



Commercial Fishing Guide

Edition 2
2023

DISCLAIMER

This publication may be of assistance to you, but the Victorian Fisheries Authority (VFA), 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 also be downloaded from 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 VFA rules and regulations. You can do this by:

- Routinely checking the Fisheries Notices on VFA's website at www.vfa.vic.gov.au
- contact the relevant fishery manager or
- discuss any queries with your local Fisheries Officers

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For more information contact Customer Service Centre on 186 386

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1. ABOUT THIS USER GUIDE

Victoria's commercial fisheries supply both domestic and international markets with fresh quality seafood.

The management of these fisheries is focused on securing their long-term productivity while generating economic and social benefits for our communities.

The *Victorian Fisheries Authority Act 2016*, *Fisheries Act 1995*, *Fisheries Regulations 2019* and Fisheries Notices govern the operation of commercial fisheries.

All commercial Licence holders and Licence operators have a responsibility to know, understand and comply with these Acts and the Regulations.

The Victorian Fisheries Authority (VFA) also has a responsibility to inform and educate Licence holders and Licence operators about their responsibilities. By analysing compliance statistics, VFA has been able to identify areas of the regulations that are misunderstood or incorrectly interpreted.

This guide has been produced to help commercial Licence holders and operators to:

- clarify their obligations and responsibilities
- standardise the interpretation of selected regulations.

This guide should always be read in conjunction with the *Fisheries Act* and *Fisheries Regulations*. It contains links to the relevant sections of the Act and/or the Regulations.

How to access the guide and its updates

This guide is a working document that will be updated whenever further clarification or interpretation of VFA rules is required.

This guide is primarily a web publication. PDF versions can be downloaded and printed as required.

2. HOW THIS GUIDE IS STRUCTURED

This guide is structured to allow easy access to information. Information pertinent to specific fisheries is contained in fishery supplements.

Chapter 3 provides definitions for common VFA terms

Chapter 4 summarises requirements for obtaining and holding a Commercial Fishing licence.

Chapter 5 summarises licence holder and licence operator responsibilities

Chapter 6 covers VFA documents

Chapter 7 cover Catch and effort reporting

Chapter 8 lists prohibited species

Chapter 9 summarises rules around protected species

Chapter 10 covers rules around invasive marine species

Chapter 11 covers restricted areas

Chapter 12 covers regulations common to all licences

Chapter 13 covers other restrictions relating to catching and collecting fish

Chapter 14 covers rules relating to possession of equipment and interference with signs

Chapter 15 covers receipts

Chapter 16 provides an overview of the Vessel Monitoring System

Chapter 17 provides an overview of the fisheries officers' powers

Chapter 18 covers safety

Chapter 19 lists emergency contact

Chapter 20 lists key VFA contacts

Appendices 1 to 3 lists all commercial licence types.

Appendix 4 details catch and effort reporting forms and information

Appendix 5 details protected species interactions

Fishery supplements:

1. Abalone
2. Rock Lobster
3. Giant crab
4. Octopus
5. Pipsis
6. Corner Inlet
7. Western Port /Port Phillip Bay

Regulation Detail

Fisheries Regulations 2019
Part 2 Commercial fishery
licences
Reg 43

3. DEFINITIONS

The Act

means the *Fisheries Act 1995*

Authorisations

Each licence class has authorisations prescribed in the *Fisheries Regulations 2019*.

Authorisations are entitlements which detail what species of fish a licence holder may take and possess and from which waters or areas, they allow possession and use of particular types of gear, and they may restrict use of licence operators and numbers of crew.

Authorisations differ depending on the class of licence.

The authorisations are to be read in conjunction with conditions on the actual licence (rules that are not contained in the regulations themselves) and other relevant laws to determine what activities a fisher can conduct when fishing under a particular licence.

Biosecurity

Preventative measures to reduce risks associated with the transmission of diseases, pests and exotic species.

Commercial Fishers Duty Officer

A VFA staff member – Commercial Fishers Duty Officer – is always available to take enquiries from fishers if problems occur with FisherWeb, Vic-eCatch or Vic-eQuota, 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.

Commercial fishery licence

Any of the following licences:

- Access Licence
- Aquaculture Licence
- Fish Receiver Licence

Crew member

In relation to Access Licence means a person engaged by the licence holder or licence operator to assist in carrying out an activity authorised by the licence. Does not include a licence operator.

FisherWeb

FisherWeb is web-based platform where licence holders and operators can view a variety of information related to quota, spatial management, and some transactions. The viewable content for each user will vary depending on their particular licence or endorsement.

Regulation Detail

Fisheries Regulations 2019
Part 2 Commercial fishery
licences
Reg 5

Fishing trip

A fishing trip:

- (a) when using a fishing boat, is the interval between a fishing boat leaving a port, mooring or launching point and returning to that or another, port, mooring or launching point; and
- (b) when not using a fishing boat, is the interval between the commencement of a fishing activity and the end of that fishing activity.

Fit and proper

Fit and proper means you must satisfy the VFA that you will act reasonably and legally when undertaking fishing operations.

Input controls

Indirect controls on catch including regulation of the amount or type of fishing gear and fishing period (e.g., closed seasons).

Identifying mark

Combination of letters and numbers that are specified in the registration certificate for a boat as that boat's identifying mark

Landed

Landed means:

- a) in the case of fish taken from a part of the intertidal zone that is not covered by water, the place where the fish are taken across the maximum highwater mark;
- b) in any other case, the place where the fish:
 - i. are taken ashore; or
 - ii. make contact with any man-made fixed structure, including a pier, jetty or wharf; or
 - iii. make contact with any artificial extension of land.

The place where fish can be landed is restricted in some fisheries. Places of landing in these fisheries are detailed in the relevant supplement.

Licence holder

Owner of the licence.

Licence operator

The person whose name is specified on an access licence who is permitted to carry out fishing activities authorised by the licence.

Licensed operators must be authorised by the VFA, must pass a fit and proper test and must demonstrate a knowledge of fisheries regulations relevant to their fishery.

NOTE: Bait (General) and Ocean Fishery Access Licences are the only two licence classes that are not allowed to list a licence operator on the licence. Licence holders must be present for all fishing operations conducted under these licence classes.

Limited entry fishery

A fishery where the number of operators is restricted.

Operations Duty Manager

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

- report a protected species interaction
- request permission to fish without an operational VMS
- notify the VFA of a recreational fishing trip in a commercial fishing boat
- request an exemption to exceed the 48 Hour Net Clearance Time (in the Commercial Eel Fishery (EFAL & CLE);
- request information about any other instruction stated in individual licence or permit conditions.

Output controls

A direct limit on the catch taken in a fishery (e.g., a Total Allowable Catch) or on the catch taken by an Abalone Fishery Access Licence holder (e.g., Individual Quota Units attached to a licence).

Minimum and maximum size

The minimum size and/or maximum size for the species of fish specified by the regulations or a fisheries notice.

Noxious species

An aquatic plant or animal that the Victorian Government has identified as being capable of causing harm to public health, agriculture, recreation, wildlife or property and which has been prescribed as Noxious Aquatic Species under s75 of the Fisheries Act 1995.

Person

A person or corporation.

Process

Includes to shell, skin, shuck, fillet, dismember, mince, open, cut, break, cook, pack, chill, freeze, can, preserve or otherwise treat.

Prohibited species

Prohibited species are species of fish that the licence holder must not:

- take, possess or retain on board a boat, or
- land from a boat (see chapter 8 for species list).

Protected species

In Victoria, all native terrestrial vertebrate wildlife (ie mammals, birds, reptiles and amphibians) and fish listed under the *Flora and Fauna Guarantee Act 1988 (FFG Act)* and protected aquatic biota listed under the *Fisheries Act 1995* are protected species.

Protected waters

Protected waters are all Victorian waters (all waters that are within the State's boundaries) that are not on private land and includes any aquarium or hatchery (whether or not they are located on private property).

Quota Management System

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

Quota unit balance

Relates to an individual quota unit allocated to an access licence and means the remaining amount of fish permitted to be taken under the quota unit during a specified quota period, taking into account any authorisation to take fish in excess of the allocated quota.

Restaurant or cafe

Premises used by the public, or a section of the public, to purchase cooked, prepared or pre-prepared food or drink for immediate consumption (whether that food or drink is consumed on the premises or not)

Sell

Sell includes:

- Barter
- Exchange
- Agree or offer to sell
- Receive, have in possession or expose for sale
- Send, forward, deliver or consign for sale
- Sell for resale
- Cause, permit or attempt any of the acts or things already referred

Transferable Licence Class

A class of licences that can be transferred from one person to another person.

Vic-eCatch

Electronic application (app) used to report commercial fisheries information to the VFA. The app has several purposes, including:

- Report catch and effort data
- Send post fishing notifications
- Allocate catch to quota
- Create and send catch disposal records
- View quota balances, in some fisheries.

Vic-eQuota

Electronic application (app) used to report commercial fisheries information to the VFA. The app allows fishers in selected fisheries to send post fishing notifications.

4. COMMERCIAL FISHERY LICENCES

The VFA issues three different of classes of commercial fishery licences:

- Access Licence (wild catch)
- Aquaculture Licence (in private or Crown waters)
- Fish Receiver Licence for the abalone fisheries.

For a complete list of licenses see Appendices A1 to A3.

Commercial Fishery Access Licences:

- enable fish to be legally caught for sale using specified methods and equipment
- enable the use of equipment that would otherwise be illegal to possess or use in Victoria. The equipment that can be used for each class of licence is specified in the regulations. Details of legal equipment will be given in each fishery supplement.
- detail the authorisations specified for that licence class (see Authorisation definition page 3).

Acquiring a Commercial Fishery Licence

The number of Fishery Access Licences issued within each licence class – with the exception of the Bait (General) and Sea Urchin Fishery Access Licences – is capped.

As all these Fishery Access Licence classes are fully allocated, the only way to enter a commercial wild catch fishery is by:

- purchasing a transferable Access Licence
- becoming a licenced operator on an Access Licence.

Not all Access Licences are transferable and not all Access Licence classes allow the use of an operator. Appendices 1 to 3 indicate which classes of licences are transferable and which allow the nomination of an operator to carry out activities on behalf of the Licence holder.

There are limited ways you can obtain a Commercial Fishing Licence. In most cases the only way is via private agreement if the licence is transferable. Transfers are subject to approval by the VFA.

To hold and/or operate a Commercial Fishing Licence you will be required to satisfy the requirement of the Act relating to the fit and proper person provisions and eligibility criteria.

You will also need to have a good understanding of the legislative and regulatory provisions relevant to the fishery that you wish to enter.

Eligibility and fit and proper person requirements

This means you must satisfy the VFA that you will act responsibly and legally when undertaking fishing operations.

It should be noted that a record of previous offences will not necessarily preclude you from being able to hold or operate a Commercial Fishery Licence.

Each application is assessed on its merits and you may need to provide additional information regarding any offences so a thorough assessment of your application can be conducted.

Application information and process

Search on line

Commercial fishing licence forms and permits Victoria

Legislation

Search on line

Fisheries Act 1995
Part V; Section 39
www.legislation.vic.gov.au

Should your application be refused on fit and proper person grounds, you have a right to appeal the decision via the Victorian Civil and Administrative Tribunal (VCAT).

Documentation

If you are a new entrant into a fishery as a holder or an operator, you will be required to submit the following documentation for a licence transfer, or an operator change:

- application form for a licence transfer or operator nomination
- original Access licence
- current National Police Certificate
- Form 35 Supporting Information
- payment of licence transfer or operator nomination fee.

If the applicant is a company, a current ASIC statement must be provided, and all company directors must submit a National Police Certificate and Form 35 as mentioned above.

The VFA will assess your application based on the documentation that you submit.

It will also conduct checks with interstate fisheries authorities with regard to any fisheries-related offences in respective states and territories.






It is important to disclose all offences on Form 35 as failure to do so may compromise your application.

Application process

Application information and process

Search on line

Commercial fishing licence forms and permits Victoria

-  Obtain the relevant forms from VFA website <https://vfa.vic.gov.au/commercial-fishing/forms-licences-permits-boats>
-  Complete the application form.
Make sure you answer with sufficient information to allow your application to be assessed. If you need more space to answer any questions, attach extra pages and clearly reference your answers to the relevant section.
-  Applications must be accompanied by the relevant fee and the required attachments (usually, but not limited to, a National Police certificate and the Licence you wish to operate on).
-  Pay the appropriate application fee.
-  Submit your application.

Demonstrated knowledge of the rules

New licence holders and operators must demonstrate their knowledge of the provisions of the *Fisheries Act 1995* and *Fisheries Regulations 2019*, relevant to the fishery for which the application is sought. The interview will also explore prior compliance history or disclosed offences.

New entrants are required to undergo an interview and test with a fisheries officer. This interview and test will determine knowledge of the Act and Regulations relevant to the fishery that they are seeking to enter.

After submitting the relevant documentation detailed above, the fisheries officer will make arrangements for the time and date of the interview.

Applicants must bring their Australian Maritime Safety Authority – Certificate of Competency to this test.

Application information and process

Search on line

Commercial access to wild catch fisheries Victoria

Acquiring a new commercial fisheries licence

The VFA Authority assesses applications for new commercial fishery licences using the guidelines outlined in its *Policy for New Commercial Access to Wild-Catch Fisheries Resources in Victoria*.

Licence renewal

Licences are renewed annually.

For most Access Licences, the commercial licensing year commences on 1 April each year and ends on 31 March of the following year.

For Abalone Fishery Access Licences (Western and Central Zones), Rock Lobster Fishery Access Licences, Giant Crab Fishery Access Licences, Octopus Fishery Access Licence and Sea Urchin Fishery Access Licences the commercial licensing year commences on 1 July each year and ends on the 30 June the following year.

Depending on the licence, fees must be paid no later than 31 March or 30 June.

The fees can be paid by cheque, money order, credit card or via electronic funds transfer.

Grounds for suspension or cancellation of commercial fishery licence

The VFA can suspend or cancel an Access Licence, if:

- the licence holder, or a person acting on behalf of the licence holder (e.g., licenced operator or crew) breached a licence condition
- The licence holder has been found guilty of an offence under:
 - The *Fisheries Act 1995*
 - The *Flora and Fauna Guarantee Act 1998*.
- The licence holder has:
 - ceased to be a fit and proper person
 - ceased to satisfy any relevant eligibility requirement
 - not paid any fee, royalty or levy within 14 days of the due date
 - ceased to be actively, substantially and regularly fishing as specified by the licence.

GUIDANCE

Can a fisher continue to operate their licence during the time between when a licence expires and it is subsequently renewed?

Circumstance 1

Yes, if an application for renewal is lodged before the Licence expires.

If a licence holder applies to renew their licence (including paying the fee) before the licence expires, it continues in force until it is either renewed, or renewal is refused: s. 57(1A) *Fisheries Act 1995*.

Circumstance 2

No, if an application for renewal is lodged after the licence expires.

If a licence holder lodges an application for the renewal of a licence after it has expired (but within two months after expiry), the fisher cannot continue to operate during the period between expiry and renewal.

This is because on the date the fishing occurred, the person was not in fact authorised to use commercial fishing equipment or take fish for sale. The backdating of the Licence merely ensures its continuity in a proprietary sense. It cannot retrospectively make something that was unlawful at the time, become lawful.

NOTE: If a licence holder does not submit a renewal application by the licence expiry date or within 2 months of the expiry, the VFA CEO will write to the licence holder asking them to show cause why the licence should not be cancelled.

The show cause notice will specify the grounds on which the requirement is being made and the time within the licence holder must respond (the licence holder must be given at least 14 days to respond).

If the Licence Holder fails to comply with the show cause notice (e.g., does not show sufficient cause either within or outside the specified timeframe or responds outside the specified timeframe), the VFA CEO will then write to the Licence Holder advising that the licence has been cancelled (from the date specified in the VFA CEO's letter).

In the case of an Access Licence, a new licence cannot be issued.

5. LICENCE HOLDER/LICENCE OPERATOR RESPONSIBILITIES

The licence holder of a Fishery Access Licence is responsible for **every** action carried out under that licence even if they are not the operator and are not present when commercial operations are being carried out.

The licence operator of a Fishery Access Licence is also responsible for **every** action carried out under that licence. This includes the actions of anyone assisting in the fishing activity.

It is important to understand and implement all requirements detailed in the *Fisheries Act* and *Regulations* exactly as they are set out.

Failure to do so may incur penalties, seizure of the vessel and could jeopardise the ability to operate as a commercial fisher.

Notification of change of contact details of licence holder or licence operators

The licence holder/licence operator must inform VFA within 14 days of changes to:

- the details (e.g., address, contact information) of the licence holder/licence operator
- the residential or postal address of the licence holder/licence operator
- the telephone number of the licence holder/licence operator.

If the licence holder is a corporation, VFA must also be informed of any changes to the address or telephone number of its registered office.

Boat registration and markings

The owner of a boat that will be used to undertake commercial fishing activities must:

- register the boat (payment is required)
- display registration and identifying marks
 - boat ≤ 8 m in length
 - i. clearly and legibly on both sides of the bow above the water line or on the sides of the wheelhouse
 - ii. in letters at least 20cm in height painted black on a light background or white on a dark background
 - boat > 8 m in length
 - i. on the top of the wheelhouse, or some flat uncluttered surface of the boat, reading port to starboard or bow to stern
 - ii. in black on an orange or yellow background in letters at least 90cm height and 20cm apart, and
 - iii. surrounded by a black border.

NOTE: In the Giant Crab, Rock Lobster, Piri, Purse Seine (Ocean), Scallop and Inshore trawl fisheries, the use of a boat is prohibited unless it is authorised on the licence. In all fisheries, boats used for fishing must be registered.

Application information and process

Search on line

Commercial fishing licence forms and permits Victoria

Regulation detail

Fisheries Regulations 2019
Part 2 Commercial fishery
licences
Regulation 21
Part 5: Boat Registration.
Regulations 108 to 117

Expiry of boat registration and markings

The owner of an unregistered commercial fishing boat must remove all identifying marks within seven days following the registration expiry date.

Boat transfer to a new licence holder/licence operator

If a registered boat is transferred to another licence holder/licence operator, the new owner is required to transfer the registration of the boat within 14 days and pay the required fees.

A certificate will be issued to the new owner specifying the registration and identifying mark of the boat.

Offence to display false boat identifying marks

It is an offence for unregistered boats to display:

- identifying marks that were previously assigned to the boat
- any marks that closely resembles an identifying mark.

It is the responsibility of the owner or master of an unregistered boat to ensure false identifying marks are not displayed.

Licence holder liability for actions of licence operators and assistants/crew

If the Licence holder has nominated a person to operate their Licence on their behalf and the nominated person commits an offence, the Licence holder is also deemed to have committed that offence and will be charged as such unless the Licence holder can prove that:

- at the time the offence was committed, there was a written agreement with the person to comply with all conditions of the licence and all other relevant requirements
- everything reasonably practical was done to ensure that the person would comply with the condition
- they did not assist the person in any way to commit the offence.

Licence holder/licence operator to be in presence of crew

The Licence holder/Licence operator, when undertaking commercial fishing, must ensure that:

- any person assisting with this is in their actual physical presence
- they are in control of that person
- they are not undertaking a separate fishing activity.

Restrictions on the number of licence operators and crew

A fishery Access licence class will stipulate the number maximum number of licence operators and crew that can work under the licence.

The number of licence operators, if any, and crew allowed to work a licence varies with licence class.

The number of licence operators and crew are detailed in the relevant fisheries supplement.

Legislation detail

Fisheries Act 1995
Section 53(2). 120.

Regulation detail

Fisheries Regulations 2019
Part 2 Commercial fishery
licences
Regulation 71

Regulation detail

Fisheries Regulations 2019
Part 2 Commercial fishery
licences
Regulation 43

GUIDANCE

What does actual physical presence mean?

Regulation 71 requires actual physical presence.

- In the context of fishing, actual physical presence means the crew member:
 - is in close proximity to the licence holder/licence operator
 - can receive verbal directions and instructions from the licence holder/licence operator
 - the licence holder/licence operator can observe the activities of the crew member to issue corrective directions and instructions.

If the crew member is on the same boat as the licence holder/licence operator, they will usually be in the licence holder's actual physical presence.

NOTE: This requirement does not apply to crew members engaged in underwater dive operations:

- Abalone Fishery Access Licence
- Gippsland Lakes (Mussel Dive) Fishery Access Licence
- Western Port/Port Phillip Bay Fishery Access Licences engaged in taking mussels using underwater breathing apparatus (regulation 283)
- Scallop Dive (Port Phillip Bay) Fishery Access Licence
- Sea Urchin Fishery Access Licence

Requirements of these fisheries are listed in the relevant fisheries supplement.

The licence holder /licence operator must, at all times when in charge of any crew member, ensure that the crew member is not engaged in a separate fishing operation.

Catch limits for certain species of fish

The licence holder/licence operator **must not have on board or land any species of fish set out in the table below in a quantity that exceeds the catch limit, if authorised.**

If authorised, the licence holder/licence operator **must not have or land more than a total of 400 kilograms of fish of any one or more of the following species.**

NOTE: While these catch limits apply across the board, there are licence classes that are not entitled to take these species at all. For example, banded morwong licence allows only the take of banded morwong.

NOTE: Additional catch limits also apply to fish and/or to shark caught under Giant crab, Trawl (Inshore), Ocean, Rock lobster and Scallop licences.

NOTE: Catch limits for shark require a specific endorsement in selected access licence classes and require the licence holder/licence operator to undertake additional reporting to the VFA. These requirements will be detailed in the relevant Supplement.

Regulation detail

Fisheries Regulations 2019
Part 2 Commercial fishery
licences
Regulation 72.
Schedule 18, Table A.

Species of fish	Catch limit
Albacore, skipjack and longtail tuna and ray's bream (pomfret) combined	10 fish
Bigeye and yellowfin tuna combined	2 fish
Blue-eye trevalla and pink ling combined	50 kg
Jackass morwong	50 kg
John dory	30 kg
Mirror dory	20 kg
Ocean perch	50 kg
Redfish	50 kg
Warehou, blue	100 kg
Warehou, silver	100 kg
Yellow eye redfish	50 kg

kg = kilograms

Minimum and maximum sizes of certain species of fish

The Licence holder/Licence operator must not have on board or land any species of fish that is smaller or larger than the minimum and maximum legal sizes specified in Schedule 25 and Schedule 24.

The size limits for fish set out in Schedule 25 are specific to commercial access licence holders. If the fish species is not listed in this Schedule, then the minimum and maximum size limits set out in Schedule 24 apply.

NOTE: These regulations do not apply to abalone, giant crab, rock lobster, scallop and sea urchins. Size limits for these species will be specified in the relevant supplement.

Regulation detail

Fisheries Regulations 2019
Part 7: Fish other than abalone, giant crab, rock lobster, scallop and sea urchin.
Regulation 157 and 158.
Schedule 24 and 25

6. FISHERIES DOCUMENTS

A Fisheries document is any original document or copies of those documents that are required to be completed, kept or maintained under the Act or Regulations. Such documents include, but are not limited to:

- aquaculture incoming stock records
- aquaculture hard copy production return
- book of account
- bin tag
- certificates
- catch disposal record and catch disposal record books
- catch and effort record and catch and effort record book
- docket books
- fish receipt
- fish movement record
- licences
- quota notices
- small sales return book
- any other document required by the Act, Regulations.

Record keeping

Legislation detail

Fisheries Act 1995

Section 120B

Documents are to be kept for at least 3 years.

The licence holder/licence operator must ensure that any information required as part of the fishery licence is:

- recorded, kept, retained, maintained or provided in a way that is clear, legible, truthful and accurate
- not intentionally or recklessly damaged, altered, defaced, interfered with or erased
- **kept in a safe place for a minimum of three years.**

Licence holders must keep all unused fisheries documents (that were issued in a book) unless directed by the VFA to return them.

If requested by the VFA, you must return an unused or partly used document.

Lost, destroyed or damaged documentation

Regulation detail

Fisheries Regulations 2019

Part 2 Commercial fishery licences

Regs 52 to 60, 44 and 45

VFA must be informed within five business days if a document is lost, destroyed or damaged.

If the **lost document is found**, the VFA must be informed within five business days. You must not use this document unless you have been given permission from the VFA to do so.

Stolen documentation

The VFA and Victoria Police must be informed as soon as possible if a document is stolen. You are required to keep a copy of the Police report of this theft.

Fisheries documents must be used in sequential order

The licence holder must ensure where the VFA has issued a book containing numbered documents, these documents are used in sequential numerical order.

Fisheries documents must not be lent, given or made available to others.

The licence holder/licence operator must ensure Fisheries Documents are only made available to:

- the VFA
- a fisheries officer.

Fisheries Documents cannot be lent, given or made available to any other people.

Address Catch and Effort

Catch and Effort Unit
Victorian Fisheries Authority
PO Box 114
Queenscliff VIC 3225
Freecall: 1800 620 896
Fax: (03) 5258 4553

Regulation detail

Fisheries Regulations 2019
Part 2 Commercial fishery licences
Subdivision 7 Catch and Effort
Reporting
Hard copy Reg 94
Electronic Reg 95
Part 8 Abalone
Abalone Reg 320

7. CATCH AND EFFORT REPORTING

Depending on the fishery, catch and effort information is currently required to be completed as:

- a hard copy catch and effort record
- an electronic Vic eCatch record.

Hard copy catch and effort reporting

Hard copy catch and effort reporting applies to most licence classes. The licence holder/licence operator must:

- ensure the catch and effort record is fully completed on each day commercial fishing takes place, as per the instructions in the book; if no commercial fishing is being undertaken for a particular month, the words “Nil fishing” must be written on the catch and effort record for that month
- ensure the completed catch and effort record is mailed to the VFA by the 18th day of the following month
- retain the duplicate copy of every catch and effort record in the catch and effort record book
- produce that record book if requested by an authorised officer.
NOTE: To comply with this requirement, licence holders /licence operators must carry their record book while fishing.
- carry the catch and effort record book with them when they are transporting fish, unless those fish are accompanied by :
 - a catch disposal record
 - fish receipt
 - a fish movement record.

If commercial fishing is stopped for one or more months, a notification form must be completed and returned to fisheries as per instructions.

Once submitted, no commercial fishing can take place unless VFA has been notified, in writing, before you intend to resume fishing.

See Appendix 4 for examples of Catch and Effort reporting forms and information sheets.

Electronic catch and effort reporting

Electronic catch and effort reporting is achieved by uploading the required catch and effort information into the Vic-eCatch application.

The licence holder/licence operator of a fishery that is required to submit information via a telephone service or via an Internet-based service is required to have:

- access to a mobile telephone network at the point of landing
- access to the Internet at the point of landing.

Regulation detail

Fisheries Regulations 2019
Definition Fisheries Notification
Service
Reg 5
Subdivision 8 Maintaining access
to fisheries notification service
Reg 96

Should the Vic-eCatch application or telephone-based reporting systems be unavailable at any time, a manual reporting process is to be followed.

NOTE: Electronic reporting is or will be required by licence holders/ licence operators of:

- Abalone Fishery Access Licences
- Rock Lobster Fishery Access Licences
- Giant Crab Fishery (Western Zone) Access Licences
- Scallop Dive Port Phillip Bay Fishery Access Licences
- Sea Urchin Fishery Access Licences

Regulation detail

Fisheries Regulations 2019
Part 2: Commercial fishery
licences
Reg 64

Required accuracy for weight measurements of fish

The licence holder/licence operator must ensure fish are weighed accurately and these measurements are also recorded accurately on fisheries documents.

Weights must be correct to within:

- 1 kilogram of the actual weight of fish
- 0.1 kilograms of the actual weight of giant crab and rock lobster (when less than 100 kilograms of these species is landed).

8. PROHIBITED SPECIES

The Licence holder/Licence operator **must not have or land from a boat, any of the following fish species.**

Regulation detail

Fisheries Regulations 2019
Part 2: Commercial
fishery licences
Regulations 73.
Schedule 18, Table B

Prohibited species

Bass*, bass groper

Black oreodory

Blue grenadier

Gemfish

Hapuku

King dory

Marlin (**all species**)

Northern bluefin tuna

Orange roughy

Oxeye oreodory

Smooth oreodory

Southern bluefin tuna

Spiky oreodory

Swordfish

Warty oreodory

* Another common name for bass groper. Does not refer to Australian bass.

9. PROTECTED SPECIES

Native wildlife in Victoria is protected under a number of different Acts. Protected aquatic wildlife includes, but is not limited to:

- mammals such as whales, dolphins, seals, platypus
- birds such as penguins, native ducks, cormorants, coots, terns, eagles, albatross, petrels and shearwaters
- reptiles such as turtles
- fish such as great white shark, grey nurse shark, seahorses, pipefish and sea dragons.

Interactions with protected species

Reporting of interactions with protected species is a requirement of most commercial fisheries in Victoria.

The Export Accreditation for a number of fisheries also depends on the reporting of incidental interactions with protected species.

Any interaction with a protected species must be reported in your catch and effort log book (or the electronic VIC-eCatch) and in your **Protected Species Interaction form**. See Appendix 5 for more specific instructions.

Interactions with certain species requires contact to be made with the VFA Operations Duty Officer on 0419 844 781.

Legislation has been implemented to exempt commercial fishers from prosecution where the interaction is accidental and reported.

Deliberate or negligent acts will still be subject to prosecution.

Protected species identification

Accurate identification and reporting of protected species interactions helps us to understand the impact commercial fishing activities have on non-target species. It also provides a basis for discussions about changes to fishing practices, if necessary.

Victorian and Commonwealth guides

Both the VFA and AFMA have developed protected species identification guides to assist commercial fishers.

NOTE: See also page 28 for details about returning animals accidentally caught to their natural habitat.

Protected species guides

- VFA
https://vfa.vic.gov.au/__data/assets/pdf_file/0006/341664/Protected-species-booklet.pdf
- AFMA
<https://www.afma.gov.au/sites/default/files/uploads/2014/12/protected-species-id-guide.pdf>

10. AQUATIC NOXIOUS AND INVASIVE SPECIES

Legislation

Fisheries Act 1995
Section 75

Aquatic noxious species

Noxious aquatic species are listed on the VFA website:
<https://vfa.vic.gov.au/operational-policy/pests-and-diseases/noxious-aquatic-species-in-victoria>
Report a sighting of a noxious species
enforcement@vfa.vic.gov.au

Aquatic noxious species

Aquatic noxious species are species of plant or animal that live in water environments and which can cause serious harm to Victoria's native aquatic plants, animals and environments.

By declaring a particular species as noxious, the Victorian Government applies regulations to control the use and potential spread of these animals.

Victoria has listed a number of species and genera as noxious under Section 75 of the Fisheries Act 1995.

It is illegal to:

- bring noxious species into the state,
- take (catch or collect), hatch, keep, possess, sell or transport noxious species
- put noxious species into any container
- release noxious species into protected waters.

The *Fisheries Act* also:

- requires people to report the possession, existence and location of any noxious aquatic species
- provides powers to allow authorised officers to seize, remove and prevent the spread of noxious aquatic species.

Invasive marine pests

In addition to the Aquatic Noxious species, Australia has over 400 introduced and cryptogenic (unknown origin) marine species, including plants, animals and algae. In Victoria, Port Phillip Bay has at least 99 confirmed records of introduced and 61 cryptogenic marine pests, although some estimates put the number at more than 300.

Report suspected sightings of marine pests

People who spend time on the water or visit the coast can provide early warning of new marine pests or the spread of existing pests.

If you suspect sighting a marine pest not currently known to the location please report it.

Reports should include:

- if possible, a clear photograph, preferably with a scale (e.g., shoe, coin or pen), to show the size of the pest
- an accurate date
- time and location of where it was found
- contact details to follow up for further information.

Email suspected marine pest sightings to marine.pests@ecodev.vic.gov.au or call 136 186.

The sighting can also be reported on RedMap at <http://www.imas.utas.edu.au/community/citizen-science/citizen-science-lbs/citizen-science/redmap>

Please do not collect or remove suspected marine pests. Some native species can easily be mistaken for pests.

Regulation detail

*Fisheries Regulations 2019
Part 6 General restrictions and
prohibitions
Regs 132 and 133*

11. RESTRICTED AREAS

Restricted areas are places where fishing is either permanently banned or where limitations are placed on the type of activity permitted in that area.

Intertidal zone

The intertidal zone is defined as the area starting at the maximum high tide mark and continuing to a point where the water is two meters deep at any time.

This area is highly protected, and restrictions are in place which dictate:

- which invertebrate species can be legally collected
- which invertebrate species cannot be legally collected
- what types of equipment can and cannot be used.

The restrictions vary with the location of the Intertidal zone:

- To fish in the intertidal zone in Port Phillip Bay, licence holders must be authorised to do.
- To fish from the intertidal zone across the rest of Victoria, licence holders must have a commercial access licence or a permit with authorisations or entitlements that allow the take those species in those areas e.g., pipi fisheries access licence

Abalone tools, scoops, dredges, forks, spades, shovels, or any hand-held digging implement is prohibited in the Intertidal zone in the Port Phillip Bay and elsewhere in Victoria.

NOTE: The taking of single shelled molluscs from the intertidal can be an authorised condition on some classes of licence. Where this occurs, this regulation does not apply.

NOTE: Pipi Fishery Access Licences list additional requirements with respect to restricted areas and equipment that related to the intertidal zone.

Details of these authorisations, if any, will be specified in the relevant fisheries supplement.

Marine protected areas



Marine National Parks and Marine Sanctuaries protect representative samples of Victoria's unique and diverse marine environments for the benefit of present and future generations.

All forms of commercial and recreational fishing from sea or shore are prohibited, including collecting bait, line fishing, setting traps, netting and the use of spears.

The possession (and use) of fishing equipment, in or on marine protected areas is also prohibited.

Special transiting arrangements are in place for some fisheries (e.g., Abalone Eastern Zone; Rock Lobster). These arrangements are explained in the relevant fishery supplement.



-  Shoreline Boundary Marker – points in towards park.
-  Inwater SpecialMark – at sea-boundary and protected waters only.

Aquaculture reserves

Marine aquaculture is undertaken in Port Phillip Bay and Western Port within individual farming sites (Crown leases), ranging from 3ha to 27ha, located within nine Aquaculture Fisheries Reserves (AFRs).

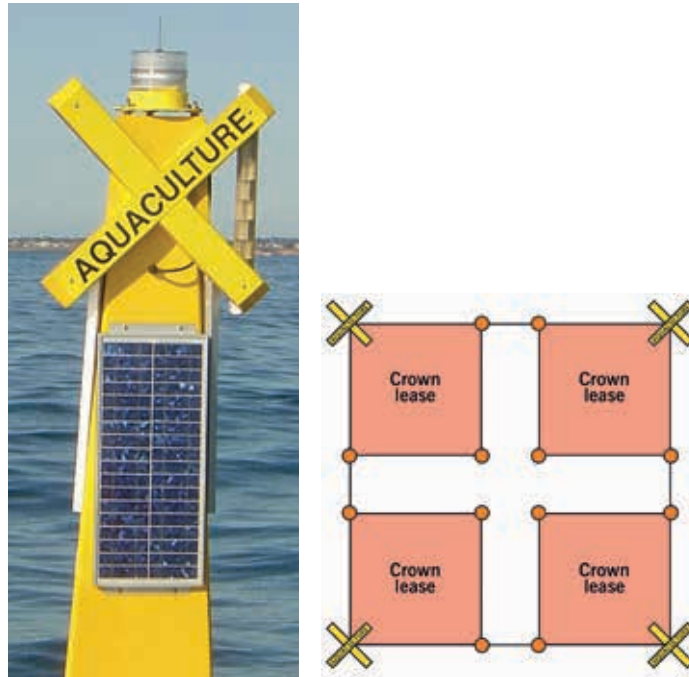


Regulation detail

Fisheries Regulations 2019
Part 2 Commercial fishery
licences
Regulation 69

AFRs are clearly identified with yellow special marks (piles or buoys) with AQUACULTURE in black lettering on the X top mark and yellow synchronised lights placed at the external boundaries (see diagram below).

Crown leases within AFRs are not accessible to the general public and lease holders install orange floats to mark the boundaries (see diagram below).



Regulation detail

Fisheries Regulations 2019
Regulation 5
Part 2 Commercial fishery
licences
Regulation 68
Schedule 13

It is an offence to tie up or otherwise interfere with any commercial aquaculture equipment that is within an AFR Crown lease.

Recreational fishing zones.

The licence holders must not fish or attempt to fish in a recreational reef zones.

Recreational Reefs are present in Port Phillip Bay, Gippsland Lakes and off Torquay.

Maps and coordinates of these reefs are presented in Schedule 13 of the regulations.

Valuable information**search on line**

Shipwreck protected areas
Victoria

Shipwreck protected zones

Protected zones are declared for nine fragile and highly significant historic shipwrecks.

It is an offence to enter, anchor, fish trawl or dive in a protected zone without a permit.



People found within a protected zone without a permit can be issued with on-the-spot fines of over \$295 and multiple fines can be issued if more than one offence is detected. If prosecuted, people may be issued with fines of more than \$7000.

Other shipwrecks

All shipwrecks 75 years and older are declared historic under State and Commonwealth legislation. Historic shipwrecks are fragile structures that often have weakened and vulnerable hull remains due to their long submersion underwater.

Fishers are allowed to fish near historic shipwreck sites that are not in protected zones. However, fishers should be careful about placement of their anchors (and also weighted shot lines) because it is illegal to interfere with, damage, or destroy historic shipwrecks and their relics. Severe penalties apply.

Shipping channels

Large ships travel through Port Phillip shipping channels during all hours of the day, and night and sometimes travel outside designated fairways.

A ship's blind spot can extend for many hundreds of meters and it is very difficult for ships to change course quickly.



Regulation detail

Fisheries Regulations 2019
Regs 134

It is the responsibility of all boat operators to:

- keep clear of ships at all times
- never anchor in shipping channels or transit only zones
- never obstruct the path of ships or assume a ship can see you
- never tie up to navigation aids such as buoys or channel markers.

Freshwater restrictions

Fishing or attempting to fish is prohibited in certain inland (freshwater bodies).

These restrictions will be detailed in the relevant fisheries supplement.

Restricted fishing areas – other

Some classes of access Licence classes specify further areas where fishing activities are prohibited.

This information is presented in the relevant fisheries supplements.

12. REGULATIONS COMMON TO ALL LICENCES

Regulation detail

Fisheries Regulations 2019
Reg 61

Return of fish to water

The licence holder/licence operator must ensure that fish, not specified on the licence or other animals that are caught (such as unrequired fish or wildlife) – with the exception of noxious species – are returned to the water with the least possible damage.

The licence holder/licence operator must ensure that any animal taken accidentally while fishing is immediately returned to its natural habitat with the least amount of injury or damage. The licence holder/licence operator must also ensure the animal is dealt with a manner that complies with the Flora and Fauna Guarantee Act 1988 and Wildlife Act 1975.

Assistance with fishing activities

The licence holder must not let a licence operator assist in any part of their commercial operation unless authorised by the licence. The authorised activities for each class of licence, set out in the regulations, specify if a licence operator may be used.

If the licence authorises people to assist with commercial fishing operations, then the licence holder must not exceed the number specified for that licence.

Fish must remain on the boat until the place of landing

While at sea (in or on Victorian waters) the licence holder/licence operator must ensure that:

- fish are not sold or removed (transferred) from the boat specified on the licence to any other boat
NOTE: this regulation does not apply to the transfer of fish between a boat specified in an access licence and a tender boat operated in accordance with the licence.
- fish are not sold, transferred or delivered on behalf of the licence holder to another person at sea, whether on a boat or not
- fish are not received by or on behalf of the licence holder at sea, whether on a boat or not.

Commercial and recreational fishing not to be undertaken at the same time

The licence holder/licence operator must not have any other fish (other than those authorised under the licence) on board any commercial boat while undertaking commercial fishing.

NOTE: Under the Fisheries Act 1995, any fish in, on or attached to a commercial boat, premises or vehicle are deemed to be intended for sale unless the fisher can prove otherwise.

Regulation detail

Fisheries Regulations 2019
Division 5: Conditions of all access licences
Reg 66, 67, 70, 74, 75

To comply with AMSA Domestic Commercial Vessel requirements commercial fishers intending to use their commercial fishing boat for a recreational fishing trip should call the Duty Officer on 0419 244 781.

Taking fish by dragging net on to dry land or shallow water is prohibited

Even if authorised to use that gear, the licence holder/licence operator must not take fish by dragging or drawing a seine net containing fish on to dry land or into water less than 60cm deep.

Marking of equipment

The licence holder/licence operator must ensure that any equipment used as part of the commercial fishing operation is clearly, legibly and accurately marked with the number of the access licence only.

Rock lobster pots

If authorised to use a rock lobster pot, the licence holder/licence operator must ensure that it is attached to a surface buoy or flag that is marked with the registration number of the boat used in the setting of that equipment only.

Yabby pots and octopus traps

If authorised to use a yabby pot or fleet or line of octopus traps, the Licence holder/Licence operator must ensure they are attached to a surface buoy **that is** marked with the access licence number only.

Specific requirements for each Licence Class are detailed in the relevant fisheries supplement.

Failure to comply with licence conditions

If the licence holder/licence operator of a commercial licence fails to comply with a condition of that licence, the court can:

- Prohibit the person found guilty from operating certain classes of licences
- Suspend or cancel the licence
- Issue an order requiring a vessel monitoring system.

Providing a written statement

At any time the VFA may write to a person requesting them to provide a written statement detailing:

- a. whether the person, either as principal or agent, took, produced or consigned fish, protected aquatic biota or noxious aquatic species in any specified period and, if so, the:
 - i. quantity of fish, protected aquatic biota or noxious aquatic species taken, produced or consigned in that period
 - ii. number of people who were engaged or employed in taking, producing or consigning those fish, protected aquatic biota or noxious aquatic species and the number of hours those people were engaged or employed in carrying out those activities

Legislation detail

Fisheries Act 2019
Section 53

Legislation detail

Fisheries Act 1995
Section 120A

Legislation detail

Fisheries Act 1995
Section 120A

- iii. name and address of each of those people
- iv. equipment and methods used to take or produce those fish, protected aquatic biota or noxious aquatic species
- v. name and address of each person to whom those fish, protected aquatic biota or noxious aquatic species were consigned, transported or delivered
- vi. address of the premises to which those fish, protected aquatic biota or noxious aquatic species were consigned, transported or delivered
- b. whether the person, either as principal or agent, received fish, protected aquatic biota or noxious aquatic species in any specified period, and, if so, the:
 - i. quantity of those fish, protected aquatic biota or noxious aquatic species received by him or her
 - ii. name and address of each person who consigned, transported or delivered those fish, protected aquatic biota or noxious aquatic species.

The letter will specify the date by which this written statement must be returned to the VFA.

In addition, the VFA may require the person completing the statement to provide a statutory declaration attesting to the truth of the details supplied in the statement.

Failure to comply with the written request for information will result in a fine.

If the person who fails to comply with the letter is the holder of a Licence or permit under the Fisheries Act, the VFA may suspend or refuse to renew or transfer the Licence or permit until the person:

- has complied with the requirements of the notice
- or**
- satisfies the VFA that he or she has taken, or is taking, all reasonable steps to do so.

Information

Carcass form practically means a fish is kept essentially whole (from tip to the end of the tail or as otherwise required for legal size measurements to be made). This means the fish can only be cut to remove gut, gills, scales, legs etc.

It also means means that fish cannot be cut into pieces so that size measurements cannot be made (e.g. pieces or fillets)

The definition of carcass form varies with the type of fish and these definitions are detailed in Reg 5.

Regulation detail

Fisheries Regulations 2019
Reg 130

Regulation detail

Fisheries Regulations 2019
Reg 135

13. OTHER RESTRICTIONS RELATING TO CATCHING AND COLLECTING FISH

Licence holders/ licence operators must ensure the following regulations are followed. Penalties apply if these regulations are not complied with.

Certain species of fish must be kept whole or in carcass form

The following species can only be possessed whole (i.e. the entire fish) or in carcass form:

- black bream
- dusky flathead
- elephant fish
- golden perch
- King George whiting
- Murray cod
- rays
- salmonids
- shark
- snapper

NOTE: This regulation does not apply to:

- holders of fishing concessions issued under the Commonwealth act for the possession of:
 - elephant shark
 - shark
- licence holders in possession of rays when carrying out fishing activities in accordance with licence conditions.

Fish must not be tagged or marked

Fish cannot be tagged, branded, marked or fin-clipped, without:

- authorisation provided by a permit
- the direction of the VFA
- authorisation provided by with a fisheries notice.

Marking and tagging of Rock lobster is permitted, if conducted as prescribed by reg 370.

Details of these specific requirements will included be in the relevant fisheries supplement.

Regulation detail

Fisheries Regulations 2019
Reg 137

Live fish must not be tethered

Live fish must not be placed or kept on a tether after they have been caught.

NOTE: This does not apply to live fish being used as bait.

Rules proscribing the amount and type of bait and berley that can be legally used

Licence holders/Licence operators must ensure:

- live carp is NOT used as bait
- live European green shore crabs are NOT used as bait

NOTE: Live green shore crabs are not to be released into or next to any Victorian water, except if released immediately into the same place it was captured.
- fish ova (eggs) are NOT used as bait
- uncooked salmon or trout (in any form) is NOT used as bait
- mammalian blood or offal is NOT used as bait

(**NOTE:** berley pellets containing mammal blood or offal is allowed)
- NO more than 10 litres of berley is used to assist in the capture of fish in the following waters:
 - Port Phillip Bay, Western Port, the Gippsland Lakes and any inlet
 - within 3 nautical miles of Lady Julia Percy Island
 - within 1 nautical mile of the Victorian coast line
 - within 1 nautical mile of the any island that forms part of the state of Victoria (with the exception of Lady Julia Percy Island)
 - prohibits the storage of abalone in coffer
 - prohibits the discarding of abalone shells in Victorian waters

Regulation detail

Fisheries Regulations 2019
Reg 138 and 139

Information

Victorian Fisheries Authority
<https://vfa.vic.gov.au/operational-policy/pests-and-diseases/abalone-disease>

Rules to manage abalone ganglioneuritis in Victorian water

Abalone ganglioneuritis is a disease in the marine environment. To protect the abalone fishery and abalone aquaculture activities rules have been introduced which aim to reduce the spread of this disease in Victorian marine waters.

Licence holders/Licence operators must ensure:

- abalone (including gut) is NOT used as bait or berley in all Victorian waters
- abalone shell or gut are NOT to be discarded in Victorian waters.

14. REGULATIONS RELATING TO POSSESSION OF EQUIPMENT AND INTERFERENCE WITH SIGNS

Use, possession or sale of trammel net is prohibited

Regulation detail

Fisheries Regulations 2019
Reg 5 (definitions) and 141

Trammel nets are multi-pannelled nets where one net is set behind the other and the array of nets is connected in any fashion (all or some) to the same section of head line.

The use, possession and sale of trammel nets is illegal in Victoria.

Use or possession of Danish seine net is prohibited

Regulation detail

Fisheries Regulations 2019
Reg 5 (definitions) and 141

Danish seine nets are designed to surround fish and are drawn through the water to close the towing ropes and the ends of the net using a vessel.

Danish seine nets are not a trawl net, purse seine net or lampara net.

The use and possession of Danish seine nets is illegal in or on any **Victorian water**, unless the net is used or possessed in accordance with a fishing concession issued under the Commonwealth Act.

Regulation detail

Fisheries Regulations 2019
Reg 143, 144, 145, 146, 150, 151

Use of fishing equipment at specific locations and specific times is prohibited

Licence holder/Licence operators must be aware of regulations prohibiting the use of a variety of fishing equipment at specific locations and/or specific times.

Details of these regulations are presented in the relevant fishery-specific supplements.

Regulation detail

Fisheries Regulations 2019
Reg 147

Use of floating fish traps is prohibited

The use of floating fish traps is illegal in Victoria.

Regulation detail

Fisheries Regulations 2019
Reg 148

Use of firearms or other weapons to take, injure or kill fish is prohibited

It is illegal to use a firearm, crossbow, bow and arrow to catch (take) or attempt to take, kill (destroy) or injure fish in Victoria.

Regulation detail

Fisheries Regulations 2019
Reg 149

Use of electrical devices to catch or attract fish is prohibited

It is illegal to use any electrical device to attract, take or attempt to take fish in Victoria, with the exception of:

- electrical fishing reel
- an electrical winch
- a light
- a satellite global positioning system receiver
- a sonar device.

Regulation detail

Fisheries Regulations 2019
Reg 152, 5

Use of unregistered boat for commercial fishing is prohibited

It is illegal to use a boat NOT registered (see part 5 Fisheries Regulations 2019) for commercial fishing when:

- taking fish for sale
- setting and using commercial fishing equipment
- using commercial abalone equipment to take abalone for sale
- the landing of fish for sale or marketing

NOTE: this regulation does not apply to a tender boat (see Reg 5 for definition of tender boat).

Other regulations

Regulation detail

Fisheries Regulations 2019
Reg 156

Interference with fishing signs and fishing boundary posts is prohibited

You must not remove, interfere with, damage or deface a fisheries sign or boundary post.

A fisheries sign is any notice or sign erected or posted :

- by the VFA
- that contains information about compliance with the Act and regulations, fisheries notice or order
- as part of a response to a shark hazard that contains information about the shark hazard.

Regulation detail

Fisheries Regulations 2019
PART 14 Fish Receipts and other
document requirements
Regs 448 to 453

15. FISH RECEIPTS

All commercial fishers must ensure they use one of three documents to record and account for

- any fish acquired for sale, purchased for sale or transferred for commercial gain (transported stored or processed) or
- when fish are sold.

The three types of documents are:

- a Catch Disposal Record
- a sales receipt
- a fish movement record.

One of these documents must accompany fish as they move through the supply line from commercial fisher to the end buyer for consumption.

Catch Disposal Record (CDR)

An original document is typically required by quota fisheries. Completing a CDR is a Licence condition on the following fisheries:

- Banded morwong
- Giant crab (in electronic form via Vic-eCatch)
- Octopus
- Pipi
- Rock Lobster (in electronic form via VIC eCatch)
- Sea urchin (in electronic form via Vic-eCatch)
- Scallop (Ocean) (in electronic form via Vic-eCatch)
- Scallop Dive (Port Phillip Bay) (in electronic form via Vic-eCatch)
- Abalone (in electronic form via Vic-eCatch)
- Western Port/Port Phillip Bay

The Catch Disposal record must accompany all product from the point of landing to the first point of sale or consignment (for e.g., to a licenced receiver, processor, retailer or fish market).

The requirements for catch disposal record are detailed in the front of the CDR book (for those using hard copy) and in the Vic-eCatch manuals (for those using the electronic system).

Details of CDR requirements will be specified in the supplement for each relevant fishery.

A sales receipt

One of two forms of sales receipt are required to accompany fish (depending on the circumstances):

- **a short form receipt** to be used where a fisher conducts a retail sale to a member of the public. (Sold fish will either be consumed or used as bait by the buyer. There is no on-sale or other commercial sale.)

- **a long form receipt**

to be used where the seafood is sold and that seafood may be used for resale or other commercial gain or where the seafood is abalone

Examples of the long form and short form sales receipts below show the required elements for each type receipt.

Victorian Fisheries AUTHORITY

Shortform Receipt Non Abalone Example

Original **TAX INVOICE/STATEMENT***
(*where appropriate)

Date 01/02/2020 ← Date of sale

To

ABN of recipient: John Smith Lic #: WS 121 ← Licence or permit number of seller (if sold by a commercial licence / permit holder)

Name and address of seller: 456 Long Road, Smithton VIC 3256

ABN of supplier

QUANTITY	DESCRIPTION	PRICE	G.S.T.	TOTAL
15kg	King George whiting fillets			
2	Gummy shark (whole)			
<p>Note: If sold by commercial fisher - form of fish and if processed, manner in which fish have been processed</p>				
<p>TOTAL INCLUSIVE OF G.S.T. <u>\$1,665.00</u> ← total price paid for the fish</p>				
<p>Total Includes G.S.T. of <input type="text"/></p>				

NOTE: Additional requirements are required on both short form and long form receipts issued for abalone. These requirements are detailed in Abalone Fishery Supplement.

NOTE: Examples of these receipt documents specific for each fisheries licence type will be presented in that supplement.

[illegible]

NOTE: Examples of these receipt documents specific for each fisheries licence type will be presented in that supplement.

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

The receipt along with the 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

Fish movement record

A fish movement record is required to be created when fish are transferred without being sold. The Fish Movement Record must accompany the fish until they are sold.

A fish movement record is required when fish are not accompanied by sales receipt or CDR.

The example of a Fish Movement Record below shows the required elements for this record.

NOTE: Additional requirements are required on fish movement records issued for abalone. These requirements are detailed in Abalone Fishery Supplement.

NOTE: Examples of these fish movement documents specific for each fisheries licence type will be presented in that supplement.

Victorian Fisheries AUTHORITY

Fish Movement Record Non Abalone Example

Original 51 Unique sequential ID number

01/01/2020 ← Date of acquisition

Received from: John Smith Lic#: WS121 ← Licence or permit number (if acquired from a commercial licence / permit holder)

Name and signature of person from whom the fish were acquired
John Smith

Quantity of the fish → 5 kg Flathead fillets ← Form of the fish and, if processed, the manner of processing

2kg King George whiting - whole

16. VESSEL MONITORING SYSTEMS

Regulation detail

Fisheries Regulations 2019
Division 2 Vessel Monitoring Systems
Regs 469-477

Information

Vessel Monitoring System
<https://vfa.vic.gov.au/commercial-fishing/vessel-monitoring-systems>

Vessel Monitoring System (VMS) uses small on-board transceivers to regularly log a vessel's position and upload this information to the Australian Fisheries Management Authority (AFMA) servers. This information will be accessible to VFA officers who can view it on computers and portable devices.

VMS must be implemented on boats used in the following access licences:

- Abalone
- Banded morwong
- Corner Inlet Fishery Access Licence
- Giant Crab (Western Zone)
- Octopus
- Purse Seine (Ocean)
- Rock lobster
- Scallop Dive (Port Phillip Bay)
- Scallop (Ocean)
- Sea Urchin
- Trawl (Inshore)
- Westernport / Port Phillip Bay
- Wrasse (Ocean)

Essentially the VMS will work as follows:

- VMS must be installed on all vessels listed on the licence.
- VMS unit will be turned on when the vessel leaves the Port on a commercial fishing trip
- VMS unit will be turned off then the vessel returns to Port.

NOTE: VMS units do not have to be turned off when the vessel is not commercially fishing (for e.g., refueling or traveling to a slipway).
- If the VMS system does not operate or malfunctions:
 - If the VMS fails before a fishing trip commences, fishers can request permission of the VFA to fish and use a manual reporting system.
 - Manual reporting will be approved for a set time – Fishers must regularly report their position by email or SMS. NOTE: not all requests to fisher without VMS will be approved.
 - If the VMS fails during a fishing trip commences, the VFA will attempt to contact the fisher and fix the problem.

The security and privacy of the data is protected under:

- The *Privacy and Data Protection Act 2014*
- The *Fisheries Act 1995*

The VMS system will be detailed in each fishery-specific supplement.

Electronic monitoring

Electronic monitoring is also required in the Eel and Pigi fisheries. Details of these requirements will be specified in the relevant supplement.

Information

Electronic monitoring
<https://vfa.vic.gov.au/operational-policy/legislation-and-regulation>

17. FISHERIES OFFICERS

Fisheries officers are employed to protect our fisheries and promote responsible fishing. One of their roles is to ensure compliance with fishing regulations. Officers also ensure compliance with other laws relating to responsible fishing, including environmental, fire, marine safety and land use legislation.

What can I expect during a routine VFA inspection?

During a routine fisheries inspection, you can expect a fisheries officer to:

- Ask you to produce relevant fisheries documents, permit or boat registration
- Determine if commercial fishing boat registration and identifying marks are displayed as required.
- Determine whether the amount, type and method of use of commercial fishing equipment is permitted for that particular commercial fishery.
- Determine if the operator met any notification requirements for that particular fishery.
- Determine if the quantity, species, physical form and size of catch meets all requirements for that particular fishery or operator
- Determine if undersized or unwanted fish been returned to the water with least possible injury or damage, as well as fish for which the operator has no authorisation to retain.
- Determine if the commercial activity has been conducted in the appropriate Time/Season (where relevant).
- Determine if commercial fishing activity is permitted in the location of inspection (where relevant)
- Determine if there has been any interaction with protected species, and if the operator has complied with reporting and recording requirements (for relevant fisheries)

Fisheries documents

When inspecting Fisheries Documents, fisheries officers will:

- Check that the operator's address is current
- Check that the operator has notified the VFA of change of address
- Ask you to produce an original or true copy of your commercial fishing boat registration (for boat based commercial fishing)
- Ask you to produce "fisheries documents" as required (Catch and Effort Logbook, Rock Lobster CDR book, etc)
- determine if "fisheries documents are being kept in a safe place
- determine if the operator has made entries as required in relevant fisheries documents, on the day those entries are required to be made
- determine if all required details are recorded in a truthful, accurate, clear and legible manner.

Boat registration

When inspecting boat registration, fisheries officers will:

- determine if boat registration ID marks are displayed correctly
- determine if boat registration ID marks are clear and legible
- determine if the vessel is 8 meters in length and check if its registration ID marks are:
 - on the outside of both sides of the bow or wheelhouse
 - clear of the waterline
 - minimum height of 20cm (8 inches)
 - black on a light background or white on a dark background
- determine if the vessel is over 8 metres in length, and then check:
 - that the additional boat registration ID marks required:
 - are displayed on top of the wheelhouse or some other flat, uncluttered surface of the boat
 - read from port to starboard or from bow to stern
 - that the letters and/or numbers are black on an orange or yellow background, with characters at least 90cm high and spaced at least 20cm apart, and are surrounded by a black border
- determine if the fishing operation involves the use of a tender or tenders, is that use compliant, ie relevant ID marks on tenders, size of tenders relevant to main vessel.

Gear and equipment

When inspecting gear and equipment, fisheries officers will:

- check the amount of commercial fishing gear either in use, or in possession of the operator is as required by the Licence
- determine quantity, type and dimensions of commercial fishing equipment being used, for example:
 - quantify the number of rock lobster pots
 - determine the presence and size of escape gaps on rock lobster pots
 - quantify the amount of mesh net, size of mesh
 - quantify the number of lines, number of hooks
 - quantify length of trawl nets
 - quantify size of scallop dredge
- determine if there are clear and legible markings on (passive) commercial fishing equipment which are visible above the water surface
- determine if the size and colour of surface floats comply with regulations
- determine if the commercial fishing equipment is/has been used as outlined on the Licence e.g., seine nets not to be towed in the Gippsland Lakes

- determine if the operator has a measuring device where required ie abalone, for diver as well as the commercial boat being used in connection with taking of abalone.

Fisheries officers may also search a vessel and/or vehicle to complete gear and equipment inspections.

Time of fishing activity

Fisheries officers will determine:

- if the operator complied with any seasonal constraint on particular fishing activity, e.g., rock lobster closed season
- If the operator complied with any specific time closure on a particular fishing activity, e.g., Gippsland Lakes weekend closure for seine and mesh nets
- If the operator complied with specified time to clear commercial fishing equipment of all catch e.g., fyke nets.

Notification requirements

Fisheries officers will determine, where required:

- if the pre and post fishing notifications been made
- if the boat's movements been in accordance with pre and post fishing notifications e.g., Port entry and unload time with rock lobster landings
- if the specific post landing reporting requirements for quota managed species have been met i.e., for abalone, rock lobster, scallop, urchin, banded morwong, etc.

Location of commercial fishing operation

Fisheries officers will determine:

- where is gear is set, or where has gear been used, and whether gear is permitted to be set in that location
- if there been possible commercial fishing activity within a specific fishery closed area or Marine Park or Sanctuary
- if the vessel entered a no transit zone e.g., Victorian Inshore Trawl boats transiting Cape Howe Marine National Park.

Fisheries officers may interrogate the GPS plotter to determine fishing locations.

Catch inspection

Fisheries officers will:

- quantify catch (weight, number or both)
- determine species identification
- check compliance with
 - trip limits
 - minimum legal lengths
 - carcass form

- ensure there are
 - no tail markings,
 - no berried crays or bugs
 - no retention of unauthorised or protected species.

Fisheries officers may also search of vessel and/or vehicle to complete catch inspections.

Catch landing

Fisheries officers will determine:

- the accuracy of scales, where operator is required to weigh catch
- where required, whether bins are sealed appropriately
- whether abalone are weighed in full public view.

Return of fish to water with least possible damage or injury

Fisheries officers will determine:

- whether all unwanted, undersized or unauthorised fish been returned to the water as soon as possible with the least injury or damage
- whether there any fish not intended to be consigned left in fishing gear, on the boat or in any vehicle being used.

Protected species interactions

Fisheries officers will determine:

- whether there have been interactions with protected species
- whether the operator recorded those protected species interactions as required e.g., logbook entry, call to Duty Officer etc.

What powers do fisheries officers have to protect Victorian fisheries?

Fisheries officers can, by law:

- stop any vessel, vehicle or aircraft to carry out an inspection
- direct the operator or driver to proceed to another place and stop, when it is unreasonable or unsafe for the operator or driver to immediately stop
- ask for your name and home address
- without warrant□
 - search any vehicles, boats, boxes, baskets, receptacles, aircraft
 - enter any land or protected waters or premises (other than a dwelling)
- require the production and examine any records required to be kept by this Act
- place alleged offenders under arrest
- issue infringement notices
- seize any fish, fishing gear or other equipment, and documents, including boats and vehicles, that have been used in an alleged offence or is in the possession of a suspected offender.

Fisheries officers can, by law, conduct a personal search of a person if they suspect that person is hiding one of following priority species on their person: abalone, murray cod, rock lobster, southern bluefin tuna.

What happens if I commit an offence?

If detected or the officers believe you have committed an offence, a fisheries officer will:

- explain the nature of the alleged offence
- require you to provide your full name and home address
- invite you to participate in an interview
- issue a seizure receipt if any fish, property or documents are seized
- advise you of the likely course of action.

What are the compliance options used by fisheries officers?

Compliance options range from the provision of educational material to prosecutions. Where it is apparent that a breach of legislation has occurred, the VFA will take the appropriate action relevant to the offence.

Compliance options include:

- education
- verbal and official warnings
- infringement notice
- prosecution
- cancellation of licence or permit.

The VFA may take administrative action to:

- suspend or cancel the licence
- remove the operator from the licence, or
- impose additional licence conditions.

What happens if I don't comply with a fisheries officer's directions?

During an inspection or enquiry, a fisheries officer may request certain things of you in accord with their legislative powers.

Licence holders/Licence operators and crew must render assistance to fisheries officers in the execution of their inspection powers including:

- complying with directions as to the operation of vehicles, boats or equipment to facilitate inspections
- facilitating the boarding of your boat
- retrieving equipment from the water
- providing documents, fish and equipment for inspection.

Failure to comply with a lawful request from a fisheries officer may result in you being:

- arrested and conveyed to a Police station
- charged and summonsed to appear before a court
- placed under bail conditions.

Legislation detail

Fisheries Act 1995
Offences against Authorised
Officers
Section 111(1)

The VFA may take administrative action to:

- suspend or cancel the licence
- remove the operator from the licence, or
- impose additional licence conditions.

18. SAFETY

Boarding of vessels Code of Practice

Purpose

- to provide a Code of Practice for the effective boarding of vessels and maximise the safety of any person associated with the vessel or fishing activity
- to provide for appropriate guidelines to fishers, operators, crew and fisheries officers in relation to the boarding of vessels
- to manage all operations in accordance with best practice operational safety principles
- to further enhance the professional relationship between the VFA and industry stakeholders.

Limitations

Nothing in this Code of Practice is intended to diminish or limit the lawful exercise of fisheries officers powers, pursuant to the Fisheries Act 1995 or any other lawful authority that they may hold.

The VFA acknowledges its responsibilities to provide a safe workplace and ensure employees and others involved in those activities are safe from injury and risks to health.

These responsibilities are managed through appropriate workplace systems including information, instruction, training and supervision, appropriate policies and procedures, effective equipment, as well as consultation with employees and stakeholders where appropriate.

The VFA will ensure all Officers engaged in boarding operations are appropriately trained to undertake boarding vessels in a safe and professional manner and are aware of this Code of Practice.

Fisheries officers

In support of this Code of Practice, fisheries officers will:

- prior to boarding any vessel conduct a risk assessment taking into consideration all of the circumstances surrounding the proposed activity in accordance with Standard Operating Procedures, Safe Work Method Statements and Boarding Vessel training course methodologies
- always take into account the current weather and sea conditions prior to any boarding activities
- in fisheries patrol vessels, approach fishing vessels with caution and where reasonably practical, identify the activity and risks associated with the activity including any diving operation or gear deployment
- where practical and appropriate, gain the attention of the fisher, operator or crew on board the fishing vessel and clearly communicate they wish to board and provide appropriate directions to facilitate the boarding in a safe manner

- where a vessel is underway and has gear deployed, if it is reasonably practical in the circumstances, attempt to signal the master/helmsman of their intention to board and give direction as to the action required by the vessel such as maintain course/speed, slow to a safe speed etc; in the case of darkness, navigation lights indicating fishing activity to be observed
- where reasonably practical, make every effort to position the patrol vessel in a way that does not interfere with the fishing activity while an at sea inspection is taking place
- in the event of a covert boarding or a boarding that requires urgent attention, fisheries officers will conduct the boarding in the safest possible way in accordance with the Safe Work Method Statement and Standard Operating Procedures – Vessel Use and Boarding Vessel at Sea training course methodologies
- where vessels are not engaged in a fishing activity and/or at anchor or moored between fishing activities, fisheries officers will give consideration to the timeliness and necessity for conducting a boarding operation in particular when the fishers/crew may be asleep
- when boarding a vessel where a diver may be below (as signalled by diver below flag, remaining crew on deck and/or relevant licence number), fisheries officers will, when reasonably practical in the circumstances, stand off and keep clear of the vessel and wait to be acknowledged prior to approaching the vessel; where this is not appropriate, any approach and boarding will be conducted with extreme caution and care
- in circumstances where a diver is submerged, fisheries officers will clearly communicate with the operator of the vessel and will give consideration to allowing for the diver to be notified and surface before boarding the vessel
- when fisheries officers determine that conditions are not favourable, all boardings will occur after the diver has come out of the water and is in a safe location
- if boarding a vessel while a diver is still submerged, fisheries officers will give consideration to, and allow for the operator to manoeuvre the fishing vessel and concentrate on their fishing activity whilst the boarding is conducted and during the inspection of catch
- once a fisheries officer has boarded a vessel and if the diver is submerged, the fisheries patrol boat will keep well clear of fishing activities until communication is made to collect the Officer on board.

Fishers, operators and crew

In support of this Code of Practice, it is expected that fishers, operators and crew will, where reasonably practical:

- acknowledge any direction from a Fisheries vessel by radio or gesture when approached
- not return any fish or items to the water prior to or whilst the boarding is being carried out or until the fisheries officer has had an opportunity to inspect the catch

- comply with any reasonable directions given to them by fisheries officers to ensure a safe boarding, and if requested provide assistance as required. This may include but is not limited to ceasing fishing operations, securing gear, manoeuvring the fishing vessel, and clearing an area of deck for boarding
- ensure all crew members are aware of the imminent boarding and to assist where appropriate or comply with any directions as required
- when appropriate, identify to fisheries officers if there is a preferred area or side of the vessel for boarding and the reasons why or any other issues that may impact on a safe boarding of the vessel.

Where diving is underway

When diving is underway the Master/crew of the diving vessel will:

- communicate with fisheries officers and facilitate the boarding in a safe manner, including communicating the divers preference in relation to remaining in the water, and if the diver's wish is to surface, then communicate this together with time frames, to support the boarding of the vessel appropriately
- Master/crew will cease measuring and sorting the catch; additionally, they will retrieve any additional fish sent to the surface and retain them on board the vessel for inspection
- Master/crew will ensure that their focus remains on maintaining the safety of the diver and advise the fisheries officer of any actions required to support this
- where the diver is submerged and where fisheries officers determine that the boarding is not going to occur until the diver is out of the water, the Master/crew will communicate with the diver using a pre-arranged method, to advise them of the presence of fisheries officers so that if they are able to safely come to the surface they can do so as soon as possible.

Navigation lights

The master of a domestic commercial vessel must not contravene any provision of the Prevention of Collisions Convention which includes the proper use of navigation lights at night.

Not abiding by the convention is a breach of the Marine Safety Regulations which in turn constitutes an offence under section 96 of the Marine Safety Act 2010 which is liable to a penalty not exceeding 120 penalty units.

19. EMERGENCY CONTACTS

Fisheries Victoria	
Commercial Fishers Duty Officer	0418 519 215
Operations Duty Officer	0419 844 781
13FISH Offence Report Line	13 34 74
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
State Police Operations Centre (SPOC) (during business hours)	(03) 9247 6963 (03) 9247 6946
State Police Operations Centre (SPOC) (after hours via D24 Supervisor)	(03) 9247 3222
Emergency Management Victoria	
State Control Centre	(03) 9032 3600
EMV Media Line	(03) 9262 8779
Warnings and Advice Duty Officer – 24 hours (WADO)	(03) 9262 8779
EMV Duty Officer – 24 hours	0427 507 079
State Air Desk	1300 13 4144
Department of Energy, Environment and Climate Change	
Whale and Dolphin Emergency Hotline	1300 136 017
Department of Jobs, Skills, Industry and Regions	
Emergency Animal Welfare Hotline – 24 hours	(03) 5430 4525
Department of Health and Human Services	
DHHS Emergency Management Duty Officer – 24 hours	1300 790 733
Parks Victoria	
Duty Officer – 24 hours	13 19 63
Diver Emergency Service	
Diver Emergency Service Hotline	1800 088 200

20. KEY VFA CONTACTS

Ian Parks

Director Education and Enforcement
enforcement@vfa.vic.gov.au

Luke O'Sullivan

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

Toby Jeavons

Fisheries Manager, Marine and Estuarine Fisheries
toby.jeavons@vfa.vic.gov.au

Anthony Forster

Fisheries Manager, Freshwater Fisheries
anthony.forster@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: FISHERY ACCESS LICENCE TYPES

Fishery access licence	Can be operated by a company	Is the licence transferable	Requires nominated operator	Requires nominated boat	Quota fishery	Licence renewal date
Abalone Fishery (Western Zone)	Yes	Yes	Yes (1)	No	Yes	30 June
Abalone Fishery (Central Zone)	Yes	Yes	Yes (1)	No	Yes	30 June
Abalone Fishery (Eastern Zone)	Yes	Yes	Yes (1)	No	Yes	31 March
Bait (General) Fishery	No	No	No	No		31 March
Banded Morwong	Yes	Yes	Yes (2)	No	Yes	31 March
Corner Inlet Fishery	Yes	Yes	Yes (1)	No		31 March
Eel Fishery	Yes	Yes	Yes (2)	No		31 March
Giant Crab (Western Zone) Fishery	Yes	Yes	Yes (2)	No	Yes	30 June
Gippsland Lakes (Bait) Fishery	Yes	Yes	Yes (2)	No		31 March
Gippsland Lakes (Mussel Dive) Fishery	No	No	Yes (3)	No		31 March
Lake Tyers (Bait) Fishery	No	No	Yes (1)	No		31 March
Mallacoota Lower Lake (Bait) Fishery	Yes	Yes	Yes (1)	No		31 March
Ocean Fishery	No	No	No	No		31 March
Octopus Fishery	Yes	Yes	Yes (1)	No	Yes	30 June
Pipi Fishery	No	Yes	Yes (2)	No		31 March
Purse Seine (Ocean) Fishery	Yes	Yes	Yes (2)	Yes	Yes	31 March
Rock Lobster Fishery (Western Zone)	Yes	Yes	Yes (2)	Yes	Yes	30 June
Rock Lobster Fishery (Eastern Zone)	Yes	Yes	Yes (2)	Yes	Yes	30 June
Scallop (Ocean) Fishery	Yes	Yes	Yes (3)	Yes	Yes	31 March
Scallop Dive (Port Phillip Bay) Fishery	Yes	Yes	Yes (Unlimited)	No	Yes	31 March
Sea Urchin Fishery	Yes	No	Yes (4)	No	Yes	30 June
Snowy River (Bait) Fishery	Yes	Yes	Yes (1)	No		31 March
Sydenham Inlet (Bait) Fishery	No	Yes	Yes (1)	No		31 March
Trawl (Inshore) Fishery	Yes	Yes	Yes (3)	Yes		31 March
Western Port/Port Phillip Bay Fishery	Yes	Yes	Yes (2)	No		31 March
Wrasse (Ocean) Fishery	Yes	Yes	Yes (1)	No		31 March

APPENDIX 2: AQUACULTURE LICENCE TYPES

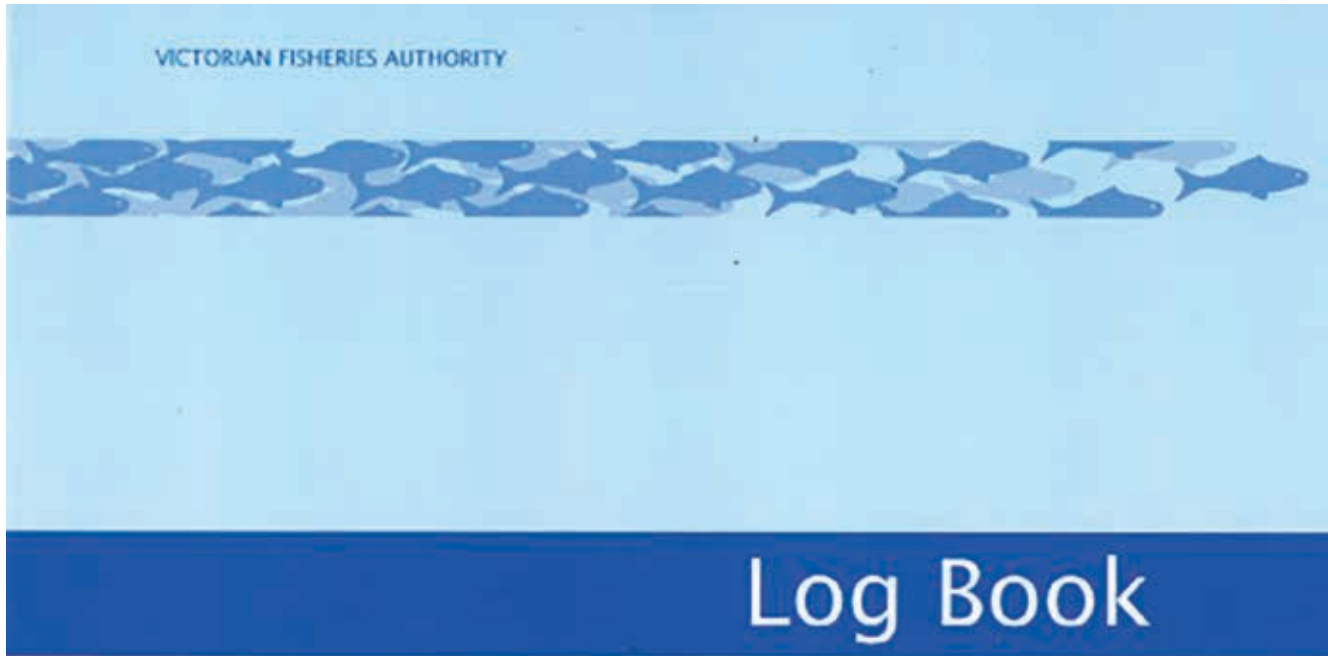
Aquaculture licence	Can be operated by a company	Is the licence transferable	Requires nominated operator	Requires nominated boat	Licence renewal date
Crown Land Abalone	Yes	Yes	No	No	31 March
Crown Land Bivalve Shellfish	Yes	Yes	No	No	31 March
Crown Land Eels	Yes	Yes	No	No	31 March
Crown Land Offshore	Yes	Yes	No	No	31 March
Crown Land Other	Yes	Yes	No	No	31 March
Crown Land Onshore Abalone	Yes	Yes	No	No	31 March
Private Land Eels	Yes	Yes	No	Yes	31 March
Private Land Indoor Intensive	Yes	Yes	No	No	31 March
Private Land Marine	Yes	Yes	No	No	31 March
Private Land Ornamentals	Yes	Yes	No	No	31 March
Private Land Other	Yes	Yes	No	No	31 March
Private Land Salmonids	Yes	Yes	No	No	31 March
Private Land Tourism	Yes	Yes	No	No	31 March
Private Land Warm Water Finfish	Yes	Yes	No	No	31 March
Private Land Yabbies	Yes	Yes	No	No	31 March
Private Land Yabbies Multi-waters	Yes	Yes	No	No	31 March

APPENDIX 3: FISH RECEIVERS LICENCE TYPES

Fish Receivers Licence	Can be operated by a company	Is the licence transferable?	Requires nominated operator	Requires nominated boat	Licence renewal date
Abalone	Yes	No	Not Applicable	Not Applicable	31 March

APPENDIX 4: CATCH AND EFFORT REPORTING FORMS AND INFORMATION

Catch and Effort log book cover



Note: examples for a correctly completed catch and effort form will be provided in each fishery supplement

Instructions on the inside of the back cover of the logbook

Victorian Commercial Fishing Logbook

The information required on these returns has been designed to assist in the management of Victoria's commercial fisheries.

REQUIREMENT TO FILL OUT RETURNS

It is a condition of your Access Licence that a monthly catch and effort return is accurately completed on the form provided by the VFA.

The Access Licence Holder is responsible for ensuring that the logbook returns are submitted with accurate and complete details. It is an offence to submit incorrect details on the return. Details of all commercial fishing activity must be completed in this logbook, regardless of whether any catch is retained or returned dead to the water.

The licence holder must ensure that, on each day that a fishing activity is carried out under the licence, all details required to be completed in the daily catch and effort record are completed in the manner required.

All submitted returns must be signed by either the Access Licence Holder or, for some Access Licences, by the nominated agent. Please refer to the current conditions of your Access Licence. Incomplete returns without a signature or the relevant month and year will be sent back to the Access Licence Holder for completion.

The Access Licence Holder must ensure that the catch and effort return is submitted by the 18th day of the month following the period of the return. Failure to do so may result in enforcement action including (but not limited to), infringement notices and prosecution.

CONFIDENTIALITY

All catch and effort information submitted on these returns is confidential. Information will only be published in an aggregated form (with information from at least five Access Licence Holders) so that no individual's operations can be identified.

The Fisheries Act 1995 permits the disclosure of information to relevant authorities under certain circumstances. Other laws may also require the department to furnish the information to a public authority.

ALL SPECIES MUST BE RECORDED

All species caught while engaged in commercial fishing activities and not returned live to the water must be reported on your fishing return. This includes species used for bait and fish kept for private use.

FILLING OUT RETURNS

When completing your fishing return, you may use more than one page. The logbooks do not require carbon paper. Place this cardboard sheet under the following white page to avoid marking the next pages. Retain the white copy in the logbook as a personal record and proof of completion. Forward the original copy (the yellow sheet) to the Catch and Effort Unit in the pre-paid envelopes provided.

It is a condition of your Access Licence that you retain a copy of every catch and effort return for a period of three years. The Access Licence Holder must produce copies of catch and effort returns at any reasonable time when requested to do so by an authorised officer of the VFA.

NIL FISHING

A fishing return must be submitted every month for each Access Licence held.

If there has been no fishing under an Access Licence in a month, simply write 'Nil Fishing this month' in the Comments section of the fishing return.

OR

For closed seasons, or other extended periods of time when there will be no fishing for a complete month or months, you may complete and submit the pink Nil Fishing form at the back of the logbook.

Additional Nil Fishing forms will be sent to you on request.

If you wish to resume fishing during a month for which you have submitted a Nil Fishing form, you must submit a resume fishing form prior to resuming fishing.

CATCH AND EFFORT UNIT

Victorian Fisheries Authority
Catch and Effort Unit
Reply Paid 114, Queenscliff VIC 3225
Phone: 1800 620 896 (free-call)

Note: Information to help you correctly complete the logs will be provided in each fishery supplement.



Victorian Fisheries Authority
PO Box 114, Queenscliff, Victoria 3225

MMYY	
ALN	
PFN	

Nil Fishing Form

ALH Name	Address
----------	---------

A return must be submitted monthly for each Access Licence held. The only exception is for extended periods of time when there will be no fishing for a complete month, you must complete and submit a Nil Fishing form. Once a form has been submitted you must not carry out any fishing under the relevant Access Licence during the period specified on the form, unless you have submitted a Resume Fishing form in advance.

Ensure that all sections of this form are completed. This includes your name, address, Access Licence Number (if applicable) in the sections above.

Section A: To be completed in advance – when you intend not to use the Access Licence for a complete month or months.

OR

Section B: When there has been no fishing under an Access Licence for a previous month or months.

<p>Section A: Complete if you do not intend to use Access Licence)</p> <p>I/the Company will not be using Access Licence _____</p> <p>in Victorian waters from _____ / _____</p> <p style="text-align: center;">(month) (year)</p> <p>to (and including) _____ / _____</p> <p style="text-align: center;">(month) (year)</p>	<p>Section B: (Complete if you have not used Access Licence)</p> <p>I/the Company did not use Access Licence _____</p> <p>in Victorian waters from _____ / _____</p> <p style="text-align: center;">(month) (year)</p> <p>to (and including) _____ / _____</p> <p style="text-align: center;">(month) (year)</p>
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Please tick if Commonwealth returns will be submitted for the above period <input type="checkbox"/>		
Signature:	Name: _____	Date: ____/____/____
<p>Access Licence Holder Company Director of Access Licence Holder or Operator (please circle)</p> <p>Sign and date this form in the space provided to verify that the information given is accurate.</p> <p>This form must be signed by either the Holder, Company Director authorised to sign on behalf of the Company (if Access Licence is held in the name of a Company) or nominated Operator</p>		
<p>Comments</p>		

Office Use Only		
Returns completed	From	To
Coder		



Victorian Fisheries Authority
PO Box 114, Queenscliff, Victoria 3225

MMYY	
ALN	
PFN	

Resume Fishing Form

ALH Name	Address
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If you have previously submitted a Nil Fishing form and wish to resume fishing you are required to notify the Victorian Fishing Authority in writing before you resume fishing.

This form must be used to notify the Authority of your intention to resume fishing under this Access Licence. This form must be completed and sent to the Catch and Effort Unit using the reply paid envelopes provided, prior to the commencement of any fishing activity in relation to this Access Licence.

We also strongly suggest you contact the Catch and Effort Unit on free call number 1800 620 896 prior to fishing to confirm that they have received this form.

Ensure that all sections of this form are completed. This includes your name, address, Access Licence Number (if applicable) in the sections above.

I/(name) _____		
will resume using Access Licence _____		
in Victorian waters from _____ / _____ / _____ (day) (month) (year)		
Signature:	Name: _____	Date: ____/____/____
Access Licence Holder Company Director of Access Licence Holder or Operator (please circle)		
Sign and date this form in the space provided to verify that the information given is accurate.		
This form must be signed by either the Holder, Company Director authorised to sign on behalf of the Company (if Access Licence is held in the name of a Company) or nominated Operator		
Comments		

Office Use Only		
Returns completed	From	To
Coder		

APPENDIX 5: PROTECTED SPECIES INTERACTIONS

Reporting interactions with threatened and endangered species.

i Information

- Protected Species Identification Guide for Victoria's Commercial Fishers
<https://vfa.vic.gov.au/commercial-fishing/reporting-of-fisheries-interactions-with-protected-species>
- Protected Species Interactions – Frequently Asked Questions
<http://>

Reporting of interactions with protected species is a requirement of most commercial fisheries in Victoria.

"Protected" species include all mammal, bird, reptile and amphibian species that are native to Victoria and threatened fish. "Protected" species does not include pest species such as northern pacific seastar. The Protected Species Identification Guide for Victoria's Commercial Fishers (coastal version) will assist fishers identify these species.

These species are protected under State and Federal legislation, however incidental fishing interactions can and do occur.

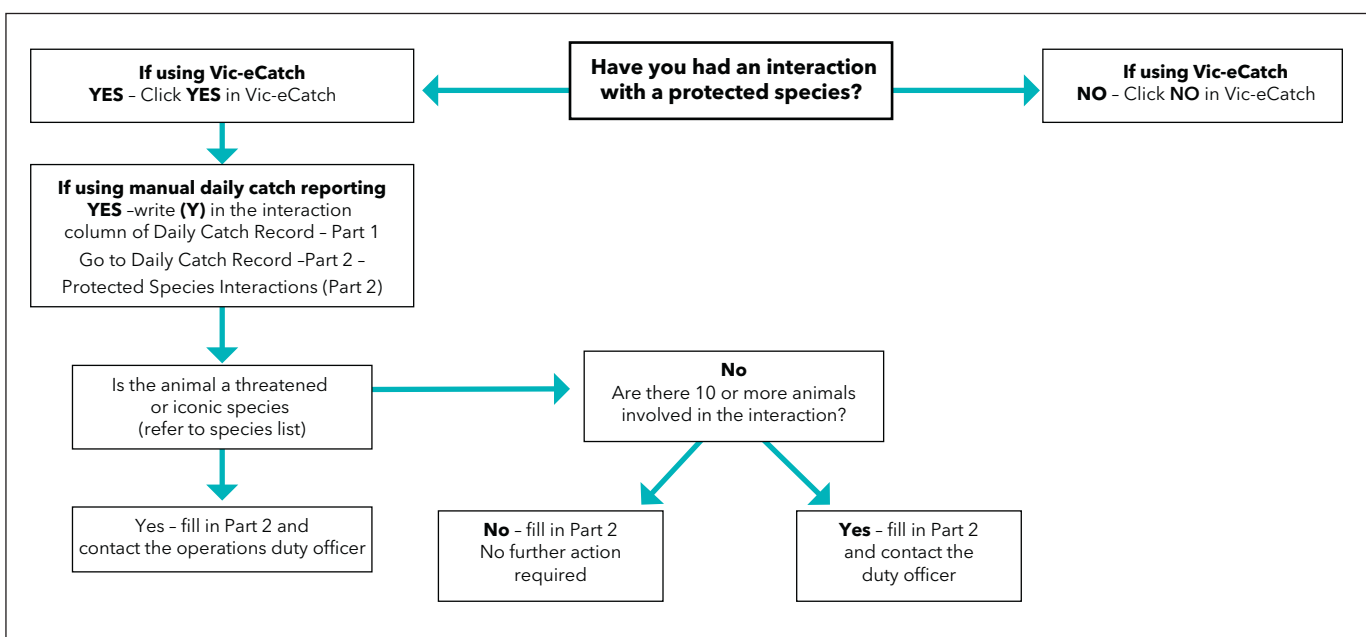
An "Interaction" is defined as a fishing vessel, gear or operator coming into contact with a protected species, regardless of the outcome. Interaction includes to take, destroy, dispose of and possess. It also includes boat strike or collision with a protected species.

"**Significant** interactions" are interactions with any iconic species, any species listed as Threatened under the Flora and Fauna Guarantee Act or more than 10 animals of any species. **Significant interactions should be reported to the Operations Duty Officer (0419 844 781) as soon as possible.**

Legislation has been implemented to exempt commercial fishers from prosecution where the interaction is accidental and reported.

Deliberate or negligent acts will still be subject to prosecution.

Reporting flow chart



Information

Other useful identification tools include:

- Museum Victoria has created two free apps that provide useful field guides to Victoria's fauna – MV Field Guide to Victorian Fauna and Bunu-rong Marine National Park Field Guide. The apps are available for both Apple and Android devices and can be found at: <http://museumvictoria.com.au/discoverycentre/museum-victoria-apps/>
- The Birds Australia website at <http://birdlife.org.au> also provides a comprehensive guide to birds throughout Victoria.

Hard copy reporting

Complete the Protected Species Interactions Form and submit it to the VFA by the 18th of the following month.

Marine species

All mammals, birds, reptiles and amphibians that are native to Victoria are protected species. Any interaction with a member of a protected species must be reported on your protected species interaction form. With the exception of fish, these lists are not exhaustive lists of all protected species in Victoria.

Threatened species: Species listed with one asterisk (*) are listed as threatened under the Flora and Fauna Guarantee Act 1998 as at October 2014.

Iconic species: Species listed with two asterisks (**) are iconic species.

Significant interactions: If a fisher has an interaction with:

- a species marked with one (*) or two (**) asterisks, and/or
- an interaction with 10 or more animals of any protected species,

Please contact the VFA Duty Officer as soon as possible on the phone number at the top of your protected species interaction form to report the "significant interaction". Also report it in your logbook.

Short Fin Mako Sharks do not need to be reported in your protected species logbook if they are taken in Victorian waters (i.e. in waters within 3 nautical miles of the coast).

Short Fin Mako Sharks cannot be taken commercially in Commonwealth waters (i.e. in waters beyond 3 nautical miles of the coast) as they are listed as a migratory species under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 and Appendix II of the Convention of Migratory Species.

If you have an interaction with a Short Fin Mako Shark in Commonwealth waters, you must report this on your protected species interaction form.

Mammals

Common name	Scientific name	Common name	Scientific name
Cetaceans		Seals	
Southern Right Whale*	<i>Eubalaena australis</i>	Australian Fur Seal	<i>Arctocephalus pusillus</i>
Humpback Whale*	<i>Megaptera novaeangliae</i>	New Zealand Fur Seal	<i>Arctocephalus forsteri</i>
Blue Whale*	<i>Balaenoptera musculus</i>	Southern Elephant Seal**	<i>Mirounga leonine</i>
Pilot Whale**	<i>Globicephala melas</i>	Sub-Antarctic Fur Seal	<i>Artcocephalus tropicalis</i>
Pygmy Right Whale**	<i>Caperea marginata</i>	Australian Sea Lion **	<i>Neophoca cinerea</i>
Killer Whale (Orca) **	<i>Orcinus orca</i>	Leopard Seal **	<i>Hydrurga leptonyx</i>
Sperm Whale**	<i>Physeter macrocephalus</i>		
Common Dolphin**	<i>Delphinus delphis</i>		
Bottlenose Dolphin**	<i>Tursiops truncatus</i>		
Burrnun Dolphin*	<i>Tursiops australis</i>		

Reptiles and amphibians

Common name	Scientific name	Common name	Scientific name
Lizards		Turtles	
Swamp Skink*	<i>Egernia coventryi</i>	Leatherback Turtle*	<i>Dermochelys coriacea</i>

Syngnathids (seahorses, seadragons, pipefish)

Common name	Scientific name	Common name	Scientific name
Spotted Pipefish	<i>Stigmatopora argus</i>	Seahorse	
Widebody Pipefish	<i>Stigmatopora nigra</i>	Seadragon	
Other pipefish			

Fish

Common name	Scientific name	Common name	Scientific name
Australian Mudfish*	<i>Neochanna cleaver</i>	Long Fin Mako Shark*	<i>Isurus paucus</i>
Australian White-bait* (Tasmanian White-bait)	<i>Lovettia sealii</i>	Porbeagle Shark*	<i>Lamna nasus</i>
Cox's Gudgeon*	<i>Gobiomorphus coxii</i>	Pale Mangrove Goby*	<i>Mugliogobius adspersa</i>
Great White Shark*	<i>Charcarius taurus</i>	Short Fin Mako Shark*	<i>Isurus oxyrinchus</i>
Grey Nurse Shark*	<i>Charcarius carcharias</i>	Southern Bluefin Tuna*	<i>Thunnus maccoyii</i>

Birds

Common name	Scientific name	Common name	Scientific name
Australasian Gannet*	<i>Morus Serrator</i>	Lewin's Rail*	<i>Lewina pectoralis</i>
Australasian Little Bittern*	<i>Ixobrychus dubius</i>	Little Black Cormorant	<i>Phalacrocorax sulcirostris</i>
Black Bittern*	<i>Ixobrychus flavicollis</i>	Little Egret*	<i>Egretta garzetta</i>
Brown Skua*	<i>Stercorarius antarcticus</i>	Little Pied Cormorant	<i>Microcarbo melanoleucos</i>
Buller's Albatross*	<i>Thalassarche bulleri</i>	Little Penguin**	<i>Eudyptula minor</i>
Cape Petrel*	<i>Daption capense</i>	Little Tern*	<i>Sternula albifrons</i>
Caspian Tern*	<i>Sterna caspia</i>	Northern Giant Petrel*	<i>Macronectes halli</i>
Eastern Reef Egret*	<i>Egretta sacra</i>	Pacific Gull	<i>Larus pacificus</i>
Eurasian Coot*	<i>Fulica atra</i>	Pelican	<i>Pelecanus conspicillatus</i>
Fairy Prion*	<i>Pachyptila turtur</i>	Pied Cormorant	<i>Phalacrocorax varius</i>
Fairy Tern*	<i>Sterna nereis</i>	Short-tailed Shearwater*	<i>Puffinus tenuirostris</i>
Flesh-footed Shearwater*	<i>Ardenna carneipes/ Puffinus carneipes</i>	Shy Albatross*	<i>Diomedea cauta</i>
Great (black) Cormorant	<i>Phalacrocorax carbo</i>	Silver Gull	<i>Chroicocephalus noahollandie</i>
Great Egret*	<i>Ardea alba</i>	Southern Giant Petrel*	<i>Macronectes giganteus</i>
Great Knot*	<i>Calidris tenuirostris</i>	Southern Royal Albatross*	<i>Diomedea epomophora</i>
Great Winged Petrel*	<i>Pterodroma macroptera</i>	Terek Sandpiper*	<i>Xenus cinereus</i>
Grey-headed Albatross*	<i>Thalassarche chrysostoma</i>	Wandering Albatross*	<i>Diomedea exulans</i>
Gull-billed Tern*	<i>Gelochelidon nilotica</i>	White-bellied Sea Eagle*	<i>Haliaeetus leucogaster</i>
Hooded Plover*	<i>Thinornis rubricollis</i>	White-chinned Petrel*	<i>Procellaria aequinoctialis</i>
Intermediate Egret*	<i>Ardea intermedia</i>	Yellow-nosed Albatross*	<i>Diomedea chlororhynchos bassi</i>

Freshwater species

Mammals

Common name	Scientific name	Common name	Scientific name
Bats		Rats and Mice	
Eastern Horseshoe Bat*	<i>Rhinolophus megaphyllus</i>	Broad-toothed Rat*	<i>Mastacomys fuscus</i>
Common Bent-wing Bat*	<i>Miniopterus schreibersii</i>	Swamp Rat	<i>Rattus lutreolus</i>
Monotremes		Water Rat	<i>Hydromys chrysogaster</i>
Platypus**	<i>Ornithorhynchus anatinus</i>		

Birds

Common name	Scientific name	Common name	Scientific name
Australasian Bittern*	<i>Botaurus poiciloptilus</i>	Great Egret*	<i>Ardea alba</i>
Australasian Grebe	<i>Tachybaptus novaehollandiae</i>	Grey Teal Duck	<i>Anas gracilis</i>
Australian Little Bittern*	<i>Ixobrychus dubious</i>	Hardhead Duck	<i>Arthya australis</i>
Australian Painted Snipe*	<i>Rostratula australis</i>	Hoary-headed Grebe	<i>Poliocephalus poliocephalus</i>
Black Bittern*	<i>Ixobrychus flavicollis</i>	Intermediate Egret*	<i>Ardea intermedia</i>
Black-eared Miner*	<i>Manorina melanotis</i>	Little Black Cormorant	<i>Phalacrocorax sulcirostris</i>
Blue-billed Duck*	<i>Oxyura australia</i>	Little Pied Cormorant	<i>Microcarbo melanoleucos</i>
Brolga*	<i>Grus rubicunda</i>	Little Egret*	<i>Egretta garzetta</i>
Dusky Moorhen	<i>Gallinula tenebrosa</i>	Lewin's Rail*	<i>Lewina pectoralis</i>
Eastern Reef Egret*	<i>Egretta sacra</i>	Musk Duck	<i>Biziura lobata</i>
Eurasian Coot	<i>Fulica atra</i>	Pied Cormorant	<i>Phalacrocorax varius</i>
Great (black) Cormorant	<i>Phalacrocorax carbo</i>	Purple (Eastern) Swamphen	<i>Porphyrio porphyrio</i>
Great Crested Grebe	<i>Podiceps cristatus</i>	Silver Gull	<i>Chroicocephalus novaehollandiae</i>

Reptiles and amphibians

Common name	Scientific name	Common name	Scientific name
Frogs		Goannas	
Southern Barred Frog*	<i>Mixophyes balbus</i>	Sand Goanna	<i>Varanus gouldii</i>
Growling Grass Frog*	<i>Litoria raniformis</i>	Rosenberg's Goanna	<i>Varanus rosenbergi</i>
		Tree Goanna	<i>Varanus varius</i>
Freshwater turtles		Snakes	
Broad-shelled Turtle*	<i>Chelodina expansa</i>	Tiger Snake	<i>Notechis scutatus</i>
Murray River Turtle (short-necked)	<i>Emydura macquarii</i>	Highland Copper-head Snake	<i>Austrelaps ramsayi</i>
Eastern snake-necked turtle (long-necked turtle)	<i>Chelodina longicollis</i>	Lowland Copper-head Snake	<i>Austrelaps superbis</i>
Lizards			
Swamp Skink*	<i>Egernia coventryi</i>		

Fish

Common name	Scientific name	Common name	Scientific name
Agassiz's Chanda Perch*	<i>Ambassis agassizii</i>	Murray Hardyhead*	<i>Craterocephalus fluviatilis</i>
Australian Grayling*	<i>Prototroctes maraena</i>	Murray Cod*	<i>Maccullochella peelii</i>
Australian Mudfish*	<i>Neochanna cleaver</i>	Murray-Darling Rainbowfish* (Murray Rainbowfish)	<i>Melanotaenia fluviatilis</i>
Australian Whitebait* (Tasmanian Whitebait)	<i>Lovettia sealii</i>	Pale Mangrove Goby*	<i>Mugliogobius adspersa</i>
Barred Galaxias* (Brown Galaxias)	<i>Galaxias fuscus</i> (<i>Galaxias olidus var fuscus</i>)	Southern Purple-spotted Gudgeon*	<i>Mogurnda adspersa</i>
Cox's Gudgeon*	<i>Gobiomorphus coxii</i>	Silver Perch*	<i>Bidyanus Taurus</i>
Dwarf Galaxias*	<i>Galaxias pusilla</i>	Trout Cod*	<i>Maccullochella macquariensis</i>
Empire Gudgeon*	<i>Hypseleotris compressa</i>	Unspeckled Hardyhead*	<i>Craterocephalus sterncus muscarum fulvus</i>
Freshwater Catfish*	<i>Tandanus tandanus</i>	Variegated Pygmy Perch* (Ewens Pigmy Perch)	<i>Nannoperca variegata</i>
Freshwater Herring*	<i>Poamalosa richmondia</i>	Yarra Pygmy Perch*	<i>Edelia obscura</i> or <i>Nannoperca obscura</i>
Macquarie Perch*	<i>Macquaria australasica</i>		

How to fill in your Daily Catch Record – Part 2 – Protected Species Interaction form

Column 1: Write the day of the month

- If more than one interaction event occurs on the same day, please record each interaction on a separate line.
- Multiple animals involved in the same interaction event can be recorded on the same line if they are all the same species (for example if 5 coots were entangled in the same net at the same time, they can be recorded on one line).
- A separate line should be used for each species.

Column 2: Ignore - Office use only

Columns 3-7: Write the name/s of any protected species you had an interaction with

- If you have had an interaction with more than one type of species, please complete a separate column for each species.

Columns 8-10: Were the animal/s adult, juvenile or unknown?

- Write the relevant number in columns 8 (adult), 9 (juvenile) or 10 (unknown).
- For example, if there are 3 adults and 1 juvenile, write 3 in column 8 and 1 in column 9.

Columns 11-13: Where and how were you fishing when the interaction occurred?

- Write the relevant area code/s in column 11. Refer to the attached map for area codes.
- Write the gear code in column 12. Not applicable for RL, GC or OS.
- Write the time of the interaction if known, otherwise, write unknown (U) in column 13. Show the time in 4 digits as 24 hour time eg 2:15pm = 1415.

Column 14: At what stage of fishing did the interaction occur?

- Write Set (S), Fishing (F), Retrieval (R) or Unknown (U) in column 14.

Column 15: What type of interaction occurred?

- Write Hooked (H), Captured (C), Entangled (E) or Other (O) in column 15
- If the animal/s collided with your vessel write (O) and record any additional details in the comments section.

Columns 16-18: What was the life status of the animal/s?

- Write the relevant number of animals in columns 16 (alive), 17 (dead) or 18 (injured).

Columns 19-22: What was the fate of the animal/s?

- Write the relevant number of animals in columns 19 (released), 20 (euthanised), 21 (taken to vet/shelter) or 22 (disposed of).

Other information

- If Other is recorded in column 15 please provide details here.
- If a significant interaction has been reported to the duty officer, please record the time and date of the report here.
- Provide any other additional comments relevant to the interaction/s.

Signature

- Access Licence Holder or Operator/s must sign and date this return 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, each Operator is responsible for the information associated with their fishing activities.

