



# Victoria Government Gazette

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**SPECIAL**

## Subordinate Legislation Act 1994

### Notice of Preparation of Regulatory Impact Statement

#### Fisheries (Abalone) Regulations 1996

Notice is given under section 11 of the **Subordinate Legislation Act 1994**, that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Fisheries (Abalone) Regulations 1996.

The objective to be achieved by the proposed Regulations is to provide a consolidated framework for the management and control of the total abalone fishery, including the catching, processing and storage sectors, to ensure the sustainable use of Victoria's abalone resources.

The reason for the proposed Regulations is to provide for improved management and control of the abalone fishery to prevent illegally-taken abalone from entering the legitimate export chain or domestic sales chain. The commercial abalone fishery is a quota managed fishery that harvests in the order of 1440 tonnes of abalone a year in Victoria. It is estimated that approximately 700 tonnes of illegally taken abalone is exported from Australia each year. The annual value of the Victorian component of this illegal trade is estimated to be worth in the order of \$10 to \$12 million. This illegal trade threatens the integrity of the quota system and the sustainability of the abalone resource.

Specifically, the proposed Regulations—

- (a) revoke and, by way of consolidation, remake existing regulations relating to abalone, including—
  - (i) prescribing certain conditions on abalone diver's licences; and
  - (ii) prescribing other matters relating to recreational interests, such as bag limits, size limits, close seasons and other offences;
- (b) prescribe application forms and other documentation relating to the abalone fishery;
- (c) prescribe additional conditions on abalone diver's, processor's and

storer's licences, to improve enforcement of the quota system and to facilitate the tracking of all significant abalone transactions from the point of landing to the final point of export or sale;

(d) make provision in relation to —

- (i) the use by non-licence holders of prescribe abalone documentation and the transport, sale and possession of abalone in Victoria; and
- (ii) other general and administrative matters.

The Regulations are proposed to come into operation on 31 March 1996 to coincide with the commencement of the new licensing period.

Due to the broad application of the Regulations, the Regulatory Impact Statement examined the impact of the new Regulations in three parts: the new abalone diver requirements, called the sealed bin weighing scheme; the new abalone processor and storer requirements, called the abalone transfer certificate audit scheme; and the continuation of existing regulations relating to the abalone recreational and commercial fisheries. The alternatives to each of these elements of the proposed Regulations that were examined in the RIS are outlined below.

#### *Sealed bin weighing by abalone divers*

The alternatives to sealed bin weighing were an approved industry code of practice, the introduction of Government weighing stations and the individual tagging of the commercial catch. An industry code of practice was rejected because, whilst the cost is less than that of the proposed Regulations, the financial incentive to breach the code is likely to result in a high level of illegal activity, which would threaten the sustainability of the Victorian abalone resource. Government weighing stations would achieve the objectives but at a much greater cost and would burden industry with unnecessary

restrictions. Individual tagging was also rejected, as it would make the abalone less marketable for export, therefore resulting in much higher costs to both the catching and processing sectors.

*Abalone transfer certificate audit scheme*

The alternatives to the abalone transfer certificate audit scheme are an approved industry code of practice and the introduction of premises-dedicated inspectors. An industry code of practice was rejected on the basis that the financial incentive to breach the code is likely to result in a high level of illegal activity, which would threaten the sustainability of the Victorian abalone resource. Whilst the introduction of premises-dedicated inspectors would achieve the objectives, it would result in huge associated costs to both Government and industry and burden industry with unnecessary restrictions.

*Continuation and enhancement of existing Regulations*

The alternative to continuing the enhancing existing restrictions in relation to abalone was a code of practice. This alternative was rejected on the basis that, whilst the cost of this alternative is less than that of the proposed

*Victoria Government Gazette*

Regulations, the financial incentive to breach the code is likely to result in a high level of illegal activity, which would threaten the sustainability of the Victorian abalone resource.

The RIS concluded that, overall, the proposed Regulations are the most effective means of meeting the stated objective.

Copies of the RIS and proposed Regulations may be obtained by contacting Samara Miller on 9412 4254 or Andrew Garden on 9412 4717, between 9 a.m. and 4 p.m. weekdays, or collected from the CNR Information Centre, Ground Floor, 240 Victoria Parade, East Melbourne 3002.

Public comments or submissions on the proposed Regulations and RIS are invited. All comments or submissions must be in writing and must be received at the following address by no later than 5 p.m. on Monday, 5 March 1996.

Manager, Fisheries Branch, Department of Conservation and Natural Resources, 6th Floor, 250 Victoria Parade, East Melbourne 3002.

All submissions will be treated as public documents.

GEOFF COLEMAN  
Minister for Natural Resources



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