other way (i.e not from a seafood industry participant), you must create the fish movement record yourself. A fish movement record must include:

- the date of the acquisition of the fish;
- the quantity of fish acquired;
- a description of the fish acquired;
- the full name and signature of the person completing the record (must be the supplier);
- if acquired from a commercial fishery licence or permit holder, the number of the licence or permit (if applicable);
- unique sequential identifying number allocated to each acquisition of fish;
- if the acquired fish are processed, either the full name and address of the person who processed the fish or the registered establishment number of the place or premises where the fish was processed; and
- if the acquired fish are packaged, the date the fish was packaged.

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

Example – receiving seafood for storage

A seafood business receives fish for storage (but not sale) on their commercial premises from another person. Under the current regulations, the business is required to obtain documentation for possession of the fish. If there is no sales receipt accompanying the product, then a 'fish movement record' must be obtained from the supplier to account for those fish on their premises.



What are the 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.

Frequently asked questions

What if I fish recreationally?

Documentation requirements do not apply to licenced (or exempt) recreational fishers who possess fish that has been taken under their licence (or exemption), so long as it is for personal use and not stored on commercial premises or a commercial fish transport 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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