



# Victoria Government Gazette

No. S 524 Friday 13 December 2019

By Authority of Victorian Government Printer

## Subordinate Legislation Act 1994

### NOTICE OF DECISION

#### Fisheries Regulations 2019

I, Jaala Pulford, Minister for Fishing and Boating, and Minister responsible for administering the **Fisheries Act 1995**, give notice under section 12 of the **Subordinate Legislation Act 1994** (the SLA) that the proposed Fisheries Regulations 2019 ('proposed Regulations') have been the subject of a regulatory impact statement (RIS).

The objectives of the proposed Regulations are to:

- facilitate the licensing of recreational and commercial fishing and aquaculture industries in Victoria;
- improve access for non-commercial use of fish resources by traditional owners;
- support the effective and efficient management of the state's fish resources and a viable and sustainable aquaculture industry.

The RIS was advertised on 25 September 2019 seeking public comment and 119 submissions were received. After consideration of these submissions in accordance with section 11 of the SLA, I have further considered the proposed Regulations and I give notice of my intention to proceed with the making of the proposed Regulations with the following amendments to the draft Regulations which accompanied the RIS:

- (a) The details to be included in fish receipts have been modified to provide greater flexibility. It will be possible to record either the total weight of a species or the total number of a species on a fish receipt;
- (b) Fish sellers will generally be exempt from the requirement to provide a receipt for the sale of fish to non-commercial buyers. This amendment will help reduce the regulatory burden of the receipt requirements on small businesses;
- (c) The requirement to use a Vessel Monitoring System (VMS) has been confined to boats being used for specified commercial fishing purposes only. This amendment clarifies that a VMS does not need to be turned on when relevant commercial fishing vessels are used for other purposes;
- (d) Giant Crab Fishery Access Licence holders will be required to complete a wet well register and notify the Victorian Fisheries Authority (the VFA) before retrieving giant crab from a wet well;
- (e) Rock Lobster Fishery Access Licence holders will be required to notify the VFA before retrieving rock lobster from a wet well;
- (f) Rock Lobster Fishery Access Licence holders and Giant Crab Fishery Access Licence holders will be required to weigh giant crab or rock lobster to an accuracy of 0.1 kilograms of the actual weight, where the total weight of the giant crab or rock lobster catch is less than 100 kilograms. This amendment will facilitate more accurate accounting of take against quota balances;
- (g) The prohibition on the use of rock lobster pots, fish traps and certain types of fishing nets near the mouth of the Merri river will be removed. These provisions are unnecessary as recreational and commercial fishing is not permitted in the Merri river mouth under the **National Parks Act 1975**;
- (h) Pipi Fishery Access Licence holders will be required to weigh any pipi taken under the licence within 60 minutes after landing pipi within designated locations;
- (i) The immediate post-fishing weighing and catch reporting requirements for inshore trawl fishers will be confined to catches of snapper only (inshore trawl fishers will continue to be required to report on catches of other species on a daily basis);

**SPECIAL**

- (j) It has been clarified that Ocean Fishery Access Licence holders and Bait (General) Access Licence holders cannot engage licence operators. These amendments will clarify that these fisheries must be operated by the licence holder only, as per the current management arrangements for these fisheries;
- (k) Spear fishers will be permitted to tether dead (but not live) fish on stringers. This clarifies that this current practice may continue;
- (l) Recreational abalone divers will be required to carry an instrument to measure abalone. This will ensure that abalone can be measured in the water;
- (m) The increase in commercial gummy and school shark catch limits (from 2 to 5) is to be confined so that only 1 school shark can be taken by relevant access licence holders. This amendment will provide further protection to this endangered species;
- (n) The use of more than 10 litres of berley within 3 nautical miles of Lady Julia Percy Island will be prohibited for public safety purposes;
- (o) The number of licences for the Octopus Fishery Access Licence has been amended to a maximum of 5 licences. This amendment reflects the proposed administrative arrangements for this fishery;
- (p) The species of fish that may be taken by commercial bait fishers has been expanded to include prawn of the families Alpheidae and Palaemonidae, clams of the family Psammobiidae and shrimp of the order Stomatopoda;
- (q) The closed season for Murray cod south of the great divide (except in the Yarra River) has been removed to allow fishing for this species year-round. The existing closed season north of the great divide (except Lake Eildon) for Murray cod has been retained;
- (r) Several other minor and technical changes were made to improve the readability of the proposed Regulations and ensure consistency.

The amendments described in paragraphs (d), (e), (h) and (p) were not originally included in the draft Regulations which accompanied the RIS because of an administrative oversight. Those amendments re-align the regulations with current management arrangements for the respective fisheries.

Dated 9 December 2019

HON. JAALA PULFORD MP  
Minister for Fishing and Boating

---

This page was left blank intentionally

**bluestar** \* **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2019

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street

Melbourne 3002

Victoria Australia

**How To Order****Retail &  
Mail Sales****Victoria Government Gazette**

Ground Floor, Building 8,  
658 Church Street,  
Richmond 3121

DX 106 Melbourne

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

**email**

[gazette@bluestargroup.com.au](mailto:gazette@bluestargroup.com.au)

**Price Code A**