



## Fisheries Regulations 2019

# Fish receipt requirements Retailers and the food service sector

Victoria's seafood traceability laws strengthened from 1 February 2020

- From 1 February 2020, all small businesses that deal with seafood are required to hold documentation verifying where their fish came from. Retail businesses are also required to issue documentation for sales of specific types of fish (priority species).
- This information sheet explains what type of documentation is required when possessing and selling fish at the end point of a supply chain (i.e. food service and retail sales), where the fish will not be re-sold or used for commercial gain by the customer.
- This information is targeted towards retailers such as fishmongers and other small businesses (e.g. farmer's markets) in Victoria that sell fish for consumption, as well as the food service sector (e.g. restaurants, café's, fish and chip shops).
- These requirements help ensure the product has been legally obtained by licenced operators and will help tackle illegal black market seafood.
- Fact sheets on the documentation requirements for commercial fishers (including access licence holders and permit holders), aquaculture producers and other seafood industry participants (fish transporters, processors and receivers, wholesalers, importers, exporters of fish) are also available at the VFA website at: [www.vfa.vic.gov.au/newrules](http://www.vfa.vic.gov.au/newrules)

## Overview

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.

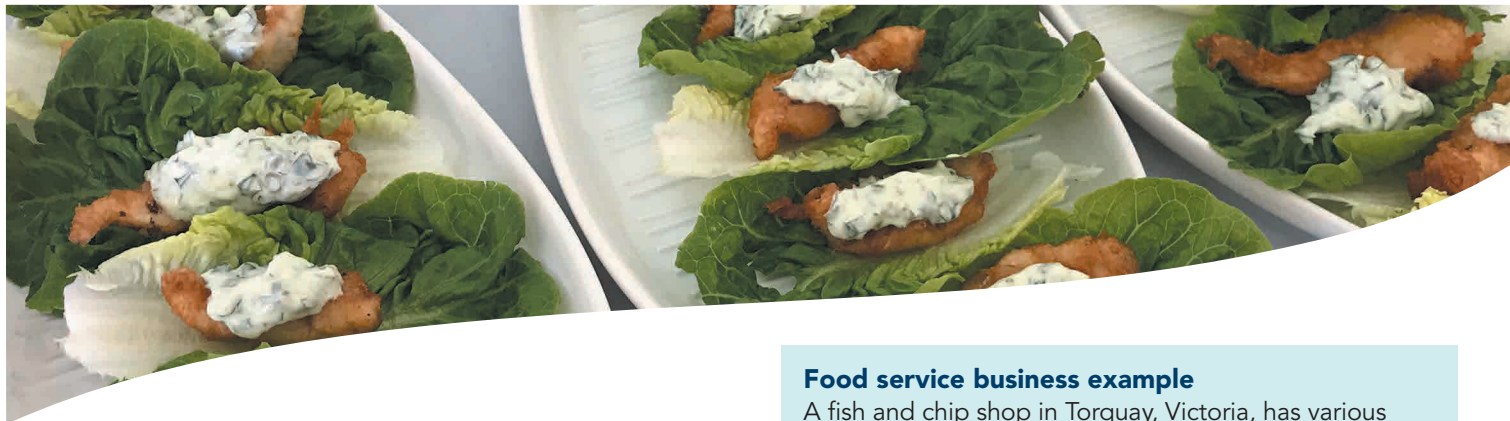
Once landed, fish and other seafood products can travel on a complicated path to the consumer's plate and it can be difficult to prove who harvested the fish and whether the person who took the fish is licenced or not. Systems to trace the source of seafood are critical to ensure the product has been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

The *Fisheries Act 1995* (the Act) and the 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 commercial wild catch fisheries, aquaculture producers and seafood industry participants in Victoria.

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 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 on the receipt or movement record.

These requirements will ensure there is documented proof that Victorian seafood has been legally obtained throughout the entire supply chain from a licensed commercial fisher (in accordance with any allocated quota or catch limit), licensed aquaculture farmer or importer to processors, wholesalers, retailers, restaurants and cafés.



## What type of documentation is required when possessing commercial seafood?

Any person in Victoria 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:

1. **A Catch Disposal Record (CDR)** (an original document issued by certain licensed commercial fishers 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 by a seafood industry participant where a sale has not occurred e.g. fish donated to a restaurant without a sales receipt or CDR provided).

## What does this mean for the food service sector?

**Food service sector** (where seafood is prepared and sold for immediate consumption from cafés and restaurants and fish and chip shops)

- You are required to have appropriate documentation (i.e. a CDR, sales receipt and/or fish movement record or any combination of these) for all fish purchased, possessed and/or held on the premises.
- When you sell fish, you are not required to issue a receipt in relation to seafood sold to the consumer, if the fish is to be immediately consumed.

### Food service business example

A fish and chip shop in Torquay, Victoria, has various quantities of seafood in its storeroom freezer such as snapper sourced from local seafood industry participants. The shop must have traceability documentation to demonstrate where the fish came from, with relevant sales receipts available at the place where the fish are held. When a meal is prepared for a customer that contains seafood, no receipt is required to be issued to the customer.

If there is evidence of suspected non-compliance in a particular fishery supply chain, the documentation at the shop will ensure VFA Fisheries Officers can determine where and from whom the fish (e.g. snapper) was obtained.

## What does this mean for seafood retailers?

**Retail sales** (e.g. by fishmongers, farmer's markets) are where fish is sold for personal use or use as bait (i.e. the product will not be used for commercial gain by the customer).

- For most species of fish sold for direct consumption or use as bait, a sales receipt is not required (although businesses may wish to issue a receipt for taxation purposes).
- However, for all retail sales of any quantity of abalone, a **long-form sales receipt** must be issued (further details on this are provided in the section below).
- For all retail sales of any quantity of rock lobster, Murray cod or Southern Bluefin Tuna, a **short-form sales receipt** must be issued.
- The business is required to have appropriate documentation (i.e. a CDR, sales receipt and/or fish movement record or any combination of these) for all fish purchased, possessed and/or held on the premises.



## What information needs to be on a long-form sales receipt?

### **Applies to all retail sales of abalone for direct consumption**

A long-form receipt must be issued by seafood retailers (i.e. fishmongers and farmer's markets) when any quantity of abalone is sold.

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 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; and
- a unique sequential identifying number allocated to the sale.

If the abalone has been packaged 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.

## What information needs to be on a short-form sales receipt?

### **Applies to all retail sales of rock lobster, Murray cod and southern bluefin tuna for direct consumption**

A short-form receipt must be issued by seafood retailers (e.g. fishmongers and farmer's markets) when any quantity of southern rock lobster, Murray cod or southern bluefin tuna are sold to a person who has purchased fish for personal use and not for resale or commercial gain. The information that needs to be included on a short-form sales receipt accompanying these species must include:

- 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.

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

### **Retail business example**

A fishmonger in Victoria has various species of fresh fish held at its store.

The store is required to hold the relevant documentation detailing where the fish came from, for all fish possessed.

When a retail sale occurs to a member of the public (i.e. is sold to a person who has purchased fish for personal use and not for resale or commercial gain), no receipt is required to be issued to the customer, unless the fish is a priority species.

If the fishmonger sells any quantity of a priority species to a customer (i.e. abalone, southern rock lobster, southern bluefin tuna or Murray cod) then a receipt must be issued. For abalone, the long-form receipt must be issued.





## 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 tax invoices emailed to your business), 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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