

Authorised Version No. 002
Seafood Safety Regulations 2014

S.R. No. 136/2014

Authorised Version incorporating amendments as at
1 July 2018

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provision	1
3 Commencement	1
4 Definition	1
5 Application for exemption from licensing requirements in relation to the sale of live yabbies	2
6 Approval of exemption from licensing requirements in relation to the sale of live yabbies	2
7 Exemption of activities conducted by seafood business from the operation of Part 3 of the Act—abalone	3
8 Exemption of activities conducted by seafood business from the operation of Part 3 of the Act—rock lobster	3
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Endnotes	5
1 General information	5
2 Table of Amendments	7
3 Amendments Not in Operation	8
4 Explanatory details	9

Authorised Version No. 002
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1 Objective

The objective of these Regulations is for the purposes of the **Seafood Safety Act 2003**—

- (a) to exempt certain persons conducting a seafood business from the licensing requirements; and
- (b) to exempt certain activities carried out by a person conducting a seafood business from the licensing requirements; and
- (c) to prescribe other matters required to be prescribed.

Reg. 1
substituted by
S.R. No.
51/2018 reg. 5.

2 Authorising provision

These Regulations are made under section 61 of the **Seafood Safety Act 2003**.

3 Commencement

These Regulations come into operation on 1 October 2014.

4 Definition

In these Regulations—

the Act means the **Seafood Safety Act 2003**.

Reg. 5
(Heading)
amended by
S.R. No.
51/2018 reg. 6.

5 Application for exemption from licensing requirements in relation to the sale of live yabbies

- (1) A person conducting, or proposing to conduct, a seafood business in relation to the sale of live yabbies may apply to the Authority for an exemption from the operation of Part 3 of the Act.
- (2) An application made under subregulation (1) must be in the form approved by the Authority.
- (3) A person conducting, or proposing to conduct, a seafood business in relation to the sale of live yabbies cannot make an application under this section if—
 - (a) the seafood business involves the retail sale of live yabbies from a place other than the location of the business or the place of production; or
 - (b) the seafood business involves the retail sale of live yabbies from a vehicle; or
 - (c) the person does not hold a licence, authorisation or permit under the **Fisheries Act 1995** that is necessary to carry on the activities to which the seafood business relates.

Reg. 6
(Heading)
amended by
S.R. No.
51/2018 reg. 7.

6 Approval of exemption from licensing requirements in relation to the sale of live yabbies

- (1) On receiving an application under regulation 5, the Authority must—
 - (a) approve the application; or
 - (b) approve the application with conditions; or
 - (c) refuse to approve the application.
- (2) The Authority may refuse to approve an application if the applicant has been convicted of an offence against—

(a) this Act, the **Public Health and Wellbeing Act 2008**, the **Food Act 1984**, the **Meat Industry Act 1993** or the **Dairy Act 2000**;

or

(b) a law of the Commonwealth, another State or a Territory that corresponds to an offence against an Act referred to in paragraph (a).

7 Exemption of activities conducted by seafood business from the operation of Part 3 of the Act— abalone

Reg. 7
inserted by
S.R. No.
51/2018 reg. 8.

A person who conducts a seafood business in relation to the sale of abalone in accordance with an access licence within the meaning of the **Fisheries Act 1995** is exempt from the operation of Part 3 of the Act in respect of the following activities—

- (a) harvesting abalone;
- (b) collecting abalone;
- (c) maintaining abalone live for later processing;
- (d) handling live abalone for later processing.

8 Exemption of activities conducted by seafood business from the operation of Part 3 of the Act— rock lobster

Reg. 8
inserted by
S.R. No.
51/2018 reg. 8.

A person who conducts a seafood business in relation to the sale of rock lobster in accordance with an access licence within the meaning of the **Fisheries Act 1995** is exempt from the operation of Part 3 of the Act in respect of the following activities—

- (a) harvesting rock lobster;
- (b) collecting rock lobster;

Seafood Safety Regulations 2014
S.R. No. 136/2014

- (c) maintaining rock lobster live for later processing;
 - (d) handling live rock lobster for later processing.
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Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Seafood Safety Regulations 2014, S.R. No. 136/2014 were made on 23 September 2014 by the Governor in Council under section 61 of the **Seafood Safety Act 2003**, No. 24/2003 and came into operation on 1 October 2014: regulation 3.

The Seafood Safety Regulations 2014 will sunset 10 years after the day of making on 23 September 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

Seafood Safety Regulations 2014
S.R. No. 136/2014
Endnotes

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Seafood Safety Regulations 2014
S.R. No. 136/2014
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Seafood Safety Regulations 2014 by statutory rules, subordinate instruments and Acts.

Seafood Safety Amendment Regulations 2018, S.R. No. 51/2018

Date of Making: 8.5.18

Date of Commencement: 1.7.18: reg. 3

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

No entries at date of publication.