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ENDNOTES 19
STATUTORY RULES 2003

S.R. No. 25/2003

Fisheries Act 1995

Fisheries (Commercial Abalone) Regulations 2003

The Governor in Council makes the following Regulations:

Dated: 25 March 2003

Responsible Minister:

BOB CAMERON
Minister for Agriculture

HELEN DOYE
Clerk of the Executive Council

1. Objective

The objective of these Regulations is to—

(a) amend the conditions for Abalone Fishery Access Licences to implement the beach weighing catch registration system as outlined in the Victorian Abalone Fishery Management Plan 2002; and

(b) amend the conditions for Fish Receivers' (Abalone) Licences to implement the beach weighing catch registration system; and

(c) remove obsolete references to Abalone Weighing Stations and Abalone Storer's Licences; and

(d) revoke certain Schedules to enable certain forms to be directly approved by the Secretary.
2. Authorising provision

These Regulations are made under section 153 of the Fisheries Act 1995.

3. Commencement

These Regulations come into operation on 1 April 2003.

4. Principal Regulations

In these Regulations the Fisheries Regulations 1998 are called the Principal Regulations.

5. Amendments to the definitions

(1) In regulation 105(1) of the Principal Regulations—

(a) in the definition of "abalone docket" omit "in the form of Schedule 2";

(b) in the definition of "abalone transfer certificate" omit—

(i) "in the form of Schedule 3"; and

(ii) "or a Fish Receivers' (Abalone Storer) Licence";

(c) in the definition of "small sales return" omit "in the form of Schedule 5".

(2) In regulation 105(2) of the Principal Regulations—

(a) the definitions of "approved weighing station", "notification service", "Secretary's confirmation" and "store" are revoked;

(b) insert the following definitions—

'"abalone internet notification service"

means the contact service and details notified to a Fish Receivers' (Abalone) Licence holder by the Secretary in accordance with regulation 627(1)(a);
"abalone telephone notification service"
means the interactive voice response
telephone service and number notified
to the holder of an Abalone Fishery
Access Licence by the Secretary in
accordance with regulation
627AA(1)(a) or a Fish Receivers'
(Abalone) Licence holder in accordance
with regulation 627(1)(b) and includes
the automated response system which
captures the information provided;

"abalone quota balance" means the
amount of abalone, in kilograms,
permitted to be taken by the holder of
an Abalone Fishery Access Licence by
virtue of the number of individual quota
units that the licence holder holds under
the licence minus the number of
individual quota units taken in the
quota period;

"place of landing" for the purposes of
abalone fishing means a place other
than a boat, adjacent to Victorian
waters where abalone is unloaded or
disembarked listed in Schedule 19;

(c) for paragraphs (a), (b), (c) and (d) in the
definition of "specified details" substitute—

"(a) in respect of the reporting of the
landing, weighing and transfer of
abalone by the holder of an Abalone
Fishery Access Licence, the following
details—

(i) the number allocated by the
Secretary to identify the licence;

(ii) the abalone docket serial number;

(iii) the place of landing;
(iv) the time the abalone was weighed using 24 hour time recording;

(v) the total net weight (in kilograms) of abalone recorded on Part B of the docket;

(vi) the number of bins containing abalone secured with bin tags;

(vii) the trader identification number of the Fish Receivers' (Abalone) Licence where the abalone is to be delivered as recorded on Part B of the abalone docket;

(b) in respect of the receipt of abalone accompanied by an abalone docket by the holder of a Fish Receivers' (Abalone) Licence, the following details—

(i) the trader identification number of the licensed Fish Receivers' (Abalone) Licence holder recorded on Part C of the abalone docket;

(ii) the serial number of the docket;

(iii) the time of the abalone entering the licensed premises using 24 hour time recording;

(iv) the licence number recorded on the docket;

(v) the date of landing recorded on the docket;

(vi) the total net weight (in kilograms) recorded on Part C of the docket;

(vii) the total tare weight (in kilograms) recorded on Part A of the docket;
(c) in respect of the receipt of abalone without an abalone docket, the following details from the abalone transfer certificate required to be completed with respect to the abalone by the receiver—

(i) the serial number of the certificate;

(ii) the trader identification number contained in section (i) of Part B of the certificate and all of the information contained in section (ii) of Part B of the certificate;

(iii) the product description and net weight details from section (iii) of Part B of the certificate;

(d) in respect of the sale or consignment of abalone accompanied by an abalone transfer certificate, the following details from the abalone transfer certificate—

(i) the serial number of the certificate;

(ii) the trader identification number contained in section (i) of Part A of the certificate and all of the information contained in section (ii) of Part A of the certificate;

(iii) the product description and net weight details from section (iii) of Part A of the certificate;";
(d) for the definition of "trader identification number" substitute—

' "trader identification number" means the number issued by the Secretary to every holder of a Fish Receivers' (Abalone) Licence in respect of—

(a) that licence; and

(b) the licence holder's customers and suppliers of abalone;';

(e) after paragraph (b) in the definition of "Secretary's confirmation number" insert—

"or

(c) to the holder of an Abalone Fishery Access Licence in accordance with regulation 627AA(2); or

(d) to the holder of a Fish Receivers' (Abalone) Licence in accordance with regulation 627(2);".

6. Removal of obsolete provisions relating to Fish Receivers' (Abalone Storer) Licences and Abalone Weighing Stations in the Principal Regulations

In the Principal Regulations—

(a) regulation 202(b) is revoked;

(b) regulation 228 is revoked;

(c) in regulation 303(3)(y) omit " , a Fish Receivers' (Abalone Storer) Licence";

(d) regulation 330(a)(iii) is revoked;

(e) Division 5 of Part 3 is revoked;

(f) in regulation 503(5)(a) omit "or a Fish Receivers' (Abalone Storer) Licence";

(g) regulation 626 is revoked;

(h) regulation 628(3) is revoked;
(i) in regulation 630(2) omit "or" after (b);
(j) regulation 630(2)(c) is revoked;
(k) in regulations 630(3)(a) and 630(3)(b) omit "or a Fish Receivers' (Abalone Storer) Licence";
(l) in regulation 630(3)(d) omit "or a Fish Receivers' (Abalone Storer) Licence,"

7. Amendment to Conditions of Abalone Fishery Access Licence in the Principal Regulations

(1) For regulation 303(3)(l) of the Principal Regulations substitute—

"(l) that all abalone taken under the licence is—

(i) first landed in Victoria at a place of landing listed in Schedule 19; and

(ii) weighed within 60 minutes of landing at that place of landing; and

(iii) weighed in full public view which is unobstructed; and

(iv) transferred or delivered to the holder of a Fish Receivers' (Abalone) Licence no later than 24 hours after the time the abalone is landed; and

(la) that any weight information required to be provided under the Act or these Regulations is accurate to within 1.0 kilograms of the actual weight; and"

(2) For regulation 303(3)(o) of the Principal Regulations substitute—

"(o) once the abalone has been weighed and no later than 60 minutes after the time the abalone is landed—
(i) that the following details are entered on to Part B of the original and all copies of the appropriate abalone docket—

(A) the serial numbers of all bin tags on all bins or bags of abalone landed under the licence; and

(B) the total tare weight of those bins or bags; and

(C) the net weight of the abalone; and

(D) all other details required by Part B of the abalone docket, including his or her signature (or the signature of the person who took the abalone); and

(ii) that the specified details are provided to the Secretary and confirmed as correct via the abalone telephone notification service; and

(iii) that when the Secretary's confirmation number in respect of that abalone is received, the details in the confirmation are verified as accurate and, if accurate, the confirmation number is recorded on to Part B of the original and all copies of the docket, unless authorised by the Secretary under regulation 627AA(2)(b) to proceed without that confirmation; and

(iv) that if authorised by the Secretary under regulation 627AA(2)(b), the confirmation number provided by the Secretary is recorded on to Part B of the original and all copies of the abalone docket; and
(v) that the duplicate and triplicate copies of the abalone docket are placed into the waterproof envelope approved or provided by the Secretary and that the envelope is sealed by affixing it to the bin or bag sealed with the highest numbered bin tag; and".

(3) Regulations 303(3)(p) and 303(3)(q) of the Principal Regulations are revoked.

(4) For regulation 303(3)(r) of the Principal Regulations substitute—

"(r) that abalone taken by him, her or any person acting under the licence—

(i) are not moved from the boat until paragraph (m) has been complied with; and

(ii) are not moved from the place of landing until paragraph (o) has been complied with; and

(iii) do not enter any abalone processing premises until paragraphs (l), (m) and (o) have been complied with in respect of that abalone; and".

(5) For regulation 303(3)(s) of the Principal Regulations substitute—

"(s) all abalone taken by him, her or any person acting under the licence must be—

(i) transferred or delivered only to the licensed premises of a Fish Receivers' (Abalone) Licence holder; and

(ii) a separate abalone docket completed in respect of each such transfer or delivery of abalone; and
(iii) so delivered or transferred within 24 hours after the time of landing the abalone;"

(6) Regulations 303(3)(t) and 303(3)(u) of the Principal Regulations are revoked.

(7) Regulation 303(3)(v) of the Principal Regulations is revoked.

(8) Regulation 303(3)(x)(ii) of the Principal Regulations is revoked.

(9) After Regulation 303(3) of the Principal Regulations insert—

"(4) If the Secretary authorises the licence holder to comply with alternate weighing and reporting requirements and the licence holder has complied with the conditions of that authorisation the following regulations do not apply to the licence holder—

(a) regulations 303(3)(l)(ii) and 303(3)(l)(iv); and

(b) regulation 303(3)(o)."

8. Amendment to Conditions of Fish Receivers' (Abalone) Licence in the Principal Regulations

(1) Regulations 327(b) and 327(c) of the Principal Regulations are revoked.

(2) In regulations 327(f), 327(g) and 327(h) of the Principal Regulations, for "Part D" wherever occurring substitute "Part C".

(3) In Regulation 327(f)(i) of the Principal Regulations, for "gross weight" substitute "net weight".

S.R. No. 25/2003
(4) For Regulation 327(f)(ii) of the Principal Regulations substitute—

"(ii) provide the specified details to the Secretary—

(A) via the abalone internet notification service; or

(B) if a Secretary's confirmation number cannot be received from the abalone internet notification service, provide the specified details to the Secretary via the abalone telephone notification service; or

(C) if the Secretary's confirmation number cannot be received from the abalone telephone notification service, use the telephone number provided under regulation 627(1) to provide the specified details to the Secretary; and".

(5) After regulation 327(g) of the Principal Regulations insert—

"(ga) if the Secretary authorises the licence holder to comply with alternate weighing and reporting requirements and the licence holder has complied with the conditions of that authorisation, paragraphs 327(f) and 327(g) do not apply to the licence holder; and".

9. Amendment to regulation 328 of the Principal Regulations

(1) In regulation 328(1)(b) of the Principal Regulations for "30 minutes" substitute "2 hours".

(2) In regulation 328(2)(a) of the Principal Regulations for "30 minutes" substitute "2 hours".
10. Revised arrangements for Secretary's obligations and powers relating to the abalone telephone notification service for reporting by holders of Fish Receivers' (Abalone) Licence

(1) For regulation 627(1) of the Principal Regulations substitute—

"(1) The Secretary must notify, in writing, each holder of a Fish Receivers' (Abalone) Licence of—

(a) the address for the internet site to be used to notify the Secretary of the specified details in relation to abalone using the abalone internet notification service; and

(b) the telephone number to be used to contact the Secretary via the abalone telephone notification service if the Secretary's confirmation number is not received using the abalone internet notification service or for any other purpose required by these Regulations; and

(c) the telephone service number to be used to contact the Secretary if the Secretary's confirmation number is not received using the abalone telephone notification service or for any other purpose of these Regulations; and

(d) any changes to those addresses and numbers."

(2) In regulations 627(2) and 627(3) of the Principal Regulations—

(a) for "notification service"(wherever occurring) substitute "abalone internet notification service";
(b) omit "(or any person acting under that licence in the case of an Abalone Fishery Access Licence)" (wherever occurring).

11. Secretary's obligations and powers relating to the abalone telephone notification service for reporting by holders of Abalone Fishery Access Licence and Fish Receivers' (Abalone) Licence

After regulation 627 of the Principal Regulations insert—

"627AA. Secretary's obligations and powers relating to Abalone fishery

(1) The Secretary must notify, in writing, each holder of an Abalone Fishery Access Licence (or any person acting under that licence) of—

(a) the telephone service and number for the abalone telephone notification service to be used to notify the Secretary of the specified details in relation to abalone; and

(b) the telephone service number to be used to contact the Secretary if the Secretary's confirmation number is not received or for any other purpose required by these Regulations; and

(c) any changes to those services or numbers.

(2) In respect of each notification by a holder of an Abalone Fishery Access Licence (or any person acting under that licence) or a Fish Receivers' (Abalone) Licence via the abalone telephone notification service—

(a) the Secretary must make all reasonable efforts to provide the licence holder (or any person acting under that licence in
the case of an Abalone Fishery Access Licence or a Fish Receivers' (Abalone) Licence) with the Secretary's confirmation number via the abalone telephone notification service as soon as is practicable after the licence holder (or any person acting under that licence in the case of an Abalone Fishery Access Licence or a Fish Receivers' (Abalone) Licence) has confirmed that the specified details are correct; and

(b) if a licence holder (or any person acting under that licence in the case of an Abalone Fishery Access Licence or a Fish Receivers' (Abalone) Licence)—

(i) has not received the Secretary's confirmation number via the abalone telephone notification service; or

(ii) is unable to confirm that the specified details are correct—

the Secretary may—

(iii) authorise the licence holder (or any person acting under that licence in the case of an Abalone Fishery Access Licence) to proceed with moving the abalone from the place of landing without receiving the Secretary's confirmation number; or

(iv) authorise the Fish Receivers' (Abalone) Licence holder to proceed with processing or consigning the abalone (as appropriate) without receiving the
Secretary’s confirmation number; and

(v) issue the licence holder with a
Secretary’s confirmation number
for the purposes of sub-paragraph
(iii) or (iv); and

(c) the specified details will be stored via
the abalone telephone notification
service as a record of the notification.

(3) Sub-regulation (2)(a) does not apply if the
Secretary determines that there are
reasonable grounds for believing that the
licence holder (or any person acting under
that licence) has failed to comply with these
Regulations.”.

12. **Consequential amendments to offence provisions**

For Regulation 630B of the Principal Regulations
substitute—

"630B. **Offence to provide false or misleading particulars**

A person must not in a document or—

(a) via the giant crab notification service; or

(b) via the rock lobster notification service; or

(c) via the abalone internet notification service; or

(d) via the abalone telephone notification service;

provide information required under these
Regulations that the person knows to be false
or misleading in a material particular.

Penalty: 20 penalty units.".
13. **Amendments to the Schedules**

Schedules 2, 3 and 5 in the Principal Regulations are **revoked**.

14. **Amendments to the Schedules**

After Schedule 18 in the Principal Regulations **insert**—

"**SCHEDULE 19**

PORTS AND MOORING AREAS AT WHICH ABALONE MAY BE LANDED

ALTONA BOAT RAMP CAR PARK
APOLLO BAY BOAT RAMP
BASTION POINT
BAY OF ISLANDS BOAT RAMP
BLACK ROCK BOAT RAMP
BRODRIBB BOAT RAMP
CAPE BRIDGEWATER BEACH
CAPE CONRAN BOAT RAMP
CLIFTON SPRINGS BOAT RAMP
CORINELLA BOAT RAMP
COWES JETTY
CRIB POINT BOAT RAMP
FLINDERS BOAT RAMP
FRANKSTON BOAT RAMP
HASTINGS BOAT RAMP
INVERLOCH BOAT RAMP
KILLARNEY BOAT RAMP
KIRKS POINT MAIN BOAT RAMP
LAKES ENTRANCE WHARF
LIME BURNERS POINT
LORNE–GREY POINT BOAT RAMP
MARLO JETTY
MORDIALLOC CREEK BOAT RAMP
MORNINGTON BOAT RAMP (SCHNAPPER POINT)
MORDIALLOC BOAT RAMP
NEWHAVEN BOAT RAMP
NEWPORT BOAT RAMP
NORTH ROAD BOAT RAMP
OCEAN GROVE BOAT RAMP
PATTERSON RIVER BOAT RAMP
PETERBOROUGH–BOAT BAY CARPARK
PIER 35
POINT ROADKNIGHT BOAT RAMP
PORT ALBERT BOAT RAMP
PORT ALBERT FISHERMANS WHARF
PORT CAMPBELL JETTY
PORT FAIRY BOAT RAMP
PORTLAND BOAT RAMP
PORTLAND FISHERMANS WHARF
PORT WELSHPOOL BOAT RAMP
PORT WELSHPOOL FISHERMANS WHARF
QUEENSCLIFF BOAT RAMP
RHYLL BOAT RAMP
RYE BOAT RAMP
SAFETY BEACH BOAT RAMP
SANDY POINT
SAN REMO FISHERMANS WHARF
ST HELENS BOAT RAMP
ST KILDA MARINA CARPARK
SHALLOW INLET CARPARK
SORRENTO BOAT RAMP
STONY POINT BOAT RAMP
TAYLORS BAY BOAT RAMP
THE BASIN CARPARK
TORQUAY BOAT RAMP
WALKERVILLE NORTH
WALKERVILLE SOUTH
WARRNAMBOOL BOAT RAMP
WERRIBEE SOUTH BOAT RAMP
ENDNOTES