



Fisheries Regulations 2019

Seafood traceability requirements Commercial fishers

Seafood traceability laws strengthened from 1 February 2020

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

Overview / background

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

Once landed, fish and other seafood products can travel on a complicated path to the consumer's plate and it can be difficult to prove who harvested the fish and whether the fish were legally obtained. Systems to trace the source of seafood are critical to ensure sustainability of Victoria's fisheries.

While seafood businesses have always been required to keep records relating to all fish received, the form of these records have not been clearly set out in the regulations and have not been required to accompany the fish. Similarly, the receipt requirements have been required for some species, but not all.

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

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

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



What does this mean for commercial fishers?

All commercial fishers (including access licence holders and permit holders) are required to issue one of the following forms of documentation when selling or consigning fish landed under their licence:

1. **A Catch Disposal Record*** (where fish are transferred directly from the point of landing by certain licensed fishers - see below for more information on which fisheries are required to issue CDRs); or
2. **A sales receipt** (a receipt or tax invoice created by the seller of the fish to the buyer of the fish); or
3. **A fish movement record** (a document created by the possessor of the fish where a sale has not occurred e.g. fish are being transported to a fish co-op and no CDR or sales receipt have been provided).

** For abalone access licence holders, abalone dockets are used instead of CDRs (see below for further information)*

Who is required to write a catch disposal record (CDR)?

Where a CDR is required for a relevant fishery access licence class, it must accompany all product from the point of landing to the first point of sale or consignment (e.g. to a licensed receiver, processor, retailer, fish market or to the fisher's premises). CDRs include information on who caught the product, when it was caught, details of who the product was sold or consigned to and how much was sold or consigned. CDR books are provided to relevant licensed fishers by the VFA.

Existing requirements to complete a CDR continue under the new regulations and have been expanded to the three new quota fisheries.

The fisheries required to complete a CDR are as follows:

Commercial Fishery Access Licence class

Banded morwong (new quota fishery)

Giant crab (already required to complete CDRs)

Octopus (new quota fishery)

Pipi (new quota fishery)

Rock lobster (already required to complete CDRs)

Sea urchin (already required to complete CDRs)

Scallop - ocean and dive (already required to complete CDRs)

Western Port/Port Phillip Bay (already required to complete CDRs)

Note: *hardcopy CDRs may change to electronic form (that can be sent via email) in future when particular fisheries transition to electronic reporting on the VFA's new Vic-eCatch app.*

All sales or consignment of product beyond the first transfer from the point of landing are required to be accompanied by a sales receipt or fish movement record (please see below for more information on these requirements).

Catch disposal requirements for abalone access licences

Hardcopy abalone dockets (which are similar to CDRs but also contain information such as bin numbers) were removed from the regulatory framework for most abalone zones from 1 April 2020 and these access licence holders are required to report transfer information to licenced abalone fish receivers electronically through the new eCatch application.



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

Where a CDR requirement or abalone docket/e-catch requirement does not exist (i.e. for all licence holders other than those listed above), the licence and permit holders selling fish must issue a receipt to the buyer at the time of transfer and ensure a copy of the receipt accompanies the product.

Outlined below are the two forms of sales receipt that may be issued by a licence or permit holder. These requirements are prescribed in the regulations and fishers need to comply with these laws.

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

1. Long-form sales receipt

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

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

Applies to all sales of abalone*

A long-form receipt must be issued by the licence or permit holder where the seafood may be sold, transported, stored, or processed for reward by the person receiving the product, or where the seafood sold is abalone.

** The only exception to this rule is where the holder of an abalone fishery access licence or a person acting on behalf of the holder sells or consigns abalone to the holder of a Fish Receiver (Abalone) Licence. Fish Receiver (Abalone) Licence holders must issue a long-form receipt for any sales or consignments of abalone.*

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

- the name and net weight (in kilograms) of each species of fish sold or if the fish are whole or in carcass form, the name and total number of each species sold;
- a description of the form of the fish sold and, if processed, the way the fish have been processed;
- the date of the sale of the fish;

- the price per kilogram, price per packet or price per unit of each species of fish sold;
- the total sales value of each species of fish sold;
- the full name and address of the seller of the fish;
- the full name and address of the purchaser of the fish;
- a unique sequential identifying number allocated to the sale; and
- if the sale of fish is by the holder or a person acting on behalf of the holder of a commercial fishery licence or permit, the licence number or permit number of that licence or permit.

If the fish are abalone, the receipt must also include:

- the date the abalone was packaged; and
- the full name and address of the person who processed the abalone or the registered establishment number of the place or premises where the abalone was processed.

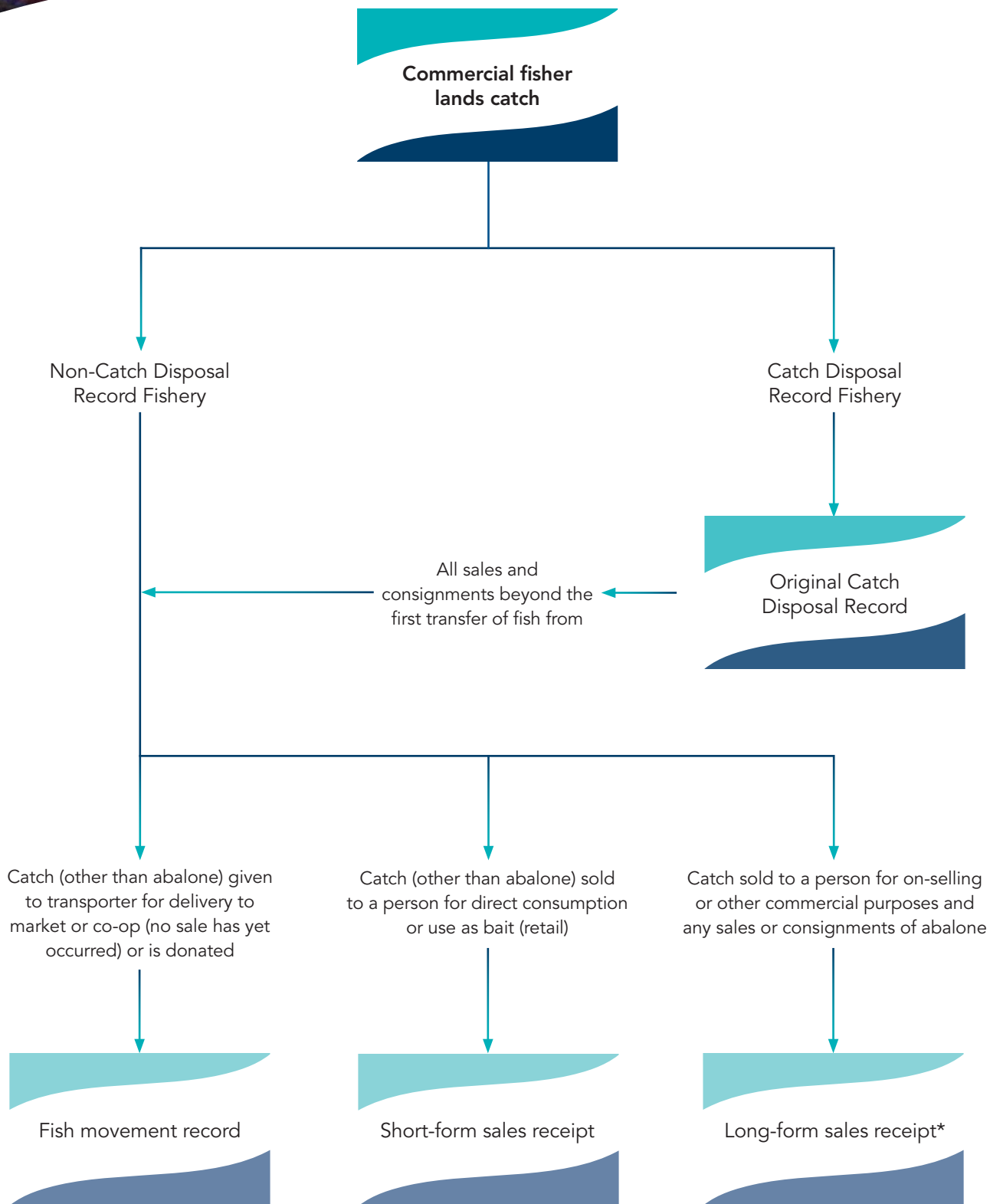
2. Short-form sales receipt

Applies to all sales of fish (other than abalone) for direct consumption or use as bait

There may be instances where a licence or permit holder sells fish that will not be resold or used for commercial gain by the buyer. This includes where the fish are sold to a member of the public, either to be consumed or used as bait. Under these circumstances, the receipt requirements are simpler and must include:

- the date of the sale of the fish;
- the quantity of fish sold;
- a description of the fish sold;
- the total price paid for the fish;
- the full name and address of the seller of the fish; and
- if the sale of fish is by the holder or a person acting on behalf of the holder of a commercial fishery licence or permit, the licence number or permit number and a description of the form of the fish sold.

Note: All sales or consignments of abalone must be accompanied by a long-form sales receipt (see above).



* abalone fishery access licence holders have different requirements (i.e docket system or e-catch) when selling abalone to licenced abalone receivers



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

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

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

What are the record keeping requirements?

- A copy of each purchase, acquisition or sale record required by the Act and the Fisheries Regulations 2019 must be kept at the place where the fish are sold, received and possessed. If requested by an authorised Fisheries Officer, the person must present the record for inspection.
- All records must be kept for 3 years, be legible and in English. This can be in electronic format (such as emailed tax invoices), so long as a copy can be emailed or printed out at the time of request from a Fisheries Officer.
- Any person completing fisheries records must ensure that the information is not false or misleading. It is a serious offence under the Act to make or furnish false or misleading statement or documents.

Case study: Traceability requirements for a commercial fisher

A Victorian licensed commercial fisher or permit holder, or a person acting under the licence or permit, transfers fish product at the point of landing. Under these circumstances, either a CDR, fish receipt or fish movement record must be issued and accompany the fish.

Catch disposal record: If the licence holder is required to complete a CDR, for example a Pipi Fishery Access Licence holder, then the CDR needs to be issued to the buyer or transporter accompanying the product at the time of transfer from the point of landing. This applies to most quota fisheries as per the list above.

Sales receipt: If a CDR is not required for a particular licence holder, for example an Ocean Fishery Access Licence, then a fish receipt would need to be issued by the OFAL holder to the buyer if a sale has occurred:

- **If the sale is to a fish industry participant** where the product will be resold or used for commercial gain (transported/processed/stored) then the receipt needs to be in long-form.
- **If the sale is a retail sale** (i.e. will be consumed or used as bait by the buyer) then a short-form receipt can be issued.

Fish movement record: If the fisher has someone else transfer their fish (e.g. a transporter) but a sale has not yet occurred (e.g. it is being sent to a fish co-op or market), then a fish movement record or the original catch disposal record needs to accompany the product until it is later sold. This type of document would also be required in circumstances where the fisher has received fish product from another person and no CDR or sales receipt was provided with the product.



Frequently asked questions

What if I fish recreationally?

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

Do consumers or bait users need to hold a receipt?

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

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

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

Disclaimer

This publication does not constitute legal advice. We encourage you to seek your own professional advice to find out how the Fisheries Act and other applicable laws apply to you, as it is your responsibility to determine your obligations.

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